

New Zealand's Changing Health & Safety Regulatory Landscape

Electricity Supply Industry Health and Safety Workshop

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WORKSAFE

Mahi Haumaru Aotearoa

**WHAT IS NEW ZEALAND'S HEALTH AND
SAFETY AT WORK REGULATORY SYSTEM?**
TE ARONGA MATUA

It is a system of rules created by law that requires businesses,¹ with support and involvement from workers, to ensure work is healthy and safe.

WHAT IS OUR ROLE?
KAWA

We are the primary regulator, and our main role is to influence businesses and workers to meet responsibilities to ensure work is healthy and safe.

WHERE DO WE FOCUS OUR EFFORT? *KAUPAPA*

Some work is more dangerous, and some workers are at greater risk of harm. We focus our effort on where it will make the biggest difference and contribute to equitable outcomes. We are guided by evidence and insights about the risks that can lead to three types of harm:

ACUTE

Serious injury, illness, or death, that arises from a single event.

CHRONIC

Serious injury, illness, or death, that is caused over time.

CATASTROPHIC

Serious injury, illness, or death, affecting multiple people - usually from a single event.

HOW DO WE KNOW WE ARE MAKING A DIFFERENCE? *MĀTAURANGA*

By measuring the effectiveness of our influencing role in ensuring work is healthy and safe.

How WorkSafe Delivers Our Role:



Engage

Helping businesses understand and meet their responsibilities.



Enforce

Taking action when responsibilities aren't met.



Permit

Authorising high-risk work that requires formal approval.

Enforcement changes

- Updated our enforcement decision-making processes to align with Solicitor-General's Prosecution Guidelines
- Updated enforceable undertakings policy
- Addition of a formal warnings tool
- Clearer guidance to improve how we work with people affected by a workplace incident



Changes to health and safety law

- The Government has passed the Health and Safety at Work Amendment Bill which makes changes to health and safety legislation, including the Health and Safety at Work Act 2015 (HSWA).
- These changes come into effect on 1 April 2027.



What is changing

- The Government has passed amendments to the Health and Safety at Work Act (HSWA), the WorkSafe New Zealand Act, and related regulations.
- While the amendments have received Royal Assent, the changes do not take effect until **1 April 2027**, so existing health and safety requirements are still in place.
- **No immediate action is required**, and industry bodies and PCBUs will be kept up-to-date as guidance and other education products are released on the [WorkSafe website](https://www.worksafe.govt.nz).

What's changing from 1 April 2027

Critical Risks

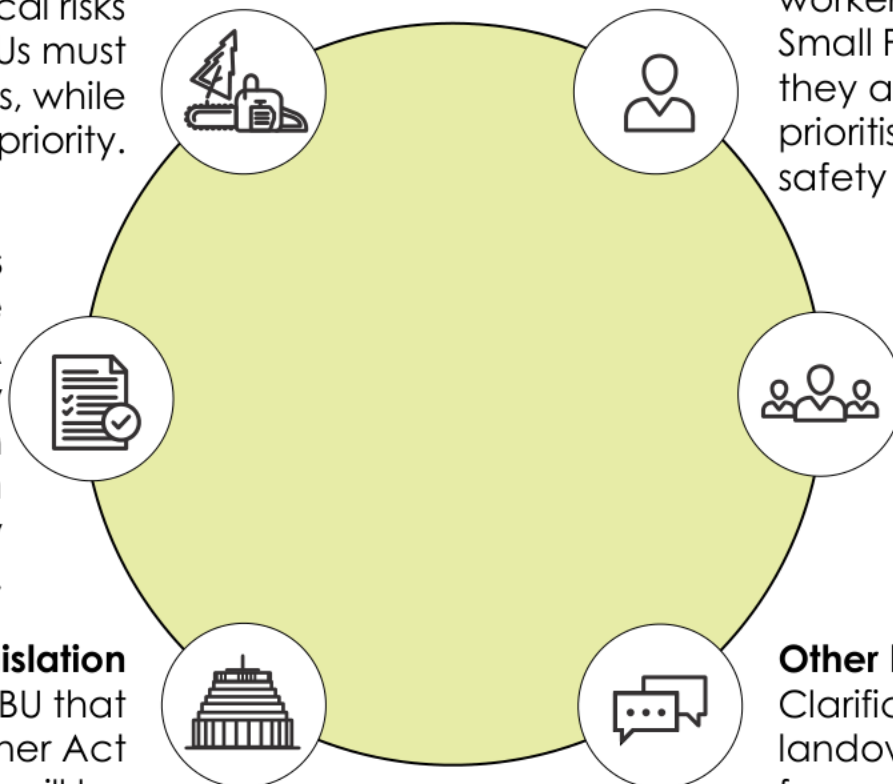
Under HSWA small PCBU's (fewer than 20 workers) are required to manage critical risks ahead of other risks, while large PCBU's must manage both critical and other risks, while giving critical risks the highest priority.

