



# Mental health when working from home: for PCBUs

August 2021



# CONTENTS

---

<b>1.0</b>	<b>Introduction</b>	<b>2</b>
	What is this guidance about?	2
	What do we mean by 'working from home'?	2
<hr/>		
<b>2.0</b>	<b>HSWA duty to manage risk</b>	<b>4</b>
	What are your Health and Safety at Work Act 2015 (HSWA) duties as a PCBU to manage work risks?	4
<hr/>		
<b>3.0</b>	<b>Managing risks to mental health when working from home</b>	<b>5</b>
	What can increase the likelihood of psychosocial risks?	5
	What are the signs to look out for?	5
	What can you do?	6
	How can you support mental health through good work design?	7
	How can you support workers to create healthy work environments?	8
	How can you promote social connections?	10
	How can you provide active support, and encourage workers to raise issues?	11
<hr/>		
<b>4.0</b>	<b>Put relevant processes, procedures, and systems in place</b>	<b>13</b>
	How do you create a working from home policy?	13
	What training and information should you provide?	14
	How do you review control measures?	14

## appendices

Appendix 1: Health and Safety at Work Act 2015 duties	15
Appendix 2: So far as is reasonably practicable	17
Appendix 3: Working with other PCBUs – overlapping duties	18
Appendix 4: Worker engagement, participation and representation	19
Appendix 5: Managing risk	21

## tables

1	Things to look out for when people are working from home	6
2	Agreeing expectations with workers	7
3	Managing work intensification	8
4	Supporting workers to set up suitable workspaces	9
5	Considering the other people in the worker’s environment	9
6	Supporting workers to form boundaries between home and work life	9
7	Promoting social connections	10
8	Promoting good working relationships	11
9	Providing active support and encouraging workers to raise issues	11

## figure

1	Practical actions to minimise psychosocial risks	6
---	--	---

---

# 1.0

# Introduction

## What is this guidance about?

It is now more common for people to work from home. At home, workers can be exposed to different health and safety risks, including risks to their mental health.

Mental health is a state of wellbeing in which a worker realises their own abilities, can cope with the normal stresses of life, can work productively, and is able to contribute to their community.

This guidance is for persons conducting a business or undertaking (PCBUs) – the ‘you’ in this guidance. It provides advice on how to manage the psychosocial (mental health) risks for workers who are working from home. There is also an [infographic for PCBUs](#) available on our website that summarises some of the information in this guidance.

For our position on mentally healthy work, see our website: [Supporting mentally healthy work](#)

This guidance has been prepared with specific regard to the Health and Safety at Work Act 2015 (HSWA), which is aimed at worker health and safety. However, there are other legislative documents which apply to ‘working from home’ issues. For example, the Employment Relations Act 2000 encourages productive employment relationships by remedying disputes between PCBUs and workers.

More information on rights and obligations in relation to flexible working, sick leave, and other employment rights and responsibilities, can be found at the [Employment New Zealand](#) website.

If workers are individual contractors, they may need to take advice in relation to the Human Rights Act 1993, and may need to contact the [Human Rights Commission](#)

## What do we mean by ‘working from home’?

For the purposes of this guidance, a worker who is ‘working from home’ is someone who does office-type work in their home or an equivalent location, rather than at their PCBU’s premises.

This includes an employee that works from home on a part- or full-time basis, or a contractor engaged to carry out work.

Some of the guidance will also be relevant for workers who occasionally work on-the-go from various other locations (for example, from improvised settings such as a coffee shop or airport, or on a temporary basis from a co-working space or another city).

Some examples of different 'working from home' scenarios include:

- working from home on a voluntary/flexible arrangement
- being required to work from home by the PCBU (for example, while new carpet is being installed at work, or as part of a requirement of the role), and
- working from home due to extreme circumstances (for example, pandemics, natural disasters).

Working from home can include both short-term and long-term arrangements.

While this guidance is relevant for all circumstances, you should proactively consider and change the control measures that are in place as the level of risk, and control that you have over the situation, changes.

---

# 2.0

## HSWA duty to manage risk

### **What are your Health and Safety at Work Act 2015 (HSWA) duties as a PCBU to manage work risks?**

As a wellbeing initiative, working from home is a positive step to support workers. However, there are risks associated with working from home. You must ensure, so far as is reasonably practicable, the health and safety of workers. This includes when they work from home.

You must first try to eliminate work health and safety risks so far as is reasonably practicable. If it is not reasonably practicable to eliminate the risk, it must be minimised so far as is reasonably practicable. This includes the risks to worker mental health while working from home.

The Appendices provide further detail on your HSWA duties.

### **Worker engagement**

You must engage with workers and their representatives when identifying and assessing risks from working from home, and when making decisions about how to eliminate or minimise the risks using appropriate control measures.

You must make sure that workers have reasonable opportunity to participate effectively in improving health and safety on an ongoing day-to-day basis.

Because workers know their home and will be the ones carrying out the work, they will have insight into many of the psychosocial risks of working from home. Talk with them to understand the environment they will be working in.

Consider their knowledge, expertise, capability, and individual situation. Engage with your workers before changes to where they work occur. Consider the risks to everyone's health and safety, and how to best manage them.

Once a worker is working from home, ongoing communication is essential for you to be able to manage working from home risks. Effective communication should be open, clear and in place from the start.

