



INFORMATION SHEET

Work, Health and Safety Series - NSW

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Duties of a PCBU

Work, Health and Safety laws require a Person Conducting a Business or Undertaking (**PCBU**) to ensure workers and others are not exposed to a risk to their health and safety.

On a construction site, the PCBU will include the builder/ principal contractor, any sub-contractors including sub-contractors engaged by the sub-contractors (including self-employed contractors), along with the client engaging the principal contractor/ builder.

When is there a Duty of Care?

A PCBU will have a health and safety duty if they:

- direct or influence work carried out by a worker.
- engage or cause to engage a worker to carry out work (including through subcontracting).
- may put other people at risk from the conduct of their business or undertaking.
- manage or control of a workplace.
- manage or control fixtures, fittings or plant at the workplace.
- design, manufacture, import or supply plant, substances or structures for use at a workplace.
- install, construct or commission plant or structures at a workplace.

What are the duties of a PCBU?

A PCBU must ensure so far as reasonably practicable:

- a safe systems of work including systems for monitoring the health of workers and workplace conditions
- a safe work environment including accommodation and facilities for workers (if appropriate)
- safe use of plant, structures and substances
- notification and recording of workplace incidents
- adequate information, training, instruction and supervision is given
- compliance with the requirements under the work health and safety regulation

A PCBU has a duty to:

- consult with:
 - workers who are or are likely to be directly affected by matters relating to WHS,
 - health and safety representatives, and
 - health and safety committees.
- consult, cooperate and coordinate with other duty holders who have a duty in relation to the same WHS matter.

What if there is more than one PCBU on a site?

There may be more than one PCBU with the same duty on site at the same time.

When PCBU's have 'overlapping duties':

- Each PCBU must comply with their duty, so far as reasonably practicable;
- Each PCBU must discharge their duty to the extent they have management or control.

Example of PCBUs sharing duties include:

- Principal contractor and sub-contractor.

- Labour provider and person with management of workplace.
- A contractor with employees working in another's workplace.

For more information contact your Workplace Adviser on 1300 650 620.