

Critical Risk: What the 2026 Amendments Mean for Your Business

The Health and Safety at Work Amendment Act 2026 introduces a clearer expectation: organisations must focus on their **critical risks**.

Once enacted, every New Zealand business will need to answer a simple question: **What are our critical risks, and are we managing them effectively?**

What is a Critical Risk?

A *critical risk* is any hazard with the credible potential to cause:

- Death
- Life-altering injury
- Serious chronic illness

The Act also identifies specific regulated risks in **Schedule 1A**—these are existing high-risk activities already covered by regulations.

What's Actually Changing?

The concept itself isn't new. Most organisations already focus on high-consequence risks.

What *is* changing is the **expectation to clearly prioritise them**—and to be able to demonstrate that you are doing so.

This means:

- Focusing resources on the risks that can cause the most harm
- Monitoring those risks more closely
- Reviewing controls more frequently

Importantly, this does **not** mean ignoring lower-level risks. It's about proportionality, not exclusion.

Start with Schedule 1A

Your first step is to check whether your activities fall within **Schedule 1A**.

If you are already subject to specific health and safety regulations (e.g. hazardous substances, working at height, confined spaces, mobile plant), those risks are likely already classified as critical.

These are not new obligations—they should already be well understood and controlled.

Beyond Schedule 1A

A risk may still be “critical” even if it’s not listed.

If it could realistically result in:

- A fatality
- A notifiable injury or illness
- A serious incident

...it should be treated as a critical risk.

What You Need to Do

At a practical level, organisations should:

1. **Identify** activities and hazards with potential for serious harm
 2. **Confirm** which are critical risks
 3. **Review controls** to ensure they are effective
 4. **Prioritise effort and resources** toward those risks
 5. **Increase monitoring and review** of critical risk controls
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Small Businesses (PCBUs)

For smaller businesses (fewer than 20 workers), the amendments place strong emphasis on managing critical risks effectively.

This doesn’t remove broader responsibilities—but it does mean your priority should be clear: **focus first on the risks that could seriously harm or kill people.**

So they need to identify and analyse risk to clearly understand what their critical risks are – noting the Act states failure to do so is not in itself an offence.

The critical risks have certain requirements in terms of controls and monitoring attached, so it is difficult to see how you can manage risk without identifying what is critical. This means going through a process to review risks – either by independently or with outside facilitation.

Bottom Line

For most organisations, this is not a complete reset.

It's a shift in emphasis—toward clearer prioritisation, stronger focus, and better demonstration that the most serious risks are being managed properly, with effective controls and ongoing monitoring in place.

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