

FACT SHEET

REASONABLY PRACTICABLE

This fact sheet is for small to medium businesses. It explains what ‘reasonably practicable’ means in the workplace.

WHAT DOES REASONABLY PRACTICABLE MEAN?

The term ‘reasonably practicable’ appears throughout the Health and Safety at Work Act 2015 (HSWA). ‘Reasonably practicable’ is used to qualify duties to ensure health and safety.

There is no such thing as zero risk. The person conducting a business or undertaking (PCBU) is not expected to guarantee the safety of their workers and others from work activities. Instead, PCBUs are held to a ‘reasonably practicable’ standard.

It is a judgement call you, as the PCBU, must make. It involves weighing a risk against the resources (time and cost) needed to manage it.

- > Reasonably practicable means you don’t have to do everything humanly possible; you do what is suitable in the circumstances to first try to eliminate the risk. If the risk can’t be eliminated, then you minimise it.
- > Just because something is possible to do, doesn’t mean it is reasonably practicable under the circumstances.

BEFORE WEIGHING UP IF SOMETHING IS REASONABLY PRACTICABLE, YOU SHOULD FIRST CONSIDER COMMON CONTROLS FOR COMMON RISKS

If you follow industry standards or commonly accepted guidelines for carrying out a task (eg common controls), then the likelihood is that you are already taking suitable actions to ensure health and safety. Where these are available, WorkSafe expects people to follow them under most circumstances.

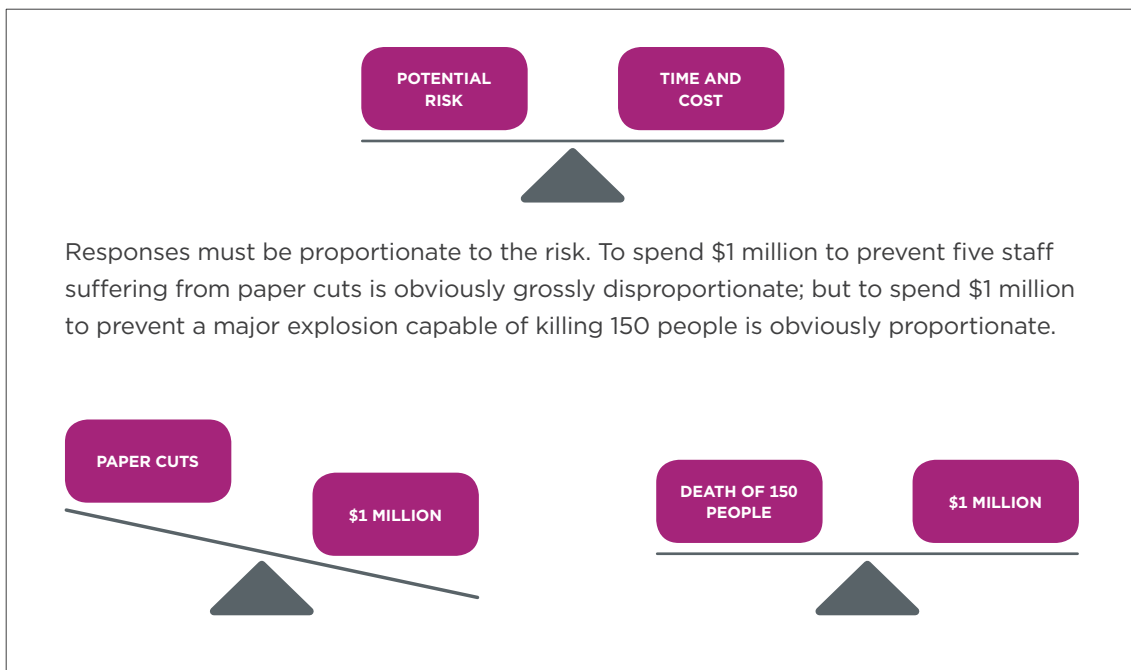
Example: It is good practice to guard a guillotine to protect the operator from potential cuts or amputations. This is the reasonably practicable control in most cases. If the guard cannot be used for a specific reason, then suitable actions need to be taken to ensure the operator’s safety while using it.

IF THERE IS NO COMMON CONTROL AVAILABLE OR YOU CHOOSE NOT TO USE IT, HOW DO YOU DECIDE WHAT IS REASONABLY PRACTICABLE IN THE CIRCUMSTANCES?

If there isn't a common control for a risk then you first need to evaluate the risk and the ways to control it. Then, lastly, you would consider the costs and if they are proportionate to the risk.

All the relevant elements of the risk and how to manage it must be considered and weighed up, and a balance achieved.

On one side you have the potential risk; on the other you have the time and cost needed to control it. You need to balance the two sides to achieve a result that provides the highest protection reasonably practicable in the circumstances.



If you are not using a common control to manage the risk, then you should think about:

How likely is the risk to occur

- > The more likely a risk is to occur, the more should be done to eliminate or minimise the risk.
- > Your response should be proportionate to the risk.

How severe is the harm that might result from the risk

- > More should be done to eliminate the risk if death or serious injury is a possible or likely result.
- > The greater the potential harm, the greater the response required.

What you know or ought to reasonably know about the risk and the ways of eliminating or minimising it

- > You are expected to find out if there are any ways to eliminate or minimise the risk.
- > Doing a risk assessment, talking to workers, other PCBUs in the industry and health and safety representatives, and looking at health and safety records and processes of others will help inform decisions. The WorkSafe website (www.worksafe.govt.nz) is also a valuable resource.

The availability of the control measures, and how suitable are they for the specific risk

- > How a risk is eliminated or minimised will depend on the situation, type of work, work environment etc. This is where you will need to apply judgement to figure out the best actions to take.

As a final step, consider if the cost of setting up control measures is grossly disproportionate to the risk.

Note: Cost is rarely an excuse for not setting up a necessary control for a risk.

Example: It is possible to helicopter scaffolding into a remote inaccessible area of the bush to complete repairs on a small hut. However it may not be reasonably practicable to do so. The high cost of the helicopter and flying in certified scaffolders to set up and take down the scaffolding compared to the risk to workers is disproportionate. Instead reasonably practicable alternatives may be more suitable in the circumstances to control the risk (eg harnesses).

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