

FAQs

for businesses impacted by COVID-19

For the transition from Alert Level 4 to Alert Level 3, we have put together a list of FAQs. These FAQs are around safety and employment. For any health related questions please refer to the Ministry of Health.

Some other useful information:

- The EMA has a COVID-19 website with up-to-date information, templates, and guides [here](#).
- The BusinessNZ network has an active business-focused discussion group on Facebook called 'NZ Coronavirus Discussion Group' that you can refer businesses to for peer-to-peer sharing, link [here](#).
- The BusinessNZ network has a manufacturers-specific LinkedIn page (not just for Coronavirus discussion), link [here](#).
- The EMA are running webinars with experts on how to manage your business during COVID-19. For recordings and more information, please see the [EMA website](#).
- For questions relating to employment law, please call the EMA's Adviceline on 0800 300 362

Very important information for Level 3:

- Staff should work from home if they can
- If your business requires close physical contact it can't operate
- Customers cannot come onto your premises. Unless you are a supermarket, dairy, petrol station, pharmacy or permitted health service.
- Your business must be contactless. Your customers can pay online, over the phone or in a contactless way. Delivery or pick-up must also be contactless.
- Basic hygiene measures must be maintained. Physical distancing, hand washing and regularly cleaning surfaces.
- Workers must stay home if they are sick.
- You must meet all other health and safety obligations.
- Re-induct your staff to the workplace with the new expectations on how to work safely at Level 3.
- Have a written Health & Safety Plan and ensure that everyone understands the plan and that staff's questions are answered.
- Setting up work bubbles for staff is highly recommended

For up to date Level 3 information and guides, including documents such as Covid-19 Safe Work Protocols for the manufacturing industry, please see the latest [Level 3 info page on our website](#).

Please note any information or advice provided in respect of COVID-19 issues does not constitute formal legal advice and should be relied on for guidance purposes only. If you require further assistance or formal legal advice please contact EMA at 0800 300 362.

FAQs

for businesses impacted by COVID-19

Level 3 Preparation

Does my business need to certify or register to operate a Level 3?

No, there is some confusion around this as previously the Prime Minister has mentioned that this may be required for some industries. This is not the case. Certification to operate at Level 3 is not required for any business, there are criteria and requirements for the safety of a workplace- but this does not need to be registered or signed off by any government body.

Can businesses seek exemptions under Level 3 to carry on work but never getting into contact with customers/outside?

If you can operate safely while keeping staff at a distance, you can operate at Level 3 and an exemption is not required from a third party.

We can prepare for trade next week, does this include receiving stock this week so we are ready to ship next week as long as we meet H&S guidelines and observe physical distancing etc.?

Preparing the workplace for staff to return includes setting up the health & safety measures your business will require to operate safely at Level 3, and getting it ready for work to begin on Tuesday.

How should we identify at risk people? (not age related). Should we ask all staff

to confirm they don't have any of the conditions that may put them at risk?

Yes. This is confidential information and you must be careful with your workers' privacy. There is [Risk Assessment for Returning Staff and Contractors](#) on the [EMA COVID-19 website](#).

Other

Do contractors have to maintain their own documentation to ensure adhering to COVID-19 protocols or PCBU should maintain records of their own for contractors?

Both employer and PCBU need their own documentation as they are both employers. When a contractor is on site then that PCBU system would normally be in use.

If a worker may have COVID-19 (because onset of symptoms and/or close contact with another infected person who has nothing to do with our workplace), should coworkers who have been in close contact be required to self-isolate?

In the first instance, yes. Then call Healthline for their advice about this specific situation.

When will we have more information about Level 2?

Work has started in drafting the Level 2 guidelines. Worksafe suggests that they won't be available until we get closer to Level 2.

Please note any information or advice provided in respect of COVID-19 issues does not constitute formal legal advice and should be relied on for guidance purposes only. If you require further assistance or formal legal advice please contact EMA at 0800 300 362.

FAQs

for businesses impacted by COVID-19

Can the union come on site for the purpose of meeting members during Level 3?

