Critical risks - getting started before April 2027

Most deaths and serious injuries at work come from a small number of risks. From 1 April 2027, the law asks every business to find those risks, control them well and check the controls are working. For a lot of businesses, that's a chance to cut through the paperwork and focus on what matters: **the things in your work that could kill someone or cause serious, lasting harm**.



The Health and Safety at Work Amendment Act 2026 puts these critical risks at the centre of how every New Zealand business manages health and safety. You may have heard the new rules are lighter for small businesses. In some ways they are. But managing your critical risks well isn't optional, whatever size you are.

What is a Critical Risk?

A risk is critical if it involves a hazard on Schedule 1A of the Act (a list of high-risk hazards). It's also critical if something going wrong would be likely to cause death, or a serious injury or illness that must be reported to WorkSafe. Schedule 1A includes working at height, scaffolding, falling objects, hazardous substances, asbestos, remote or isolated work, and mobile machinery like diggers and forklifts, but the full list is longer, so check which of your activities are on it (see the link at the end of this article). Risks that aren't on the list can still

be critical too, such as electricity, driving for work, or high-pressure equipment like water blasters.

The test is about how bad the outcome would likely be, not how often it happens. If you run a construction business, much of your day-to-day work will already be on the critical list, and a job you've done safely for 20 years can still be a critical risk. It isn't only the trades either: even an office-based business can have one, such as staff who drive for work.

Small PCBU or large PCBU?

PCBU stands for "person conducting a business or undertaking". It's the law's term for a business, whether you're a sole trader, a partnership or a company. A small PCBU has fewer than 20 workers for at least nine months of its financial year. Workers include regular contractors and subcontractors, not just the people on your payroll, so check your numbers carefully, especially if your team grows over busy seasons.

Small PCBUs must manage their critical risks and put them first. If your work involves a critical risk, you need to identify it, control it and be able to show the controls work. For many small businesses, that's most of what they do every day.

The legal duty to manage your other, non-critical risks no longer applies to small PCBUs. That doesn't mean ignoring them. Everyday risks still cause injuries and time off, and many clients will expect you to manage them. Some basic duties also apply whatever your size, such as first aid and toilets, involving your workers in health and safety, and telling WorkSafe about serious events like a death or serious injury.

Large PCBUs (20 or more workers) must keep managing all their health and safety risks, just as they're currently required to. On top of that, critical risks must come first and get more attention, time and resources than other risks.

What to do before 1 April 2027

These steps apply to every business. If you're a larger business, work through them alongside the systems you already have.

1. Confirm your size. Count your workers, including regular contractors, across the year. Recheck whenever your team changes significantly.

2. Review your hazard register. Mark each hazard as critical or not and note why. You don't need a separate critical risk register. If you don't have a hazard register yet, now's the time to start one.

3. Know the controls for each critical risk. With your team, list what you have in place to stop someone being killed or seriously hurt and add anything that's missing. For working at height, that might be edge protection, a harness clipped to a proper anchor point and a

rescue plan. For diggers and forklifts, it might be keeping people clear of moving machines and letting only trained operators drive them. "Be careful" is **not** a control.

4. Check the controls with your team, on the job. Do this regularly: the more often you do the work, the more often you check they're working. For high-risk tasks that only come up now and then, check every time. Ask three questions about each control:

- Is it there?
- Does it work?
- Is it still right for the job?

Talk to your workers while you check. They know where the shortcuts happen. And record every check, because one that isn't written down can't show you're managing the risk.

5. Review regularly. Look at your critical risks more often than your other risks, and always after an incident, near miss or change in the work. Making it a standing item at your monthly team meeting keeps them front of mind.

6. Directors and owners: stay involved. Officers (directors, partners and anyone with real influence over how the business runs) need to understand the risks and make sure the right people, equipment and processes are in place to manage them. They also need to check for themselves that the controls are being used.

7. Talk to the businesses you work with. If you work alongside contractors or on a client's site, share how you control your critical risks and ask about theirs, so each of you knows what the others are doing and nothing falls between the gaps.

Managing critical risks well is good business

For a small or medium business, one serious incident can mean losing staff, downtime, legal costs, higher insurance premiums, and sometimes the end of the business. That's why it pays to budget for managing your critical risks. Equipment wears out, training needs refreshing and checks take time. Setting realistic funds aside each year keeps those controls working, and shows clients, insurers and WorkSafe you take them seriously.

There's a bigger opportunity here too. When you ask your team what could seriously hurt them, really listen, and then act on what they tell you, they see they matter to the business. People who feel valued speak up sooner and look out for each other. Over time that builds a better team, and staff who want to stay. It also helps you attract good people and win work with clients who care about safety.

A new government could still change parts of the Act. Either way, knowing your critical risks and checking their controls work is a great thing for any business to do. Start now, start with your team, and you'll be well set up by April, whatever the law ends up saying.

For more information, see the Health and Safety at Work Amendment Act 2026 (including the full list of Schedule 1A hazards) and WorkSafe's guide, Understanding the changes to health and safety law.

- Michelle Atwill

Michelle Atwill is the founder of Systems Reset Ltd, Auckland. Having owned and run a trades business herself, she knows the pressures small and medium business owners face every day. Systems Reset helps make health and safety work on the ground, whether that's setting it up, reviewing what's in place, or checking it's working. Contact: systemsreset.co.nz.

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