

## Appendix A: Glossary

TERM	LEGAL DEFINITION (AS NOTED) OR BRIEF EXPLANATION
<b>Control measure</b>	Is a way of eliminating or minimising risks to health and safety.
<b>Duty holder</b>	Means a person who has a duty under HSWA. There are four types of duty holders - PCBUs, officers, workers and other persons at workplaces.
<b>Hazard</b> (Section 16 of HSWA)	Includes a person's behaviour where that behaviour has the potential to cause death, injury, or illness to a person (whether or not that behaviour results from physical or mental fatigue, drugs, alcohol, traumatic shock, or another temporary condition that affects a person's behaviour).
<b>Health and Safety at Work Act 2015 (HSWA)</b>	HSWA is the key work health and safety law in New Zealand. This covers nearly all work and workplaces.
<b>Other person at workplace</b>	Examples of other persons include workplace visitors and casual volunteers at workplaces.
<b>Overlapping PCBU duties</b>	Means when more than one PCBU has health and safety duties in relation to the same matter.
<b>PCBU</b> (Section 17 of HSWA)	<p>a. means a person conducting a business or undertaking:</p> <ul style="list-style-type: none"> <li>i. whether the person conducts a business or undertaking alone or with others; and</li> <li>ii. whether or not the business or undertaking is conducted for profit or gain; but</li> </ul> <p>b. does not include:</p> <ul style="list-style-type: none"> <li>i. a person to the extent that the person is employed or engaged solely as a worker in, or as an officer of, the business or undertaking;</li> <li>ii. a volunteer association;</li> <li>iii. an occupier of a home to the extent that the occupier employs or engages another person solely to do residential work;</li> <li>iv. a statutory officer to the extent that the officer is a worker in, or an officer of, the business or undertaking;</li> <li>v. a person, or class of persons, that is declared by regulations not to be a PCBU for the purposes of this Act or any provision of this Act.</li> </ul>
<b>Plant</b> (Section 16 of HSWA)	<p>Includes:</p> <ul style="list-style-type: none"> <li>a. any machinery, vehicle, vessel, aircraft, equipment (including personal protective equipment), appliance, container, implement, or tool; and</li> <li>b. any component of any of those things; and</li> <li>c. anything fitted or connected to any of those things.</li> </ul>
<b>Reasonably practicable</b> (Section 22 of HSWA)	<p>In relation to a PCBU's primary duty, the duty of PCBUs who manage or control a workplace, or who manage or control fixtures, fittings or plant at workplaces, and the upstream PCBU duty means that which is, or was, at a particular time, reasonably able to be done in relation to ensuring health and safety, taking into account and weighing up all relevant matters, including:</p> <ul style="list-style-type: none"> <li>a. the likelihood of the hazard or the risk concerned occurring; and</li> <li>b. the degree of harm that might result from the hazard or risk; and</li> <li>c. what the person concerned knows, or ought reasonably to know, about: <ul style="list-style-type: none"> <li>i. the hazard or risk; and</li> <li>ii. ways of eliminating or minimising the risk; and</li> </ul> </li> <li>d. the availability and suitability of ways to manage the risk; and</li> <li>e. after assessing the extent of the risk and the available ways of eliminating or minimising the risk, the cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk.</li> </ul> <p>For more information on the concept of 'reasonably practicable', see WorkSafe's fact sheet <i>Reasonably Practicable</i>.</p>
<b>Risk</b>	Risks arise from people being exposed to a hazard (a source of harm).

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<p><b>Structure</b> (Section 16 of HSWA)</p>	<p>a. means anything that is constructed, whether fixed, moveable, temporary, or permanent; and</p> <p>b. includes:</p> <ul style="list-style-type: none"> <li>i. buildings, masts, towers, frameworks, pipelines, quarries, bridges, and underground works (including shafts or tunnels); and</li> <li>ii. any component of a structure; and</li> <li>iii. part of a structure.</li> </ul>
<p><b>Upstream PCBUs</b></p>	<p>In this guide means PCBUs who design, manufacture, import or supply plant, substances or structures, or who install, construct or commission plant or structures.</p> <p>‘Design’ is defined in HSWA as including:</p> <ul style="list-style-type: none"> <li>a. the design of part of the plant, substance, or structure; and</li> <li>b. the redesign or modification of a design.</li> </ul> <p>See Section 3.3 of these guidelines for more information about upstream PCBU duties.</p>
<p><b>Worker</b> (Section 19 of HSWA)</p>	<p>Means an individual who carries out work in any capacity for a PCBU, including work as:</p> <ul style="list-style-type: none"> <li>a. an employee; or</li> <li>b. a contractor or subcontractor; or</li> <li>c. an employee of a contractor or subcontractor; or</li> <li>d. an employee of a labour hire company who has been assigned to work in the business or undertaking; or</li> <li>e. an outworker (including a homeworker); or</li> <li>f. an apprentice or a trainee; or</li> <li>g. a person gaining work experience or undertaking a work trial; or</li> <li>h. a volunteer worker; or</li> <li>i. a person of a prescribed class.</li> </ul> <p>A constable is:</p> <ul style="list-style-type: none"> <li>i. a worker; and</li> <li>ii. at work throughout the time when the constable is on duty or is lawfully performing the functions of a constable, but not otherwise.</li> </ul> <p>A member of the Armed Forces is:</p> <ul style="list-style-type: none"> <li>i. a worker; and</li> <li>ii. at work throughout the time when the member is on duty or is lawfully performing the functions of a member of the Armed Forces, but not otherwise.</li> </ul> <p>A PCBU is also a worker if the PCBU is an individual who carries out work in that business or undertaking.</p>
<p><b>Workplace</b> (Section 20 of HSWA)</p>	<ul style="list-style-type: none"> <li>a. means a place where work is being carried out, or is customarily carried out, for a business or undertaking; and</li> <li>b. includes any place where a worker goes, or is likely to be, while at work.</li> </ul> <p>In this section, <b>place</b> includes:</p> <ul style="list-style-type: none"> <li>a. a vehicle, vessel, aircraft, ship, or other mobile structure; and</li> <li>b. any waters and any installation on land, on the bed of any waters, or floating on any waters.</li> </ul>