The Employment Act hasn't changed, and the union has access rights under this legislation. Ensuring that they adhere to safety and distancing protocols is key. Ideally they would meet via online meeting, but union right to access remains.

Contact tracing

Is there a best practice for recording staff/contractors entering a site? If so, what?

Please check the EMA COVID-19 and Worksafe websites for templates and guides that will help you plan your workplace contact tracing.

When contact tracing our staff, do we need to know who is in their bubble & who their bubble interacts with? Or just when they are at work?

As an employer, you just need to be concerned with the workplace tracing including all work contacts, including contractors, etc. Non-work bubbles are not required to be traced by employers.

What does contact tracing look like and what is the expectation for this for an employer?

Each business will need to have their own system in place for their unique workplaces

and work situations. For guidelines and templates that may help this, please see the EMA COVID-19 website <https://covid19.ema.co.nz/>

Physical distancing

Within a work bubble do people still have to be 2 metres apart or is that distance between bubbles?

A bubble at work doesn't necessarily mean physical distancing principles should not be followed. Ideally a bubble is for grouping and contact tracing purposes, and 2m distance should still apply.

We are a trade and have split our staff into teams of two. Can we have two people in the same van if they are in a 'team bubble'?

A guiding principle of Level 3 is physical distance. There is no black and white answer to this question, if staff are in a work bubble and perhaps aim for as much distance as possible while travelling then that could work. However the ideal would be not travelling in the same vehicle.

Is being within 1m metre ok with PPEs?

No, for non-essential business 2m is the standard of physical distancing.

Please note any information or advice provided in respect of COVID-19 issues does not constitute formal legal advice and should be relied on for guidance purposes only. If you require further assistance or formal legal advice please contact EMA at 0800 300 362.

FAQs

for businesses impacted by COVID-19

Positive test

We have an employee who had COVID-19 (in lockdown) are now 'clear'. What paperwork can we get to ensure they have recovered? Is verbal enough?

We recommend asking them for a copy of their negative test result, and also asking Healthline about how long after a negative test a worker can safely return to work.

What if an employee reports that someone in their home environment has COVID-19?

Refer to Healthline instructions. This is why physical distancing of two metres and contact tracing within the workplace is so important. If physical distancing has been adhered to, the impact should be minimal on your business.

If a staff member is tested for COVID-19, would you recommend that the other workers in their bubble also isolate until the results come back in?

In the first instance, isolate the bubble. Then call and follow the advice of Healthline with the specifics of your situation.

If we have case of COVID-19 on the worksite, will Worksafe shut the entire site down or just the 'bubble' and for how long would the site shut down for?

Worksafe would not get hands-on involved

in this case. It is your duty as an employer to immediately act, and ask Healthline for advice after telling them the specific details of your situation.

Do I need to notify Worksafe if I have a positive COVID-19 case in my employees?

No, you do not need to notify Worksafe.

Work at Level 3

I have staff who have been working from home who now want to return to work at Level 3. Is that appropriate?

At Level 3, if staff can work from home, they should work from home.

Does Level 3 mean non-essential manufacture is allowed?

Yes. You need to ensure your workplace can work safely and at 2m distance between people.

Worksafe says 2m distance between workers but some other sources say 1m. Which is correct?

The 2m distance is the recommended safe distance to use. Forming small groups into work bubbles is a recommended option. A system to trace any contacts within the workplace is also required.

FAQs

for businesses impacted by COVID-19

Someone unfortunately has an injury (at home,) so now the bubble needs an addition to be able to continue to work safely (for lifting). Is that ok?

Yes that is fine, just need to continue to log all staff contacts under contracting regimes.

Do we have to record all customers coming and leaving? If yes, how is the best way to do it?

At Level 3, face to face interaction with customers is not allowed. You should have a process in place where anyone coming on to your site is recorded, and your staff should also be recording any contacts they have at work.

No face to face for retail, can we open if we do appointment only and keep 2m distance?

No. The government has made it clear that any face to face interactions with customers is not allowed at Level 3 for retail.

How do we determine who can work from home?

This depends on nature of the work. If the work can be done from home, it should be. This may not be black and white- a staff member may need to come to the office once a week to pick up material/ drop product off. If the work can be done from home, it should be.

