



**EXPOSURE DRAFT - FOR COMMENT AND DISCUSSION ONLY | HUKIHUKI HURANGA
- MŌ TE TĀKUPU ME TE MATAPAKI ANAKE**

Deadline for comment | Aukatinga mō te tākupu: **12 December 2025**

Please quote reference | Whakahuatia te tohutoro: **PUB00507**

Send feedback to | Tukuna mai ngā whakahokinga kōrero ki
public.consultation@ird.govt.nz

QUESTIONS WE'VE BEEN ASKED | PĀTAI KUA UIA MAI

When does the fringe benefit tax exclusion for benefits relating to health or safety apply?

Issued | Tukuna:

QB XX/XX

This question we've been asked (QWBA) explains how the FBT exclusion for benefits relating to health or safety applies. This QWBA is relevant to employers who provide their employees with benefits as part of their duty to manage risks to health or safety in the workplace.

Key provisions | Whakaratonga tāpua

Income Tax Act 2007 – ss CX 23 and CX 24

Question | Pātai

When does the fringe benefit tax (FBT) exclusion for benefits relating to health or safety apply?

Answer | Whakautu

A benefit that an employer provides to an employee will be excluded from FBT if the benefit:

- is related to the employee's health or safety;
- is aimed at managing risks to health or safety in the workplace as provided under the Health and Safety at Work Act 2015 (HSWA); and
- would meet the requirements for the "on-premises" exclusion if the employer provided the benefit on its premises.

For the exclusion to apply, there must be a connection between the benefit and the employer's duty to manage risks to health and safety under the HSWA.

An employer has a duty to identify actual and potential risks to health and safety and, where it is reasonably practicable, to eliminate or minimise the risks. Whether a benefit is excluded depends on an employer's specific circumstances and identified risks to health or safety in its workplace.

The benefit must be sufficiently targeted at a particular health or safety risk. Benefits that relate to an employee's general health and wellbeing are unlikely to be sufficiently targeted at a specific health or safety risk in the employer's workplace.

While a taxpayer may wish to look after their employee by providing health and wellbeing benefits, the FBT exclusion will not apply unless the specific requirements are satisfied.

In some cases, if the exclusion for health or safety does not apply to a benefit, the benefit may still be excluded from FBT under a different exclusion such as the business tools exclusion (s CX 21), on-premises exclusion (s CX 23) or distinctive work clothing exclusion (s CX 30).

Explanation | Whakamāramatanga

Introduction

1. Fringe benefit tax (FBT) is payable on fringe benefits that employers provide to employees. A fringe benefit is a non-cash benefit and is classified under the Act as including:
 - motor vehicles available for private use;
 - low interest/interest-free loans;

- free, subsidised or discounted goods and services;
 - employer contributions to sick, accident or death benefit funds, superannuation schemes and specified insurance policies; and
 - unclassified benefits.
2. A non-cash benefit is not a fringe benefit if a specific exclusion from the FBT rules applies.
 3. This question we've been asked (QWBA) explains when the FBT exclusion for benefits relating to health or safety (s CX 24) applies. If this FBT exclusion does not apply to a given non-cash benefit, an employer should consider whether one of the other specific exclusions from FBT applies.
 4. If an employer makes a payment to an employee that is related to the employee's health or safety (eg reimbursing the cost of a flu vaccination), that payment may be exempt income of the employee (s CW 17D). The exemption applies provided the payment relates to a benefit that would have been excluded by the FBT exclusion for benefits relating to health or safety if it was a non-cash benefit. This QWBA is focused on the FBT exclusion, however, the analysis will be relevant in applying the exemption for reimbursements.
 5. While a taxpayer may wish to look after their employee by providing health and wellbeing benefits, the FBT exclusion will not apply unless the specific requirements are satisfied.
 6. All legislative references are to the Income Tax Act 2007 unless otherwise stated.

