

WORKSAFE

Forestry Sector Engagement and Enforcement Strategy

PCBU Duty to provide certain workplace facilities.

Reference: Health and Safety at Work (General Risk and Workplace Management) Regulations 2016 section 11. (GRWM Regulations s11)

Introduction:

PCBUs are required to provide certain workplace facilities for workers. This includes worksites at forestry operations. WorkSafe will work with forest industry stakeholders to ensure PCBUs working in the forest industry comply with the legislative requirement to provide facilities.

Legislative requirement:

Forestry PCBUs shall provide facilities as stipulated in GRWM regulations s11.

- 11 Duty to provide certain workplace facilities
 - (1) A PCBU must ensure, so far as is reasonably practicable, that adequate facilities are provided for workers at a workplace, including—
 - (a) toilets
 - (b) drinking water
 - (c) hand-washing facilities:
 - (d) facilities where workers can eat and take breaks:
 - (e) if it is not reasonable for workers to leave the workplace if they become unwell, facilities where workers can rest.
 - (3) A PCBU who contravenes subclause (1) or (2) commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$10,000:
 - (b) for any other person, to a fine not exceeding \$50,000.

Facilities provided for workers to eat and take breaks shall not be used to store fuel and oils. All PCBUs must comply with Health and Safety at Work (Hazardous Substances) Regulations 2017.

Engagement:

WorkSafe will engage with forest industry stakeholders including FISC, NZ FOA, New Zealand Farm Forestry Association and FICA to ensure they understand the requirement to provide facilities for workers. WorkSafe's, [Workplace and facilities requirements fact sheet \(August 2018\)](#) clearly explains the requirement to provide facilities and is available on the WorkSafe website.

Enforcement:

From 01 July 2019 WorkSafe will commence enforcement action regarding a PCBUs duty to provide certain facilities for workers as defined in GRWM regulations s11. Health and Safety Inspectors working in the forestry sector will follow the Enforcement Decision Making Model (EDM) when determining appropriate enforcement.