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## Information for people building a house or working on their own home

The primary piece of legislation governing health and safety in New Zealand is the Health and Safety at Work Act 2015 (HSWA). Policy clarifications set out WorkSafe's view of HSWA in relation to a clearly defined sector, a particular set of circumstances, or a specific function.

This policy clarification sets out WorkSafe's view of the following health and safety duties for:

- A residential landowner building a house who:
  - engages contractors or a project manager to build a house, or
  - is doing most of the work themselves to build a house with minimal input from contractors, or
  - is having a house built for sale.
- An occupier of a home who:
  - is working on their own home, or
  - engages another person to work on their home.
- An owner who undertakes work on a house when they're not living there, including when it is rented.

### Key points

- If you are having a house built for you, or are building one yourself, you will be a 'Person Conducting a Business or Undertaking' (PCBU) while the house is being built.
- This requires you to ensure, so far as is reasonably practicable, the health and safety of workers and that others are not put at risk by this work.
- In general, WorkSafe does not expect you to have detailed knowledge of the risks involved in construction work.
- In most cases, you can meet your obligations as a PCBU by engaging a builder or a project manager.
- If you are an occupier working on your own home, or engaging others to work on it, you are **not** a PCBU.

### Residential landowners building a house

A 'PCBU' is a person conducting a business or undertaking, whether alone or with others, and whether or not it is conducted for profit or gain. If you're building a house, you're considered a PCBU because you're conducting an undertaking in a place where work is being carried out.

As a PCBU, you have a duty of care towards workers and other persons in or near the building site. You won't be the only PCBU involved in the build; contractors and project managers will in most cases also be PCBUs and they also owe duties of care.

Even if you are doing most of the building work yourself, you are still a PCBU.

As the health and safety regulator, we want PCBUs to fulfil their obligations so that risks in the workplace are identified and effectively managed. To help achieve this objective, we want to ensure that you understand your responsibilities under HSWA.

### Engaging contractors to construct your house

We generally do not expect you as an owner of residential land, to have an in-depth knowledge of the risks involved in construction. In most cases, you can meet your obligations by engaging competent and qualified contractors to do the work. Such contractors will themselves be PCBUs, and will be better placed to ensure that there are appropriate health and safety measures on site. It is reasonable for you to expect these contractors to meet health and safety requirements.

We expect that, in most cases, keeping up to date with what's happening on site and cooperating with the PCBUs there (eg following reasonable instructions) will be sufficient.

## Project managing construction of your house

If you are acting as a project manager for the construction of your house, you will have a duty to consult, cooperate, and coordinate activities with other PCBUs on your building site. In these circumstances, you may need to make sure health and safety processes are implemented. You may need to discuss with your contractors on an ongoing basis how health and safety will be managed on your building site.

### **Occupiers of a home**

When construction is finished and you move in, you will be an occupier of a home and no longer be a PCBU when you engage others to carry out work there.

### Obligations of family and/or friends working on or around your home

If you, a family member, or a friend is helping out with work on or around your home, they will not have duties under HSWA. You should still ensure that everyone:

- takes reasonable care for their own health and safety, and
- doesn't do anything to endanger themselves or others while they work.

### Paying someone to work on your home

If you pay someone else to undertake further work, your home becomes a 'workplace' for the duration of this work. Under HSWA you will be an 'other person at the workplace'. You will not be a PCBU when this work is being undertaken.

You must still take reasonable care for your own health and safety and ensure you don't put others at risk by your actions or inactions. You must also comply with any reasonable instructions from the PCBUs on site.

### **Owner of house who doesn't live there**

If you don't live in your house, including situations where you rent it out, you are a PCBU when work is being undertaken on the house. This means that under HSWA you must ensure that when work is carried out, it's done safely and without endangering others, including tenants.