

Roles, Responsibilities and Accountabilities under the HSWA			
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All policies on Waituhi are the current version. Please check date of this hard copy before proceeding.

## 1 Introduction

### 1.1 Purpose

To ensure that the responsibilities and accountabilities of relevant roles within Ara's Health and Safety Management System are documented, assigned, and communicated at all levels of the organisation. This guideline aligns levels of management to key Duty Holders within the Health and Safety at Work Act 2015 (HSWA), and provides guidance for officers, colleagues and others on their health and safety responsibilities and accountabilities.

### 1.2 Scope and Application

This guideline serves as a supplement to the Safety, Health and Wellbeing policy and is applicable to Ara (as the PCBU), all officers, staff members, and others with responsibilities related to health and safety. Please note that this guideline is not exhaustive, does not constitute legal advice, and should be considered alongside relevant delegated authorities and role descriptions.

This document should be reviewed periodically by officers and colleagues to ensure familiarity with duties under HSWA and alignment with individual role descriptions.

### 1.3 Definitions

- a **Accountability:** Is the ownership of actions, decisions, outcomes and their consequences. The accountability of the PCBU and its officers cannot be delegated.
- b **Active Engagement:** Focus on continual improvement of health and safety procedures and processes. Officers and colleagues demonstrate ownership, leadership, initiative, and proactive monitoring to ensure health and safety obligations are met.
- c **Due Diligence:** The exercise of care that a reasonable person is expected to take. Under HSWA, officers must take proactive steps to ensure the PCBU complies with its duties.
- d **Officer:** An individual who holds a very senior leadership position and has the ability to significantly influence the management of a business or undertaking. People who provide health and safety or other advice or make recommendations to senior leadership are not officers solely on that basis.
- e **Other Persons:** Individuals who are present at a workplace but are not workers, e.g., visitors, customers, clients, passers-by, children visiting a parent at their workplace, casual volunteers.
- f **PCBU:** Means a Person Conducting a Business or Undertaking. It is a concept used throughout the Health and Safety at Work Act 2015 to describe all types of working arrangements which are commonly referred to as businesses. The difference between a business and an undertaking is that businesses are usually conducted to make a profit, while undertakings are not usually profit making or commercial in nature e.g. government department or agency, local council, schools or early childhood education service, charities. Volunteer associations, home occupiers, and home workers are not PCBUs.
- g **Reasonably Practicable:** Determining what risks are caused by work, how likely they are to occur, and taking proportionate action using effective industry practices and worker involvement.

- h **Responsibility:** The duty or obligation to complete assigned activities to the best of one’s ability. Responsibilities, authority and control may be delegated by the PCBU and its officers to workers and others, but they remain ultimately accountable for any actions, decisions, outcomes and consequences.
- i **Worker:** An individual who carries out work in any capacity for a PCBU. Includes employees, contractors, subcontractors, sole traders, labour-hire staff, apprentices, trainees, outworkers and volunteers (excluding casual volunteers).

## 2 Goals

- 2.1 Define Duty Holder roles under health and safety legislation and connect these to roles at Ara where appropriate.
- 2.2 Ensure colleagues understand their level of accountability and responsibility under HSWA in the context of Ara.
- 2.3 Improve engagement and understanding, particularly at senior leadership levels.
- 2.4 Educate current officers and colleagues as well as onboarding and training new colleagues in health and safety roles.

<p><b>Related Ara Procedures</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Safety, Health and Wellbeing Procedures</a></li> <li>• Health and Safety Coordinator and Representatives Functions Documents</li> <li>• Safety, Health and Wellbeing Leadership Group ToR</li> <li>• Ara Safety, Health and Wellbeing Operational Plan</li> </ul>	<p><b>Related Ara Policies</b></p> <ul style="list-style-type: none"> <li>• CPP117 Raising Problems or Complaints</li> <li>• CPP120 Delegations</li> <li>• CPP120a Delegations Management and Associated Register</li> <li>• CPP208 Resolving Colleague Performance or Conduct Issues</li> <li>• CPP211 Code of Professional Practice</li> <li>• CPP222 Addressing Bullying, Harassment and Discrimination</li> <li>• CPP109 Privacy and Personal Information</li> <li>• CPP501 Safety, Health and Wellbeing</li> </ul>
<p><b>Related Legislation or Other Documentation</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021</a></li> <li>• <a href="#">Privacy Act 2020</a></li> <li>• <a href="#">Health and Safety at Work Act 2015</a></li> </ul>	<p><b>Good Practice Guidelines</b></p>
<p><b>References</b></p>	
<p><b>Notes</b></p>	

