



SAFETY | COMPETENCY | COMPLIANCE

Supervision of Persons who are not Limited Certificate Holders

EWRB Reference Number	B-PO-05A Supervision (other than Limited Certificate Holders)
Document Category: Board/Legislative/Operational	Board
Document Type: Rule/Policy/Procedure/Reference	Policy – Draft for Consultation
Responsible: Board/Registrar	Registrar
Publication Status: Public/Private	Public
Board Approval Date	May 2016
Gazette Notice Date	N/A
Next Review Date	May 2017

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1. Introduction

- 1.1 Section 74 of the Electricity Act 1992 ("the Act") restricts who can carry out prescribed electrical work (as defined by the Act) to those persons who are registered and hold a current licence or who are operating under an Employer Licence.
- 1.2 Section 76 of the Act provides for a general exemption for prescribed electrical work carried out under Supervision. The section states:

76 Exemption for work done under supervision

A person (the supervised person) may do any prescribed electrical work, or assist in doing any prescribed electrical work, if—

- (a) that work is within the limits prescribed in regulations made for the purposes of this section; and*
- (b) the work done by the supervised person is carried out under the supervision of a registered person who holds a current practising licence issued under this Act that authorises the person to supervise electrical work; and*
- (c) except as provided in any regulations, while that work is being carried out by the supervised person, no part of the work is connected to a power supply; and*
- (d) the work is—*
 - (i) tested and certified in accordance with regulations; and*
 - (ii) connected to a power supply by a registered person who holds a current practising licence issued under this Act that authorises the person to supervise electrical work.*

- 1.3 The restrictions imposed on who can carry out prescribed electrical work are to ensure electrical work is carried out competently and in accordance with all statutory requirements so as to protect the safety of the public property.
- 1.4 The general exemption recognises that persons may assist with prescribed electrical work within certain limits provided they are Supervised. This is to ensure that the work meets all safety, competency and compliance requirements of the Act.

- 1.5 A Supervisor is a person who holds a current practising licence and registration in the class of registration for the prescribed electrical work they are Supervising (“the Supervisor”)¹. It is the Supervisor who is ultimately responsible and liable for the work of the person being Supervised.
- 1.6 The purpose of this Policy is to provide guidelines to persons being Supervised, Supervisors and the employers of persons being Supervised.
- 1.7 This policy does not apply to:
- (a) any exemptions granted by the Electrical Workers Registration Board (the Board) under section 75 of the Act (exempt person or class of persons);
 - (b) prescribed electrical work carried out under section 77 of the Act (exemption for Trainees who hold a Limited Certificate, which is covered in Board Policy B-PO-05 – Supervision of Trainees Holding a Limited Certificate);
 - (c) prescribed electrical work carried out under section 79 of the Act (exemption for domestic electrical wiring work); or
 - (d) prescribed electrical work carried out under section 80 of the Act (exemption for maintenance of domestic appliances).
- 1.8 This Policy also applies to licensed persons working outside of their class of registration. For example an Electrical Service Technician carrying out prescribed electrical work that an Electrician could do would be working under these guidelines and the exemption in section 76 of the Act.
- 1.9 This Policy may be read in conjunction with any instructions, protocols, procedures or similar document issued or adopted by an asset owner of works as defined in the Act for prescribed electrical work on those assets.
- 1.10 Supervisors and those working under Supervision need to ensure that they comply with their duties under the Health and Safety at Work Act 2015.
- 1.11 Note that provisions within the Policy which are in italics are extracts from either the Act or the Electricity (Safety) Regulations 2010 (“the Regulations”).

2. Definition of Supervision

- 2.1 Supervision is defined by section 2 of the Act as, and the for the purposes of this policy Supervision is:

Supervision, in relation to any work, means that the work is undertaken under such control and direction of a person authorised under this Act to do the work [or, in the case of section 76, a person authorised to supervise work under that section] as is sufficient to ensure—

- (a) *That the work is performed competently; and*
- (b) *That while the work is being undertaken, appropriate safety measures are adopted; and*
- (c) *That the completed work complies with the requirements of any regulations made under section 169 of this Act.*

- 2.2 For the purposes of this Policy, Supervision includes Supervise and Supervised.

¹ Note a person who holds a provisional licence can carry out prescribed electrical work without Supervision but cannot be a Supervisor.