Would you recommend that all workers in a bubble isolate, if one person is being tested for COVID until the results come back in?

In the first instance, yes. Please call Healthline for advice on the specifics of your situation.

What if even maintaining a 1m distance is impossible i.e. 2 person tasks that require them to be within a 1m distance of each other. Is suitable PPE acceptable?

No, 1 metre is the absolute minimum distance regardless of PPE.

If we have a service aspect to our business, can our staff go out to service our products at other businesses, keeping in accordance with safe working practices?

Yes. You need to have a policy in place for your staff's safety when they are working at a different site. Each site they visit may have their own different guidelines about how to treat visitors on their site- you need to make very clear to your staff what your expectations of their safety are as an employer.

What about green grocers, bakers and butchers - can they open now? Surely risk is no higher than supermarket or dairy?

Under Level 3, businesses can operate if they have a Health & Safety Plan that has physical distancing and meets the government's guidelines, and no face to face contact with customers.

Please note any information or advice provided in respect of COVID-19 issues does not constitute formal legal advice and should be relied on for guidance purposes only. If you require further assistance or formal legal advice please contact EMA at 0800 300 362.

FAQs

for businesses impacted by COVID-19

The government COVID-19 site says no PPE needed if not used before level 3. So does that mean no gloves to pack e-commerce orders?

Virus transmission is most likely to occur from airborne sources, however unless you know the products are clean then good regular hand washing is recommended. Wearing gloves only stops the virus from touching the skin so if a person is wearing gloves and touching their mouth transmission can still occur. Regular glove changes would be required if glove use is to be effective.

Can staff work within 1m of each other if there is a physical barrier between them?

You need to be aware that it is not ideal. The virus can be airborne which may not be stopped via a physical barrier. The recommended distance is 2 metres.

How to manage high touch items, like the tea and coffee in the lunch room?

You will need to have a plan specific to your business and site. Excessive hygiene, new ways of managing space and people, physical barriers and separation, splitting breaks and shifts are all options.

Can my business's showroom open? By appointment only, and with keeping 2m distance?

No. The government has made clear that no face to face interaction is to occur at Level 3.

Can service, trade and maintenance staff visit customer's homes/ sites under level 3?

Yes, as long as the guiding principle of physical distancing is still adhered to. See the government's [COVID-19 website](#) for more information.

My business's first aiders are mostly working at home. Are we allowed to have 1 or 0 first aiders on site? What about fire wardens?

All other H&S law still applies so it is prudent to try to have a first aider and or fire wardens on site. New Fire wardens could be appointed, first aiders need training so a little more difficult. Overall depends on the risks of your business.

If a staff member reports a symptom (eg sniffle) are you required to isolate their entire work-bubble pending health advice or test results from a doctor?

Immediately call Healthline for their advice on your specific situation if you are concerned a member of staff is displaying symptoms.

Preparation

Should we have a signed agreement with staff detailing our COVID19 policy prior to business resuming?

That would be ideal, but might not be possible

Please note any information or advice provided in respect of COVID-19 issues does not constitute formal legal advice and should be relied on for guidance purposes only. If you require further assistance or formal legal advice please contact EMA at 0800 300 362.

FAQs

for businesses impacted by COVID-19

to be signed when everyone is at home prior to resuming work. Communicating via email beforehand, and then a re-induction to the site including sign-off when they do come back on site is ideal.

Will our staff need any formalised authorisation to attend sites? Our staff of engineers need to undertake site review work though would not need to meet people.

You will need to check whether your staff is welcome to that site by the site operators, and adhere to their H&S guidelines.

How do we maintain a safe workplace during Level 3?

The Health and Safety Plan for your business at Level 3 should plan for your business's specific situation. There are some guidelines and documents available by sector groups, and on the [EMA COVID-19](#) website to help you plan and prepare for your workplace safety at Level 3.

Do I need something in reception areas about requirements before entering the site under Level 3 and later Level 2?

Yes.

Regions

What defines a 'region'?

We are currently waiting on clarity on this from MBIE. We anticipate this to be the sixteen regions commonly used in New Zealand.