Exclusion for benefits related to health or safety

7. Employers may provide benefits to employees as part of meeting their obligations under the Health and Safety at Work Act 2015 (HSWA). Benefits relating to health or safety will not be subject to FBT if the health and safety exclusion applies (s CX 24):

CX 24 Benefits related to health or safety

A benefit that an employer provides to an employee is not a fringe benefit to the extent to which it-

- (a) is related to the employee's health or safety; and
- (b) is aimed at managing risks to health and safety in the workplace as provided under the Health and Safety at Work Act 2015; and

- (c) would be excluded by section CX 23 from being a fringe benefit if provided on the employer's premises.

8. For the FBT exclusion to apply, a benefit must satisfy four key requirements:
 - the employer provides a benefit to an employee;
 - the benefit is related to the employee's health or safety;
 - the benefit is aimed at managing risks to health and safety in the workplace as provided under the HSWA; and
 - the benefit would be excluded under the "on-premises" exclusion (s CX 23) if the employer had provided that benefit on its premises.
9. Apportionment may be required as the FBT exclusion will apply "to the extent to which" the four key requirements are satisfied. In these cases, the employer will need to determine a reasonable basis of apportionment to recognise the private benefit element. The key issue is that an identifiable component must be aimed at managing risks to health and safety. Example | Tauira 2 explains how a benefit may be apportioned.
10. Other FBT exclusions or limitations may apply to the benefit if the health and safety exclusion does not apply (see from [39]). The benefit will be a fringe benefit if none of these other specific exclusions applies.
11. The purpose of introducing the health and safety exclusion was to ensure that minor benefits arising from employers' health and safety obligations are excluded from FBT no matter where employers provide those benefits.¹ The exclusion was not intended to apply to benefits that provide employees with a substantial private benefit.
12. Whether the exclusion applies to a benefit an employer provides will depend on the employer's circumstances (ie, type of work employees do, nature of workplace, identified risks to health or safety). To the extent that items such as sunscreen and insect repellent for employees who work outside, first aid training or prescription safety glasses are "benefits", they will be excluded from FBT under the health and safety exclusion. See Table | Tūtohi 1 for comments on how the exclusion may apply to these and other types of common benefits related to health or safety.

¹ Taxation (Depreciation, Payment Dates Alignment, FBT and Miscellaneous Provisions) Bill – commentary on the Bill (Policy Advice Division, Inland Revenue, May 2005).

13. The Commissioner published a [General Article](#) on the health and safety FBT exclusion in 2018. This QWBA complements the General Article by providing more detailed guidance.

Employer provides a benefit to an employee

14. The health and safety exclusion is relevant if the employer provides a “benefit” to the employee. If the employee has not received a “benefit”, the exclusion is not relevant as FBT will arise only if a benefit has been provided.
15. A benefit related to health or safety will also provide an advantage to the employer by mitigating risks to health and safety in the workplace. However, the fact that the employer receives an advantage as well as the employee does not prevent the advantage from being a “benefit” provided to the employee.
16. The Act does not define the term “benefit”. Generally, a “benefit” means an advantage or profit gained from something. In the context of FBT, case law provides that a “benefit” includes anything that can be “reasonably, practically and sensibly understood as a benefit to the employee”.²
17. The Commissioner has previously considered the meaning of “benefit”. See the following publications for further guidance on its meaning:
- [QB: The meaning of “benefit” for FBT purposes](#)
 - [QB 12/06: Fringe benefit tax – “availability” benefits](#)
 - [BR Pub 14/10: Fringe benefit tax – provision of benefits by third parties – section CX 2\(2\)](#)
 - [BR Pub 23/06: Income tax – employer issued cryptoassets provided to an employee.](#)
18. Employers will need to consider whether they have provided a “benefit” to their employee. To the extent that they have provided a “benefit”, the next step for employers is to consider whether an exclusion to FBT applies.

Benefit is related to the employee’s health or safety

19. The benefit the employer provided must be related to the employee’s health or safety for the exclusion to apply.

² Case M9 (1990) 12 NZTC 2,069 at 2,074.