For more information, see Appendix 4: *Worker engagement, participation and representation*.

---

# 3.0

## Managing risks to mental health when working from home<sup>1</sup>

### **What can increase the likelihood of psychosocial risks?**

When working from home, risks to worker mental health (psychosocial risks) can arise from:

- a poor work environment
- a lack of social connections
- poor work design.

In exceptional circumstances (for example, during global pandemics or natural disasters) there are likely to be many other things going on for workers. This can make it more difficult to work from home, and the likelihood of harm to mental health may increase. In exceptional circumstances, PCBUs should do their best and what is reasonably practicable to support workers.

### **What are the signs to look out for?**

At your place of work, it may be easier to notice signs that a worker is struggling. For example, you may notice they are running late, or working very long hours. These signs can become harder to observe if you are not in the same place as the worker.

Table 1 below lists some things to look out for in workers who are working from home, in relation to health and safety risks. This is not a definitive list, as everyone responds to stress differently.

If you or workers are experiencing employment relation issues, see the [Employment New Zealand website](#).

<sup>1</sup> We acknowledge Safe Work Australia whose guidance was used to develop this section.

CATEGORY	INDICATORS THAT WORKERS MAY BE STRUGGLING WHEN WORKING FROM HOME
Work performance	<ul style="list-style-type: none"> <li>- Work performance decreases and they start missing deadlines.</li> <li>- They are not interested in attending career development activities.</li> </ul>
Availability	<ul style="list-style-type: none"> <li>- They start skipping meetings.</li> <li>- They shift their work hours to times outside of their normal schedule when no one is available.</li> <li>- They take sick days with no explanation.</li> <li>- Emails are often sent outside of work hours.</li> <li>- They mention they have skipped lunch or breaks, or are available on chat when they said they were taking a break.</li> </ul>
How they are communicating	<ul style="list-style-type: none"> <li>- Changes in their communication (for example, the tone in emails, short responses, only sending emails).</li> <li>- Talking more or talking less.</li> <li>- Avoiding calls.</li> <li>- Change in speed of responses.</li> <li>- They stop offering input or suggestions (for example, in group chats, team meetings or goal setting).</li> <li>- They change how much of their home life they share with colleagues (for example, they are usually happy to talk about their home life, but suddenly only wish to talk about work).</li> </ul>
Physical cues (for example, on video conferencing)	<ul style="list-style-type: none"> <li>- Facial expressions.</li> <li>- Not as engaged as usual.</li> <li>- Regularly joining in online meetings late.</li> </ul>

**TABLE 1:**  
Things to look out for when people are working from home

If you feel like you really know your workers, trust yourself if you think they may be struggling. Bring it up with them. You could say something like:

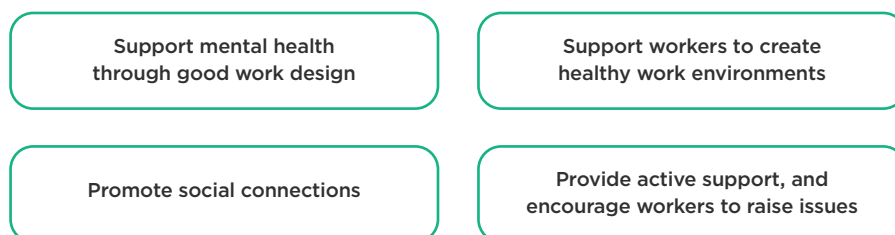
- “I just wanted to check in. I noticed you weren’t yourself today.”
- “How did you go the other day with that project?”

## What can you do?

As people’s mental health can change at any time, you should proactively put control measures in place to manage psychosocial risks, rather than wait for issues to arise.

The following sections (shown in Figure 1) provide practical actions to help you manage psychosocial risks. Good communication between you and your workers is key to many of the possible control measures. Commitment from you, your managers and workers is vital to successfully manage psychosocial risks while working from home.

Figure 1 shows the practical actions to manage psychosocial risks. These are explained in the following sections.



**FIGURE 1:**  
Practical actions to minimise psychosocial risks



## How can you support mental health through good work design?

Work design is about the tasks being done, and how and when they are completed.

Psychosocial risks associated with poor work design may be caused by:

- high physical, mental and emotional workloads
- lack of variety or meaningless work
- high uncertainty in work
- work overload or underload
- high time pressures and short deadlines
- difficult or inflexible work schedules.

Be flexible with work design where this is reasonably practicable. Ideally it will suit the needs of the business, the wider work team, and individual workers.

The following are practical actions that you could take to support good work design for workers at home.

### Engage with workers to agree expectations

Working from home can change the way workers live, relax, and recover, as well as the way they work. This can make it difficult to balance work and personal life. For example, having to balance childcare duties, other people working from the same home, and personal commitments, can lead to conflicting demands on the worker.

