



Worker Engagement, Participation and Critical Risk

**A Practical Guide for Business Owners under the Health and Safety
at Work Amendment Act 2026**

Practical guidance for New Zealand business owners



Purpose of this guide

Worker engagement is not a “nice to have” or a one-off consultation exercise. In New Zealand, businesses must involve workers in health and safety matters that affect them.

The Health and Safety at Work Amendment Act 2026 brings renewed focus to how businesses identify, discuss and manage the risks that matter most. The 2026 Act introduces a stronger focus on critical risks and updates the way PCBUs must think about the scope and priority of their health and safety duties.

For business owners, this means worker engagement should not be treated as old paperwork or a meeting held after decisions are made. It should be a practical way to understand real work, identify critical risks, hear early warnings, and test whether controls are working.

This guide explains, in plain language:

- what worker engagement means
- what business owners are expected to do
- why the 2026 health and safety changes matter
- how Health and Safety Representatives and Health and Safety Committees fit in
- how to build practical worker participation into everyday business.

PLEASE NOTE

The Health and Safety at Work Amendment Act 2026 was assented to on 9th of July 2026 and comes into force on 1st of April 2027. This guide is general information only. Business owners should check the current Health and Safety at Work Act 2015, the 2026 amendment, WorkSafe New Zealand guidance, and any sector-specific requirements before relying on it for legal compliance.



What worker engagement means

Worker engagement means involving workers in health and safety matters that affect them. It is about asking, listening, considering, responding and following through.

It is not simply telling workers what has already been decided.

Effective engagement gives workers a reasonable opportunity to:

- raise health and safety concerns
- contribute to decisions that affect their health and safety
- help identify hazards and risks
- comment on proposed changes to work, equipment, systems or procedures
- participate in incident learning
- suggest practical improvements

- understand what decisions have been made and why.

Workers often know where the real risks sit because they see the gap between work as planned and work as done. A business owner who engages well gets better information before something goes wrong.



Why the 2026 changes matter

The 2026 amendment changes the health and safety framework by placing stronger emphasis on critical risks.

Under the Health and Safety at Work Amendment Act 2026, a critical risk includes:

- a risk associated with a hazard described in the new Schedule 1A; or
- a risk associated with any hazard that is likely to result in death, a notifiable injury or illness, a notifiable incident, or a listed occupational disease.

The Act also makes clear that risk can include harm to mental health associated with a hazard.

For business owners, the practical message is:

- know which risks in your business could cause serious harm;
- involve workers in identifying those risks;
- check whether your controls for critical risks are actually working;
- use worker engagement to find early warning signs before harm occurs;
- make sure managers and workers understand which risks need priority attention.

PLEASE NOTE

The 2026 amendment does not make worker engagement less important. It makes good engagement more important, because workers are often the people best placed to identify whether a critical risk is emerging, changing or not properly controlled.



What the 2026 Act changes in plain language

The Health and Safety at Work Amendment Act 2026 makes several changes that business owners should understand.

1 Critical risks must be prioritised

The amended Act introduces a new focus on critical risk.

The new purpose of the Health and Safety at Work Act is to provide a balanced framework for securing health and safety that prioritises critical risks that arise from work.

For business owners, this means health and safety effort should be focused first on the risks that can cause the most serious harm.

2 Small and large PCBUs are treated differently in some areas

The 2026 Act introduces the terms small PCBU and large PCBU.

A small PCBU is generally a PCBU where fewer than 20 workers carry out work in any capacity, with specific rules for fluctuating or seasonal workforces.

The 2026 Act limits some duties of small PCBU to critical risks, while large PCBU must prioritise critical risks when complying with the Act and regulations.

This does not mean small businesses can ignore health and safety. It means small businesses need to be especially clear about which risks are critical and how those risks are being managed.

3 Critical risk decisions need a real assessment

When deciding whether a risk is a critical risk, a PCBU must base the decision on what it knows, or ought reasonably to know, about:

- the business or undertaking;
- the hazard associated with the risk;
- whether the risk is likely to result in serious consequences such as death, a notifiable injury or illness, a notifiable incident, or a listed occupational disease.