3. Limits of Prescribed Electrical Work Under Supervision

- 3.1 The limits of the prescribed electrical work that a person under supervision may do are set out in Regulation 92 of the Regulations, which provides:

92 Limits of work that supervised persons may do

- (1) *For the purposes of section 76(a) of the Act, the prescribed electrical work that a person who is under supervision may do, or assist in doing, is any work that is within the scope of work that the person's supervisor is authorised to do, except that a person under supervision may not—*
- (a) *connect or disconnect a supply of electricity to works or an installation or appliance; or*
 - (b) *do any certification or inspection of works, installations, fittings, or appliances.*
- (2) *Despite section 76(c) of the Act, a supervised person may test works, installations, fittings, or appliances that are connected to a power supply provided there is no direct access to live parts at a voltage above extra-low voltage.*

- 3.2 A person working under Supervision in accordance with this policy cannot work on live installations and cannot connect a power supply.

4. What Work Must be Supervised

- 4.1 All prescribed electrical work completed by a person under Supervision in accordance with this Policy must be supervised by a Supervisor.

5. What Can a Supervisor Supervise

- 5.1 A Supervisor can only Supervise work which the Supervisor is authorised to carry out as follows:

Class of Registration	Work that can be Supervised (by Registration Class)
Inspector Electrician Electrical Engineer	Electrician, Electrical Engineer, Electrical Installer, Electrical Service Technician, Electrical Appliance Serviceman Endorsed, Electrical Appliance Serviceman, Associated Trades Person, Line Mechanic, Cable Jointer
Electrical Installer	Electrical Installer, Electrical Appliance Serviceman Endorsed, Electrical Appliance Serviceman
Electrical Service Technician	Electrical Service Technician, Electrical Appliance Serviceman Endorsed, Electrical Appliance Serviceman, Associated Trades Person
Electrical Appliance Serviceman Endorsed	Electrical Appliance Serviceman Endorsed, Electrical Appliance Serviceman
Electrical Appliance Serviceman	Electrical Appliance Serviceman

Class of Registration	Work that can be Supervised (by Registration Class)
Associated Trades Person	Associated Trades Person
Line Mechanic	Line Mechanic, Cable Jointer
Cable Jointer	Cable Jointer

- 5.2 Supervisors must note that it is their responsibility to ensure that the Supervision they provide meets the requirements of the Act and the Regulations. Each situation must be assessed to determine the level and extent of Supervision actually required.
- 5.3 Under the exemption in Section 76 of the Act, the connection or disconnection of a supply of electricity to works or an installation or appliance or any certification or inspection of works, installations, fittings, or appliances cannot be done under Supervision except that a supervised person may test works, installations, fittings, or appliances that are connected to a power supply provided there is no direct access to live parts at a voltage above extra-low voltage.

6. Level of Supervision Required

- 6.1 The Supervisor must assess each situation where prescribed electrical work will be carried out by a person under Supervision and determine the level of Supervision which is appropriate. Consideration must be given to factors including but not limited to:
- (a) The type of prescribed electrical work to be undertaken;
 - (b) The experience of the person under Supervision in the type of prescribed electrical work to be undertaken;
 - (c) The Supervisor's experience in working with the person under Supervision and confidence in their abilities;
 - (d) The number of persons the Supervisor is Supervising;
 - (e) The work environment where the prescribed electrical work is to be completed; and
 - (f) General safety considerations.
- 6.2 The Supervisor should also have consideration for the decision of Judge Tompkins in the District Court in the case *Electrical Workers Registration Board v Gallagher* (Te Awamutu, 12 April 2011) where the Judge stated at paragraph 24:

As is made apparent by the definition of "supervision" in the Act, that requires control and direction by the supervisor so as to ensure that the electrical work is performed competently, that appropriate safety measures are adopted, and that when completed the work complies with the requisite regulations. At the very least supervision in that context requires knowledge that work is being conducted, visual and other actual inspection of the work during its completion, assessment of safety measures undertaken by the person doing the work on the site itself, and, after completion of the work, a decision as to compliance of the work with the requisite regulations.

- 6.3 Key elements from the decision which Supervisors must take into consideration include:
- (a) Control and direction by the Supervisor to ensure safety, competence and compliance;
 - (b) Knowledge the work is being conducted;
 - (c) Visual and other actual inspection during its completion;
 - (d) Assessment of safety measures; and

(e) A decision on compliance.

- 6.4 A decision on compliance by the Supervisor must be made in accordance with the testing provisions of the Act and Regulations.
- 6.5 A Supervisor should be prepared to determine whether prescribed electrical work in certain circumstances should not be carried out under Supervision because of safety, competency or compliance requirements.
- 6.6 A person under Supervision should be encouraged to raise any safety, competency or compliance concerns with their Supervisor or employer at any time.