Possible control measures are shown in Table 2 below:

<b>CONTROL MEASURES</b>	
<b>Check in regularly with workers</b>	You could, for example, talk as a team about what good looks like when working from home.
<b>Check in regularly to understand workers' individual circumstances when working from home</b>	<ul style="list-style-type: none"> <li>- Adjust and agree realistic expectations, workloads, roles, and tasks as appropriate.</li> <li>- Re-visit discussions regularly as circumstances can be changeable and fluid from day to day. 'Regular' will look different for everybody.</li> <li>- Choose what works for you and your team, and for individual workers. Some workers may prefer more frequent communication, while others may prefer to focus on individual work and hold off conversations until they are back in the office (if the conversation is not urgent).</li> </ul>
<b>Encourage and support workers to structure their work day</b>	Support them to communicate their work plans with managers and teams.
<b>Check in with workers to make sure that their technology and equipment suits their needs and is working effectively</b>	For example, consider internet connection, systems, and processes that workers need to use, and whether they are suitable and accessible for workers to use at home.
<b>Offer workers flexibility in the way they work where this is reasonably practicable</b>	This can include flexibility in the hours they work, or when and what they work on, to accommodate their family or personal demands.

**TABLE 2:**  
Agreeing expectations with workers

## Manage workloads, checking for work intensification

Working from home can often lead to people working in a more intense and concentrated way, and for longer than they would if they were in the office. This can happen for the following reasons:

- the lack of interruption at home can result in longer unbroken spells of intense work
- workers feel like they need to appear busy, productive, or more available to justify them working from home
- workers try to make up for feeling like they are not as productive as usual because of conflicting demands on their time at home
- increased uncertainty regarding tasks, timing and deadlines can make workers feel more pressured to be productive
- it may be more difficult for managers to see and support workers to manage external demands when they are working from home. For example, demands from customers, other workers, or others in a supply chain may be influencing workers and making them feel pressured.

Work intensification, particularly over a long period, can result in mental health harm.

Possible control measures are shown in Table 3 below:

### CONTROL MEASURES

<b>Make it clear to workers from the beginning that you understand working from home is different, in many ways</b>	For example, work activity, hours of work, and ways of working.
<b>Regularly monitor workloads and ensure that people are comfortable with the amount and type of work they are doing</b>	This is an ongoing process – work can change from day to day
<b>Talk to workers showing signs of uncertainty, frustration, or anxiety over their work</b>	Explore what needs to change to help them feel better about their working circumstances.
<b>Consider how performance is measured and whether changes may be appropriate</b>	

**TABLE 3:**  
Managing work intensification

## How can you support workers to create healthy work environments?

The ‘work environment’ comprises of the physical work area (including equipment, climate, space, lighting), the people present, and the tasks being completed there.

How a workspace is set up, and how a worker uses it, impacts on their mental health.

The following are practical actions that you could take to minimise the mental health risks arising from a poor work environment.

### Support workers to set up suitable home equipment and workspaces

Workers may be used to having a workstation set up at your business premises with access to suitable equipment, resources, and a variety of workspaces. If these are no longer available or are inadequate at home, workers may feel anxious or frustrated and unable to do their job effectively.

Possible control measures are shown in Table 4 below:

<b>CONTROL MEASURES</b>	
<b>Provide information to workers about ways to create a working environment at home that promotes good mental and physical health</b>	For example, you could provide information from: <a href="#">Safely using computers at work</a>
<b>Allow workers to borrow equipment from work if reasonably practicable</b>	Alternatively, financial support could be offered so that workers can purchase the equipment or tools they need.
<b>Encourage workers to consider the space where they work and how this affects their wellbeing</b>	There may be options to work in a variety of areas depending on the task being done and what energises or focusses them. For example, different rooms in their home, a co-working space, café, or library.

**TABLE 4:**  
Supporting workers to set up suitable workspaces

## Consider the other people in the worker’s environment

When working from home, the people who share the home may also be working or doing other activities in the home environment. This can add a wide range of distractions and psychosocial risks (for example, childcare responsibilities, or family violence situations).

Possible control measures are shown in Table 5 below:

<b>CONTROL MEASURES</b>	
<b>Connect workers with other resources</b>	For example, these resources could include a library, shared office spaces, or support services if appropriate.
<b>Help workers think outside the box and problem solve ways to work around any issues.</b>	
<b>Offer flexibility where reasonably practicable to support a worker in managing their individual situation</b>	

**TABLE 5:**  
Considering the other people in the worker’s environment

## Support workers to form boundaries between home and work life

When a worker’s home becomes their place of work, the lines between their personal and work life can become blurred. They may feel like they are unable to ‘switch off’ their thoughts about work when they finish for the day. It can also mean that they have less energy to recover from work, and engage in activities that support their mental health and wellbeing.

Possible control measures are shown in Table 6 below:

<b>CONTROL MEASURES</b>	
<b>Provide information on ways to create physical boundaries to support mental boundaries between work and home</b>	For example: <ul style="list-style-type: none"> <li>- having a separate physical work area or equipment</li> <li>- establishing routines to mentally transition between work and home.</li> </ul> See <a href="#">Worker guide</a> for more information.
<b>Check and support workers to fully disengage from their work when they have finished for the day</b>	For example, provide guidance and set expectations about not responding to work emails or calls outside of their working hours.
<b>Check that workers are using their legal entitlements for the purpose that they are intended</b>	This includes taking adequate breaks as well as annual or sick leave. Consider your work from home policy when workers are sick.  For more information on sick leave entitlements, see the <a href="#">Employment New Zealand website</a> .

**TABLE 6:**  
Supporting workers to form boundaries between home and work life

## How can you promote social connections?

Social connections are about the working relationships and interactions between colleagues. By regularly working with the same people, bonds and connections can form that contribute to positive mental health.