20. The Act does not define either "health" or "safety" and the ordinary meanings of both of these words are wide. Usually, "health" refers to the general condition of a person's body and whether it can function efficiently. An employee's health includes both their physical and mental health. "Safety" means the state of being protected from or guarded against hurt or injury.
21. The key issue is there must be a connection or nexus between the benefit provided and the employee's health or safety. A benefit will not meet the requirement for the exclusion if it cannot be said that the benefit relates to an employee's health or their safety.

Benefit is aimed at managing risks to health or safety in the workplace as provided under the HSWA

22. In addition, for the exclusion to apply, the benefit must be aimed at managing risks to health or safety in the workplace under the HSWA.

Employer's duty of care to eliminate or minimise risk

23. Under the HSWA, an employer has a duty to:
- eliminate risks to health and safety, so far as is reasonably practicable; and
 - if it is not reasonably practicable to eliminate risks to health and safety, minimise those risks so far as is reasonably practicable.³
24. An employer will identify and assess risks to health and safety in its workplace. It will then need to evaluate whether it is reasonably practicable to eliminate or minimise the risk. If it is reasonably practicable to eliminate or minimise the risk, the employer will need to implement control measures to manage the risk in the workplace.
25. The "reasonably practicable"⁴ test covers several factors. The employer will need to weigh up the likelihood of a hazard or risk occurring and the degree of harm that may result from the risk or hazard.
26. Because the "reasonably practicable" test is centred around an employer's assessment of whether the risk should be eliminated or minimised, an employer's obligation to manage risks to health and safety in the workplace will be specific to its workplace and its employees.

³ Section 30, HSWA.

⁴ Section 22, HSWA.

27. An employer's "workplace" is the place where work is carried out or customarily carried out for a business or undertaking (s 20 of the HSWA). A "workplace" is more than the employer's premises and can include the employee's home in work from home arrangements and its client's premises. Generally, a definition in one statute should not be applied in another statute unless the second statute expressly adopts that definition. However, given the exclusion for benefits related to health and safety specifically references the HSWA, the definition of "workplace" in the HSWA is applied in this context. This differs from the definition of "premises" in the on-premises exclusion and the meaning of "workplace" in the context of other FBT rules.⁵
28. An employer may have more than one "workplace". The risk or hazard may be common to all of the employer's workplaces or may just arise in part of one workplace. Similarly, the risk or hazard may be common to all of the employer's employees or only a specific group of employees.
29. WorkSafe publishes guidance on the HSWA and an employer's duties – see www.worksafe.govt.nz.
30. WorkSafe recommends that it is good practice for employers to prepare and maintain health and safety documents.⁶ The documents may include a register that identifies hazards and risks and records the planned control measures. Where employers treat a benefit as excluded from FBT under the health and safety exclusion they are encouraged for FBT purposes to prepare and maintain documentation that identifies the risk to health or safety in the workplace and how the benefit they provide is aimed at managing that risk.

Aimed at managing risks to health and safety in the workplace

31. For the exclusion to apply, the benefit needs to be aimed at managing an employer's health and safety risks in its workplace. Under this third requirement, the employer's duty under the HSWA to manage risks to health and safety in the workplace must be connected to the benefit provided.
32. The benefit will be aimed at managing risks if:
- the employer has identified a specific risk to health and safety in its workplace;
 - the benefit is targeted at eliminating or minimising that specific risk; and

⁵ IS 25/02: FBT – travel by motor vehicle between home and work.

⁶ Writing for health and safety: Guidance for workplace health and safety writers (WorkSafe, November 2017).

- the employer has a reasonable expectation that the benefit will eliminate or minimise the risk for that employee (or employees).
33. Benefits that apply more generally to a person's overall health (and therefore are not targeted at a specific health or safety risk) are unlikely to be aimed at managing a risk to health and safety in the workplace under the HSWA.
34. Employers must be able to show that both the risk they identify and their assessment that the benefit will eliminate or mitigate that risk are based on a reasonable evaluation.

