

Duty to provide adequate facilities

HEALTH AND SAFETY AT WORK ACT (2015) | GUIDANCE

What this guidance document contains

The guidance is aimed at maritime operators and explains the requirement to provide adequate facilities such as toilets, drinking water, and places for workers to wash their hands and eat. The duty to provide adequate facilities is required under the Health and Safety at Work Act 2015 (HSWA). This document focuses on how this duty applies to the maritime sector.

Introduction

Under the HSWA, maritime operators and other businesses working for the operation must ensure, so far as is reasonably practicable, that they provide and maintain a safe and healthy working environment with adequate facilities for workers.

The workers do not need not to be directly employed or engaged by the operator. The duty extends to any worker in the workplace, and could include workers employed or engaged by another PCBU¹.

Specific requirements for facilities are also set out in the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016.

General workplace requirements

The regulations set general requirements for the workplace. A PCBU must ensure, so far as is reasonably practicable, that the following facilities are provided at the workplace.

Facility / situation	Explanation
Layout	Workers must be able to safely enter, move around and exit the workplace under normal working conditions and in an emergency.
Work space	Workers must have enough room to do their work safely.
Floors and other surfaces	Must be designed, installed, and maintained so that work can be done without risks to health and safety.
Lighting	Workers must be able to work, move about and evacuate in an emergency safely.
Ventilation	There must be enough fresh air for workers to work safely.
Temperature	Workers must be able to work safely in extremes of heat or cold.

¹ Maritime operators and other businesses doing work for the operation are PCBUs. The term PCBU is short for a 'person conducting a business or undertaking'. The word 'person' should not be taken literally. Normally the PCBU will be an organisation – e.g. a company.

Place for sick workers

Maritime operators and other businesses working for the operation have a duty, so far as is reasonably practicable, to provide a place where sick workers can rest. It must be suitable for the purpose, kept in good condition, and be convenient for workers to access.

Facilities required in all workplaces

Maritime operators and other businesses working for the operation must ensure, so far as is reasonably practicable, that adequate facilities are provided for workers. These include:

- > toilets
- > drinking water
- > hand-washing facilities
- > eating facilities.

They must also ensure that the facilities are in good working order and kept clean, safe, and accessible.

Facilities that are required under certain conditions

Maritime operators and other businesses working for the operation must ensure that the following facilities are provided if the work conditions require it.

Situation	Facility required
Workers are likely to get dirty or contaminated	Facilities for washing the body (e.g. bath or shower)
Clothing is likely to become contaminated or wet	A place to change clothes
Workers are likely to bring clothes to work that will not be worn while working	A place to keep clothes clean and dry
Work is normally performed standing	A place for workers to sit and rest
The workplace floor is likely to become wet	Floor drains or other facilities that prevent workers from getting wet

Accommodation

If a maritime operator or other business working for the operation provides accommodation they must ensure, so far as is reasonably practicable, that the accommodation they provide is safe and healthy.

What does 'reasonably practicable' mean?

Something is 'practicable' if it is possible or capable of being done. 'Reasonably' means that an operator or businesses does not have to necessarily do everything humanly possible - but it does mean doing what a reasonable and sensible operator or businesses would do in the same situation.

A question to ask yourself is: *What is possible and what is reasonable in the circumstances? After considering all the relevant matters, weigh up the cost and whether the cost is grossly disproportionate to the potential risk.*

The Health and Safety at Work Act and Maritime Rules

Fishing vessels that comply with Maritime Rules Part 40D and commercial ships that comply with Rule 51 should already meet the requirements for facilities under the HSWA and regulations.

More information from Maritime NZ

This guidance is part of a series of guidance documents produced by Maritime NZ to assist operators and other businesses working on ships to understand their duties under the HSWA. This suite of guidance documents includes:

- > How MOSS and the HSWA work together
- > The roles of the ship operator and ship's master
- > Overlapping and upstream health and safety duties
- > Worker engagement, participation and representation
- > Duty to provide adequate facilities
- > Duty to safely manage asbestos
- > Officers' due diligence duties

For general information on the Health and Safety at Work Act

Visit the WorkSafe New Zealand website: <http://www.business.govt.nz/worksafe/hswa/legislation>