The following are practical actions that you could take to minimise psychosocial risks from a lack of social connections.

### Promote regular social connections

Working from home can change the way that workers interact. There are fewer opportunities for social and informal interactions – a crucial part of mentally healthy work. Working from home, particularly for long periods of time, can contribute to workers feeling isolated, lonely, or disconnected from their colleagues.

Possible control measures are shown in Table 7 below:

<b>CONTROL MEASURES</b>	
<b>Encourage workers to stay in touch with each other socially/informally as appropriate</b>	<p>These interpersonal connections are important for mentally healthy work. For example, you could set up a casual group chat for your team where fun/informal interactions can take place without interfering with normal workflows.</p> <p>You could also set up social hours, quizzes, or team activities.</p>
<b>Set up and maintain regular communication with each worker</b>	<p>Actively engage with them on how they are feeling and any challenges they are facing from working from home.</p>
<b>Set up and maintain regular online team meetings that all workers can attend</b>	
<b>Promote and facilitate opportunities for people to connect face-to-face when they are in the same location</b>	

**TABLE 7:**  
Promoting social connections

### Promote good working relationships

Positive and effective working relationships are vital to success and the wellbeing of workers.

Even though they are not in the office, workers at home can still be at risk from poor work relationships. They can be exposed to discrimination, bullying or harassment behaviours that are harder to detect, such as:

- being excluded from online meetings or team communications
- being excluded from team social events
- being given too much or too little work
- being sent hostile emails or text messages
- being allocated work without sufficient information and support to complete it.

Working from home may also lead to fewer opportunities for professional development, promotion, training, and networking.

Possible control measures are shown in Table 8 below:

<b>CONTROL MEASURES</b>	
<b>Check that</b>	<ul style="list-style-type: none"> <li>- communication includes all workers. For example, meetings and work social events should provide options for all workers regardless of where people work</li> <li>- tasks are allocated fairly</li> <li>- professional development and training opportunities are equally available to everyone.</li> </ul>
<b>If any organisational change occurs, make sure that workers at home have an equal opportunity to contribute</b>	Make sure that changes are communicated well in advance.
<b>Make all workers aware of your code of conduct, bullying and harassment policies</b>	Ensure they are clear on the expectations for professional behaviour.

**TABLE 8:**  
Promoting good working relationships

## How can you provide active support, and encourage workers to raise issues?

Working from home reduces the opportunities:

- for informal discussions between workers, teams, and managers to talk through progress or challenges that workers are facing
- to provide support and encouragement.

Less physical visibility and reduced informal communication can lead to workers feeling like they have less job control. Workers may feel that they are not clear on what is expected of them and that they have less influence over their workload. This can result in poor mental health. Therefore, managers may need change how they support at-home workers.

It is also important that workers have support available and know how to access it. The following are practical actions that you could take to minimise psychosocial risks to workers by providing support, setting up ways to communicate with workers, and for them to report any issues.

Possible control measures are shown in Table 9 below:

<b>CONTROL MEASURES</b>	
<b>Check managers have appropriate interactions in place to support workers</b>	For example, scheduled regular catchups, as well as informal discussion times with each worker to provide workers timely and detailed feedback and positive recognition for good performance.
<b>Identify the right people for workers to speak to about problems with working from home</b>	<ul style="list-style-type: none"> <li>- This could be a manager, supervisor, Health and Safety Representative (HSR), worker representative, union representative, trusted colleague or kaumātua.</li> <li>- Establish ways for workers to get in touch with them. Make sure workers know they can do this without fear of reprimand.</li> </ul>
<b>Set clear expectations with managers on how they support workers at home</b>	If appropriate, provide training and guidance to managers.

---

**CONTROL MEASURES**

---

<b>Encourage open and honest conversations about working from home between management and workers</b>	For example, encourage managers to demonstrate authenticity and openly share challenges they face if they work from home.
<b>Provide information and contact details to workers on who can help and how to get in contact with them</b>	<ul style="list-style-type: none"><li>- Help can be provided by both internal and external providers.</li><li>- For more information, see Section 4.2: What training and information should you provide?</li></ul>
<b>Respond promptly to workers who report issues or problems with working from home</b>	Offer support and possible changes to the way they are working.
<b>Encourage early reporting so that problems can be dealt with quickly and effectively</b>	This could include both formal and informal reporting.

**TABLE 9:**  
Providing active support and encouraging workers to raise issues

---

# 4.0

## Put relevant processes, procedures, and systems in place

Once you have identified appropriate control measures, relevant processes, procedures, and systems should be set up to support them.

Provide training and information, and regularly review the control measures.

### How do you create a working from home policy?

Put clear and transparent processes, procedures and systems in place and communicate these with all workers. You may need to consider [Employment Relations legislation](#) when putting processes, procedures, and systems in place.

You could create a policy that explains your procedures.

#### Working from home policy

A policy is an effective way to communicate your business' procedures around working from home. Policies should be created, refined, and agreed in consultation with workers, along with individual procedures for workers in different circumstances.

For example, your policy could include:

- acknowledgement that working from home can have adverse effects on mental health if risks are not properly managed
- the roles and responsibilities of management and workers
- resources or reimbursements available to support working from home
- how the application and approval processes work
- commitment to review the policy within a set timeframe.