The “on-premises” exclusion would apply to the benefit if provided on the employer’s premises

35. The fourth requirement is that the benefit would be excluded under the on-premises exclusion (s CX 23) if the benefit was provided on the employer's premises.
36. The on-premises exclusion applies to benefits other than free, discounted or subsidised travel, accommodation or clothing. A benefit will not be a fringe benefit under the on-premises exclusion if:
- the employer, or a company that is part of the same group of companies as the employer, provides the benefit to the employee; and
 - the employee uses or consumes the benefit on the premises of the employer, or the premises of a company that is part of the same group of companies as the employer.
37. The health and safety exclusion was introduced to treat all benefits related to health and safety consistently. For example, a workstation assessment that is aimed at managing risks to health or safety is excluded from FBT if provided either on or off premises. Previously, whether benefits related to health and safety were liable to FBT depended on whether they were provided on the employer's premises.
38. The effect of this fourth requirement is to limit the health and safety exclusion to benefits that would be excluded by the on-premises exclusion if provided on the employer's premises. Therefore, the health and safety exclusion will not apply to benefits that are free, discounted or subsidised travel, accommodation or clothing.

Other exclusions that may apply to benefits related to health or safety

39. If a benefit does not meet the requirements of the health and safety exclusion, it might still be excluded from FBT under one of the other exclusions.
40. For benefits related to health or safety, the other FBT exclusions that may apply are for:
- benefits provided instead of exempt allowances (s CX 19);
 - business tools mainly used for work (s CX 21);
 - benefits provided on premises (s CX 23); and
 - distinctive work clothing (s CX 30).
41. If an employer provides a benefit to an employee in connection with their employment and that benefit removes the need for the employer to pay an allowance that would be exempt, the benefit will not be subject to FBT (s CX 19).
42. The private use of a business tool is excluded from being a fringe benefit if the employer provides the tool mainly for business use (s CX 21). A "business tool" means an item that an employee uses in carrying out their work duties and that would be an unclassified benefit if this exclusion did not exist. For example, an ergonomic desk. The exclusion applies to business tools that cost less than \$5,000.
43. For the requirements of the on-premises exclusion, see [36].
44. A benefit will not be subject to FBT if it is distinctive work clothing (s CX 30). "Distinctive work clothing" means clothing that an employee:
- wears as (or as part of) a uniform that can be identified with the employer through display of a name, logo, colour scheme or pattern;
 - wears during their employment; and
 - would not normally wear for private purposes.
45. Example | Tauira 1 to Example | Tauira 5 illustrate how the health and safety exclusion applies to benefits.

Example | Tauira 1 – Benefit excluded from FBT under the health and safety exclusion

Rosetta ABC Limited is a translation service provider. Rosetta ABC's employees spend long hours working on computers and reading documents. Rosetta ABC has identified that its employees' work duties put them at risk of developing eye problems. It wants

to introduce a new benefit for its employees aimed at minimising eye health issues. It arranges for its employees to visit a local optometrist to get their eyes tested.

Rosetta ABC has a duty under the HSWA to, so far as is reasonably practicable, eliminate or minimise risks to health and safety. It has identified a specific risk to the eye health of its employees in its workplace and has taken a step (providing free eye tests) to manage this risk.

If the eye tests had occurred on Rosetta ABC's premises, they would have been excluded from FBT under the on-premises exclusion.

Receiving an eye test is a benefit for Rosetta ABC's employees that is related to their health. The eye test will be excluded from being a fringe benefit under s CX 24 because:

- the eye test is a benefit;
- the benefit is related to the health of Rosetta ABC's employees;
- the benefit is aimed at managing Rosetta ABC's health and safety risks in the workplace under the HSWA; and
- the benefit would have been excluded from FBT if Rosetta ABC had provided the eye tests on its premises.

