

THIS GUIDANCE APPLIES FROM 1 APRIL 2027

What is a critical risk?

This guide explains what ‘critical risk’ is, and how to identify these in your work, under the Health and Safety at Work Act (HSWA).

KEY POINTS

- A critical risk is a risk that is likely to result in:
 - death
 - a notifiable injury
 - a notifiable illness
 - a notifiable incident
 - or a specified occupational disease¹
- or,
- is managed by regulations under HSWA.²
- Some risks are automatically critical because they are covered by regulations under HSWA. See [Page 6](#) for a list of critical risks covered by regulations.
- All PCBUs must identify and manage critical risks.
- Small PCBUs’ main HSWA duties are limited to the management of critical risks, although small PCBUs may choose to manage other risks.
- Large PCBUs must manage all risks but prioritise the management of critical risks.
- See [Am I a small or large PCBU?](#) for guidance on how to work out if you are a small or large PCBU.

What is a critical risk?

A critical risk is one that is likely to lead to:

- death
- a notifiable injury
- a notifiable illness

¹ As listed under Schedule 2 [Accident Compensation Act 2001](#)

² As listed under [Schedule 1A HSWA](#)

- a notifiable incident
- a notifiable occupational disease¹

or

- is managed by regulations under HSWA.²

Notifiable injury or notifiable illness

This generally means an injury or illness that requires (or would usually require) a person to be admitted to hospital for immediate treatment.

For more information see [What events need to be notified?](#)

Notifiable incident

A notifiable incident is an unplanned or uncontrolled work-related incident that exposes the health and safety of workers or others to a serious risk.

For more information see [What events need to be notified?](#)

Occupational disease

An occupational disease is one that has been identified by ACC and placed into a list of diseases caused from work related exposure.

Examples of occupational diseases in ACC's list include:

- occupational asthma
- respiratory diseases caused by dusts or fumes
- some cancers linked to workplace exposures such as exposure to asbestos
- occupational skin diseases.

For more information see *Hazards that can cause occupational diseases* (guidance to be released soon)

See Schedule 2 [Accident Compensation Act 2001](#) for the full list.

How to identify critical risks

Use this process to identify the hazards that are likely to do the most harm in your workplace.

A **hazard** is anything that can cause harm.

A **risk** is the chance that harm could happen.

See [Identifying, assessing and managing work risks](#) for more information.

STEP 1 Identify hazards in your work

Look for anything (such as tasks or activities, equipment, and behaviours) that could cause harm.

- Walk around the workplace.
- Look at past incidents and near misses.
- Consider what are known risks for your industry.
- Think about everyday work, maintenance, and emergencies.
- Talk to your workers, to get their thoughts. You are required to do this under your worker engagement and participation duties. See WorkSafe's guidance on [Worker engagement, participation and representation](#) for more information.

STEP 2 Check if the hazard is covered by regulations

[Page 6](#) has a detailed list of hazards covered by regulations.

If the hazard you have identified has regulations that apply to it, the associated risk is automatically a critical risk, and you must manage that risk.

Examples include risks from:

- hazardous substances
- asbestos
- certain machinery or plant
- working at heights
- other high-harm work managed by regulations.³

STEP 3 For hazards not covered by regulations, consider the harm they could cause

For each hazard, consider the harm they could cause by asking the following questions:

- If there were no control measures in place, what could go wrong and what is the risk it creates?
- If things do go wrong, is it **likely to result** in death, a notifiable injury, a notifiable illness, a notifiable incident, or a specified occupational disease?

What does 'likely to result' mean?

'Likely to result' refers to the chance that the injury, illness or incident will happen if the risk is not managed.

The chance needs to be more than a remote possibility, but it does not have to be a certainty.

Focus on the worst, but realistically possible, outcomes, not just what usually happens. When you are thinking about this you must take into account what you know or ought reasonably to know about:

- your work and how it is done
- the hazard and the risk
- what harm is likely to happen.