Consider how your working from home policy fits with your wellbeing programmes or other broader health and safety policies and initiatives, such as:

- emergency management (for example, pandemics, disasters, and major incidents)
- family violence and support systems.

The Ministry of Business, Innovation and Employment has created a policy building tool which you may find useful in helping to build your policy: [wpb.business.govt.nz/workplacepolicybuilder/startscreen](http://wpb.business.govt.nz/workplacepolicybuilder/startscreen)

## What training and information should you provide?

Provide training and information to new and existing managers and workers on the risks to mental health that can arise from working from home, and what control measures are in place.

Make everyone in the business aware of processes, procedures, and systems, and where to find support and resources.

Managers may need training, tools and support including:

- how to role model looking after their own wellbeing
- how to effectively communicate with their team
- what additional supports are available to their team
- how to be comfortable in talking about wellbeing and offering support.

### Additional support

Additional support for workers can include:

- free call or text 1737 any time to talk with a trained counsellor
- the Mental Health Foundation: [www.mentalhealth.org.nz](http://www.mentalhealth.org.nz)
- an employee assistance programme (if your business has signed up with a provider).

## How do you review control measures?

Control measures should be monitored and regularly reviewed to confirm they remain effective. It is important to check that your control measures are minimising mental health risks to workers at home.

### Check in on how control measures are working with each worker

At regular intervals, check in with workers, including those that only work in the office, on how their work arrangements are going. Make changes as appropriate.

### Review and update control measures for ongoing improvement

All policies, processes and systems should have a regular review date and a review process. Check that processes and systems are being followed and are still fit-for-purpose.

For more information on risk management and control measures, see Appendix 5: *Managing risk*.



## Appendix 1: Health and Safety at Work Act duties

The [Health and Safety at Work Act 2015](#) (HSWA) is New Zealand’s key work health and safety law.

All work and workplaces are covered by HSWA unless they have been specifically excluded. For example, HSWA does not apply to the armed forces in certain situations.

HSWA sets out the work health and safety duties that duty holders must comply with.

There are four types of duty holder under HSWA:

- a person conducting a business or undertaking (PCBU)
- an officer
- a worker
- an ‘other person’ at the workplace.

Most duties under HSWA relate to **how** work is carried out. However some duties are linked to **where** work is carried out: the workplace.

A **workplace** is a place where work is being carried out or usually carried out for a business or undertaking. It includes any place where a worker goes or is likely to be while at work [section 20 of HSWA](#)

DUTY HOLDER	WHO THEY ARE?	EXAMPLES	WHAT ARE THEIR DUTIES?	FOR MORE INFORMATION
<b>Person Conducting a Business or Undertaking (PCBU)</b>	<p>A person conducting a business or undertaking (PCBU) may be an individual person or an organisation</p> <p>The following are <b>not</b> PCBUs:</p> <ul style="list-style-type: none"> <li>- officers</li> <li>- workers</li> <li>- other persons at a workplace</li> <li>- volunteer associations that do not have employees</li> <li>- home occupiers (such as home owners or tenants) who pay someone to do work around the home <a href="#">section 17 of HSWA</a></li> </ul>	<ul style="list-style-type: none"> <li>- a business</li> <li>- a self-employed person</li> <li>- partners in a partnership</li> <li>- a government agency</li> <li>- a local council</li> <li>- a school or university.</li> </ul>	<p>A PCBU has many duties. Key duties are summarised below.</p> <p><b>Primary duty of care</b> <a href="#">section 36 of HSWA</a></p> <p>A PCBU must ensure, so far as is reasonably practicable, the health and safety of workers, and that other persons are not put at risk by its work.</p> <p><b>Managing risks</b> <a href="#">section 30 of HSWA</a></p> <p>Risks to health and safety arise from people being exposed to hazards (anything that can cause harm). A PCBU must manage work health and safety risks.</p> <ul style="list-style-type: none"> <li>- A PCBU must first try to <b>eliminate</b> a risk so far as is reasonably practicable. This can be done by removing the source of harm - for example, removing faulty equipment or a trip hazard.</li> <li>- If it is not reasonably practicable to eliminate the risk, it must be <b>minimised</b> so far as is reasonably practicable.</li> </ul> <p><b>Overlapping duties: working with other PCBUs</b> <a href="#">section 34 of HSWA</a></p> <p>A PCBU with overlapping duties must, so far as is reasonably practicable, consult, cooperate and coordinate activities with other PCBUs they share duties with.</p>	<p><a href="#">Introduction to the Health and Safety at Work Act 2015</a></p> <p>Appendix 2 of this guidance for an explanation of ‘so far as is reasonably practicable’</p> <p><a href="#">Identifying, assessing and managing work risks</a></p> <p>Section 2 of this guidance or Appendix 5 of this guidance</p> <p>Appendix 3 of this guidance</p>

