

ADVISORY: HEALTH AND SAFETY FOR EVENTS

What this advisory is about

This Advisory illustrates the health and safety duties that NSOs, clubs and other sport and recreation organisations have in the context of an event. It also suggests way to manage risks to health and safety, and to respond to accidents.

Scenario

An NSO helps a club to run a local event by providing specific advice on planning and other steps the club might take to manage the event. The club runs the event using its own employees and members/volunteers. Two of the NSO's employees attend to represent the NSO, and to help out the club as needed on the day. Who has health and safety duties in this scenario, and what are they?

- The club has the main health and safety duties because it is a 'PCBU'¹ and is running the event. The club must ensure the health and safety of its own employees and other workers (including any contractors and subcontractors), and ensure that the event does not put anyone, including volunteers, the NSO's employees, athletes and spectators, at risk. These are not absolute duties – the duty in each case is to ensure health and safety 'so far as is practicable'.
- The NSO has a duty to ensure the health and safety of its own employees.
- The NSO also has a duty to ensure, so far as is practicable, that its advice on how the club might manage the event is sound and does not create any risk.
- Both the NSO and the club must work together and communicate about health and safety matters. Between them, they will need to clearly identify and allocate all responsibilities relevant to health and safety (see below).

What should be done before the event to ensure health and safety?

- As above, responsibilities relevant to health and safety should be clearly identified and allocated before the event. The NSO and the club - and the employees, other workers and volunteer helpers - should understand clearly who is doing what, so that important tasks do not fall between the gaps.
- It may be prudent for the NSO to review and comment on the club's planning, with a specific eye to health and safety. If the club asks the NSO to do this, the NSO should be clear about the scope and limitations of its review. The club may need expert advice.
- The NSO should talk to its employees and ensure they know what they are doing, that they are properly briefed and that they ask the right questions.
- The particular steps will depend on the event, but may include:
 - a health and safety plan, a traffic management plan, and an emergency plan;
 - providing health and safety information to athletes;

¹ 'Person conducting a business or undertaking', section 17, Health and Safety at Work Act 2015.

- briefing employees, contractors and volunteers helping with the event on health and safety matters, and ensuring they have the necessary capability to do what they have been asked/contracted to do;
- ensuring there is appropriate signage;
- ensuring first aid equipment and people qualified to provide first aid are on hand (including ambulance services for certain events);
- ensuring appropriate communication with athletes, spectators, the local Council and the community regarding the event, road closures etc;
- checking the weather forecast and taking appropriate steps to manage risks arising from the weather, including cancellation or postponement when appropriate;
- ensuring all equipment is up to standard and meets applicable specifications.

Accident

During the event, the club's manager is hit by a car that entered the course even though the roads were closed, and is badly hurt. Who has health and safety duties and what should be done?

- The club has the main duty because it employs the manager. The club should ensure that the area is made safe and that the manager receives appropriate medical attention. As far as practicable, the club should not interfere with the accident scene.
- The club and NSO should consider and discuss whether they are obliged to notify WorkSafe, and whether they should take advice.
- Between them, the club and NSO should ensure the accident is investigated to determine the causes and whether anything different could have been done to prevent it. If so, those steps should be built into the club's and NSO's systems to ensure they are taken at further events. Regardless of whether one or both of them investigate, they should share the outcomes and any remedial steps identified.

Instead of the club's manager, a spectator and volunteer were hit. Who has health and safety duties and what should be done?

- Practically this does not change anything because PCBUs owe health and safety duties to people other than workers.

Variations on the scenario

Instead of the NSO giving specific advice to the club, the club runs the event without the NSO's involvement, though an NSO employee who is a club member and lives locally attends and helps out. The club uses the NSO's standard event management guidelines which are available on the NSO's website. Who has health and safety duties in this scenario, and what are they?

- The club continues to have the main health and safety duty to its workers and others at the event because it is a PCBU and is running the event.
- The NSO has a duty to ensure that its health and safety guidelines (and any other health and safety information it makes available for club use) are accurate and do not put anyone at risk. It

should also periodically review its guidelines against national and international best practice. A disclaimer excluding liability will not protect the NSO from a health and safety prosecution if the guidelines are deficient. That is not to say that NSOs should not publish guidelines or provide other guidance or assistance. Rather, the NSO should be clear about the limitations of the guidance provided, and about the need to plan and seek advice specifically for the event.

- The club and NSO employee should be clear about the capacity in which she is attending and helping out.

What if the club does not have employees, but is entirely run by volunteers – it is a 'Volunteer Association'.

- The club, as an organisation, does not have legal health and safety duties because a Volunteer Association is not a PCBU.
- The NSO's duty is as above.

Key points to remember

- Health and safety is everyone's responsibility.
- The organisation that takes the lead in running the event will usually have the main health and safety duty, and therefore the greatest exposure to liability. However, other organisations may also have health and safety duties, and the extent of those will depend on the level of involvement in the event.
- The key where more than one organisation is involved is to ensure that there is good communication so that each organisation knows who is responsible for what.

WorkSafe references:

Volunteers and Volunteer Associations: <https://worksafe.govt.nz/managing-health-and-safety/getting-started/understanding-the-law/volunteers/information-for-volunteers/>

Overlapping duties: <https://worksafe.govt.nz/managing-health-and-safety/getting-started/understanding-the-law/overlapping-duties/overlapping-duties-quick-guide/>

Main health and safety duty: <https://worksafe.govt.nz/managing-health-and-safety/getting-started/understanding-the-law/primary-duty-of-care/what-is-the-primary-duty-of-care/>