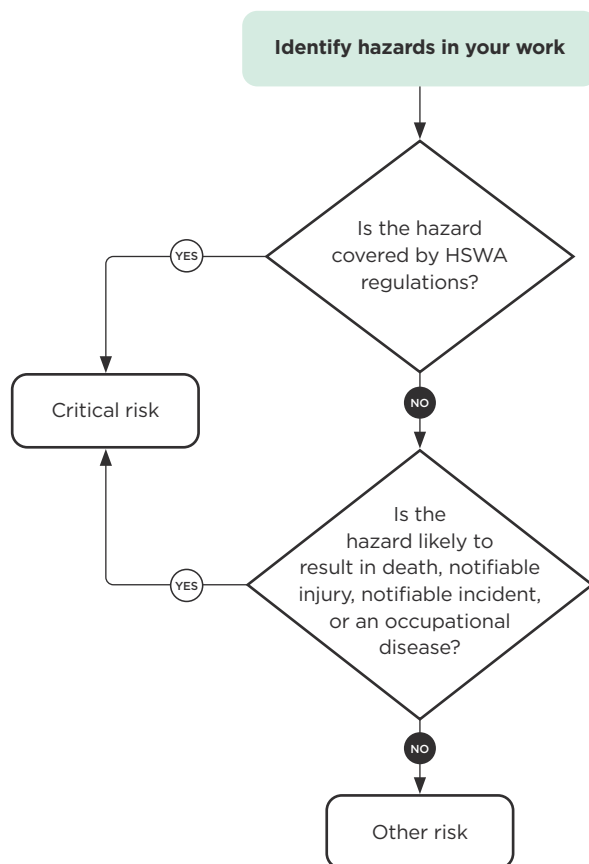
What do we mean by 'know or ought reasonably to know'?

Know or ought reasonably to know means:

- you must make a reasonable effort to access reliable information
- you cannot ignore known risks in your industry
- you should consider common failure scenarios and past incidents.

³ As listed under [Schedule 1A HSWA](#)

The following chart walks you through keys questions to ask when deciding if a risk is critical or not. Use this to check each hazard you have identified when working out your critical risks:



Good practice tips

- Use existing risk assessments – you do not need to start from scratch, you probably already know what your most serious risks are.
- Focus on the range of likely outcomes.
- Use incident data, industry guidance, and worker input [Good practice for worker engagement, participation and representation](#)
- Document your reasoning – especially for borderline cases.
- Review regularly, especially after incidents or changes in your work or workplace.

Examples of common critical risks

These are examples of work activities where risks may arise that are not covered by regulations but could be classed as critical.

- A farm worker handling cattle (being trampled).
- A worker at a late night convenience store that sells alcohol and tobacco exposed to robbery or violence (physical assault)
- A warehouse worker working around forklifts and moving loads (pedestrian/forklift collision).
- A road worker operating on the roadside (being hit by a vehicle).

Remember that over time and as circumstances change, some risks may become critical and others may no longer be critical. You should regularly assess your risks for changes that may alter their status.

Are psychosocial and musculoskeletal risks critical risks?

Critical risks can include psychosocial hazards, sometimes through flow-on effects.

Work that is stressful or tiring may create a risk of harm to workers' mental health (for example truck drivers working long hours in poor driving conditions may experience high levels of stress and fatigue). If that harm occurs and it is assessed as likely to lead to one of the serious physical harms in the serious harm test (such as a vehicle crash), it would be a critical risk and must be managed.

Musculoskeletal injuries can vary in severity and can result from many circumstances. For instance, if the business has a hazard likely to result in a back injury that needs immediate admission to hospital (a notifiable injury, such as a spinal injury), this is a critical risk.

However, cumulative harms such as an overuse injury are not automatically captured unless assessed as likely to lead to one of the factors under the serious harm test.

Examples comparing critical and non-critical risks

EXAMPLE 1: RETAIL OR HOSPITALITY

Using a deep fryer (café or takeaway shop)

- What could go wrong? Hot oil splashes or fire
- Likely outcome: severe burns
-  Critical risk

Handling of cleaning chemicals

- Covered by regulations (hazardous substances)
-  Automatically a critical risk

Unpacking stock

- What could go wrong? Minor cut while opening boxes
- Likely outcome: minor injury
-  Not a critical risk

EXAMPLE 2: FACTORY WORKER

Using machinery with many moving parts

- What could go wrong? Getting a limb trapped or amputated or being crushed by machinery
- Likely outcome: serious physical harm/death
-  Critical risk

Breakroom left untidy and cluttered with boxes

- What could go wrong? Tripping over boxes, banged knee
- Likely outcome: minor injury
-  Not a critical risk

What this means for your business

Small PCBU

If you are a small PCBU you must:

- identify your critical risks
- manage these risks so far as is reasonably practicable.

You can manage other risks if you want to, or as part of a contractual arrangement with another business.

For more information on managing risk see [How to manage work risks](#)

Some enforcement powers under HSWA are also limited to critical risks for small PCBUs:

- A health and safety representative (HSR) may only issue a provisional improvement notice to a small PCBU if the issue relates to a critical risk or the provision of welfare facilities.
- A WorkSafe inspector can only issue an improvement notice to a small PCBU if the issue relates to a critical risk or the provision of welfare facilities.

Large PCBUs

If you are a large PCBU you must:

- identify your critical risks
- prioritise your critical risks
- manage all risks.

