



# Health and Safety obligations for Property Managers and Landlords

Under the new Health and Safety at Work Act 2015, property managers and landlords who largely control leased premises are considered Persons in Charge of a Business or Undertaking (PCBU). **Commercial property owners** have a duty of care towards those tenants, contractors engaged in work by the PCBU, or members of the public visiting your property to ensure their health and safety.

The extent of responsibility will usually be less for **residential property owners** – the duties only apply when work is being carried out at or on a property. Residential tenants only have a responsibility under the Act when work is carried out on the property and required to take reasonable care for their own and others' health and safety, and follow any reasonable instructions given by the PCBU doing the work.

Under the Unit Titles Act 2010 (UTA), a **Body Corporate** is a PCBU with duty to ensure the health and safety of everybody involved with or affected by work on the common areas of the property that the Body Corporate organises or is responsible for. Commercial tenants are also PCBUs and have the same duty of care as other

PCBUs, so far as is reasonably practicable, to ensure the health and safety of their own workers and others.



### Primary Duty of Care

- Ensure work is carried out safely and all foreseeable hazards are under control or minimised
- Ensure any work carried out or not which is under the PCBU's influence and control does not cause any harm to tenants, contractors and public members
- Ensure qualified and competent people are hired to carry out any services

of repair on the premises

- Ensure everyone who may be affected by the work that is being carried out are informed and notified of potential hazards

Where there are overlapping duties, the PCBUs - property managers, landlords and contractors must consult, communicate, cooperate and coordinate with one another to ensure work is undertaken in a safe and healthy way.

It is recommended that Property managers and landlords carry out risk assessments and investigations to determine the best way to manage health and safety risks. Whether it is commercial or residential property, A PCBU of such a workplace must have health and safety policies, procedures and standards in place. It is important that all parties work together to ensure risks are managed. The act does not define who initiates discussions, all PCBU's need to consider where their duties overlap and who has more influence and control.

### Penalties for Non Compliance

Three-tier penalty system, where landlords who recklessly expose individuals to serious risk of injury, illness or death may be liable for 5 years' imprisonment and a fine up to \$600,000 for individuals and a \$3 million fine for companies.

If a building with fixtures, appliances or chattels is leased then it's the PCBU's responsibility to have all electrical equipment maintained, and regularly tested and tagged. If someone is injured using an unchecked appliance, the property owner you could face a maximum \$300,000 fine.



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