

Health and Safety in Schools

Duty holders and their responsibilities under the Health and Safety at Work Act 2015

Duty Holder	Definition	School Role	Responsibilities
PCBU (Person conducting a Business or Undertaking)	The PCBU is usually a legal or corporate entity, including a self-employed person. In a school this is the Board of Trustees. They have the primary duty of care for the health and safety of workers and others.	Board of Trustees (as an entity)	<p>The PCBU must ensure the health and safety at the workplace of:</p> <ul style="list-style-type: none"> all workers other people, by ensuring they are not put at risk from work being carried out. <p>This means the PCBU must among other things:</p> <ul style="list-style-type: none"> provide a safe and healthy environment for workers, including access to facilities provide the right information and training to all workers provide and allow for worker participation in health and safety matters notify all serious illness, injury or near misses monitor workers' health and workplace conditions to prevent illness or injury
Officers	<p>Officers have significant influence over the management of the business or undertaking. They must exercise due diligence to ensure the PCBU meets its health and safety obligations.</p> <p>NOTE: People who merely advise or make recommendations to an officer of the organisation are not officers.</p>	Principals, individual members of the Board of Trustees	<p>Officers must take reasonable steps to:</p> <ul style="list-style-type: none"> know about current work health and safety matters understand the hazards/risks associated with the workplace operations make sure there are resources and processes for managing risks ensure there are processes for receiving and reviewing information on and responding to incidents, hazards and risks ensure workplace health and safety processes and resources are being used.
Workers	<p>Workers work for the business or undertaking and can include:</p> <ul style="list-style-type: none"> employees contractors or subcontractors and their workers labour hire company employees apprentices or trainees people on work experience or a work trial volunteer workers whose work is integral to the business' operations <p>NOTE: Other volunteers, such as for fundraising, are not worker.</p>	Teachers, non-teaching staff, the principal, contractors, volunteer workers, etc	<p>Workers must:</p> <ul style="list-style-type: none"> take reasonable care for their own health and safety take reasonable care that their behaviour does not adversely affect the health and safety of others comply with any reasonable instruction from the PCBU to allow the PCBU to comply with the Act cooperate with the PCBU's health and safety policies or procedures <p>Note: It is recommended workers should report any incident, risk or hazard to an officer or HSR, and inform visitors of any known hazards or risks in the workplace. Also, a student becomes a worker while on work experience for another PCBU. So when they are on work experience, the host PCBU will have the most influence over their health and safety.</p>
Health and safety representatives	<p>Health and safety representatives are workers who are elected to represent a defined workgroup.</p> <p>A workgroup is a defined group of workers who are represented by one or more health and safety representatives. The workgroup may be defined by physical location, a business group or a group of workers who have common risks.</p>		<p>Health and safety representatives can:</p> <ul style="list-style-type: none"> represent workers on health and safety matters investigate complaints from workers about health and safety issues monitor health and safety measures taken by the PCBU provide feedback to the PCBU about health and safety compliance issue provisional improvement notices and direct work group members to cease unsafe work if appropriate.
Other persons	Other persons include parents, visitors, other volunteers, general public and those who may be put at risk by the work of the PCBU. It does not include people who unlawfully enter the premises.	Visitors, parents/whānau, other volunteers etc	<p>Other persons should:</p> <ul style="list-style-type: none"> take reasonable care for their own health and safety take reasonable care that their behaviour does not adversely affect the health and safety of others comply with any reasonable instruction from the PCBU to allow the PCBU to comply with the Act.
	Other persons includes students	Students	<p>The Health and Safety at Work Act does not specifically mention the age of responsibility for health and safety duties, however under the Crimes Act children under 10 can't be prosecuted at all and children under 14 can only be prosecuted in special circumstances. One of the principles in the Children, Young Persons, and Their Families Act is that unless the public interest requires otherwise, criminal proceedings should not be brought against a child or young person if there is a way of dealing with the matter through alternative means (e.g. a warning or caution, or possibly through a school's disciplinary processes). The likelihood of action against a schoolchild for a breach of health and safety duties is low.</p>