

Workplace Response to Covid-19

Minimising the spread of coronavirus is important to keep employees safe and well at work. This should be done before thinking about the interests of the business or organisation.

The Ministry of Health has information available on workplace infectious disease prevention. In the case of an emergency, employers and employees should remember to keep in regular contact and deal with each other in good faith.

Financial support for businesses

The government has announced a \$12.1 billion package to support New Zealanders and their jobs from the global impact of COVID-19. The package includes wage subsidies for affected businesses in all sectors and regions, COVID-19 leave and self-isolation support, increases and changes to benefits, and business tax changes to free up cashflow.

The COVID-19 Leave Payment Scheme is designed to help people who should self-isolate, but otherwise might be deterred because of financial reasons. The COVID-19 Wage Subsidy Scheme has been developed to help businesses and affected workers in the short-term, as they adjust to the initial impact of COVID-19.

Additional guidance to help all businesses, including employers, sole traders and self-employed people, understand their eligibility for the wage and leave support packages is under development and expected the week of 23rd March.

See guidance documents on leave payment and wage subsidies scheme

Guidance for the workplace

Employers and workers should take into account current government advice that New Zealanders should not travel overseas, and New Zealanders currently travelling overseas have been encouraged to consider returning home.

Government travel guidance - COVID-19 website: <https://covid19.govt.nz/help-and-advice/for-travellers/>

For workers planning to holiday in New Zealand, leave can proceed as planned.

General guidance

- Employers must take seriously and manage the health risks to workers and other people affected in the workplace and treat employees in good faith. Employers should plan ahead and work with workers and unions for likely scenarios of COVID-19.
- If a worker is sick with COVID-19, or required to self-isolate under Ministry of Health guidelines for COVID-19, the first consideration for an employer should be to look after people, contain COVID-19 and protect public health.
- Employers should not require or knowingly allow workers to come to a workplace when they are sick with COVID-19 or required to self-isolate under public health guidelines for COVID-19. If they do, they are likely to be in breach of their duties under the Health and Safety at Work Act.

- Employers and workers should consider whether working from home is practicable during the self-isolation period. In that case, the worker would be paid normally.
- If an employer requires an employee not to come to a workplace, an employee should be paid. Paid sick leave (and anticipated sick leave) may be used if the person is sick or needs to care for a sick dependent. If paid sick leave is not available, paid special leave should be considered. Other forms of paid leave can be used by agreement between the employer and the employee.
- If an employee, who is required to self-isolate under Ministry of Health guidelines for COVID-19, can't practicably work from home, then special paid leave should be considered. Other forms of paid leave can be considered (such as paid sick leave) and used by agreement between the employer and the employee. The COVID-19 Leave Payment Scheme is available to support employers to pay employees in these circumstances. All workers who left New Zealand prior to 15 March 2020 will be eligible for the COVID-19 Leave Payment Scheme.
- Where a worker has not yet left New Zealand, but intends to do so, an employer may advise the worker that if they cannot agree how to manage the self-isolation period, then this will become unpaid leave. An employer may decline a new leave request for business reasons, where it is reasonable to do so. Given that current government advice is for New Zealanders not travel, it would be reasonable for employers to decline new leave requests for overseas travel.
- Contractor pay and leave is not covered by this guidance. Employers and contractors can agree to any payment arrangements they wish to. Contractors and the self-employed are eligible for the COVID-19 Leave Payment Scheme.

Please note that this is general advice only and will vary for each specific situation. In addition, this continues to be an evolving situation. For specific and current advice relating to your unique situation, please get in touch with an expert from our employment team.