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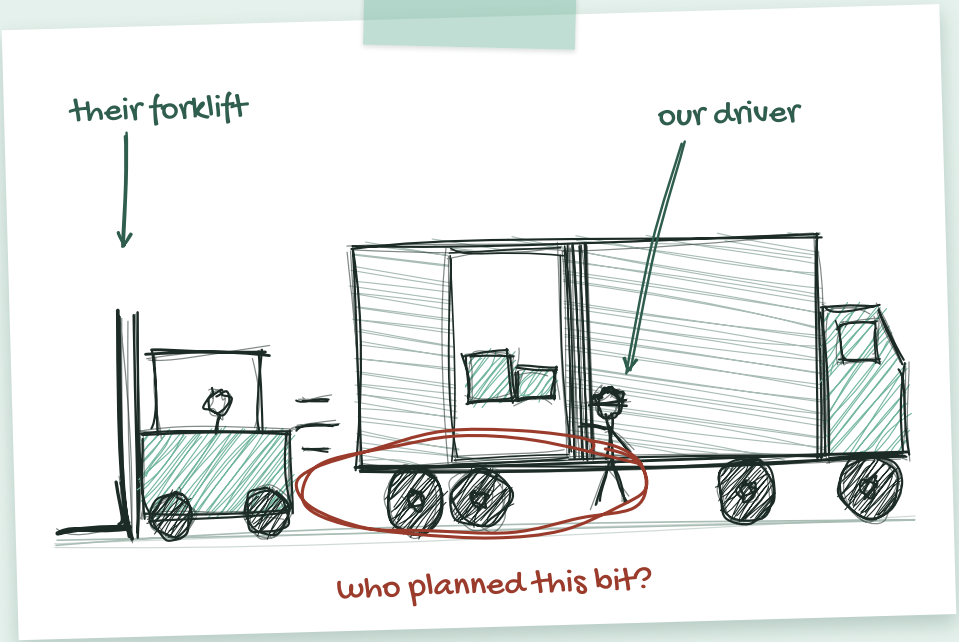
Field guide 3



Shared duties

Working safely with contractors, other businesses on shared sites, and your supply chain.

For middle managers and senior leaders in Aotearoa New Zealand

Health and safety field guide 3
Edition 2.3
Published 27 October 2026

Someone else's yard

On 13 July 2016, a truck driver for Bulldog Haulage went to collect goods from a distribution centre in Auckland. Another business ran the centre.

He was opening the curtains on his truck when a reversing forklift hit him. The forklift driver did not know a second forklift was also working on the load. The truck driver suffered multiple fractures to his leg, ankle and foot.

His employer knew the centre had no safe zones for drivers. It knew two forklifts sometimes loaded one truck. But it had not worked out a safe system for its drivers with the other businesses.

What the story shows

Nobody set out to hurt anyone. Each business ran its own part well enough. The danger sat in the gap between them, where nobody had agreed how to keep visiting drivers safe.

Why this guide starts here

A lot of work involves more than one business: contractors, labour hire (businesses that supply workers to another business), landlords, suppliers and clients. The law expects each one to play its part, and to work with the others.

Page 9 tells what the court decided, and a second story from another loading dock.

Your people are still your people on someone else's site.

Sources WorkSafe court summary, Bulldog Haulage Limited (Manukau District Court, 9 May 2019).

About this guide

Who it is for

Senior leaders who set contracts, choose suppliers and decide how much control to keep.

Middle managers who run shared sites, manage contractors and deal with other businesses day to day.

How to use it

Read pages 2 to 10 at your own pace. Fill in the grid on page 13 for one contract. Take the spotting pages (11 and 12) and the pocket card (page 19) to your next shared site. Write what you find on page 18. Key words are explained on page 21.

Field guide 1 explains the ideas behind the series. Field guide 2 covers checking that controls work.

Finding your way

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Reading these pages

- A taped card with footprints: something to try at work
- A small compass: the sentence or point after it is this guide's view
- A pink box with a red edge: what changes from 1 April 2027
- The foot strip: sources. Untinted tables, sketches and checklists are this guide's own
- A hatched edge with a compass: this guide's own view
- A tinted box: the law, WorkSafe guidance or court facts
- A dark box: this guide's lessons from a court case
- Priority dots (this guide's rating): one means watch, three means act today

About this guide In this guide, "the Act" means the Health and Safety at Work Act 2015, "s" means section and "ss" means sections. A PCBU is a "person conducting a business or undertaking", usually an organisation. This guide gives general information. It is not legal advice. Written to the plain language standard in the Plain Language Act 2022 (s 5).