Control and Direction

- 6.7 Employers should take all practicable steps to ensure that any person under supervision who is carrying out any prescribed electrical work will be under effective Supervision.
- 6.8 Control and direction by a Supervisor is a continual process and requires active Supervision throughout the completion of prescribed electrical work by a person under Supervision.
- 6.9 The following steps should be taken and considered by a Supervisor prior to allowing a person under Supervision to undertake prescribed electrical work under Supervision and to issuing instructions:
 - (a) Visit the site and assess the workplace and work environment; and
 - (b) Know and understand:
 - (i) the prescribed electrical work to be undertaken;
 - (ii) the materials to be used;
 - (iii) the equipment and tools to be used;
 - (iv) any site specific and work specific safety factors;
 - (v) the work environment and who they will be working with and for, and the risk of others influencing the work of or the decisions of the person under Supervision; and
 - (vi) the person under Supervision's ability on the day and whether any factors might impair their ability.
- 6.10 Clear and precise instructions should be issued which include how the Supervisor will ensure safety, competence and compliance. If necessary instructions should be in writing.
- 6.11 Supervisors should make it clear to a person under Supervision that they must refer to the Supervisor if they are in any doubt as regards the prescribed electrical work to be undertaken or to workplace safety.

Safety of Person under Supervision

- 6.12 Regulations 100 and 101 impose safety responsibilities on persons under Supervision, their Supervisors and their employers.
- 6.13 Regulation 100 imposes responsibilities on the person carrying out prescribed electrical work. If a person under Supervision is carrying out prescribed electrical work under Supervision then the safety obligations under the Regulation must be met by both the person under Supervision and the Supervisor.
- 6.14 Regulation 100 provides:

Regulation 100 Safety responsibilities of person who carries out work

(1) A person who carries out any prescribed electrical work, or any work referred to in clause (2)(e) to (h) of Schedule 1, must take all practicable steps,—

- (a) *before beginning the work, to check that any associated equipment and personal protective equipment to be used by that person is in good order and condition, and is safe for its intended use; and*
- (b) *to follow the procedures approved by the employer (if any) for the work to be carried out; and*
- (c) *to use the associated equipment and the personal protective equipment provided in a competent manner;*
- (d) *to comply with AS/NZS 4836 or the certified design for all electrical work carried out on electrical equipment operating at low or extra-low voltage.*
- (2) *The responsibilities set out in this regulation of a person carrying out work are in addition to, and do not limit, the responsibilities of that person under the Health and Safety at Work Act 2015.*

6.15 Regulation 101 imposes direct obligations on employers of persons who carry out prescribed electrical work. It provides:

Regulation 101 Responsibility of employers for safety of employees

- (1) *An employer who employs a person to carry out any prescribed electrical work, or any work referred to in clause (2)(e) to (h) of Schedule 1, must take all practicable steps to ensure the safety of the employee while carrying out the work, and must take the steps described in subclauses (2) and (3) in particular.*
- (2) *The employer must take all practicable steps to—*
 - (a) *provide safe working procedures for employees to follow when carrying out the work; and*
 - (b) *ensure that any associated equipment and personal protective equipment used by an employee is arranged, designed, made, tested, inspected, and maintained so that it is safe for the employee to use.*
- (3) *The employer must take all practicable steps to ensure that the employee who carries out the work—*
 - (a) *has adequate knowledge and experience of the type of work being carried out; and*
 - (b) *has been adequately trained in the safe use of the associated equipment, the personal protective equipment, and the procedures for carrying out the work; and*
 - (c) *immediately before the start of the work, checks that the associated equipment and personal protective equipment is in good order and condition; and*
 - (d) *uses the equipment and the procedures that the employer has approved for the work.*
- (4) *Subclause (3)(a) does not apply if the employee is in training and the employer ensures that the employee is adequately supervised to ensure the safety of the employee.*
- (5) *The responsibilities of the employer set out in this regulation are in addition to, and do not limit, the responsibilities of the employer under the Health and Safety at Work Act 2015.*

6.16 Given the provisions of Regulations 100 and 101, both employers and Supervisors must ensure that they have all necessary systems, processes and procedures in place to meet their safety obligations and their general obligations under the Health and Safety in Employment Act.

