

Appendix B: The Health and Safety at Work Act 2015 (HSWA)

The most relevant HSWA duties related to work site traffic management are outlined in the table below:

DUTY	DESCRIPTION OF DUTY
Primary duty of care	PCBUs, have a duty to make sure that the health and safety of their workers, contractors, visitors, and members of the public are not put at risk as a result of the work they do. This includes a duty to keep people safe around vehicles and mobile plant at work sites. Workers also have a duty to look after their own health and safety and that of anyone who might be affected by their work.
Duty of PCBU who manages or controls workplace	PCBUs that manage or control a work site must make sure, so far as is reasonably practicable, that the work site, how people enter and exit the work site, and anything else that may arise from the work site are without health and safety risks to people.
Duty of PCBU who manages or controls fixtures, fittings or plant at workplaces	PCBUs that manage or control fixtures, fittings or plant at a work site must, so far as is reasonably practicable, make sure that these fixtures, fittings or plant don't create health and safety risks. This could include consideration of the potential health effects from using the plant (for example, the long-term exposure to exhaust fumes from a forklift).
Duties of other persons at workplace	Other persons at a workplace must take reasonable care for their own health and safety and take reasonable care not to adversely affect other people's health and safety. Other persons at the workplace must comply, so far as they are reasonably able, with reasonable instructions relating to health and safety.
Working with other PCBUs (overlapping duties)	If there is more than one PCBU operating at a work site, they will likely both have health and safety duties for the same risks. This is known as overlapping duties. The PCBUs must consult with each other to find out who is doing what and work together to manage shared risks on site.
Duty to engage with workers	PCBUs must engage and consult with workers on work health and safety matters, so far as is reasonably practicable. This includes when identifying, managing and monitoring risks related to working in and around vehicles and mobile plant at work sites. For more information, see Appendix C: Worker engagement and participation

What does reasonably practicable mean?

Health and safety duties need to be managed so far as is reasonably practicable. There are two parts to 'reasonably practicable'. First consider what is possible in your circumstances to ensure health and safety. Then consider, of these possible actions, what is reasonable to do in your circumstances.

When deciding what is 'reasonably practicable', consider:

- How likely is the risk and how severe is the illness or injury that might result?
- What do you know, or what you ought reasonably to know, about the hazard or risk and the ways of eliminating or minimising the risk?
- What is the availability of the control measures, and how suitable are they for the specific risk?
- As a final step, what are the costs of the control measure and are the costs grossly disproportionate to the risk?

For more information on *Reasonably practicable*, see our website: [worksafe.govt.nz](https://www.worksafe.govt.nz)