When duties overlap

More than one business can have the same duty for the same matter at the same time. When that happens, each one must meet the duty in full. s 33(1)–(2)

Four rules that apply to everyone

Rule	What it means
Each business meets its own duty s 33(2)	Another business having the same duty does not reduce yours.
To the extent you can influence and control the matter s 33(3)	You must do what is within your influence and control. An agreement that tries to limit your control does not change this.
You can't transfer a duty s 31	A duty can't be passed to another person.
You can't contract out s 28	A contract term that tries to exclude, limit or shift a duty has no effect.

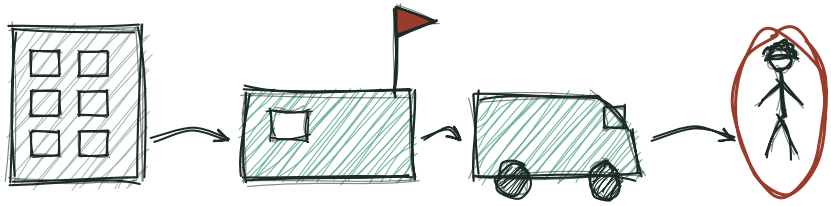
Where duties overlap

- **Shared workplaces**, such as a building site or a port, where several businesses control and influence the work.
- **Contracting chains**, where contractors and subcontractors work for a head contractor or client. A head contractor takes on a whole job for a client, and often runs the site. A subcontractor does part of the job for it. They do not need to share a workplace.
- **Everyday arrangements.** WorkSafe's example is a hotel that contracts housekeeping to an agency. Both must provide first aid facilities. The agency's workers can use the hotel's facilities under their agreement.

Sources the Act, ss 28, 31, 33; WorkSafe, Appendix 3: Working with other PCBUs, overlapping duties; Overlapping duties quick guide.

Influence and control

Shared duties are not split evenly. What you must do depends on how much you can influence and control the matter. **ss 30(2), 33(3)**



client	head contractor	subcontractor	labour hire
sets the price and the timeframe	runs the site, traffic and programme	runs its method and its plant	employs them; host runs the day

every business that influences or directs the work has a duty to that worker

How WorkSafe looks at it

- The more influence and control a business has, the more responsibility it is likely to hold.
- Control can come from the work activity, the workplace, or the workers.
- A business's size or money does not decide how much control it has.

Leading from the top of the chain

WorkSafe says "a business at the top of a contracting chain should not push risk down the chain". It "expects PCBUs at the top of a contracting chain to be leaders" in good practice throughout the chain.

Sources the Act, ss 30(2), 33(3), 36(1)(b); WorkSafe, Overlapping duties quick guide (2017); PCBUs working together: advice when contracting (June 2019).

Consult, cooperate, coordinate

Where businesses share a duty, each must, so far as is reasonably practicable, consult, cooperate and coordinate with all the others. **s 34(1)**

Step	What it looks like in practice
Consult	Share information about the work and its risks. Ask the other businesses what they know and need.
Cooperate	Agree which controls are needed, and which business is best placed to manage each one.
Coordinate	Plan the work so activities don't clash. Define roles, and keep checking the arrangements over time.

What the duty does and doesn't require

- **Agree who does what.** One business can carry out a task for others. But "all PCBUs are still responsible for meeting their legal duties".
- **Don't duplicate work.** WorkSafe says the duty "doesn't mean a PCBU has to duplicate another PCBU's work".
- **Keep checking.** WorkSafe says "PCBUs must monitor each other" so agreements hold.
- **Be ready to show it.** WorkSafe expects businesses "to be able to explain the steps they have taken".

Failing this duty is an offence in its own right. The maximum fine is $20,000 for an individual and $100,000 for an organisation. **s 34(2)**

Sources the Act, s 34; WorkSafe, Overlapping duties quick guide; WorkSafe position: overlapping duties (2017); Appendix 3; PCBUs working together (June 2019).

Who else has a duty

The main duty of care is not the only one. Other duties overlap with yours on many jobs.