Example | Tauira 2 – Aim of providing the benefit must be to manage risks to health or safety in the workplace

Building Bridges Limited is a civil and structural professional engineering company. Its engineers plan, design and oversee the construction of infrastructure assets. The engineers have a heavy workload. They routinely work long hours on complex issues and manage conflicts relating to budgets, timelines and team dynamics.

Building Bridges has a duty under the HSWA to, so far as is reasonably practicable, eliminate or minimise risks to health and safety. It identifies that work-related stress can pose risks to the psychological and physical health of its employees.

As part of several initiatives to minimise the risk of stress, Building Bridges decides to provide its employees with access to independent counselling services as support for work-related stress.

Building Bridges enters an arrangement with a provider of counselling services. Under the arrangement, its employees have access to support for work-related stress in the

form of three free counselling sessions. The employees receive the counselling support on a confidential basis.

The free counselling services are a benefit for Building Bridges' employees that is related to their health. The free counselling services will be excluded from being a fringe benefit under s CX 24 because:

- the access to counselling services is a benefit;
- the benefit is related to the health of Building Bridges' employees;
- the benefit is aimed at managing Building Bridges' health and safety risks in the workplace under the HSWA; and
- the benefit would have been excluded from FBT if Building Bridges had provided the counselling services on its premises.

Variation

The next year, the counselling services provider offers Building Bridges a new package that provides access to additional counselling services that address:

- relationship problems;
- conflict situations;
- anxiety and depression;
- grief and loss;
- violence;
- harassment;
- personal trauma;
- budgeting advice; and
- personal legal advice.

Building Bridges decides to enter a new arrangement with the provider, under which its employees can receive counselling support for work-related stress or any of the additional services listed above.

The additional counselling services will not be excluded from being a fringe benefit under s CX 24. This is because the benefit (ie, free counselling support for non-work-related issues) is not aimed at managing risks to health and safety in Building Bridges' workplace. While an employee's health includes their mental health, there is insufficient connection between the additional counselling services provided and Building Bridges' duty to manage risks to health and safety in its workplace. Further,

the private benefit of receiving the additional counselling services outweighs the work-related benefit of Building Bridges minimising the risk to health and safety in its workplace.

As the FBT exclusion will apply “to the extent to which” the four requirements are satisfied, Building Bridges is able to apportion the cost of the EAP services. The EAP fee for access to work-related stress counselling (the initial offering) will be excluded from FBT. This is because in this case the component of the benefit that is aimed at managing risks to health or safety in Building Bridges’ workplace can be separated from the component that does not satisfy the exclusion. However, the extra EAP fee for access to the additional counselling services will not be excluded under s CX 24.

Example | Tauira 3 – Risks that an employer must manage in its workplace may differ depending on an employee’s duties

Hazardous Material Girl Limited (HMG) undertakes asbestos removal services for customers. HMG’s employees involved in the removal carry out the services on the customer’s site and dispose of the asbestos waste at an authorised disposal site.

HMG also employs people to carry out core administrative services such as accounts, marketing and payroll. These employees carry out their work at HMG’s head office.

All of HMG’s employees have access to a free examination by a medical practitioner. The medical examination involves a physical examination, chest x-ray and lung function test.

Workers involved in asbestos removal

HMG has obligations under the HSWA and the Health and Safety at Work (Asbestos) Regulations 2016. As part of its obligations, HMG provides health monitoring of its employees involved in asbestos removal. The free medical examination is provided as part of the health monitoring.

The free medical examination will be excluded from being a fringe benefit under s CX 24 because:

- the free medical examination is a benefit;
- the benefit is related to the health of HMG’s employees;
- the benefit is aimed at managing HMG’s health and safety risks in the workplace under the HSWA; and

- the benefit would have been excluded from FBT if HMG had provided the medical examination on its premises.

Administrative workers

The administrative workers carry out their duties at HMG's head office. The asbestos removal equipment and personal protective equipment used in the removal are not stored at HMG's head office. HMG has not identified that its administrative workers are at any risk of exposure to asbestos. The FBT exclusion for benefits related to health and safety (s CX 24) will not apply because the benefit is not aimed at managing HMG's health and safety risks in the workplace for the administrative workers.