6.17 Safety considerations should include:

- (a) Site or client specific safety requirements;
- (b) Site hazards, toolbox and/or tail gate briefings or requirements;
- (c) Available personal protective equipment which is current;
- (d) The tools and equipment to be used;
- (e) The physical conditions at the site;
- (f) Any likely changes to the physical conditions as work progresses;
- (g) Whether electrically live exposed fittings could be contacted whilst work is in progress;
and
- (h) The procedures to be followed in the event of an emergency.

Knowledge of Person under Supervision and of Supervisor

- 6.18 The Supervisor must ensure the person under Supervision has adequate training, knowledge and experience of the prescribed electrical work to be carried out.
- 6.19 Supervisors should not Supervise work that is not within their competence. Whilst the Supervisor's class of registration may allow them to Supervise the prescribed electrical work, if they are not familiar and confident with the type of work themselves then they should not Supervise a person under Supervision to carry out the same type of work.
- 6.20 Where a person under Supervision only has limited knowledge or experience with the type of prescribed electrical work to be undertaken then the Supervisor should provide a closer and more detailed Supervision.
- 6.21 A Supervisor should not place a person under Supervision in a situation where they do not have either adequate knowledge, skill or experience to deal with the prescribed electrical work to be undertaken or with any safety requirements or other circumstances at a work site.
- 6.22 A Supervisor must provide instructions to a person under Supervision to enable them to carry out prescribed electrical work in a safe, competent and compliant manner and such instructions should, depending on the level of knowledge, skill and experience of the person under Supervision, include:
- (a) Site and health and safety instructions;
 - (b) How the prescribed electrical work is to be carried out;
 - (c) The fittings to be installed (if any) and how to install them;
 - (d) Relevant regulations and codes to be complied with;
 - (e) Methods of electrical isolation, testing and earthing;
 - (f) Procedures in relation to the use of locks for personal protection against electric shock and safety tags;
 - (g) The equipment to be used and how to use it;
 - (h) Personal protective equipment to be used and how to use it (including verifying that it is current);
 - (i) The limits of the prescribed electrical work the person under Supervision can carry out;
and
 - (j) Procedures to follow in the event the person under Supervision requires assistance or clarification.

Inspection of Person under Supervision's Work

- 6.23 A Supervisor is responsible for the competence and compliance of any prescribed electrical work carried out by a person under Supervision. To ensure this a Supervisor must inspect, test and verify a person under supervision's prescribed electrical work.

- 6.24 Inspection should take place as the prescribed electrical work is being carried out as well as on completion.
- 6.25 Testing and verification of prescribed electrical work must occur on completion and prior to certification.
- 6.26 All prescribed electrical work completed by a person under Supervision must be certified by either a Certificate of Compliance or by an Electrical Safety Certificate (as per the requirements of the Act and Regulations) issued by the Supervisor. A person under Supervision cannot certify prescribed electrical work.

7. Person Under Supervision's Responsibilities

- 7.1 Before carrying out any prescribed electrical work any person under Supervision should understand:
 - (a) The limits of the prescribed electrical work they can do;
 - (b) Who their Supervisor is;
 - (c) The health and safety requirements for the prescribed electrical work; and
 - (d) The Supervisor's instructions on how the prescribed electrical work is to be carried out.
- 7.2 A person under Supervision must take all practicable steps to ensure their own safety whilst carrying out prescribed electrical work including:
 - (a) Ensuring personal protective equipment to be used is in good order and condition and is safe for its intended use;
 - (b) Ensuring all equipment to be used is in good order and condition and is safe for its intended use;
 - (c) Taking all practicable steps to follow the instructions set out by the Supervisor and or employer in relation to health and safety; and
 - (d) Taking all practicable steps to carry out the prescribed electrical work in a safe manner.
- 7.3 A person under Supervision should know who their Supervisor is at all times whilst carrying out or assisting with the carrying out of prescribed electrical work.
- 7.4 A person under Supervision should understand and follow the directions and instructions given by their Supervisor at all times.
- 7.5 A person under Supervision should carry out work assigned by a Supervisor in a competent manner and in a manner that complies with the requirements of the Regulations.
- 7.6 A person under Supervision should ask their Supervisor if they do not understand any instruction or if they are unsure how to carry out any prescribed electrical work assigned by a Supervisor.
- 7.7 A person under Supervision should refuse to do any prescribed electrical work where they feel unsafe or where they do not consider they have the required competence or the necessary Supervision to carry out the work in a safe, competent or compliant manner.