

# Obstructive Sleep Apnea - Obligations of Employers and Workers

## What are the responsibilities of an employer?

Under the **Health and Safety at Work Act 2015**, an employer, as a PBCU, must ensure, so far as is reasonably practicable, that the health and safety of workers and others is not put at risk. This includes ensuring that the health of workers, and the conditions at the workplace, are monitored for the purpose of preventing injury or illness from the business.

**Health and safety legislation requires employers and workers to eliminate any risk to health and safety, or to minimise the risk where it cannot be eliminated.**



## People with excessive sleepiness caused by untreated OSA are a hazard within the workplace and pose a risk to the health and safety of workers and others.

OSA can lead to excessive sleepiness during the day. For those workers carrying out safety sensitive work, excessive sleepiness presents a serious risk of harm.

**Employers have a legal responsibility to identify risks to health and safety in the workplace, and to take steps to ensure, so far as is reasonably practical, that the risk of harm is eliminated or minimised.**

It is important for all workers to be healthy, however, the hazard presented by OSA is a particular risk where a worker is performing safety sensitive work, such as driving a vehicle, or operating machinery. Employers, particularly those performing safety sensitive work, should take steps to identify if any of their workers are suffering from OSA. This may involve employers funding testing for OSA within the workplace.

Any employer can choose to offer testing for OSA as part of a wellness programme, and as a part of looking after the health and wellbeing of workers.

## Does the worker have any responsibilities?

Workers have a legal duty to take reasonable care for their own health and safety and to cooperate with reasonable instructions, policy, or procedure of the employer, in relation to health and safety.

Where a worker has a medical condition, such as OSA, which may affect their ability to safely perform their role, the worker will have an obligation to:

1. address that medical condition, and
2. to cooperate with the employer in relation to matters of health and safety.

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Managing Sleep Health