Who	Their duty, so far as is reasonably practicable
Any business, for workers it influences or directs, such as contractors and labour hire **s 36(1)(b)**	Keep those workers healthy and safe while they do the work.
The business that manages or controls a workplace s 37	Make sure the workplace, the ways in and out, and anything arising from it are without risk to anyone.
The business that manages or controls fixtures, fittings or plant at a workplace **s 38**	Make sure they are without risk to anyone.
Designers, manufacturers, importers, suppliers and installers ss 39 to 43	Make sure what they provide is without risk to people who use it as intended, or work near it. Designers and suppliers must also give adequate information about safe use.

Both the labour hire business and the business where the person works have duties. **s 36(1)(b)**

Labour hire

Both influence or direct the work, in different ways. Agree who inducts, trains, supervises and provides equipment.

Buying plant

Suppliers must give adequate information about safe use, and make reasonable efforts to give current information on request. Ask for it. Your own duty to use the plant safely stays with you.

Sources the Act, ss 36 to 43.

Note Section 42 does not apply to second-hand plant sold "as is".

Working together in the new law

The rules on shared duties stay, but some apply differently from 1 April 2027. The Amendment Act became law on 9 July 2026.

Small businesses: critical risks first

A small PCBU has fewer than 20 workers (page 21). Its main duties in ss 36 to 43, including upstream duties as a designer, supplier or installer, apply only to critical risks, apart from welfare facilities. **new s 25A** A critical risk is one the law lists, or one likely to cause death or serious injury or illness. **new s 22A**

From 1 April 2027 (new s 34), a small PCBU must cooperate with others on critical risks, and may on other risks. A large PCBU must cooperate on all relevant risks, including with small PCBUs.

Complying with other laws

Some risks are also managed by other Acts, such as the Building Act 2004, the Maritime Transport Act 1994 and the Land Transport Act 1998. If you meet that Act's requirements for the same risk in the same situation, you are "taken to have complied" with the Act, though any regulations for that risk still apply.

Contracts can add, not subtract

WorkSafe says businesses can agree to work together on risks beyond the legal minimum, "but they cannot contract out of or transfer their duties". **s 28**

Getting ready

- [ ] List the businesses you share work with, and whether each is small or large.
- [ ] For each shared critical risk, agree in writing who controls what.
- [ ] Check whether another Act already manages any of your shared risks.

Sources WorkSafe, Working with other PCBUs to manage work risks (October 2026); Understanding the changes to health and safety law (July 2026); Health and Safety at Work Amendment Act 2026 (became law on 9 July 2026): new ss 17(3)–(5), 22A, 25A, 34.

Two loading docks in court

A few weeks before the Bulldog Haulage driver on page 2 was hurt, another driver was hurt in almost the same way.



1 June 2016
A forklift hits the other driver.

13 July 2016
A forklift hits the Bulldog Haulage driver.

27 November 2017
The other driver's employer is sentenced.

9 May 2019
Bulldog Haulage is sentenced.

	Bulldog Haulage Ltd	Storage and Distribution Specialists Ltd
What happened	July 2016. Its driver was opening his truck's curtains at a distribution centre run by another business. A reversing forklift hit him.	June 2016. Its driver was collecting a load from another business's site. While his truck was being loaded, he was beside it. The forklift loading it reversed into him.
Injuries	Multiple fractures to his leg, ankle and foot.	Seven fractures to his foot. Six days in hospital, and almost three months off work.
What went wrong	It knew there were no driver safe zones. It did not consult, cooperate or coordinate with the other businesses on a safe system.	WorkSafe's lesson: agree and monitor a safe system of work, with drivers kept in safe zones during loading.
The result	Guilty plea under s 34. Manukau District Court, May 2019. Fined $6,000; $2,000 reparation.	Guilty plea under s 34. Manukau District Court, November 2017. Fined $7,825; $2,000 reparation.

Why the small fines still matter

The charge was the duty to work together, which has a lower maximum ($100,000 for an organisation). Each company still has a conviction for failing its own driver on someone else's site.