DUTY HOLDER	WHO THEY ARE?	EXAMPLES	WHAT ARE THEIR DUTIES?	FOR MORE INFORMATION
			<p><b>Involving workers: worker engagement, participation and representation</b> <a href="#">Part 3 of HSWA</a></p> <p>A PCBU must, so far as is reasonably practicable, engage with their workers (or their workers' representatives) about health and safety matters that will directly affect the workers.</p> <p>A PCBU must have worker participation practices that give their workers reasonable opportunities to participate in improving health and safety on an ongoing basis.</p>	Appendix 4 of this guidance
<b>Upstream PCBU</b>	A PCBU in the supply chain	<ul style="list-style-type: none"> <li>- a designer</li> <li>- a manufacturer</li> <li>- a supplier</li> <li>- an importer</li> <li>- an installer, constructor, or commissioner.</li> </ul>	<p><b>Upstream PCBU</b> <a href="#">sections 39-43 of HSWA</a></p> <p>An upstream PCBU must ensure, so far as is reasonably practicable, that the work they do or the things they provide to other workplaces do not create health and safety risks.</p>	<a href="#">Introduction to the Health and Safety at Work Act 2015</a>
<b>Officer</b>	A specified person or a person who exercises significant influence over the management of the business or undertaking <a href="#">section 18 of HSWA</a>	<ul style="list-style-type: none"> <li>- a company director</li> <li>- a partner or general partner</li> <li>- a chief executive.</li> </ul>	<p><b>Officer</b> <a href="#">section 44 of HSWA</a></p> <p>An officer must exercise due diligence that includes taking reasonable steps to ensure that the PCBU meets their health and safety duties.</p>	<a href="#">Introduction to the Health and Safety at Work Act 2015</a>
<b>Worker</b>	An individual who carries out work for a PCBU <a href="#">section 19 of HSWA</a>	<ul style="list-style-type: none"> <li>- an employee</li> <li>- a contractor or sub-contractor</li> <li>- an employee of a contractor or sub-contractor</li> <li>- an employee of a labour hire company</li> <li>- an outworker (including homemaker)</li> <li>- an apprentice or trainee</li> <li>- a person gaining work experience or on work trials</li> <li>- a volunteer worker.</li> </ul>	<p><b>Worker</b> <a href="#">section 45 of HSWA</a></p> <p>A worker must take reasonable care of their own health and safety, and take reasonable care that they do not harm others at work.</p> <p>A worker must cooperate with reasonable policies and procedures the PCBU has in place that the worker has been told about.</p> <p>A worker must comply, as far as they are reasonably able, with any reasonable instruction given by the PCBU so the PCBU can meet their legal duties.</p>	<a href="#">Introduction to the Health and Safety at Work Act 2015</a>
<b>Other person at the workplace</b>	An individual present at a workplace (not a worker)	<ul style="list-style-type: none"> <li>- a workplace visitor</li> <li>- a casual volunteer (not a volunteer worker)</li> <li>- a customer.</li> </ul>	<p><b>Other person at the workplace</b> <a href="#">section 46 of HSWA</a></p> <p>An 'other person' has a duty to take reasonable care of their own health and safety, and not adversely affect the health and safety of anyone else.</p> <p>They must comply with reasonable instructions relating to health and safety at the workplace.</p>	<a href="#">Introduction to the Health and Safety at Work Act 2015</a>

## Appendix 2: So far as is reasonably practicable

### section 22 of HSWA

Certain PCBU duties (the [section 36–43](#) duties including the primary duty of care) must be carried out ‘so far as is reasonably practicable’.

### What to consider when deciding what is ‘reasonably practicable’

Just because something is possible to do, does not mean it is reasonably practicable in the circumstances.

Consider:

- What possible actions can be taken to ensure health and safety?
- Of these possible actions, at a particular time, what is reasonable to do?

Think about the following questions.

#### **WHAT IS KNOWN ABOUT THE RISK?**

- How likely is the risk to occur?
- How severe is the illness or injury that might occur if something goes wrong?
- What is known, or should reasonably be known, about the risk?

#### **WHAT IS KNOWN ABOUT POSSIBLE CONTROL MEASURES?**

- What is known, or should reasonably be known, about the ways (control measures) to eliminate or minimise the risk?
- What control measures are available?
- How appropriate (suitable) are the control measures to manage the risk?
- What are the costs of these control measures?
- Are the costs grossly disproportionate to the risk? Cost must only be used as a reason to not do something when that cost is grossly out of proportion to the risk.

While PCBUs should check if there are widely used control measures for that risk (such as industry standards), they should always keep their specific circumstances in mind. A common industry practice might not be the most effective or appropriate control measure to use.

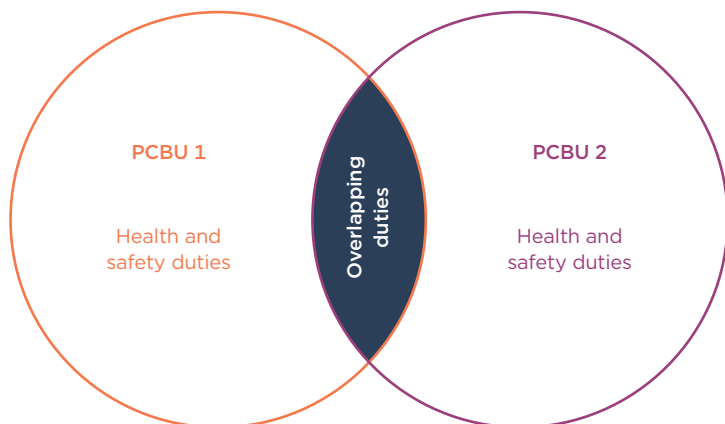
If PCBUs are not sure what control measures are appropriate, WorkSafe recommends getting advice from a suitably qualified and experienced health and safety professional.

