WORKSAFE
Mahi Haumaru Aotearoa

HSWA

QUICK GUIDE

THIS GUIDANCE APPLIES FROM 1 APRIL 2027

What is an approved code of practice?

This guide explains what an approved code of practice (ACOP) is and what 'safe harbour' is in relation to some ACOPs.

An ACOP explains how you can meet your health and safety duties

An ACOP sets out standards for how specific work can be done safely. It explains what to do to manage critical risks in your situation or circumstances.

Specifically, an ACOP:

- identifies whether you have a health and safety duty
- describes the risk you need to manage, if the risks apply to your business
- sets out the actions you must take to rely on 'safe harbour' (this concept is explained in the next section).

The Minister for Workplace Relations and Safety approves ACOPs. Courts can use ACOPs as evidence of whether you met your duties. WorkSafe New Zealand inspectors can also use ACOPs to help assess whether you are managing risks appropriately.

You can show you comply with your HSWA duties by following actions in an ACOP

You will have met your legal duty if you follow the actions in some ACOPs that are relevant to your role and circumstances. This is called 'safe harbour.

Safe harbour applies to all ACOPs developed from 1 April 2027 onwards. It also applies to these existing ACOPs:

- *Approved code of practice: Safe practice for forestry and harvesting operations* (WorkSafe, 2025)
- *Approved code of practice for loading and unloading cargo at ports and on ships* (Maritime New Zealand, 2024).

Although 'safe harbour' does not apply to other existing ACOPs they can still be used as evidence that you have met your health and safety duties.

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ACOPs do not cover all situations

ACOPs explain what you can to do to meet your health and safety duties. However, it is not possible for ACOPs to cover all situations. The safe harbour only applies to risks or other matters that are set out in an ACOP.

You can comply with your health and safety duties in other ways

You don't have to follow the actions in an ACOP. You can still meet your HSWA duties by doing other things that are reasonably practicable in your circumstances to manage risks if this provides a level of health and safety that's at least as good as the practice described in an ACOP.

ACOPs can be developed by regulators, organisations and other people

ACOPs can be developed by regulators (WorkSafe, Maritime New Zealand and the Civil Aviation Authority).

ACOPs can also be developed by any person or organisation (third parties). 'Any person' includes a union or other worker representative, an employer organisation representative, or a representative of a particular industry or sector. These are approved by the Minister for Workplace Relations and Safety, on recommendation from WorkSafe.

ACOPs led by third parties are called 'industry-led ACOPs'.