

What to know about ‘other persons’ at work

Who is an ‘other person’ at work?

The Health and Safety at Work Act 2015 (HSWA) talks about ‘other persons at (a) workplace’. These are people who are present at a workplace but are not workers. This includes visitors. Other persons at work may be customers or clients, passers-by, children visiting a parent at their workplace, or casual volunteers (volunteer workers have different rules). Homeowners who have a tradesperson carrying out work at their home are also considered to be other persons at work.

Who is responsible for their health and safety?

Everyone at a workplace is responsible for health and safety.

PCBUs (persons conducting a business or undertaking) have a duty to keep visitors healthy and safe, but workers and others also have responsibilities under HSWA.

PCBUs

- must take reasonable care to keep everyone at the workplace healthy and safe. This includes both workers and others
- must, if they have shared duties (for example, when sharing a workplace), consult, cooperate, and coordinate their health and safety responsibilities.

Other persons

- must make sure their actions do not harm themselves or others
- must follow any reasonable instructions given to them by a worker or PCBU. This includes wearing PPE (personal protective equipment).

Workers

- must take reasonable care to keep themselves and others around them healthy and safe. This includes other people at the workplace.

What does this look like in practice?

All PCBUs must give other persons at the workplace an appropriate and proportionate level of health and safety information and protection. What this looks like depends on what the PCBU does. For example, a factory might issue visitors with PPE, but a movie theatre would not. A swimming pool may rely on safety signage, while a hotel might prefer to talk to visitors about health and safety measures when they check in. A PCBU may ask visitors to sign a form to show that they have understood the information they have been given.

EXAMPLE 1

On a tour of a building site

Malia is on a tour of a local building site. A builder named Jim will be supervising Malia while she is on the site.

The building firm must provide Malia with appropriate PPE to wear while she is present at the site. They must also make sure that Malia is given appropriate safety instructions and is informed of any hazards at the site (this may be done by Jim).

Jim should check Malia’s PPE is suitable and fits correctly. He should also make sure that Malia understands how to use it, and that she understands the safety instructions she has been given.

Malia should make sure that she wears the PPE correctly and follows all safety instructions.

EXAMPLE 2

A visitor to an office

Awhina is a technical advisor for a large IT firm. She has been invited to a meeting at a marketing company to discuss a project. She has been told to meet Darryl at reception.

The marketing company must make sure that emergency plans include visitors and have clear instructions available.

Darryl must make sure that Awhina has seen and understood these instructions.

Awhina must make sure that she understands the instructions. If an emergency does occur while she is there, Awhina must follow these directions.

EXAMPLE 3

The gym and the physiotherapist shared duties to clients

Kel owns and operates a small gym next door to Terina’s physiotherapy clinic. Terina has an agreement with Kel allowing the therapists to use the gym to work with their clients.

Kel and Terina must develop their own first aid plans and collaborate on a joint plan for when Terina’s clients use Kel’s gym. They must give Terina’s workers and clients clear information about the first aid and first aiders available at the gym.

Terina’s workers should make sure they understand and can follow the first aid plan while they are working at Kel’s gym.

Terina’s clients should follow the instructions they are given regarding first aid and alert a staff member if they need help.

