



→ THE HOME AS A WORKPLACE



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.

HEALTH AND SAFETY WHEN THE PLACE OF WORK IS A HOME

The duties set out in the Act apply to all employers and employees, whether or not the workplace is a person's home.

The Act states that employers and others must take all reasonably practicable steps to prevent physical or mental harm occurring to any person in a place of work. This includes a place of work that is also a home. The term 'all practicable steps' may mean that the measures for preventing harm will be different in a home than in a factory or office.

OCCUPIERS OF A HOME

The Act does NOT apply to the occupier of a home who engages a person to do 'residential work' – that is, domestic work, or work done in respect of the home.

Alternatively, if an employer runs a business out of their own home (such as a professional practice) and has employees that work there with them, then the Act applies in the same way as if the business were operating out of commercial premises.



FAQS

Below are the answers to some frequently asked questions which illustrate how the Act applies when the home is a workplace:

Q: Does the Act apply when people who are employed or engaged to work carry out their work from home?

A: Yes. The duties set out in the Act apply to employers, self-employed people, employees, principals and contractors whether or not the workplace is a person's home.

Occupiers of a home are an exception to the rule. They do not have duties under the Act to anyone they have employed or engaged to do domestic work in their home (such as cooking or cleaning) or work on the house itself (such as repairs or alterations).

The general obligation for those covered under the Act is to take all reasonably practicable steps to prevent harm occurring to people at work. Taking all practicable steps may mean different things depending on the type of workplace.

Q: I am an employee or a contractor, working at home doing data entry for 3 days a week. I provide my own computer and work station. Who is responsible for my health and safety while I am working?

A: Both you and the person who engaged you to work have responsibilities for your health and safety under the Act. Your principal or employer must take all practicable steps to ensure that you have a safe working environment. You must take all practicable steps to ensure the safety of yourself and others while you are working. You have these obligations as an employee or a contractor.

For example, where an employee works from home and uses a computer, their employer should ensure that the computer workstation is correctly adjusted.

Q: I have a contract to provide home help to elderly people. What obligations do I have to my home-help workers?

A: As a principal or as an employer, you must take all reasonably practicable steps to ensure the safety of your home-help workers while they are working.

'All practicable steps' involves having systems in place that identify and control any hazards so that they do not cause harm to anyone while they are working.

'All practicable steps' also means making sure your workers understand how to safely perform any tasks required of them, such as heavy lifting; and to safely use any equipment commonly found in the home, such as ladders or electrical appliances or mechanical equipment.

Q: I have engaged a plumber to repair my bathroom. He employs an assistant. Do I have any responsibilities for the plumber's employee?

A: No. Occupiers of homes have no duties under the Act to anyone employed or engaged to do work on or in the home that they live in.

If your plumber has employed an assistant, then the plumber has responsibilities to the assistant. The plumber must take all practicable steps to ensure the assistant's safety while he or she is working in your home.

Q: I employ a cleaner for 2 hours a week to clean my home. Do I have any duties under the Act to my cleaner?

A: No. Occupiers of homes have no duties under the Act to anyone employed or engaged to do work on or in the home that they live in.

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, please call us on 0800 20 90 20 or visit the Department of Labour website:

www.dol.govt.nz