



# PRINCIPALS

## Health and safety in the workplace

The Health and Safety in Employment Act 1992 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.

### ■ Health and safety when you are a principal

A **principal** is a person who engages any person (other than an employee) to do any work for gain or reward.

This means that any person who contracts someone to do a job (other than work in their own home) will have duties as a principal under the Act. This does not include a householder who contracts someone to do work on or in their home.

As an example, if you hire a plumber to fix a blocked drain in your home, you are not liable under the Act for the safety and health of the plumber while he or she carries out the work. If, on the other hand, you contract a builder to do a major alteration to your home, and they subcontract a plumber, then the builder is a "principal" in terms of the Act.

### ■ FAQs

Below are the answers to some frequently asked questions.

#### **Q: What are my responsibilities as a principal?**

A: Principals must take all practicable steps to ensure that no contractor or sub-contractor, and no employee of a contractor or subcontractor, is harmed while doing any work that you have engaged a contractor to do.

#### **Q: What kind of things do I need to think about when engaging a contractor?**

A: As a principal, you should do the following when engaging a contractor to work for you:

- engage competent and safe contractors;
- provide contractors with any information that concerns their health and safety while working;

- monitor contractors' performance in areas of health and safety while working;
- co-ordinate the activities of contractors;
- record and report accidents or incidences of serious harm.

#### **Q: Can principals include waivers of responsibility in their contracts?**

A: No. Principals cannot waive their health and safety obligations under the Act. In fact, their contracts should address health and safety issues, such as who will have primary responsibility for specific health and safety matters, such as hazard identification and what standards should be met.

#### **Q: What information must principals provide for their contractors?**

A: Principals and contractors should share information relating to health and safety issues. Contractors should be made aware of any potential hazards involved in the work or in the place of work, as well as other health and safety management requirements. Contractors should in turn notify the principal of any significant hazard arising from their work. The type of information to share may include:

- procedures for reporting hazards that exist in the workplace, or that result from the work being done;
- methods for reporting accidents and incidents;
- responsibilities for notifying the Department of Labour of any serious harm;
- information about the workplace or procedures, such as known hazards, emergency procedures, and where to find first aid facilities.

#### **Q: Do principals have to check up on contractors and subcontractors while they are working?**

A: Principals are expected to monitor contractors' compliance with health and safety requirements while they are working.

This doesn't mean principals have to constantly check for hazards, but at the least they should bring any unsafe work practices or conditions to their contractors' attention.

In addition, even if a principal has not directly engaged a sub-contractor, they still have duties towards them to ensure their safety at a level that could be reasonably expected – for example, by the provision of a safe power supply or access on a construction site.





***Q: What if contractors and their employees don't comply with health and safety standards?***

A: Principals should ensure that the terms of the contract allow them to take action if the contractor or the contractor's employees do not meet specified health and safety standards. Matters of employee discipline and training are then matters for the contractor to deal with.

**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 0800 20 90 20, or visit [www.dol.govt.nz](http://www.dol.govt.nz)**