## 3 Categories of Duty Holders

Duty Holder under HSWA	Who	Responsibilities
<b>PCBU</b>	Ara Institute of Canterbury	A broad term to categorise businesses, large corporates, and sole traders. Holds the primary <a href="#">Duty of Care</a> and is responsible for the health and safety of workers. Must take reasonable care to keep everyone in the workplace healthy and safe. Responsibilities may be delegated, but accountability cannot.

<b>Officer</b>	Senior leaders with significant influence (e.g., Chief Executive, Council, TKM)	Must exercise <a href="#">Due Diligence</a> to ensure the PCBU meets its duties. May be personally liable if due diligence obligations are not met. All officers have the same level of due diligence required of them i.e., there is no rank among officers. <a href="#">Officer FAQs   WorkSafe</a>
<b>Workers</b>	Colleagues and contractors	May be involved in the day-to-day management of health and safety matters within the remit of their function, faculty, division or department. Must take reasonable care of their own health and safety and ensure their actions do not harm others. Have the right to stop unsafe work. Some workers may have additional legal obligations and functional health and safety responsibilities, (e.g. Laboratory Managers); however, this does not make them officers under HSWA unless they meet the statutory definition.
<b>Other Persons</b>	Students, visitors, casual volunteers	Must act responsibly to protect their own health and safety, ensuring that their behaviour does not cause harm to themselves or others. Must follow any reasonable instructions from the PCBU or a worker, including wearing personal protective equipment.

## 4 Duties of Officers

- 4.1 Under the HSWA, an officer is a person who holds a very senior leadership position and can significantly influence the management of a PCBU. Every officer has a duty under section 44 (4) of HSWA to exercise due diligence to ensure the PCBU complies with its health and safety obligations. Officers must understand how the Safety, Health and Wellbeing Management System operates and verify that it is effective. This accountability cannot be delegated.
- 4.2 Officers (except volunteer officers) can be found personally liable by WorkSafe if they fail to meet their due diligence requirements. Officers need to consider the role they have within a PCBU, as context is critical. What is required of an officer will depend on their circumstances, such as their ability to influence and control. This will be determined by the nature of the business operations and the nature of the work being carried out.
- 4.3 Officers retain ultimate accountability, even if they delegate the day-to-day management of health and safety to others. Delegating these operational responsibilities to management or colleagues does not transfer or diminish their overall accountability.
- 4.4 People providing advice to the PCBU or its officers are not officers solely because of that advisory role. Some examples of people who are not officers (unless they also fall into the officer categories described above) include –
  - a Associate Director Safety, Health and Wellbeing
  - b Safety, Health and Wellbeing Advisors
  - c Health and Safety Coordinators and Representatives
  - d Team leaders, line managers and supervisors

- e People that have 'officer' in their job title, such as Administration Officer.

## 5 Practical Examples of Officer Due Diligence

	Duty of Due Diligence	Practical Application
1	Keep up-to-date knowledge of work health and safety matters	Hold regular health and safety meetings, review reports, and engage with Safety, Health and Wellbeing Advisors.
2	Understand operations and associated hazards and risks	Review risk registers, conduct site visits, and engage with workers.
3	Ensure appropriate resources and processes are available to eliminate or minimise risks to health and safety from the work or activities of the PCBU	Provide adequate training, procedures, emergency planning and resourcing.
4	Ensure processes for reporting and responding to incidents	Review incident reporting systems and follow up on corrective actions.
5	Ensure processes for complying with any duty or obligation of the PCBU	Review compliance requirements and follow up on non-conformances.
6	Verify implementation of resources and processes	Review data dashboards, attend SHW committee meetings, ensure annual planning and budgeting includes health and safety.
7	Continuous improvement and learning	Independent assurance, audits and external benchmarking