



TAKING ALL PRACTICABLE STEPS

■ Health and safety in the workplace

The Health and Safety in Employment Act aims to promote the health and safety of everyone at work and of other people in or around places of work. To achieve this, it requires people who are responsible for work and those who do the work to take steps to ensure their own health and safety and that of others.

The Act also recognises that employees have a valuable contribution in making workplaces safe.

■ Taking all practicable steps toward health and safety

The phrase 'all practicable steps' is important and qualifies many of the duties practicable under the Act.

The phrase applies to the general duties that must be carried out by all those in the workplace, and describes the standard of reasonable endeavour that each person must meet when carrying out those duties.

■ FAQs

Below are the answers to some frequently asked questions, which illustrate how the concept of 'all practicable steps' applies under the Act:

Q: Why do I need to know about 'all practicable steps'?

A: 'All practicable steps' is a key concept in the Act. The Act places a duty on employers, employees, self-employed people, people in control of workplaces, and principals (people who engage contractors to carry out work for them) to take all reasonably practicable steps, in circumstances they know or ought reasonably to know about, to ensure their own safety and that of others.

'All practicable steps' describes the standard a person must meet when carrying out duties under the Act.

Q: What are 'all practicable steps'?

A: In relation to those things you know about or ought reasonably to know about 'all practicable steps' means those steps that it is reasonably practicable to take.

A step is practicable if it is possible or capable of being done. 'Reasonably' means that you don't have to do everything humanly possible; you only have to do what a reasonable and prudent person would do in the same situation.

Whether a step is reasonably practicable, takes into account:

- The nature and severity of any injury or harm that may occur;
- The degree of risk or probability of injury or harm occurring;
- How much is known about the hazard and the ways of eliminating, isolating or minimising the hazard;
- The availability and cost of safeguards.

Q: What does 'reasonably practicable' mean?

A: A step is 'practicable' if it is possible, or capable, of being done. 'Reasonably' means that you don't have to do everything humanly possible; you only have to do what a reasonable and prudent person would do in the same situation. This includes taking into account the factors stated above.

Q: Can I be prosecuted for injuries caused by hazards that I didn't know about?

A: You are required to take steps only in respect of circumstances that you know about or ought reasonably to know about.

This does not mean that you can turn a blind eye. People with duties under the Act are expected to have a system for actively identifying and managing hazards at work.

If you fail to identify a hazard that you ought to have known about and someone is injured because of that hazard you should have identified, then you may be prosecuted for having failed to take all practicable steps to prevent that injury.

Q: Does taking all practicable steps mean I have to spend a lot of money?

A: The costs of dealing with a hazard are only one factor in deciding if a step is reasonably practicable.

Costs would have to be measured against other factors, including the risk and seriousness of harm that might occur if you don't do anything. If there is a risk of serious or frequent injury or harm, then spending a greater amount of money to deal with the hazard is considered reasonable.



Q: How do I find out what practicable steps I can take in my line of work?

A: Known hazards and how to deal with them are described in:

- Regulations made under the Health and Safety in Employment Act;
- Approved Codes of Practice;
- Department of Labour guidelines;
- New Zealand or International Standards documentation;
- Industry publications and best practice documentation;
- Manufacturers' information, material safety data sheets (MSDS), and user manuals.

■ Further information

This information is a guide only and may not be accurate for all situations. It should not be used as a substitute for legal or other expert advice.

For further information, call 0800 20 90 20, or visit www.dol.govt.nz