



Covid-19 Employer Considerations

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REMEMBER

- We are not the medical experts!

Use reliable official sources of information

<https://www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus>

- Do not believe everything in the media
- Do not believe most of the internet posts

Overall Guide for Business

<https://www.business.govt.nz/news/coronavirus-information-for-businesses/>

This page has links to much information from varied sources all relevant to business and is updated daily

MBIE Guide for Employers

<https://www.employment.govt.nz/about/news-and-updates/workplace-response-coronavirus-covid-19/>

Workplace guidance with links to detailed situation advice

Employment Legislation

- Health & Safety at Work Act 2015
- Employment Relations Act 2000
- Holidays Act 2003
- Wages Protection Act 1983
- Minimum Wage Order 2019

Health & Safety at Work Act

- A PCBU is required to keep workers, and others who could be put at risk from the work being carried out, healthy and safe.
- *“as far as is reasonably practicable”*
- Keeping workers healthy is as important as keeping them safe.
- This includes monitoring workers health and working conditions as prevention
- Health includes physical & mental health

Impact of HSWA

- An employer should NOT require or knowingly allow a worker to come to the workplace when they are sick with COVID-19 or if they have been advised to self isolate under public health guidelines
- To do so would likely be considered a breach of HSWA

ERA-Good Faith Requirements

- All parties should treat each other in good faith
- Be “active, constructive, responsive & communicative”
- Employers must take seriously the risks to their employees and plan ahead for likely scenarios
- Work with employees and unions
- Primary focus to look after employees, contain COVID-19 and protect public health
- Keep in touch with employees off work or working at home

ERA-Good Faith Requirements

- Requires an employer who is proposing to make a decision that will, or is likely to, have an adverse effect on the continuation of employment provide access to information and an opportunity to comment before the decision is made

Variations to IEAs

- With the exception of minimum statutory entitlements (leave, minimum wage etc) employers and employees can agree almost anything including variations to their current agreements
- The starting point is always the IEA and any relevant policies and procedures

Holidays Act

- **Minimum entitlements- can't contract out, even with consent**
- **Sick Leave** – 5 days p/a to use when you or someone who depends on you is unwell, accrual to 20 days, subject to provisions of employment agreement
- May agree to let take in advance, but need documented repayment options if employee leaves
- Paid at relevant daily pay

Holidays Act contd

- **Annual Leave-** may be outstanding or accruing.
- Employee must request to use and employer may consent or decline.
- Employer may instruct employee to take leave BUT must give 14 days notice
- Ensure records are kept!
- **Other Leave-**alternative days, time in lieu could be taken

Holidays Act contd

The problem with time off to self isolate

- If unwell. Use sick leave
- If able to work at home and agrees to do so, pay as usual

What if doesn't agree to keep working or is unable to work from home?

- Consider providing paid special leave
- Employee could request to use annual leave
- Leave without pay is fall back position

Alternatives to Redundancy

Working at Home Considerations:

- Workplace (ergonomics)
- Home computer security
- Broadband speed
- H & S obligations(breaks, stretches, hours of work, monitoring wellbeing)
- Provision of equipment
- Impact of family pressures

Alternatives to Redundancy

Agreed variations/options

- Reduction in wages/salary
- Reducing hours/days of work
- Redeployment
- Leave without pay
- Access to subsidies
- Accessing workers surplus to other sectors/regions

Government Assistance Wage Subsidy Scheme

- \$585 full time (>20 hours)/week
- \$350 part time (<20 hours) /week
- For 12 weeks paid in lump sum to employer
- Suffered or predicted to suffer 30%revenue drop due to virus for any one month Jan-June 2020
- Must use “best efforts” to pay 80% “normal earnings” to keep employed.

Leave & Self Isolation Support

- If required to self isolate (or dependent)
- Registered with Healthline
- For employees, contractors & self employed
- \$585/\$350 per week for 2 weeks
- Can agree other paid leave
- Not available if can work from home and is well enough to do so (so paid normally)
- Paid to employer fortnightly to pass on in full
- 8 week period from 17th March

Redundancy

- Consider any possible alternatives first
- Consultation still a requirement, but much shorter timeline likely
- Rationale must still be sound
- Is redeployment an option?
- Notice provisions

Privacy Issues

- The Privacy Commission has advised that it is OK to tell employees that one of their colleagues is unwell
- Exercise discretion when providing further details – but may be necessary if self-isolation becomes relevant or if COVID -19 diagnosis received.

Anxious Employees

- Acknowledge this is an uncharted environment for everyone
- Being anxious is OK
- Communicate with your teams regularly
- Recognise stressors outside of work- elderly or immuno-challenged family, family in other geographic locations, partners impacted and family business impacts.
- Children may also be anxious
- Provide additional support as appropriate-eg access to EAP

In Summary

- Stay calm!
- Get reliably informed- we are all here to help
- Communicate with your team regularly
- Develop a plan to deal with different scenarios- be prepared
- Stay flexible and nimble where possible
- Look after your own health and wellbeing

The Future

- We will come out the other end
- There may be a need to respond quickly to customer demands
- Have you retained your key workers?
- Full recovery will take time- plan for this.



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Questions?



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