For more information, see our guidance: [Reasonably practicable](#)

## Appendix 3: Working with other PCBUs – overlapping duties

section 34 of HSWA

More than one PCBU can have a duty in relation to the same matter. These PCBU's have overlapping duties – this means that the duties are shared between them.



Duties regularly overlap:

- in a shared workplace (for example, a building site or a port) where more than one business has control and influence over the work on site.
- in a contracting chain, where contractors and subcontractors provide services to a head contractor or client and do not necessarily share the same workplace.

A PCBU must, so far as is reasonably practicable, consult, cooperate and coordinate activities with all other PCBU's they share duties with so that all PCBU's can meet their joint responsibilities.

A PCBU cannot transfer or contract out of their duties, or pass liability to another person.

However a PCBU can make an agreement with another PCBU to fulfil specific duties. Even if this occurs, all PCBU's are still responsible for meeting their legal duties.

### Example

A local hotel contracts out housekeeping services to an agency. The hotel and agency both have a duty to ensure the health and safety of the housekeeping workers, so far as is reasonably practicable. This includes the duty to provide first aid facilities.

The agency reaches an agreement with the hotel – if their workers need first aid while working at the hotel they can use the hotel's first aid facilities.

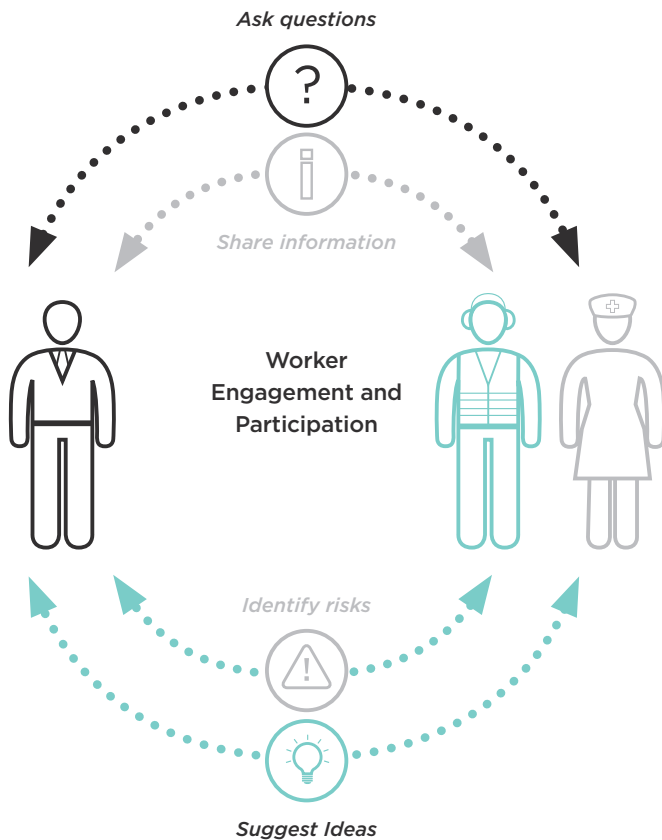
For more information, see our guidance: [Overlapping duties](#)

## Appendix 4: Worker engagement, participation and representation Part 3 of HSWA

### Engage with workers and enable their participation

A PCBU has two main duties related to worker engagement and participation:

- to engage with workers on health and safety matters that affect or are likely to affect workers, so far as is reasonably practicable, and
- to have practices that give workers reasonable opportunities to participate effectively in the ongoing improvement of work health and safety.



A PCBU can engage with workers by:

- sharing information about health and safety matters so that workers are well-informed, know what is going on and can contribute to decision-making
- giving workers reasonable opportunities to have a say about health and safety matters
- listening to and considering what workers have to say at each step of the risk management process
- considering workers' views when health and safety decisions are being made
- updating workers about what decisions have been made.

A PCBU must engage with workers during specified times, including when identifying hazards and assessing risks.

A PCBU must have clear, effective, and ongoing ways for workers to suggest improvements or raise concerns.

## Worker representation

Workers can be represented by a Health and Safety Representative (HSR), a union representing workers, or a person that workers authorise to represent them (for example, a community or church leader, or another trusted member of the community).

HSRs and Health and Safety Committees (HSCs) are two well-established methods of participation and representation. If workers are represented by an HSR, worker engagement must also involve that representative.

## For more information

### **WORKSAFE GUIDANCE**

#### **Good practice guidelines**

[Worker engagement, participation and representation](#)

#### **Interpretive guidelines**

[Worker representation through Health and Safety Representatives and Health and Safety Committees](#)

#### **Pamphlets**

[Worker representation](#)

[Health and Safety Committees](#)

[Health and Safety Representatives](#)

## Appendix 5: Managing risk section 30 of HSWA

Risks to health and safety arise from people being exposed to a hazard (a source or cause of harm).

A PCBU must first try to **eliminate** a risk if this is reasonably practicable. If it is not reasonably practicable to eliminate the risk, it must be **minimised** so far as is reasonably practicable.

A PCBU must engage with workers and their representatives:

- when identifying and assessing risks, and
- when making decisions about how to eliminate or minimise the risks using appropriate control measures.

Follow the steps below to identify, assess and manage work health and safety risks.