Worker engagement helps with this assessment because workers often know:

- what is really happening in the work;
- where controls are difficult to use;
- where shortcuts or workarounds have developed;
- where pressure, fatigue or supervision gaps are affecting decisions;
- where hazards are changing.

4 Co-operation between PCBU still matters

Where more than one PCBU has duties in relation to the same matter, the 2026 Act updates the wording of the duty to co-operate with other PCBU.

For this purpose, co-operate means to consult, co-operate with, and co-ordinate activities with.

This is especially important for businesses that work with:

- contractors;
- subcontractors;
- labour hire workers;
- shared worksites;
- host businesses;
- suppliers;
- landlords;
- maintenance providers;
- transport or delivery operators.

Contract terms alone are not enough. Businesses need practical co-operation before and during the work.

5 Codes of practice become more significant

The 2026 Act also updates the role of approved codes of practice. In some circumstances, a person who acts in accordance with an approved code of practice relating to the same risk and situation may be taken to have complied with the Act and regulations in relation to that risk.

For business owners, this means current approved codes of practice may become more important when deciding what good practice looks like.

PLEASE NOTE

Businesses should check whether an approved code of practice applies to their work, especially where critical risks are involved.



Who must be involved?

Worker engagement applies to workers in the business or undertaking. This can include:

- employees
- contractors
- subcontractors
- labour hire workers
- apprentices
- trainees
- people gaining work experience
- other people who carry out work for the business.

Depending on the workplace, engagement may also need to consider:

- different shifts or locations
- remote or isolated workers
- part-time and casual workers
- workers with language, literacy or accessibility needs
- young, new or inexperienced workers
- workers doing higher-risk tasks
- Health and Safety Representatives
- unions, where relevant.

Engagement should include the people who understand the work in practice, not only managers or supervisors. Frontline workers often hold important information about real conditions, shortcuts, pressure points and control weaknesses.



The business owner's core obligation

Under the Health and Safety at Work Act 2015, a person conducting a business or undertaking — usually called a PCBU — must engage with workers on health and safety matters that affect them.

For many small businesses, the PCBU will be the company or business entity, not necessarily the individual owner personally. However, owners, directors and managers still have important responsibilities in making sure the business has effective health and safety arrangements.

In practical terms, the business must:

- provide workers with reasonable opportunities to participate
- ask workers for input before making decisions that affect their health and safety
- listen to what workers say
- take workers' views into account
- advise workers of the outcome
- support worker participation arrangements that suit the size, nature and risks of the business.

A business owner does not have to agree with every worker suggestion. But the business does need to engage genuinely, consider worker views, and explain what will happen next.



Worker engagement and critical risk

The 2026 amendment makes it especially important to use worker engagement to identify and manage critical risks.

A critical risk is not just a risk that appears on a form or register. It is a risk that could result in serious harm, including death, notifiable injury or illness, a notifiable incident, listed occupational disease, or serious mental health harm associated with a hazard.

Examples of matters that may involve critical risk include:

- working at height
- hazardous substances
- asbestos
- remote or isolated work
- atmospheres with potential for fire or explosion
- raised and falling objects
- containers of liquid where drowning is possible
- work around machinery or mobile plant
- scaffolding
- excavation work
- noise exposure

- pressure equipment, cranes or passenger ropeways
- occupational diving
- geothermal, mining, quarrying, petroleum, pipeline or major hazard facility work.

Not every business will have all of these risks. But every business should know which risks in its work could seriously harm people.

Workers should be involved in answering:

- What could seriously hurt or kill someone here?
- What controls are meant to stop that happening?
- Are those controls actually used?
- Are the controls practical in normal work?
- What makes the controls fail or get bypassed?
- What has changed in the work recently?
- What are people worried about but not reporting?
- What would show us that the risk is not properly controlled?



When worker engagement is required

Worker engagement should happen before decisions are made, especially when the business is:

- identifying hazards
- deciding whether a risk is a critical risk
- assessing risks
- deciding how to eliminate or minimise risks
- proposing changes that may affect health and safety
- introducing new plant, equipment, substances, technology or work methods
- developing or reviewing procedures
- investigating incidents or near misses
- deciding on facilities for worker welfare
- planning training, supervision or instruction
- changing work organisation, staffing, shifts or workloads
- reviewing whether controls are working.