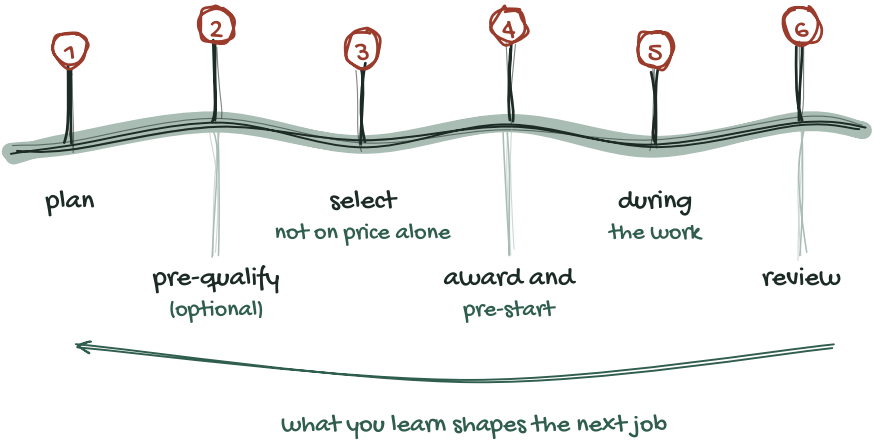
The lesson for leaders

Knowing about a gap is not enough. Raise it with the other business and agree a fix. Both injuries happened where one business's work met another's.

Sources WorkSafe court summaries, Bulldog Haulage Limited (9 May 2019) and Storage and Distribution Specialists Limited (27 November 2017); the Act, s 34.

Working with contractors

WorkSafe sets out six stages for working with contractors. Health and safety belongs in every one.

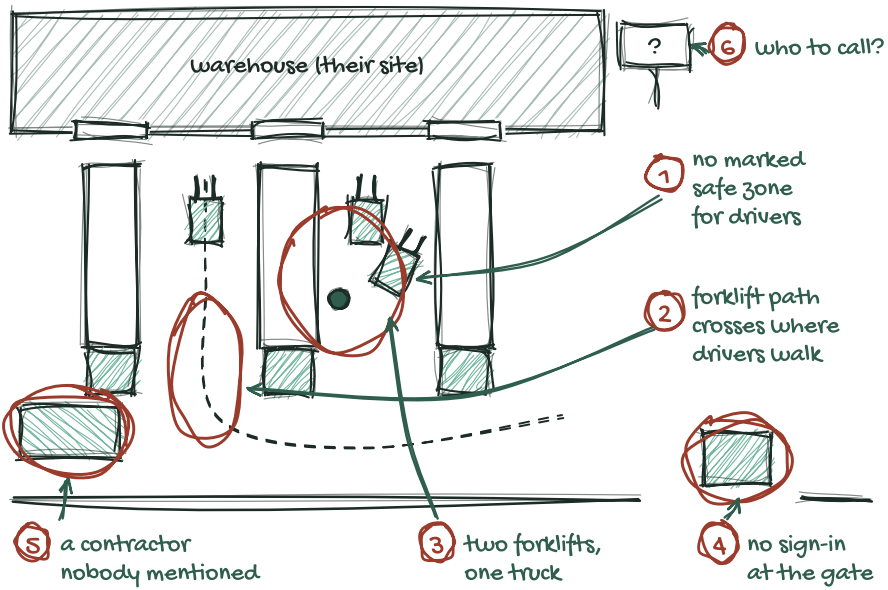


Stage	What to do
1. Plan	Identify the risks, and decide what you will ask tenderers for.
2. Pre-qualify	Optional. Test how well contractors manage health and safety, to build a shortlist.
3. Select	Ask how tenderers will manage the risks. "Don't choose a contractor based on cost alone." Agree that subcontracting needs your approval.
4. Award and pre-start	Share information straight away. Get a job-specific plan. Record requirements in the contract. Induct, train and supervise.
5. During work	Monitor performance, conditions and practices. Raise unsafe conditions and make sure they are fixed. Meet regularly.
6. Review	Review performance against the plan. Decide whether to use the contractor again.

Sources WorkSafe (June 2019), PCBUs working together: advice when contracting. WorkSafe says "effective information sharing between you and your contractors is essential at all stages".

What to look and listen for

The gaps between businesses leave marks you can see from the gate. This yard is run by another business. Your driver is visiting.



None of these proves a problem. Each is a reason to talk with the business that runs the site, early and without blame.

The numbers match the table on the next page. The same six signs turn up on a building site, a farm or a hospital ward.