Approved code of practice changes

If a PCBU follows an ACOP, they are considered to have met their HSWA obligations in respect of a health and safety risk. Parties other than the regulator can develop their own ACOPs and submit them to WorkSafe, who decides whether they meet the criteria for Ministerial approval.

Overlapping legislation

The changes to HSWA clarify that a PCBU that complies with a requirement in another Act where it manages the same risk, will be considered compliant with HSWA.



Duties for small PCBU's

A small PCBU is defined as having fewer than 20 workers for at least nine months of a financial year. Small PCBU's have proportionate duties, meaning they are required to manage critical risks and prioritise them when managing their health and safety obligations.

Duties for large PCBU's

Larger PCBU's are those with 20 workers or more. Large PCBU's must manage both critical and other risks when managing their health and safety obligations.

Other key changes

Clarification around duties for officers, and landowners duties for people using their land for recreation purposes.

Stronger focus on critical risks

The reforms introduce a clearer focus on **critical risks** – the risks most likely to cause the most serious harm.

Critical risks include:

- Hazards listed in the new Schedule 1 A; and
- Hazards likely to result in:
 - death
 - a notifiable injury or illness
 - a notifiable incident
 - a specified occupational disease.
- PCBUs must identify critical risks based on what they know, or ought reasonably to know, about their work and workplace to help prevent the most serious harm.



Proportionate duties based on PCBU size

Proportionate duties for small PCBUs

Small PCBUs (fewer than 20 workers for at least nine months of the financial year) will have proportionate duties under HSWA.

They must:

- Manage critical risks and prioritise critical risks when meeting their other health and safety obligations.
- Continue to provide adequate worker welfare facilities.



Proportionate duties based on PCBU size

Requirements for larger PCBUs

Large PCBUs will continue to manage both critical and non-critical risks.

They must:

- Comply with all applicable HSWA duties and regulations.
- Prioritise critical risks when managing health and safety obligations.



Approved Codes of Practice (ACOPs)

ACOPs will have a stronger legal standing as a recognised way of meeting health and safety requirements.

From 1 April 2027:

- Industry groups, unions, worker representatives, employer organisations and sector bodies will be able to develop ACOPs.
- Draft ACOPs must still be assessed by WorkSafe before being considered by the Minister for approval.
- Businesses that follow an approved ACOP are legally deemed to have met the health and safety duties covered by that ACOP (safe harbour), however:
 - This safe harbour provision does not come into effect until **1 April 2027**.
 - ACOPs under development and existing ACOPs will reflect current HSWA legislation through to 1 April 2027

Engagement and Readiness Programme

Working with stakeholders to support implementation

- WorkSafe will deliver a structured engagement programme through to April 2027 to support the design, testing, release and adoption of guidance, educational resources and related products.
- Stakeholder engagement will extend to peak bodies, industry associations, unions and sector representatives, using both national and regional channels to reach audiences.
- In the lead-up to the legislative changes taking effect on 1 April 2027, WorkSafe will run a number of regional events across the country.
- These sessions will provide PCBUs and business owners with opportunities to discuss the changes directly with WorkSafe staff and understand what they mean in practice.

Implementation approach

Supporting businesses ahead of implementation

- WorkSafe will provide additional guidance, tools and resources to help businesses prepare for the upcoming changes.
- Businesses are encouraged to visit the [WorkSafe website](#) regularly for the latest information, updates and support materials.
- Guidance products are currently being developed to help stakeholders and PCBUs understand and apply the new legislative requirements.
- These resources are expected to be released progressively throughout September and October 2026

Questions

Ngā mihi nui

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