Critical risks should get the most attention and oversight. For more information on what prioritising means, see [Prioritising critical risks for large PCBUs](#)

See WorkSafe's guidance [Identifying, assessing and managing work risks](#) for information on how to identify and manage risks.

There are some things all PCBUs have to do

Worker welfare duties apply in all workplaces because these duties are about basic working conditions, not risk levels.

So far as is reasonably practicable, you must still ensure that adequate facilities are provided for workers at your workplace including:

- toilets
- drinking water
- hand washing facilities
- first aid
- emergency planning.

For more information see [General risk and workplace management – part 1](#)

Critical risks managed by regulations

The following types of work and hazards are identified as critical risks.

TYPE OF WORK OR HAZARD	EXAMPLES
Adventure activities	Providing adventure activities such as bungy jumping, caving, canyoning, and other adventure activities.
Amusement devices	Constructing, erecting, operating, modifying, or repairing amusement rides and other amusement devices.
Asbestos	Working with asbestos, including asbestos removal, asbestos-related work, demolition or refurbishment where asbestos may be present, and exposure to airborne asbestos.
Atmospheres with fire and explosion hazards	Work involving flammable gases, vapours, dusts, or other conditions that could lead to a fire or explosion.
Containers of substances or materials that could drown, engulf or trap someone	Work around liquid-filled containers, tanks, pits, silos, grain storage, or similar environments where workers could drown, become trapped, or be engulfed.
Cranes and lifting equipment	The operation, maintenance, repair, condition, design, manufacture or supply of cranes and related lifting equipment.
Excavations	Excavation work where collapse, engulfment, or ground failure may occur.
Gases under pressure	Designing, manufacturing, filling, maintaining, repairing, transporting, storing or using gas containers, pressure vessels, compressed gas systems, and other pressurised systems.

TYPE OF WORK OR HAZARD	EXAMPLES
Geothermal operations	Drilling bores, working with bores and pipework, exposure to severe heat, hazardous gases, or explosives used in geothermal operations.
Hazardous substances	Use of hazardous substances, including manufacturing, storing, handling, transporting, or disposing of hazardous substances.
Limited attendance child-care centres	Assessing the suitability of workers working alone with children at limited attendance child-care centres and ensuring appropriate safeguards are in place.
Machinery and plant	Cleaning, maintaining, repairing, inspecting, testing, modifying, operating, or working with machinery, plant, equipment, tools, and mobile plant, including activities involving moving parts, power sources, mechanical failure, or unsafe plant.
Major hazard facilities and major incident hazards	Facilities and operations storing quantities of hazardous substances that reach the threshold quantity in the major hazard facility regulations. This includes oil and gas facilities, chemical manufacturing plants, fuel storage sites, and similar facilities that could cause a major incident.
Mining and quarrying	Ground or strata instability, mine shafts and winding systems, explosives, roads and the use of mobile plant, ventilation systems, tips, ponds and voids, air quality including methane and other gases, flammable or combustible dust, inundation or inrush of any substance, electrical systems, and any other principal hazard identified by the operator.
Occupational diving	Occupational diving activities.
Passenger ropeways	The operation, maintenance, repair, condition, design, manufacture or supply of cable cars, gondolas, chairlifts, and similar systems.
Petroleum exploration and extraction	Facilities and operations involved in petroleum exploration and extraction where a major incident hazard could arise, including offshore and onshore installations, drilling operations, wells, hydrocarbon releases, fires, explosions, and other major accident events.
Pipelines	Release or accumulation of hazardous liquids, vapours, and gases from pipelines. Designing, constructing, operating, maintaining, testing, abandoning, or working around pipelines transporting hazardous substances.
Powder actuated tools	Use of powder actuated tools in construction.
Pressure equipment	The operation, maintenance, repair, condition, design, manufacture or supply of pressure vessels, boilers, compressed gas systems, and other pressurised equipment.
Raised objects with the potential for falling or dropping	Construction, demolition, lifting operations, overhead work, or any activity where objects could fall or be dropped onto people.
Remote or isolated work	Working alone, in remote locations, or where workers may not be able to easily access assistance in an emergency.
Scaffolding	Constructing, erecting, maintaining, altering, repairing, or dismantling scaffolding.
Substances hazardous to health	Exposure to substances hazardous to health, including dusts, fumes, mists, gases, vapours, fibres, and biological agents that can cause serious illness or disease.
Work involving young workers	Certain high-risk work involving workers under 15 years old, and night work involving workers under 16 years old.
Working at height	Any work where a person could fall more than 3 metres.
Workplace noise	Exposure to hazardous levels of noise that may cause hearing loss or other harm.

Important

This table is a plain-language summary of [Schedule 1A of HSWA](#)

When managing these critical risks PCBU's must follow the requirements of these regulations.