Six signs to spot

	What it looks like	Why it matters, and what to do	Priority
1	No marked safe place for visiting drivers or contractors to wait.	With nowhere set to wait, people end up near moving plant. Agree a safe zone with the site, and tell your people to use it.	●●●
2	Forklift or vehicle routes that cross where people walk.	This is where both court cases happened. Ask the site how people and plant are kept apart.	●●●
3	Two crews or machines working on one task, with no agreed signals.	Each assumes the other knows where everyone is. Agree who leads, and how they signal.	●●○
4	No sign-in or site briefing for visitors.	The site doesn't know who is there, and visitors don't know the rules. Ask for a briefing.	●●○
5	A contractor or crew on site that nobody mentioned.	Work may have been subcontracted without approval. Find out who they are and who directs them.	●●○
6	No name to call at the other business.	Concerns have nowhere to go. Swap names and numbers before work starts.	●○○

Try it on your next visit

Ask one of your drivers or contractors to show you a site they visit often. Look for the six signs together. Then ask what they would change first.

Where control sits

Pick one contract or shared site. For each question, tick who holds the answer. Fill it in with the other business if you can.

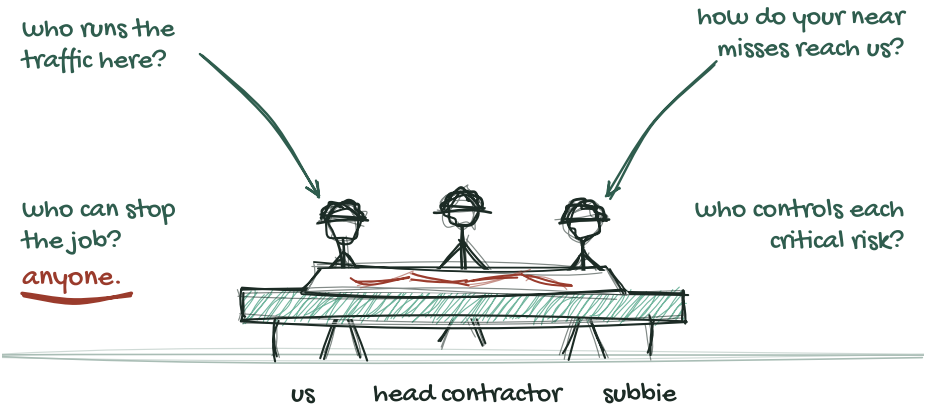
Question	Us	Them	Both
Who decides how, when and where the work is done?			
Who controls the site, its layout, access and traffic?			
Who chooses the plant, tools and substances?			
Who maintains the plant?			
Who sets the timeframe and the price?			
Who directs the workers day to day?			
Who inducts, trains and supervises them?			
Who can stop the work?			

Reading your answers

Wherever you ticked "us" or "both", you have influence over that part of the risk, even if another business does the work. Wherever you hesitated, you have found a gap to talk about.

The first meeting

The best time to close a gap is before work starts, standing round the plan with the other businesses.



Cover these

- [ ] Every business on site, and who leads for each.
- [ ] The critical risks, and who controls each one.
- [ ] Traffic, plant and where people walk.
- [ ] Who can stop the work. (Everyone.)
- [ ] How incidents and near misses reach every business.

Words that help

- "Can you walk me through how you'll do this part?"
- "If your crew sees something of ours that's unsafe, I want to hear it straight away."
- "Who on your side can I call if I'm worried?"

When the work changes

Working together changes as the work changes. Field guide 1 explains why.

What is happening	How to work together
A regular contractor doing routine work Clear	Standard agreements, inductions and permits. Regular checks that agreed controls are in place.
A specialist doing technical work Complicated	Use the contractor's expertise. Agree the method in writing. Check competence.
Many businesses on one site, changing daily Complex	Short daily coordination with every business. Shared site rules for critical risks. Watch how the businesses interact, not just each one.
An emergency on a shared site Chaotic	One clear person in charge. Everyone stops, makes safe and accounts for people. Review how it was handled later (field guide 5).
Nobody is sure who controls what Confusion	Pause and agree who controls the work, the site and the workers. Use the grid on page 13.

Clear to Chaotic: the familiar contractor

A contractor has done the job for years without harm. Inductions shrink, checks stop, and nobody notices the crew has changed.

Clear to Complicated: the scope creeps

A routine job turns into technical work: "while you're up there, can you...". The agreed method no longer fits, but nobody stops to re-plan.

Complicated to Complex: too many hands

More contractors arrive, or work is subcontracted again. The danger now comes from how the businesses interact.