### STEP 1: IDENTIFY HAZARDS THAT COULD GIVE RISE TO WORK RISKS

With your workers, identify what could harm the health or endanger the safety of one or more workers or others (such as visitors, or bystanders).

### STEP 2: ASSESS WORK RISKS

With your workers, identify and assess the risks arising from each work hazard. Ask:

- Who might be exposed to the hazard?
- What could happen?
  - How severe could the resulting injuries be?
  - How could people's health be affected?
  - How likely are these consequences?

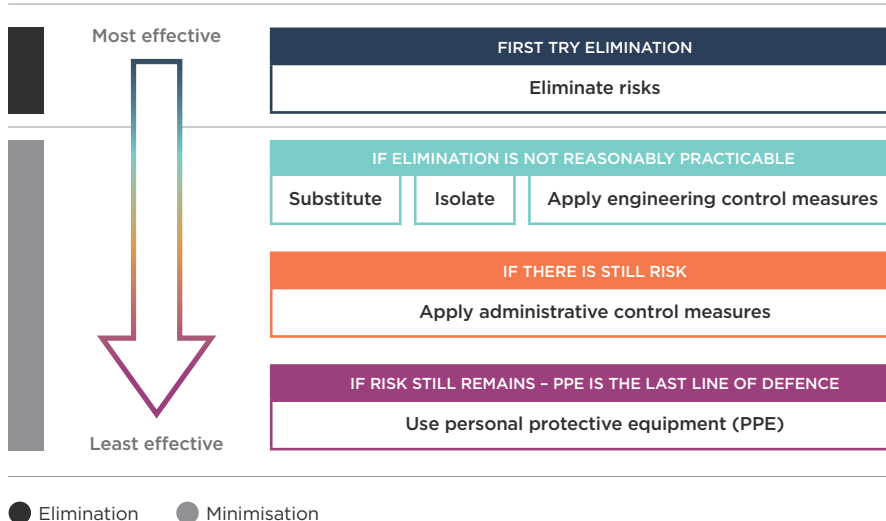
Decide which risks to deal with immediately. For example, risks with potentially significant consequences such as serious injury or death, chronic ill-health, or those with a high likelihood of occurring.

### STEP 3: DECIDE HOW TO MANAGE EACH RISK

With your workers, decide how to manage work risks.

Multiple control measures may be needed to deal with a given risk. Give preference to control measures that protect many workers at the same time (for example, safety barriers, safety nets).

A PCBU can use the following hierarchy of control measures to work out the most effective control measures to use.



### First try to eliminate

First try to eliminate the risk, if this is reasonably practicable. This can be done by removing the source or cause of harm (such as faulty equipment, a noisy machine or a trip hazard).

### Then try to minimise

If it is not reasonably practicable to eliminate the risk, the risk must be minimised so far as is reasonably practicable.

Minimise the risk using one or more of the following actions:

- substitute/swap with something that has a lower risk
- isolate the hazard by separating people from the source of harm
- apply engineering control measures (where physical components of the plant, structure or work area are changed to reduce or eliminate exposure to hazards).

If the risk still remains after taking one or more of the actions above, try to minimise the risk with administrative control measures (safe methods of work, procedures or processes).

If there is still risk, use personal protective equipment (PPE) to minimise the risk. PPE is the least effective control measure, and should only be used when other control measures alone cannot adequately manage the risk.

### STEP 4: PUT CONTROL MEASURES IN PLACE

As soon as possible after a decision is made about the control measures, a PCBU should:

- put the control measures in place
- instruct and train workers (including new workers) about the control measures, including why it is important to use them and how to apply them.



## **STEP 5: REVIEW AND IMPROVE CONTROL MEASURES**

Control measures should remain effective, be fit-for-purpose, be suitable for the nature and duration of the work, and be used correctly.

With your workers, regularly monitor control measures to confirm that the measures are effective.

You should review control measures:

- when a new risk is identified
- when there is a change at the workplace or to the work
- when workers or their health and safety representative ask for a review
- when there is evidence that control measures may not be working effectively to manage the risk (for example, when you receive monitoring results or a report following an incident investigation).

Use guidance from WorkSafe or others (for example, industry associations) to help to identify, assess, and manage risks, and review control measures. If you need help, WorkSafe recommends getting advice from a suitably qualified and experienced health and safety professional.

For more information, see our [guidance: Identifying, assessing and managing work risks](#)



## Disclaimer

This publication provides general guidance. It is not possible for WorkSafe to address every situation that could occur in every workplace. This means that you will need to think about this guidance and how to apply it to your particular circumstances.

WorkSafe regularly reviews and revises guidance to ensure that it is up-to-date. If you are reading a printed copy of this guidance, please check [worksafe.govt.nz](http://worksafe.govt.nz) to confirm that your copy is the current version.

ISBN 978-1-98-856786-0 (online)

Published: August 2021

PO Box 165, Wellington 6140, New Zealand

[worksafe.govt.nz](http://worksafe.govt.nz)



Except for the logos of WorkSafe, this copyright work is licensed under a Creative Commons Attribution-Non-commercial 3.0 NZ licence.

To view a copy of this licence, visit <http://creativecommons.org/licenses/by-nc/3.0/nz>

In essence, you are free to copy, communicate and adapt the work for non-commercial purposes, as long as you attribute the work to WorkSafe and abide by the other licence terms.