Engagement should also occur when workers raise concerns, report incidents, identify unsafe conditions, or suggest improvements.

PLEASE NOTE

If the decision has already been made, workers are being informed, not engaged. Engagement should happen early enough for worker input to make a difference.



Health and Safety Representatives

A Health and Safety Representative, often called an HSR, is a worker elected by workers to represent them on health and safety matters.

An HSR can help:

- bring worker concerns to the business
- support communication between workers and management
- monitor health and safety measures
- make recommendations
- assist with health and safety improvement
- contribute to incident learning and risk discussions
- support workers to participate effectively.

An HSR does not replace the business owner's duty to manage health and safety. The business remains responsible for managing risks so far as is reasonably practicable.

PLEASE NOTE

The 2026 Act includes examples showing that, for small PCBU's, some HSR enforcement activity connected with critical risk provisions is limited to critical risks. This is a technical legal point. Business owners should get advice before making decisions about HSR powers or requests.



If workers request an HSR election

If a worker requests an HSR election, the business should respond promptly and check the current legal process that applies.

The business should:

- confirm the request
- identify the relevant work group or groups
- explain the process to workers
- arrange the election where required
- support the elected HSR to carry out the role
- provide access to training and participation arrangements as required
- engage with the HSR in good faith.

A business should not treat a request for an HSR as a problem. It is a sign that workers want a structured way to participate.



Health and Safety Committees

A Health and Safety Committee is a group that brings workers and management together to discuss health and safety matters.

A committee can help:

- review risks and controls
- identify critical risks
- discuss incident trends and learning
- monitor progress on health and safety actions
- support consultation on changes
- improve communication across the business
- identify recurring issues
- check whether agreed actions are actually improving conditions.

The committee should be practical and proportionate to the business. A small business does not need an overly complicated structure, but it does need a real way for workers and management to discuss and act on health and safety matters.



What good engagement looks like

Good worker engagement is active, practical and regular. It should be built into how the business operates.

Examples include:

- toolbox talks and pre-start meetings
- health and safety walk-throughs
- worker surveys
- regular HSR meetings
- Health and Safety Committee meetings
- incident learning discussions
- risk assessment workshops
- critical risk reviews
- contractor coordination meetings
- change planning sessions
- one-on-one conversations with workers
- feedback loops after concerns are raised.

The important point is not the format. The important point is whether workers can genuinely influence decisions that affect their health and safety.



What poor engagement looks like

Poor engagement often looks organised on paper but weak in practice.

Warning signs include:

- workers are only told after decisions are made
- meetings happen but nothing changes
- workers do not know how to raise concerns
- concerns are raised but not followed up
- managers rely only on forms and checklists
- contractors are left out of conversations
- workers are afraid of being blamed or ignored
- critical risks are not discussed with the people doing the work
- the same issues keep coming back
- Health and Safety Representatives are treated as a nuisance
- committees focus on minor housekeeping while serious risks are not discussed
- older procedures have not been reviewed for the 2026 critical risk changes.

If workers stop raising issues, that does not always mean everything is safe. It may mean they no longer believe speaking up will make a difference.



What business owners should have in place

A business should have worker participation arrangements that fit its size, work and risk profile.

At a minimum, business owners should be able to answer the following questions.

1 How do workers raise health and safety concerns?

Workers should know:

- who to speak to
- how to report a hazard or incident
- how urgent issues are escalated
- how confidential or sensitive concerns are handled
- what happens after they raise something.

A concern should not disappear into a system. The business should acknowledge it, assess it, decide what action is needed, and tell workers what happened.

2 How are workers involved in identifying critical risks?

Workers should be asked:

- What could seriously harm someone here?
- What hazards have changed?
- Which tasks worry people most?
- Which controls are hard to use?
- What workarounds have become normal?
- What would make the work safer in practice?

This is especially important for small businesses, because the 2026 Act introduces specific rules about how small PCBUs must manage critical risks.

3 How are workers consulted before decisions are made?

The business should consult workers before making decisions that affect their health and safety, not after the decision is final.

Useful questions include:

- What are we planning to change?
- Who may be affected?
- What health and safety risks could arise?
- Could this create or change a critical risk?
- What do workers need to know?
- What do workers think will work in practice?
- What concerns or alternatives have been raised?
- How will we explain the final decision?

