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Committee Secretariat
Education and Workforce Committee
Parliament Buildings
Wellington

By Email: ew@parliament.govt.nz

SUBMISSION ON THE HEALTH AND SAFETY AT WORK AMENDMENT BILL

Business Canterbury welcomes the opportunity to submit on the Health and Safety at Work Amendment Bill.

Business Canterbury is a not-for-profit membership-based organisation that has been the home and voice of business in Canterbury since 1859. We are the second-largest Chamber of Commerce in New Zealand and the largest business organisation in the South Island.

Comprised of more than 2,800 member businesses, we advocate for policies that will help shape and enable a business environment that promotes innovation, productivity and economic growth as critical success factors underpinning a thriving economy and community.

General Comments

1. Business Canterbury supports the Health and Safety at Work Amendment Bill and its overall direction. The Bill represents a constructive and pragmatic reset that responds to long-standing concerns raised by businesses about complexity, uncertainty, and a disproportionate compliance burden under the current framework.
2. In particular, we support the Bill's emphasis on clarity, proportionality, and a renewed focus on preventing serious harm through both education and enforcement. By refocusing health and safety obligations on the management of critical risks, the Bill better aligns regulatory intent with practical risk management and real-world safety outcomes.
3. We also support the Bill's efforts to provide businesses with greater clarity and certainty about what compliance looks like in practice. Clearer objectives strengthened use and creation of Approved Codes of Practice, and a more guidance-focused role for WorkSafe will help businesses move away from defensive, documentation-heavy approaches and toward meaningful engagement with health and safety.

4. Importantly, the Bill recognises that businesses differ significantly in size, sector, and risk profile. A more proportionate, process-based approach supports better outcomes for employees while acknowledging the operational realities faced by small and growing businesses.
5. Overall, we consider the Bill to be a positive step toward a health and safety system that is clearer, more effective, empowering, and more trusted by businesses and employees alike.
6. We **support the Bill** and recommend that it proceeds.

Focus on Critical Risk

7. We strongly support the Bill sending an unambiguous signal that prioritisation is expected for critical risks. For many years, employers have necessarily interpreted their obligations as requiring them to “cover off” all risks to demonstrate compliance, rather than to actively focus on and manage the most dangerous of them.
8. That approach has created unnecessary complexity and confusion for many businesses. Significant time, energy, and cost are spent documenting and managing all risks, without a corresponding improvement in safety outcomes.
9. In practice, this has driven the proliferation of extensive risk registers that are difficult to use and even harder to prioritise.
10. Importantly, we consider it appropriate that the Bill focuses more on being prescriptive about the process for identifying and prioritising critical risks, rather than prescribing the risks themselves. What constitutes a critical risk varies widely between industries, workplaces, and activities. A process-based approach recognises this diversity while still providing consistent expectations on how businesses should work through the management of risk.

Small PCBUs

11. Business Canterbury supports the inclusion of a critical risk-only carve out for small businesses.
12. A clearer, more proportionate framework enables small businesses to focus on managing critical risks in a practical and effective way, rather than being consumed by compliance activity that adds little safety value. This helps ensure workers are protected from the most serious harms while allowing business owners and managers to spend time building capability, supporting their people, and developing sustainable businesses.
13. Most large employers were once small employers, operating with small teams and limited resources. Enabling small businesses to meet their health and safety duties without unnecessary red tape supports safer workplaces and allows businesses to grow, bringing with that growth stronger systems, greater investment in people, and improved safety performance over time.
14. The Bill should provide explicit direction on when small businesses are required to transition from a critical-risk-focused approach to an all-risks model as they grow. Workforce growth is often non-linear, with staff numbers fluctuating due to fixed-term contracts, seasonal demand, or project-based work.

Without clear thresholds and transition rules, businesses face uncertainty about their obligations and risk either over-complying prematurely or unintentionally falling short.

15. We recommend the Bill (or supporting guidance) specify a defined transition mechanism, such as:
 - 15.1.1. averaging worker numbers (over the nine-month period)
 - 15.1.2. providing a clear grace or transition period once the threshold is consistently exceeded.
16. This would allow businesses that temporarily exceed the 20-worker threshold, such as for a six-month contract, to assess whether growth is sustained before being required to redesign their health and safety systems. Clear, predictable rules on this would support compliance, reduce unnecessary systems, and enable businesses to scale their health and safety practices in a deliberate and responsible way as they grow.

Approved Codes of Practice

17. One of the most significant concerns raised by businesses under the current Act is ongoing confusion about what is required to meet the standard of “reasonably practicable”. This uncertainty has contributed to inconsistent practice and unnecessary compliance activity by both businesses and WorkSafe.
18. Business Canterbury strongly supports the strengthened status of Approved Codes of Practice (ACOPs), whereby acting in accordance with an ACOP is deemed to constitute compliance with the Act, rather than merely being evidence of compliance. This change will significantly improve clarity for employers and reduce the proliferation of unnecessary health and safety documentation and management processes developed primarily to demonstrate compliance with an unclear standard.
19. We also support the Bill’s mechanism allowing other persons or organisations, in addition to the regulator, to develop ACOPs. This is likely to increase the number of ACOPs available and materially improve the speed of their development and approval, which has been a persistent challenge under the current framework.
20. This clearer, more accessible approach to ACOPs will support better health and safety outcomes by encouraging greater uptake of practical, authoritative guidance and reducing uncertainty about legal expectations.
21. Allowing ACOPs to be developed by a wider range of organisations, particularly industry and sector groups, will also improve access to high-quality, fit-for-purpose guidance. Over time, this will enable more small and medium-sized businesses to adopt proven, “gold standard” health and safety processes that may otherwise be out of reach, supporting safer workplaces across a broader range of industries.

WorkSafe Functions

22. Business Canterbury supports the Bill’s refocus of WorkSafe’s role, particularly the clearer emphasis on providing guidance and advice to support compliance. This has been a long-standing concern for

businesses and has, in practice, contributed to an “us and them” dynamic between businesses and WorkSafe on the ground.

23. Creating an environment in which businesses feel confident working in partnership with WorkSafe to implement good health and safety practices, rather than primarily worrying about potential enforcement action, is likely to lead to better engagement, greater trust, and improved health and safety outcomes.
24. To give full effect to this refocus, further clarification is needed to ensure that inspectors themselves are clearly empowered and expected to take an advisory, proportionate approach. Without this, there is a risk that while WorkSafe’s organisational intent shifts toward guidance, inconsistent or disproportionate improvement notices issued by individual inspectors will continue to undermine confidence and dilute the impact of the legislative change.

Commencement

25. The Health and Safety at Work Act operates as primary legislation for most businesses and is one of the two or three core regulatory frameworks that directly shape their systems, training, and day-to-day operations.
26. Given the significance of this Act, and the changes introduced by the Bill that will require businesses to update policies, training, systems, and documentation, we recommend a minimum six-month period before commencement. This would allow the Bill to be passed in its final form before businesses are expected to make changes, supporting orderly implementation, better compliance, and more effective health and safety outcomes.

Thank you for considering our submission. We welcome the opportunity to appear before the Committee as it considers the Bill.

Kind regards,



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