Example | Tauira 4 – Workspace assessment excluded from FBT under the health and safety exclusion

Muriel operates a telemarketing business in which her employees work from home. Muriel's duties under the HSWA extend to her employees' homes to the extent that their homes are where they carry out work.

Muriel's employees spend long hours sitting and working with computers. Muriel identifies that her employees are at risk of developing neck and back pain as well as wrist and hand discomfort. To minimise this risk to her employees' health, she arranges for an occupational therapist to visit each of her employees to carry out a workstation assessment to identify any issues and recommend ergonomic adjustments.

The workstation assessment will be excluded from being a fringe benefit under s CX 24 because:

- the workstation assessment is a benefit;
- the benefit is related to the health of Muriel's employees;
- the benefit is aimed at managing Muriel's health and safety risks in the workplace under the HSWA; and
- the benefit would have been excluded from FBT if Muriel had provided the health assessment on her business premises.

Example | Tauira 5 – Providing multiple benefits relating to health or safety

Mikaere carries on a business as a road maintenance contractor. His employees repair and maintain existing roading.

The roadworkers are exposed to risks to health and safety including hazards from traffic, heavy machinery, noise and dust. To minimise these risks, Mikaere provides the roadworkers with personal protective equipment in the form of hard hats, high-visibility clothing, gloves, safety glasses, ear plugs and earmuffs. Mikaere's business logo is clearly displayed on the protective clothing.

Mikaere is concerned about his employees' health and provides his employees with a membership at the local gym.

Mikaere has heard about Hard Hat Hugs, a new meditation app targeting people in the infrastructure and roading industries. He is aware of the benefits of meditation for health and wellbeing. He decides to provide his roadworkers with an annual subscription to the Hard Hat Hugs app.

Safety glasses, ear plugs and earmuffs

The eye and ear protection will be excluded from being a fringe benefit under s CX 24 because:

- the eye and ear protection are benefits;
- the benefits are related to the health of Mikaere's roadworkers;
- the benefits are aimed at managing Mikaere's health and safety risks in the workplace under the HSWA; and
- the benefits would have been excluded from FBT if Mikaere had provided the eye and ear protection on his premises.

Hard hats, gloves and high-visibility clothing

The hard hats, gloves and high-visibility clothing will not be excluded from being a fringe benefit under s CX 24 as all of these benefits are clothing. The exclusion for benefits related to health and safety applies only where the on-premises exclusion (s CX 23) would have applied if the benefit was provided on premises. Because the on-premises exclusion does not apply to benefits that are clothing, the health and safety exclusion will not apply. However, Mikaere should consider whether any of the other exclusions from FBT apply.

The exclusion for distinctive work clothing (s CX 30) will apply as the protective clothing is identified with Mikaere's business through the use of its logo.

Gym membership and meditation app

Neither the gym membership nor the subscription to the Hard Hat Hugs app will be excluded from being a fringe benefit under s CX 24.

These benefits are not aimed at managing any risks to health and safety in Mikaere's workplace. While both the gym membership and the meditation app are related to the roadworkers' health, the benefit is too remote from any identified risks to health and safety at work.

46. Table | Tūtohi 1 provides guidance on how the health and safety exclusion may apply to several common benefits. The benefits listed are examples and the list is not intended to be exhaustive. The comments are intended as a guide only; whether the health and safety exclusion applies to exclude the benefit from FBT will depend on an employer's individual circumstances. The treatment for one employer may not be the same as the treatment for another employer.

