

SECTION SEVEN - OTHERS IN THE WORK PLACE

The Health and Safety at Work 2015 Act recognises that other people may be in and around the work place and exposed to workplace hazards.

This includes people in the vicinity of the workplace, general public and visitors.

These following duties are intended to meet the gap where a PCBU/ employee or principal / PCBU relationship does not exist.

HEALTH AND SAFETY RESPONSIBILITIES AND DUTIES TO OTHERS

OTHERS IN THE CROM-DIG WORKPLACE	DUTY
People in the vicinity (including someone sharing use of the workplace/ a tenant)	Ensure that work areas are safe, and don't pose a risk to the health and safety of any person
Visitors / Clients (including people on tour of the workplace, or someone visiting a Crom-Dig site)	Use visitor procedures and warn of hazards that may harm them.
Volunteers the business does not usually have volunteers however:	If doing the same as a worker then treat them as a worker.
Students and Casual Workers	If doing the same as a worker then treat them as a worker.

DUTY OF OTHERS

Other persons at Crom-Dig work sites, need to:

- take reasonable care for their own health and safety
- take reasonable care that others are not harmed by something they do, or do not do
- comply, as far as they are reasonably able, with Crom-Dig's reasonable health and safety instructions that are given so that the Crom-Dig can comply with HSWA or regulations.

Other persons need to take reasonable care that anything they do (or do not do) will not cause others harm. They can be held legally responsible if they cause someone harm and did not take reasonable care.

EMPLOYERS DUTY

Crom-Dig must ensure that all work areas are safe, and don't pose a risk to the health and safety of any person.

Crom-Dig must also ensure that its buildings and other work sites are safe for any person, including visitors. Those in control of a Crom-Dig site must make sure that those passing by the work place are not harmed by hazards in the site (e.g. flying loose materials).

If risks exist from work previously carried out (e.g. an open trench), then the worker would need to reasonably manage these risks for visitors/ others.

The level of obligation depends on the purpose for which the other person(s) are in the work place and ranges from a full duty to prevent harm, to a lesser duty to warn of hazards in the work place.

DUTY TO WARN AUTHORISED VISITORS

People who control a place of work have a duty to warn visitors of significant and unusual hazards that result from work being done in the workplace.

This duty applies to:

- Authorised visitors not included in the above categories
- Individuals; who have given the person in control of the workplace oral advice that they will be working there under statutory authority e.g. Police
- When Working at Events; The event organiser must liaise with Crom-Dig to understand any risks they've identified at the workplace and pass on relevant information to the participants

The event organiser must make sure they have briefed Crom-Dig on any risks the event may bring to the workplace (e.g. trucks delivering marquees to the site).

NO DUTY APPLIES

People visiting a place of work under certain circumstances are owed no duty by the employer.

They are:

- People visiting for purposes of recreation or leisure
- Trespassers

CONTROLLING THE RISKS TO VISITORS AND PUBLIC

The best way to identify situations where a worker could cause harm to others is through site or activity based hazard management.

Generally risks will be controlled by:

- Introducing and maintaining safe work practices
- Using hazard management systems, such as signage, cones, barriers, spotters
- Restricting or controlling access for members of the public to areas where work hazards may exist (exclusion zones). Use caution sign to advise not to enter site without first contacting our office.
- Mark out an access point/ walkway.