

# 19

## Duties & Responsibilities

Everyone who works on board a boat needs to make sure that things are safe, and that things they are doing (or not doing) don't hurt other people. The Health and Safety in Employment Act 1992 (HSE ACT) makes this a legal requirement.

**This section explains the responsibilities of each person and provides examples of application in the fishing context.**

### 19.1 Employer (the person who pays the wages)

The employer is the person who pays the wages. This might be the owner, or it might be the skipper. If you pay the wages, you need to take all practicable steps to make sure the boat is safe and that the people who work on or visit the boat are safe. This means you need to:

- Regularly go through the process for Identifying hazards
- Make sure any hazards are eliminated, isolated or minimised
- Provide suitable protective equipment and clothing to your employees
- Provide safety information to your employees
- Provide training or supervision to make sure the work is done safely
- Keep an eye on your employees to make sure their work isn't causing them health problems
- Provide ways for your employees to contribute to health and safety.
- Maintain a Register of Hazards

### 19.2 Skipper (the person who controls the place of work)

The skipper is normally the person who controls the place of work (the boat). The skipper has to make sure that the boat and its equipment are safe. This means taking all practicable steps to ensure that any hazards do not harm any people who are (-see section 21.5):

- Lawfully at work on the boat (as employees, contractors etc)
- There as customers or to undertake an activity; or
- In the vicinity.

**The skipper also needs to make sure that visitors to the boat are told about any significant hazards on the boat.**

### 19.3 Crew (who are paid wages)

Crew who are paid wages are defined as employees under the HSE Act. As an employee, you can expect that your employer will make sure the boat is safe. But you also have things you need to do:

- Make sure you do everything you can to ensure the boat is safe for working on
- Make sure nothing you do, or don't do, harms anyone else
- Use the protective equipment and clothing that either you or your employer provides
- Don't do work which is unsafe or involves unsafe practices
- Make unsafe work safe, or if you can't, tell your supervisor or the skipper
- Know about and follow the boat's health and safety practices and procedures
- Co-operate in the monitoring of hazards and of your health.
- Report Hazards

## 19.4 Sharefishers (self-employed)

If you are self-employed, you must:

- Make sure nothing you do at work harms yourself or anyone else
- Make sure you take health and safety into account when you plan your work activities
- Keep a record of accidents and incidents that harmed or might have harmed either yourself or someone else, if it was caused by your work (and report those to Maritime New Zealand within seven days)

## 19.5 Principal (someone who hires self-employed people [Skipper or owner])

If you hire self-employed people to do work for you, you still have to make sure they are safe on the boat. You should include health and safety issues in your contracts and make sure you talk about health and safety with your contractors. You also need to:

- Make sure that no contractor, subcontractor, or employee of those people, is harmed while doing the work you hired them to do
- Keep accident registers
- Report accidents involving serious harm to Maritime New Zealand as soon as practicable

## 19.6 Other people who visit the workplace in the course of their work (observers, compliance officials, contractors etc.)

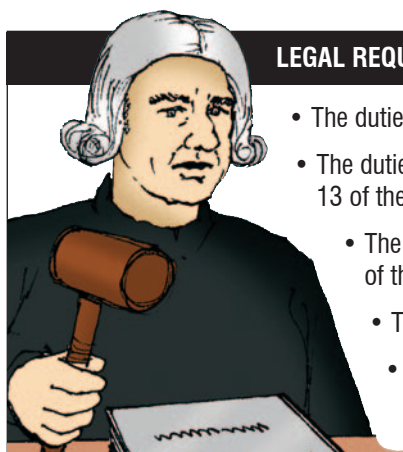
If you visit the boat in the course of your work, you are treated the same as a self-employed person. You must:

- Make sure nothing you do at work harms yourself or anyone else - (see section 21.2)
- Make sure you take health and safety into account when you plan your work activities
- Keep a record of accidents and incidents that harmed or might have harmed either yourself or someone else, if it was caused by your work (and report those to Maritime New Zealand as soon as practicable)

**You also need to ensure that you follow the instructions of the skipper as the person in control of the place of work.**

### ! Action Points

- Know which category of duties and responsibilities apply to you and any people working on board your boat. Seek advice on this if necessary.
- Develop a checklist for your duties and obligations and record on a regular basis your understanding of how you are fulfilling those duties and responsibilities
- Seek advice from Maritime NZ or your lawyer



### LEGAL REQUIREMENTS

- The duties of employers to ensure the safety of employees are contained in section 6 of the HSE Act.
- The duties of employers in relation to training and supervision of employees are contained in section 13 of the HSE Act.
- The duties of a skipper as a person who controls the place of work are contained in section 16 of the HSE Act.
- The duties of self-employed people are contained in section 17 of the HSE Act.
- The duties of principals are contained in section 18 of the HSE Act.
- The duties of employees are contained in section 19 of the HSE Act.

### Where can I find out more?

For more information on your roles and responsibilities under the Health and Safety in Employment Act 1992, check out the Maritime New Zealand website – [www.maritimenz.govt.nz](http://www.maritimenz.govt.nz) - or contact Maritime NZ on freephone 0508 22 55 22.

The Inland Revenue Department has advice on its website about how to decide whether someone is an employee or self-employed – check [www.ird.govt.nz/payroll-employers/types-employees/employers-classification.html](http://www.ird.govt.nz/payroll-employers/types-employees/employers-classification.html)

**Maritime NZ has produced a booklet for the maritime industry (Health & Safety - A guide for seafarers) which outlines your obligations under the HSE Act 1992. You can get copies from maritime NZ on freephone 0508 22 55 22 or from the Maritime NZ website - [www.maritimenz.govt.nz](http://www.maritimenz.govt.nz)**