FACT SHEET
PCBU, WORKERS AND OFFICERS

Under the new work health and safety (WHS) laws, effective from 1 January 2012, the term 'employers' will be replaced by 'persons conducting a business or undertaking' (PCBU) and 'employees' will be replaced by 'workers'.

Who should read this?
This fact sheet should be read by PCBU, officers and workers.

New definitions
A PCBU conducts a business or undertaking alone or with others. The business or undertaking can operate for profit or not-for-profit. The definition of a PCBU focuses on the work arrangements and the relationships to carry out the work. In addition to employers, a PCBU can be a corporation, an association, a partnership or sole trader. A volunteer organisation which employs any person to carry out work is considered a PCBU. Householders where there is an employment relationship between the householder and the worker are also considered a PCBU.

You are not considered to be a PCBU if you:
- are engaged solely as a worker or an officer
- are an elected member of a local authority
- are a volunteer association
- are a strata title body corporate responsible for common areas used only for residential purposes

A worker is anyone who carries out work for a PCBU, such as:
- an employee
- a contractor or sub-contractor
- an employee of a contractor or sub-contractor
- an employee of a labour hire company
- an apprentice or trainee
- a student gaining work experience
- an outworker
- a volunteer.

You can also be a PCBU and a worker if you carry out work for another PCBU.
An officer is a person who makes decisions, or participates in making decisions, that affect the whole, or a substantial part, of a business or undertaking and has the capacity to significantly affect the financial standing of the business or undertaking. If a person is responsible only for implementing those decisions, they are not considered an officer. Partners of a partnership are not officers but are PCBU’s. An officer of a PCBU must exercise due diligence to ensure that the PCBU complies with their duties under the WHS legislation.

You are considered to be an officer if you are:

- an officer within the meaning of section 9 of the Corporations Act 2001
- an officer of the Crown within the meaning of section 247 of the model Work Health and Safety (WHS) Act
- an officer of a public authority within the meaning of section 252 of the model WHS Act.

Further information

For more information about PCBU’s, officers and workers, visit workcover.nsw.gov.au and go to ‘New legislation 2012’.

To read the model WHS Act, draft model WHS Regulations, and draft priority codes of practice, visit safeworkaustralia.gov.au