4 How are HSRs supported?

If HSRs are elected, the business should make sure they have:

- role clarity
- access to workers they represent
- access to relevant health and safety information
- time to perform the role
- training and support
- a clear way to raise matters with management.

HSRs should be treated as part of the worker participation system, not as an inconvenience.

5 How does the business respond to concerns?

Good engagement includes follow-up.

When workers raise a concern, the business should explain:

- what was raised

- what was checked
- what decision was made
- what action will be taken
- who owns the action
- when it will be reviewed
- why a suggestion was not adopted, if that is the case.

A simple follow-up is often enough, but silence damages trust.

6 How are actions followed through?

Closing an action is not the same as fixing the issue. The business should check whether the action actually changed the condition that created the risk.

Ask:

- Has the work changed in practice?
- Are workers using the new control?
- Is the control making work safer or harder?
- Has a workaround appeared?
- Has the original concern been addressed?
- What evidence shows improvement?

PLEASE NOTE

Training, reminders and procedures may be useful, but they are not proof that risk has been reduced. Check whether the action has changed the work in practice.

7 How are contractors included?

Where contractors or subcontractors are part of the work, the business should co-operate with other businesses that also have duties.

Under the 2026 Act, co-operate includes consulting, co-operating with, and co-ordinating activities with other PCBUs.

This is especially important where there are:

- shared worksites
- contractor activities
- subcontractors
- labour hire arrangements
- overlapping work
- shared plant or equipment
- site access issues
- maintenance or construction work
- traffic or public interface risks
- critical risks involving more than one business.

Contract terms alone are not enough. Businesses need practical coordination before and during the work.



A simple worker engagement process

Business owners can use the following five-step process.

1 Identify who needs to be involved

Ask:

- Who does the work?
- Who is exposed to the risk?
- Who understands the task in practice?
- Are contractors, temporary workers or remote workers affected?
- Is an HSR or committee involved?
- Are other businesses involved?
- Who may see early warning signs of a critical risk?

2 Explain the issue clearly

Workers need enough information to participate meaningfully.

Explain:

- what is being considered
- why it matters
- what risk or change is involved
- whether a critical risk may be involved
- what decision needs to be made
- what is open for input
- any limits or non-negotiable requirements.

3 Ask for worker input

Ask open, practical questions such as:

- What makes this work difficult?
- What usually goes wrong?
- What could seriously harm someone?
- What controls help most?
- What controls are hard to use?
- What changes would make this safer?
- What are we missing?
- What would workers need to make this work in practice?

4 Consider and respond

The business does not have to agree with every suggestion, but it must genuinely consider worker views.

A good response explains:

- what was heard
- what will change
- what will not change
- why
- who owns the next step
- when the matter will be reviewed.

5 Check whether it worked

After action is taken, check whether the risk is actually better controlled.

Ask:

- Has the work changed in practice?
- Are workers using the new control?
- Is the control practical?
- Has a new problem been created?
- Has a workaround appeared?
- Has the original concern been addressed?
- What evidence shows improvement?



Practical examples

1 New equipment

Before buying or introducing new equipment, speak with the workers who will use, clean, maintain or supervise it.

Engagement should cover:

- guarding
- manual handling
- training
- maintenance
- emergency stops
- safe access
- noise, dust or other exposures
- how the equipment fits with existing work

- whether the equipment introduces or changes a critical risk.

2 Change to rosters or workload

A roster change can create health and safety risks, including fatigue, stress, supervision gaps or lone work.

Engagement should cover:

- workload
- fatigue
- breaks
- handover
- supervision
- peak demand
- staffing levels
- ability to raise concerns
- whether the change affects any critical risk controls.

3 Contractor work on site

Where contractors are working on site, do not assume the contractor alone owns all safety matters.

The businesses involved should co-operate about:

- site hazards
- access and isolation
- emergency arrangements
- overlapping work
- traffic management
- permits or authorisations
- communication with affected workers
- who controls critical risks during the work.

4 Repeated minor incidents

If the same type of incident keeps happening, involve workers in understanding why.

