



DYHRBERG DRAYTON
EMPLOYMENT LAW

What's New Update: Working at Alert Level 2 — COVID-19

Overview

New Zealand will move to Alert Level 2 on the COVID-19 alert level system on Thursday 14 May.

This means restaurants, cafes, retail and public venues such as cinemas and gyms will be allowed to open, provided they can meet appropriate public health requirements. Schools and education facilities will reopen from Monday 18 May, while bars will reopen on Thursday 21 May.

As a result, many businesses which have remained closed, operated on a limited basis, or operated through employees working from home are preparing to reopen and for employees to return to the workplace.

This update briefly covers the guidelines for Alert Level 2 and gives some suggestions at how businesses can operate safely and within those guidelines.

Alert Level 2

The broad guidelines for businesses operating at Alert Level 2 are:

- Businesses may only operate if they can do so safely. Alternative ways of working are still encouraged where possible.
- Workers, contractors and customers with cold or flu-like symptoms must stay away.
- Customers/groups must be kept one metre apart.
- Contact tracing records must be kept where anyone has a close interaction (workers or customers).

For more detailed guidelines see:

<https://www.business.govt.nz/covid-19/workplace-operations-covid-19-alert-levels/#e-21358>

Working Safely

Both employers and employees have obligations under the Health and Safety at Work Act 2015 (HSWA) to eliminate or mitigate hazards to a worker's health. At Alert Level 2 employers still need to be vigilant about possible COVID-19 transmission in the workplace.

Some practical suggestions for working safely within the Alert Level 2 guidelines include:

- Talk to workers to identify risks and how to manage these.
- Reduce the number of shared surfaces and regularly disinfect them. Consider engaging additional cleaning staff. If your business has a waiting area, items such as magazines and newspapers should be removed.
- Encourage employees to regularly wash hands.
- Keep records of employees' schedules and how they will be distributed within the business, to maintain social distance and hygiene.
- Schedule, monitor and register any visitors to the workplace including contractors.
- Utilise technology (e.g. a scan-in system) to make contact tracing easier.
- Consult with staff about their situation and preferences, and consider alternative ways of working:
 - Have employees work from home if possible.
 - Consider having employees work in 'shifts' where one group works from home some days and in the business other days, with the other group working alternate days. This can maintain 'knowledge' if one person gets sick and staff are required to self-isolate. It will also reduce the number of people present at any one time.

- Stagger and schedule employee breaks.
- Encourage virtual meetings (i.e. reduce staff and client contacts).
- Designate health and safety representatives (and provide appropriate training).
- Have room/congregation limits suitable to your spaces.
- Remain contactless where possible.
- Implement a safety plan (WorkSafe has templates available [here](#)).

We remind you any changes to employees' hours, schedules and other terms and conditions must be mutually agreed (if significant) or consulted on in good faith.

It is conceivable New Zealand could remain at Alert Level 2 for a significant period of time. Businesses should consider the above suggestions in light of this and may need to make significant changes to how they operate.

Looking out for employees' mental health

'Health' as defined by the HSWA includes mental health. Beyond the physical risks, the outbreak of the COVID-19 pandemic, and the government's containment measures have had serious implications for people's mental and financial wellbeing. Employers must be mindful about the stress and uncertainty employees have experienced and will continue experiencing.

The traditional working environment can provide an important touchpoint for social interaction, connection and an employee's sense of belonging. With new ways of working, and particularly where employees continue to work from home, employees can feel isolated. Employers should adopt measures, including maintaining regular contact, to ensure social distancing does not equate to total isolation.

Remote workers can also experience a blurring of boundaries between work and home. Similarly, returning employees may be faced with a significant backlog to work through. Employers need to be mindful of the risks working increased

hours may have on an employee's wellbeing. Clear boundaries should be established to mitigate the risk of excessive stress and/or burnout.

Small business cash flow loan scheme

The Government has opened access to one-off government loans for small to medium businesses negatively impacted by COVID-19.

To qualify, a business or organisation must employ 50 or fewer full-time employees (or equivalent).

Under the scheme, businesses and organisations can receive:

- \$10,000 up front; and
- An additional \$1,800 per full time employee (or equivalent).

Under the terms, the loan is:

- interest free if paid back within one year;
- subject to 3% interest for a maximum term of five years; and
- not required to be repaid for the first two years.

Applicants do not have to accept the full loan amount they are offered. Most applicants will receive their loan payment in full from Inland Revenue within five working days.

Applications are made through [myIR](#).

If you would like more information about these changes, or their implications, please contact us on:

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