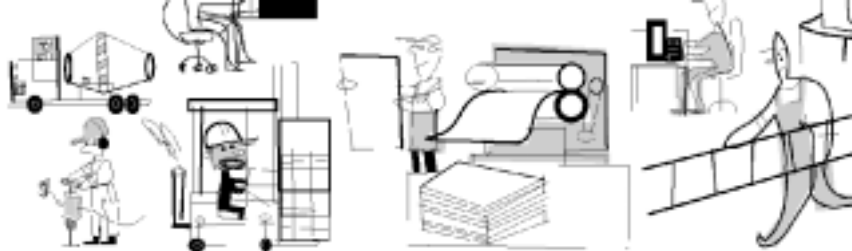




# fact sheet



09 Jan 2003

## Mobile Workers

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### Health and safety in the workplace

The Health and Safety in Employment Act aims to promote the health and safety of everyone at work and of other people in or around places of work. To achieve this, it requires people who are responsible for work and those who do the work to take steps to ensure their own health and safety and that of others.

The Act also recognises that employees have a valuable contribution in making workplaces safe.

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### Health and safety when you are a mobile worker

The Act covers everyone when they are at work, regardless of where they or their workplace are located.

This means that even if employees move from place to place to carry out their work, or the workplace itself moves (such a ship), they are covered under the Act.

Some examples of mobile workers include posties, council gardeners, bicycle couriers and fisheries inspectors.

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### FAQs

Below are the answers to some frequently asked questions, which illustrate how the Act applies to mobile workers:

**Q: I employ a small team of people who work part-time delivering pamphlets. Do I have any health and safety obligations to my employees?**

**A:** Yes. You have a duty to take all practicable steps to ensure the health and safety of your employees while they are at work.

'All practicable steps' in this case might include:

- Becoming familiar with the routes your employees travel while they are working;
  - Noting any particular hazards on the routes such as dangerous dogs and otherwise making sure that there are procedures for handling these hazards;
  - Ensuring that your employees wear protective clothing such as sun hats and raincoats, where appropriate.
  - Considering whether there are any times of day or night when it could be more dangerous to be making the deliveries
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## Mobile Workers, continued

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**Q: I am an employee. What duties does my employer have when I am travelling to and from work?**

**A:** Your employer's obligation is to take all reasonably practicable steps to ensure the safety of their employees while they working. In most situations you are NOT considered to be working while you are travelling to and from work. However, if your job requires you to be on call, for example, you may be considered to be working during the times that you travel to and from your home.

You should look at the terms of your employment agreement if you have any particular concerns about this.

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**Q: As part of my contract, I need to use my own car while working. What are my employer's responsibilities here?**

**A:** Employers must take all reasonably practicable steps to ensure that their employees are safe from harm while they are working. In this situation 'all practicable steps' would include checking that any vehicle used for work purposes is roadworthy, warranted, registered and used only for the vehicle's particular capability. For example, a vehicle should not be overloaded with equipment so that a driver's vision is impaired, and loose packages should not be stacked so high as to risk toppling and harming the driver.

An employer must also ensure that all employees are trained and supervised so that they're able to perform their work duties safely. In the situation above, this would mean ensuring that employees who are required to use a vehicle have a driver's license and are able to drive effectively at that time, for example, they are not suffering from fatigue or any other factor.

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### **Further information**

This information is a guide only and may not be accurate for all situations. It should not be used as a substitute for legal or other expert advice.

For further information, call Workinfo on 0800 20 90 20, or visit their website at: [www.workinfo.govt.nz](http://www.workinfo.govt.nz)

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