Are our staff allowed to travel regionally for work purposes eg. construction?

The government asks that we keep it regional. If travelling is essential you must have a policy on how this will be conducted safely at Level 3.

Are we allowed to deliver products across regions?

At this time it is not clear what a region is. We are currently waiting for official confirmation. If travelling is essential you must have a policy on how this will be conducted safely at Level 3.

Vulnerable workers

How do I protect a boss who is 70+ or with underlying health issues but are insisting they work?

The boss should not be at work in this instance. This is a difficult situation as they are putting themselves at risk. Key messaging

Please note any information or advice provided in respect of COVID-19 issues does not constitute formal legal advice and should be relied on for guidance purposes only. If you require further assistance or formal legal advice please contact EMA at 0800 300 362.

FAQs

for businesses impacted by COVID-19

to pass on to them is that they should lead by example for others in the workplace and in the industry. Key protections for all staff should include physical distancing, working from home wherever possible, and excessive hygiene.

When will it be safe for high risk (underlying health conditions/ over 70) staff to come back to work?

It looks like Level 2. The government and the Ministry of Health decide this. Currently, high risk workers are not advised to return at Level 3.

If you have staff member who has a medical condition under Alert 3 that prevents them returning to work, but can obtain a clearance from their doctor that they can return to work providing the company has the appropriate safety procedures and PPE equipment available, is this acceptable?

If strict controls are in place 100% of the time and or the person is isolated within the workplace i.e. works with minimal contacts, then yes. This is primarily a decision and a situation for an employer to manage and ensure that you are keeping your employee safe.

What about my workers who have vulnerable people at home?

Before returning to work, your staff should be aware of how they will remain safe and at a physical distance from people

in the workplace- therefore minimising the risk of COVID-19. This is through the business's Level 3 Health and Safety Plan and preparations for a safe workplace at Level 3. If the employee are really concerned, refer them to the MoH website on how they can isolate themselves from the vulnerable people at home. If they are still not comfortable, you can discuss with them if they want to take leave. Referring to advice from the Ministry of Health is key.

If an older staff member (aged between 65 and 70) with underlying health conditions wants to return to work under level 3, can we/should we insist they remain home until level 2?

The Ministry of Health recommends that those with underlying health conditions do not return to work. If you are unclear on whether they should and are in the at risk category or not, please consult the Ministry of Health. You can also call 0800 300 362 to speak to Adviceline about managing the employee relationship.

What about a staff member who is healthy but over 70?

The Ministry of Health recommends that those over 70 do not return to work. If they wish to and you do not know how to manage that, please call 0800 300 362 to speak to Adviceline for advice.

Please note any information or advice provided in respect of COVID-19 issues does not constitute formal legal advice and should be relied on for guidance purposes only. If you require further assistance or formal legal advice please contact EMA at 0800 300 362.

FAQs

for businesses impacted by COVID-19

Employment Relations

If at Level 3 we are allowed to attend work and an employee says don't feel comfortable coming in where do we stand, and what do we say?

Managing worried employees will start with showing them your detailed Health & Safety Plan for a safe work place at Level 3. If they can do their work from home, they should be working from home. If they cannot work from home, and still are not comfortable coming to work when you have a site that is safe to work in, you may need to discuss your employee taking leave. Please called Adviceline on 0800 300 362 to discuss your specific situation.

Under Level 3, are you required to bring back your employees at 100% (or even 80%) of pay?

You will need to consider the relevant terms of employment, your work requirements and any agreements reached with your employees. Any changes to their employment agreement must be done through a process which consults with the employee and gains their agreement. Please called Adviceline on 0800 300 362 to discuss your specific situation.

I have high risk employees, sick employees with no leave, and employees who choose to stay home as they don't feel safe. What and how do I pay them?

Please call EMA's Adviceline for advice specific to your business on 0800 300 362.

Can I ask my staff to return to work at 80%?

For any variation to their employment agreement, consultation and agreement with your staff are required. It needs to not breach minimum standards. Please called Adviceline on 0800 300 362 to discuss your specific situation.