Table | Tūtohi 1 – Common benefits related to health or safety

Possible benefit	FBT considerations
Workstation evaluation for employees who work from home – to manage risk of injury due to sedentary employment duties	The health and safety exclusion will apply. See Example Tauira 4.
Ergonomic desk and equipment for employees who work from home – to manage risk of injury due to sedentary employment duties	The health and safety exclusion will apply.
Gym membership – to manage the risk to health due to sedentary employment duties, or the physical requirements of the employee's role	The health and safety exclusion will not apply. The connection between providing a gym membership and managing this risk is too remote. Gym memberships are outside the scope of the exclusion as the private benefit the employee receives outweighs the work-related benefit. See Example Tauira 5
Corporate running or biking events – to promote general health and wellbeing	The health and safety exclusion will not apply. Any connection between the benefit and the employer managing risks to health and safety in the workplace is too remote.

Wellness events, seminars or app subscriptions – to promote general health and wellbeing	The health and safety exclusion will not apply. Any connection between the benefit and the employer managing risks to health and safety in the workplace is too remote. See Example Taura 5.
Counselling services – to manage the risk of a high-stress workplace adversely impacting an employee's mental health	Generally, the health and safety exclusion will apply to work related stress reduction counselling services. However, if the services available to the employee are broader than stress counselling services, the exclusion will not apply. See Example Taura 2.
Health checks – to manage general risks to an employee's health	In most cases, the health and safety exclusion will not apply to health checks that relate to general concerns (eg, diabetes, blood pressure, cholesterol). However, the health and safety exclusion is likely to apply if the health check is required due to industry regulations, or relates to something that the employee is at a greater risk of exposure to due to the circumstances of their workplace. See Example Taura 3.
Influenza (flu) and COVID-19 vaccinations – to manage the risk of employees contracting flu or COVID-19 in the workplace	The health and safety exclusion will apply.
Eye and hearing tests – to manage the risk of injury or deterioration due to workplace factors	The health and safety exclusion will generally apply. See Example Taura 1.
Prescription eyewear and hearing aids - to improve eyesight or hearing	The health and safety exclusion will not generally apply as the private benefit the employee receives outweighs the work-related benefit.
Health insurance premium – to manage general risks to an employee's health	The health and safety exclusion will not apply. The connection between the benefit and managing a risk to health or safety in the workplace is too remote.

Medical treatment and general practitioner (GP) visits – to treat an employee following a workplace injury or illness	The health and safety exclusion is unlikely to apply unless the medical treatment will assist the employer in mitigating health and safety risks for other employees in the workplace (eg determining exposure to hazardous substances). While an employer may want to pay for medical treatment/ or GP visits after an employee has suffered an injury at work, that treatment is not aimed at managing the employer's health and safety risks in the workplace.
Protective clothing – to manage the risk of injury due to workplace factors	The health and safety exclusion will not apply. It is likely that the distinctive work clothing exclusion will apply to the extent that there is a benefit. See Example Tauria 5.
First aid training – to manage risk to injury due to workplace accidents	The health and safety exclusion will apply to the extent that there is a benefit.
Sunscreen or insect repellent provided to employees who work outdoors – to manage risk to health	The health and safety exclusion will apply to the extent that there is a benefit.

Draft items produced by the Tax Counsel Office represent the preliminary, though considered, views of the Commissioner of Inland Revenue.

In draft form these items may not be relied on by taxation officers, taxpayers, or practitioners. Only finalised items represent authoritative statements by Inland Revenue of its stance on the particular issues covered.

Send feedback to | Tukuna mai ngā whakahokinga kōrero ki
public.consultation@ird.govt.nz

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Legislative references | Tohutoro whakatureture

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About this document | Mō tēnei tuhinga

Questions we've been asked (QWBAs) are issued by the Tax Counsel Office. QWBAs answer specific tax questions we have been asked that may be of general interest to taxpayers. While they set out the Commissioner's considered views, QWBAs are not binding on the Commissioner. However, taxpayers can generally rely on them in determining their tax affairs. See further [Status of Commissioner's advice](#) (Commissioner's statement, Inland Revenue, December 2012). It is important to note that a general similarity between a taxpayer's circumstances and an example in a QWBA will not necessarily lead to the same tax result. Each case must be considered on its own facts.