

Construction

03.01.02

Responsibilities >

This information bulletin explains the responsibilities under the Workplace Health and Safety legislation of various persons on a construction site.

Duty of care – Legislative requirements

[Workplace Health and Safety Act](#), Part 5 – Statutory duties of care, impose a duty of care on a number of specified persons, including:

- Employers;
- Workers;
- Self employed persons;
- Occupiers of workplaces.

The level of responsibility of these people relates to the level of control they have over the workplace or work activity.

Contractors

Contractors and sub-contractors, can have responsibilities as employers, self employed persons and occupiers. Details of these are outlined below.

Contractor who has control of the site

This is where the contractor, by virtue of the contract or some other understanding, has control of the site on which work is being carried out. In this situation, the contractor becomes the occupier so must ensure that the duty of care of occupiers is met. The contractor must also ensure that the duty of care of employers (or duty of care of self employed persons) is met.

What this means is that the contractor must ensure the site is safe, and that the safety of workers and other persons are not affected by the condition of the site and the work being carried out.

Where there is more than one contractor on site, the level of responsibility would depend on the level of control each contractor has over the site (both wholly and the part in which they work). Each is responsible for the health and safety of their workers, and for any other persons that may be affected by their work.

Contractors, where the occupier retains control

This is where the occupier retains control of the site but engages contractors such as maintenance workers, cleaners etc. The person or organisation letting the contract, or the occupier of the site retains control of the site, and will therefore continue to have the responsibility as the occupier, for the safety of the site.

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Contractors (employer or self employed) have responsibilities for the safety of their own workers, and in relation to the particular work activities they undertake, the extent to which that may affect any other person (employees, other workers and the public).

Supervisors

In many situations, contractors are supervised by the contracting agency. The role of the supervisor, unless otherwise specified in the contract, is generally to ensure that the product or service that the contractor, is delivered on time and within the specifications of the contract.

In such situations, the supervisor is not a safety officer, nor do they have powers to enforce the provisions of the *Workplace Health and Safety Act*.

However, as with common law responsibilities of any reasonable person, if supervisors become aware of safety problems, they should try to have the situation rectified within the extent of their powers, or failing that, notify NT WorkSafe so that the appropriate action may be taken.

Where the supervisor is supervising a contract as outlined above, the supervisor should be aware that the contracting agency may have a responsibility for safety of the site. In such situations, the contracting agency must make supervisor aware of the extent to which they have responsibility for ensuring the duty of care of occupiers is met.

Joint responsibilities (Regulation 14)

If more than one person is under an obligation to comply with a regulation, each person must comply with the regulation to its full extent and without regard to the fact that another person is also required to comply.

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