Ask:

- What is making the task difficult?
- Are procedures realistic?
- Are tools, staffing or time adequate?
- Are workers adapting to get the job done?
- Could this pattern point to a more serious risk?
- What control would actually make the difference?



Worker engagement is not the same as worker agreement

Engagement does not mean every worker must agree with every decision.

It does mean the business must provide a genuine opportunity for workers to contribute, must consider what they say, and must communicate the outcome.

A business owner still needs to make decisions and manage risk. Worker engagement improves the quality of those decisions.



Common mistakes to avoid

Business owners should avoid:

- treating engagement as a paperwork exercise
- consulting too late
- involving only supervisors and not frontline workers
- assuming silence means agreement
- relying only on incident statistics
- excluding contractors or remote workers
- failing to support HSRs
- creating committees with no authority or follow-through
- closing actions without checking effectiveness
- discouraging workers from raising difficult issues
- failing to identify critical risks
- assuming small businesses do not need structured health and safety thinking
- relying on policies or templates that have not been reviewed for the 2026 changes.



Checklist for business owners

Use this checklist to test whether your worker engagement arrangements are working.

Question	Yes / No / Action needed
Have we reviewed our worker engagement arrangements against the 2026 health and safety changes?	
Do we know whether we are a small PCBU or large PCBU under the amended Act?	
Have we identified the critical risks in our business?	
Have workers been involved in identifying critical risks?	
Do workers know how to raise health and safety concerns?	
Are workers consulted before health and safety decisions are made?	
Are workers told what happened after they raised an issue?	
Is health and safety discussed regularly, not only after incidents?	
Are contractors and other businesses included where work overlaps?	
Do we understand the current rules for HSR election requests?	
Do we understand the current rules for Health and Safety Committee requests?	
Are HSRs supported to perform their role?	
Do committees focus on meaningful risks, including critical risks?	
Can workers speak honestly without fear of blame?	
Do managers listen and respond constructively?	
Do concerns lead to visible follow-up?	
Are actions checked for effectiveness?	
Is worker feedback used to improve controls and systems?	
Can the business show when workers were consulted?	
Can the business show what issues were raised?	
Can the business show what decisions were made?	
Can the business show what changed as a result?	
Can the business show how workers were informed?	
Can the business show how actions were followed up?	



Key message for business owners

Worker engagement is a legal obligation, but it is also a practical business tool.

The 2026 amendment is a reminder that businesses should focus their health and safety effort on the risks that can cause the most serious harm. That cannot be done properly from paperwork alone.

The business owner's job is not simply to have a policy, a register or a meeting. The job is to create a reliable way for workers to help identify risk, test whether controls work, raise concerns, and improve the way work is done.

Good engagement is simple, regular and genuine:

Ask workers. Listen carefully. Focus on critical risks. Act on what matters. Tell people what changed. Check whether it worked.

PLEASE NOTE

A simple, well-maintained system is better than a complicated system that no one uses. The goal is to make worker engagement visible, genuine and effective before harm occurs.



Where to get help

Small and medium-sized businesses do not need to work this out alone.

Useful sources of information include:

- WorkSafe New Zealand guidance on worker engagement, participation, HSRs and Health and Safety Committees
- the current Health and Safety at Work Act 2015
- the Health and Safety at Work Amendment Act 2026
- approved codes of practice relevant to your industry or work
- industry associations and sector bodies
- unions, where relevant
- competent health and safety practitioners
- employment, legal or specialist advisers where the issue involves formal worker representation, employment processes, protected disclosures, bullying, harassment, serious mental health harm, or critical risk.



Need help with worker engagement and participation?

Contact: enquiry@safemetrics.co.nz

Website: www.safemetrics.co.nz

This guide provides general information only. It does not replace New Zealand health and safety legislation, regulations, WorkSafe New Zealand guidance, approved codes of practice, or professional advice for your specific circumstances.

If you are unsure about your duties, or if your workplace has complex worker participation, contractor, union, critical risk, high-risk work, or serious health and safety issues, seek advice from a competent health and safety practitioner or other appropriate adviser.

Source material: Health and Safety at Work Act 2015; Health and Safety at Work Amendment Act 2026; WorkSafe New Zealand guidance on worker engagement, participation and representation.