

PCBU

Person Conducting a Business or Undertaking

The WHS Act applies the primary duty of care on **any person who conducts a business or undertaking (PCBU)**.

Who is a PCBU?

A **PCBU** can be an individual or an organisation including employers, corporations, associations, partnerships and sole traders. A volunteer organisation which employs any person to carry out work is also considered a PCBU.

PCBUs conduct a business or undertaking alone or with others, whether or not for profit or gain. The definition of a PCBU focuses on the work arrangements and the relationships to carry out the work.

PCBUs have the primary duty of care for workplace health and safety.

Who is not a PCBU?

A person is not a PCBU if they are:

- engaged solely as a worker or an officer
- an elected member of a local authority
- a volunteer association where no-one is paid to carry out work for the association

What are the duties of a PCBU?

PCBUs have a primary duty of care to ensure workers and others are not exposed to a risk to their health and safety when the PCBU:

- directs or influences work carried out by a worker
- engages a worker to carry out work (including contractors).

To comply, the PCBU must, so far as reasonably practicable, provide for the health and safety of workers and others by ensuring:

- a safe work environment
- safe use of plant, structures and substances
- safe systems of work
- adequate facilities for the welfare of workers
- appropriate accommodation for workers, if provided
- adequate information, training, instruction and supervision
- effective systems are in place for monitoring the health of workers and workplace conditions
- notification and recording of workplace incidents.

PCBUs must develop and maintain relevant consultation about work health and safety with workers, health and safety representatives and health and safety committees. PCBUs must also consult, cooperate and coordinate with other PCBUs where they have shared duties.

Who is a worker?

A **worker** is a person who carries out work in any capacity for a PCBU, including work as:

- an employee
- a contractor or subcontractor
- an employee of a contractor or subcontractor
- an employee of a labour hire company assigned to work in the business or undertaking
- an outworker
- an apprentice or trainee
- a student on work experience
- a volunteer

A person can be both a PCBU **and** a worker if they carry out work for another PCBU, eg a sole trader who is a PCBU and carries out work for another business (PCBU) can also be defined as a worker for that other business.

What are the duties of a worker?

A worker must take reasonable care for their own safety and ensure that they do not adversely affect the health and safety of others. A worker must comply with any reasonable instruction and cooperate with the PCBU's WHS policies and procedures.

Who are 'others' at a workplace?

'**Others**' include customers and visitors.

Do customers and visitors at a workplace have WHS responsibilities?

Yes, they have responsibilities that are similar to a worker's WHS responsibilities, particularly:

- caring for their own health and safety
- taking reasonable care not to adversely affect the health and safety of others
- complying with any reasonable instruction given by the PCBU, so far as they are reasonably able to do so.