Sources The situation names in colour come from the Cynefin framework (Snowden and Boone, 2007, who called Clear "Simple" and Confusion "Disorder"; current names from Snowden and Friends, 2021).

Signs worth a closer look

The warning signs often show up in the conversations between businesses, before they show up on site.

What you might see or hear	What to do	Priority
"That's their job, not ours." Each business assumes another has it covered.	Stop and agree, in writing, who manages each risk. Then check it happens.	●●●
Coordination meetings cancelled. Trades stacked up to catch up time.	Pause the overlapping work. Re-sequence the trades. Put critical controls back.	●●●
Extra tasks added by phone or text. "Quick favours."	Treat a change in scope as new work. Re-plan the method and the controls.	●●○
Subcontractors you didn't approve. Several crews in one area.	Hold a joint meeting. Map who controls what. Agree shared rules for critical risks.	●●○
The same contractor for years. Inductions skipped for "regulars". New faces you haven't met.	Re-induct. Check who is really on site. Go and see the work.	●○○

The name test

Pick one critical risk on site today. Ask two people from different businesses who controls it. If they give the same name, good. If they give different names, or none, you have found the gap before it found someone.

Running a shared site

It is 7 am on Monday. Three trucks wait at the gate. A scaffolding crew you have never met is unloading, and the electrician has sent someone new. Who knows what about whom?

Before work starts

- [ ] Know every business on site today, and who leads for each.
- [ ] Agree who controls the site, the traffic and each critical risk.
- [ ] Share your site's hazards. Ask for theirs.
- [ ] Make sure everyone knows they can stop work.

While work is happening

- [ ] Hold short daily meetings when businesses overlap.
- [ ] Watch the handovers: shift, crew and task changes.
- [ ] Raise unsafe conditions with the other business, and check they are fixed.

After the job

- [ ] Review how the businesses worked together, not just each one.
- [ ] Pass lessons up so they shape the next contract.

Speak up across company lines

It can feel awkward to challenge another company's workers or managers. Agree at the start how concerns will be raised, so speaking up is expected, not personal.

Field notes

Fill in the back of your pocket card (page 19) before you cut it out.

Back of your pocket card

My critical risks here:

Who to call:

ideas for this page:

- every business on site today
- who controls each critical risk
- what changed at a handover
- a concern to raise with them
- near misses you heard of

write it down here

Notes

Pocket card

Cut out and fold in half.

Before shared work starts

1. Who is on site today, and who leads for each business?
2. Who controls the site, traffic and each critical risk?
3. Our hazards to them, theirs to us.
4. Who can stop the work? Everyone.
5. How do incidents reach every business?

You can't contract out of a duty.

At every handover

1. What has changed?
2. Who controls it now?
3. Does everyone involved know?

Not sure who controls it? Pause and agree.

Note Card text from pages 4 to 17. Field guide 3, Vimes Consulting.

Take these to your next meeting

Senior leaders and officers

- [ ] Which other businesses share our critical risks?
- [ ] Where do we have influence and control, even when others do the work?
- [ ] Do our contracts push risk down the chain, or share it sensibly?
- [ ] Do we choose contractors on safety as well as price?
- [ ] How do we know contractors meet what they agreed?
- [ ] Could we explain the steps we take to consult, cooperate and coordinate?
- [ ] Are we ready for the 2027 changes, including small contractors and other Acts?
- [ ] As an officer, how do I check for myself that the controls we agreed with other businesses are provided and used? (s 44)

Middle managers

- [ ] Do I know every business on my site today?
- [ ] Is it clear who controls each critical risk?
- [ ] What changed at the last handover between businesses?
- [ ] Has any work been subcontracted without our approval?
- [ ] Do their incidents and near misses reach me?
- [ ] Where are we assuming another business has it covered?
- [ ] For each critical risk on this job, can I name the business that controls it, and show it is controlled?

Whose workers on our sites have we never once asked how the job is going?

Two measures a board can track: shared critical risks with a written "who controls what"; contractor incidents and near misses that reached us within a day.

Key words

The words people use when businesses work together, in plain English.

