

## COVID-19: Health and safety considerations for businesses and employers at Alert Level 2

### The Prime Minister has announced that as of 14 May 2020, New Zealand will move into the less restrictive Alert Level 2.

At Alert Level 2 the majority of New Zealand businesses will be permitted to physically open and resume trade. This article discusses what measures employers must observe to comply with health and safety requirements Alert Level 2.

#### General health and safety restrictions

Under Alert Level 2 businesses may open if they can operate safely and follow the Alert Level 2 standards set out by the New Zealand Government. A staggered approach will be implemented resulting in different opening dates for Educational centers and bars. Educational premises such as schools and kindergartens may reopen on 18 May 2020, and bars are permitted to resume trade from 21 May 2020, with restrictions.

A maximum limit of 10 people has been announced for any gatherings. Businesses are expected to cater to this rule, and only accept group bookings of 10 people or less. The Government will re-evaluate these restrictions on 25 May 2020, and will continue to review the effectiveness of the above measures.

It remains the responsibility of Persons in Charge of a Business or Undertaking (PCBU) to continue to follow the health and safety obligations set out under the Health and Safety Work Act 2015 (Act), in addition to the increased health and safety requirements necessitated by COVID-19. Physical distancing, increased hygiene, disinfecting surfaces and contact tracing is required in all workplaces, as well as ensuring no persons with COVID-19 symptoms are allowed on the premises.

#### Key considerations before reopening at Alert Level 2

WorkSafe have identified seven key areas that each employer should consider when planning how they will reopen and operate safely at Alert Level 2:

1. *How will you manage the risks of restarting part or all of your operations at Alert Level 2?*

Having been partially or fully closed over the lockdown requires employers to consider a number of matters before they reopen.

Considerations include:

- checking all machinery and operations are working correctly and that all necessary maintenance is up to date;
- making arrangements to ensure employees have access to appropriate hygiene practices when they return to the workplace; and
- what else needs to be done at your workplace before you can safely restart operations?

2. *How will you ensure all workers are able to keep themselves safe from exposure to COVID-19?*

It is important employers keep employees up to date with guidance on how they can keep well at work, and while travelling between home and work. Think about what resources you can provide to employees to assist with this.

Another consideration may be whether your employees are reliant on public transport to get to and from work. Those employees may need some flexibility on their start and finishing times to safely get to and from work while there is increased pressure on public transport capacity.

3. *How will you gather information on your workers wellness to ensure they are safe and well to work?*

Any employees that display symptoms of COVID-19 must not be at work, and they should not return

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to work until they have either recovered or tested negative for COVID-19 (and recovered from their symptoms). Regularly check in on your employees to keep note of their wellbeing.

4. *How will you operate your business in a way that keeps workers and other people safe from exposure to COVID-19?*

Ensure good health and safety protocols are in place by maintaining physical distancing, enabling good hygiene practices, contact tracing and keeping people with COVID-19 symptoms off the premises.

5. *How will you manage an exposure or suspected exposure to COVID-19?*

If a worker begins to show COVID-19 symptoms, employers need to ensure that worker immediately goes home and calls Healthline or their GP. Employers should disinfect any areas that the unwell worker has been, and will need to provide authorities with contact tracing information. More information on contact tracing is provided below.

6. *How will you check to see if your work processes and risk controls are effective?*

Regularly check in with your employees to ensure your processes and risk controls are working, and that employees feel safe in the workplace. Take on feedback and adapt processes as required.

7. *How do any changes impact on the risks of the work you do?*

Consider what of your work practices must change in Alert Level 2, and ensure that any changes still provide for a safe and healthy workplace. Identify and manage your risks as usual, with the heightened requirements of Alert Level 2.

### **Contact tracing**

Businesses are expected to keep a record of who employees and visitors have contact with at the workplace. This record requires, at minimum:

- full name (not nickname);
- contact telephone number;
- postal address; and
- date, time and duration of visit.

This information may be recorded manually or electronically.

There are exceptions to the contact tracing rule. Supermarkets, for instance, have not engaged in contract tracing measures and as a consequence, physical distancing of 2m is required. At this stage we are unaware of any other industry which is not required to maintain contact tracing records.

### **Vulnerable employees**

Vulnerable employees are considered individuals over 70 years of age, or people who are immunocompromised. Vulnerable employees may work onsite during Alert Level 2 if they can do so safely. Arguably, as it is the employer's responsibility to provide a safe workplace, employers should work with vulnerable employees to ensure their health and safety needs are cared for.

If a vulnerable employee does not agree to the employers proposed safety arrangements, the employer should refer to the Act and updated public health advice from the Ministry of Health.

Employers should consider what the health and safety risk would be for each of their vulnerable employees. A holistic approach based on good faith is expected. Employees returning to the workplace should be managed gradually and, where necessary, on a case by case basis.

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### Industry guidelines

There are also industry specific guidelines that need to be considered. A number of industry groups have prepared guidance for their workplaces to consider when preparing to reopen in Alert Level 2, such as hospitality and construction, and we recommend researching any guidelines which may apply to your workplace to assist your health and safety planning.

#### *Hospitality*

Hospitality businesses may commence trade and receive customers with certain restrictions. Groups of customers are required to be separated by at least one meter, with a single server allocated per group. Additionally, bars, restaurants and cafes must have customers seated only. There is a maximum limit of 100 people inside one building for any reason during Alert Level 2. Restaurants, cafes and bars may accept a maximum of 10 people per booking until further notice.

#### *Construction*

Most construction sites re-opened in Alert Level 3, and in doing so were operating under strict conditions, many of which overlap with Alert Level 2. Employees working on construction sites should continue protocols such as physical distancing, increased hygiene, monitoring site access and deliveries. Entering Alert Level 2 is a good time to consider whether these practices are working, and what should or could change to increase health and safety at the workplace.

#### *Office workers*

Where office space is limited, alternative ways of working may be beneficial. For instance, remote working, shift based working, rotation of staff and the staggering of meal breaks may be necessary to ensure the appropriate physical distancing is observed.

Communal areas such as lunch rooms, lobby areas, stairwells and lifts will have to be monitored to comply with social distancing rules.

### Want to know more?

If you have any questions about the above, please contact our specialist [employment](#) team.