Word	What it means
PCBU	A "person conducting a business or undertaking". Usually an organisation. s 17
Overlapping duty	When more than one business has the same duty for the same matter at the same time. Each must meet it in full. s 33
Influence and control	How much a business can shape the work, the workplace or the workers. What you must do depends on it. ss 30(2), 33(3)
Consult, cooperate, coordinate	Share information, agree who does what, and plan the work so it doesn't clash. s 34
Head contractor	The business that takes on a whole job for a client, and often runs the site.
Subcontractor	A business that does part of the job for the head contractor.
Labour hire	A business that supplies workers to another business, which then directs their day-to-day work.
Upstream duties	Duties of those who design, make, import, supply or install plant, substances or structures. ss 39 to 43
Critical risk	From 1 April 2027, a risk the law lists, or one likely to cause death or serious injury or illness. new s 22A
Small PCBU	From 1 April 2027, one with fewer than 20 workers. If numbers go up and down, one that expects fewer than 20 in at least 9 months of the financial year. new s 17(3)–(5)

Sources the Act, ss 17, 30, 33, 34, 39 to 43; Health and Safety at Work Amendment Act 2026 (new ss 17(3)–(5), 22A); WorkSafe, Overlapping duties quick guide (2017).

Check it yourself

How this guide was checked

Every statement of law or fact in this guide was checked against a primary source before printing: the Act, the Amendment Act 2026 as passed, WorkSafe guidance, or WorkSafe's court summaries. Each check is recorded in a claims register, with the source and date checked. Statements that could not be checked were removed. Facts checked on 12, 22, 23 and 24 October 2026.

Law

1. Health and Safety at Work Act 2015, ss 17, 28, 30, 31, 33, 34, 36 to 44. legislation.govt.nz
2. Health and Safety at Work Amendment Act 2026 (became law on 9 July 2026): new ss 17(3)–(5), 22A, 25A, 44(5).
3. Plain Language Act 2022, s 5. legislation.govt.nz

WorkSafe guidance and court summaries

4. WorkSafe (2017). *Overlapping duties quick guide*; *WorkSafe position: overlapping duties*. worksafe.govt.nz
5. WorkSafe. *Appendix 3: Working with other PCBUs, overlapping duties*.
6. WorkSafe (June 2019). *PCBUs working together: advice when contracting*.
7. WorkSafe court summaries: *Bulldog Haulage Limited* (Manukau District Court, 9 May 2019); *Storage and Distribution Specialists Limited* (Manukau District Court, 27 November 2017).
8. WorkSafe (2026). *Understanding the changes to health and safety law* (July); *Working with other PCBUs to manage work risks* (October). worksafe.govt.nz

Research

9. Snowden, D. J., and Boone, M. E. (2007). A leader's framework for decision making. *Harvard Business Review*, 85(11), 68 to 76. The first source of the situation names on page 15.
10. Snowden, D., and Friends (2021). *Cynefin: Weaving sense-making into the fabric of our world*. Cognitive Edge, The Cynefin Co. The current situation names.

Where next

Other guides that help

Shared work runs through every guide in the series.

Guide	Read it for
1	Leading health and safety: who has which duty, and why the same task needs a different approach in different situations.
2	Trust and verify: how to check that a contractor's controls really work.
4	Worker voice: hearing from contractors' and labour hire workers, not just your own.
5	When things go wrong: who reports what when an incident involves more than one business.
7	Vehicles, mobile plant and traffic: keeping people and forklifts apart, as in the cases here.

The whole series

1 Leading health and safety · 2 Trust and verify · **3 Shared duties** · 4 Worker voice · 5 When things go wrong · 6 Critical risks and critical controls · 7 Vehicles, mobile plant and traffic · 8 Working at height · 9 Psychosocial risk and mental health · 10 Work-related health · 11 Hazardous substances · 12 Asbestos · 13 Machinery, plant and energy isolation · 14 Remote, isolated and lone work

Sources

Shared duties in one minute

- When duties overlap, each business meets its duty in full (s 33).
- You can't contract out of a duty or hand it to someone else (ss 28, 31).
- Consult, cooperate and coordinate with every business that shares the risk (s 34).
- Your people are still your people on someone else's site.
- The gaps between businesses are where people get hurt. Agree who controls what.
- Meet before the work starts, and again whenever it changes.

The field guides

1 Leading health and safety
2 Trust and verify
3 **Shared duties**
4 Worker voice
5 When things go wrong
6 Critical risks and critical controls
7 Vehicles, mobile plant and traffic
8 Working at height
9 Psychosocial risk and mental health
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