

Emergency information 2017 – flooding emergency.

Friday 21st July 2017

The advice here is designed to help our members make good, safe, sensible and practical decisions in the event of an emergency situation. Please contact the Restaurant Association on 0800 737 827 at any time if you have concerns or questions.

Here is a link to emergency contacts in the area: <http://www.civildefence.govt.nz> .

If life or property is threatened always dial 111 for Police, Fire or Ambulance.

To find out more about road closures go to: <https://www.timaru.govt.nz/services/roads-transport-and-parking/working-in-the-road-corridor/road-closures>

EMPLOYMENT RELATIONS

You may need to close your business if you are in an affected area, or you may have employees who are unable to get to work. It may be difficult for employees to get in contact with you as phone and internet may be affected. Transportation is also an issue, as some roads may be temporarily closed and public transport could be affected. Please bear these things in mind when dealing with your staff.

OVERARCHING EMPLOYMENT ADVICE FOR BUSINESSES AFFECTED BY AN EMERGENCY SITUATION

The key is communication. Like all emergency situations of this nature, you are faced with an unusual situation, and some of it is probably not covered by employment agreements. It is very important that employers and employees are talking to each other.

- **Be flexible.** This is a time for employers and employees to be understanding and to take a common-sense approach to getting the business up and running.
- **If employees are concerned** about their safety in getting to, or going back to work, they should raise their concerns with their employer.
- If employers **are asking employees to do work they don't normally do** (for example, clean-up work), both sides need to ensure they're comfortable with this, and safety must be a top priority.
- People may want to focus on family rather than work.
- Working with staff health and safety representatives and union representatives will be of assistance in some work places.
- Work together to find practical solutions.
- Recognise that this is a significant event
 - People react differently in these types of situations - some may need extra support
 - Some will want to focus on caring for their family
 - Others will be best supported by assisting to keep things running
- An individual employee has the right to raise concerns and refuse to do work they consider unsafe. Discuss the work and the concerns before it gets to this point. If you have decided it is safe share your knowledge and reasoning with staff alongside the decision.

ADDITIONAL EMPLOYMENT INFORMATION

Who decides if workers have to go to work if the business is open?

Employers and employees should talk to each other about what is happening with the workplace. Discuss and reach an appropriate agreement.

If a staff member needs to stay home to look after their family – how does that work?

Both parties should take a practical approach to this situation. Currently some schools are closed and this will affect those with children to care for. Employers should discuss the employee's needs in these circumstances, recognising the nature of the event, the disruption it has caused and the need for flexibility.

Whose responsibility is it to ensure the workplace is safe?

This is the responsibility of the PCBU / employer under the Health and Safety At Work Act. In extreme circumstances, the employer may need to obtain expert information to ensure safety and /or reassure employees of workplace safety.

What if it is a usual day of work for my employees and the business is closed. Do I pay employees? My employee can't get into work today for good reason. Should I pay them?

The answer to these (and similar questions) will depend on the employment agreement in place. If the employment agreement is clear about what to do, you should be guided by your agreement.

The Restaurant Association's Permanent Employment Agreement has a business interruption clause which can be enforceable where business operations are interrupted by unforeseen events beyond your control, such as a natural disaster.

Where a business is closed due to circumstances beyond the control of the Employer (even for a couple of days) it is a business interruption. The clause in the updated agreements states that an employer will consult with an employee about any decision regarding payment for the day(s) the business is closed. Therefore we advise business owners to speak with their employees before making a decision on whether they will be paid or not.

This conversation may include discussions about whether there was alternative work available elsewhere for the employee, and if not, whether it was appropriate that the employee be paid, take leave without pay, or take annual leave etc. If the decision was made not to pay the employee, it is open for the employee to challenge it, however, if the above process is followed you will be unlikely to have any problems.

NOTE: under current employment legislation your employment agreements should have a cancellation clause in your employment agreement and this clause may also be used in these types of circumstances. You'll need to be sure that any shift cancellation does not affect any agreed hours with an employee.

Does an employer have the right to require workers to go to work and help with clean up?

This is an area for discussion on practical solutions. Employers want their businesses open to provide service to customers, and to be able to pay their employees. If employees are concerned about doing this work, they should discuss it with the employer and if they are being asked to do work they don't normally do, there should be a discussion about the employee's capability to do the work, and about supervision, and, especially, what protective gear employees will be provided with. The primary concern at all times should be individual safety.

What safety gear should be used in clean up?

The primary concern at all times should be individual safety. This means that appropriate protective clothing and equipment should be used when required. At a minimum, this would generally include heavy shoes/boots, a helmet and safety glasses and a protective jacket and trousers if required.

HEALTH & SAFETY

If you are in an affected area, please be aware that Health and Safety is paramount - don't rush in. Stand back and make a sensible, safe plan for your workplace.

Follow the emergency response procedures as per your workplace health and safety programme. The Restaurant Association's Health & Safety Manual has a number of useful templates to use.

If you don't have the expertise to verify the safety of your building and equipment, get an expert in to assist you.

You can call WorkSafe if you have any concerns or questions about the safety of your premises on 0800 030 040.

Here's a basic emergency checklist of things you should consider if your workplace has been affected by a disaster such as earthquake, or flooding in this case. Make sure that you make your checks in writing:

- Check for basic building structural stability
 - Check for basic sanitation, eg running contamination free water
 - Check that toilets are working
 - Check that emergency egress and support equipment hasn't been compromised
- Check for live electrical cables, or gas leaks
- Check the integrity of the water and sewage lines
- Check for unstable stock, equipment or machinery inside the building
- Check for chemical spills
- Check security issues – refer to the NZ Police or your security firm if you have concerns
- A full hazard identification should be made and plans to eliminate and minimise where practicable
- Remember it is possible that there are new and unusual hazards in your place of work that didn't exist before. Your current hazard register should be considered inadequate
- Recognise that the RIGHT DECISION is the SAFE DECISION
- Make yourself aware of any requirements of the authorities (Civil Defence, regional and local authorities etc) and act in accordance with those requirements
- As a business owner or manager, the Health and Safety At Work Act requires you to provide a safe workplace for your employees, contractors you might engage and others who might be entering your premises, eg shoppers

- Employees also have a responsibility to ensure their own safety and the safety of others.

INSURANCE

Please be aware that members can call our insurance partners the Crombie Lockwood team on 0800 252 461. They will have access to the best advice available.

Key Crombie Lockwood broker contacts:

- The Crombie Lockwood claims number is 0800 252 461
- For all and any enquiries – urgent or general, Satpreet Chandra is the FaB Scheme liaison within Crombie Lockwood and is available on 09 3740697.

USEFUL PHONE NUMBERS

NZTA	0800 4 Highways (0800 44 44 49) www.nzta.govt.nz/traffic-and-travel-information
Citizens Advice Bureau	0800 367 222 www.cab.org.nz
Get Ready Get thru	www.getthru.govt.nz
Kidsline	0800 54 37 54 (24/7) www.kidsline.org.nz
Youthline	0800 376 633 Free TXT 234 www.youthline.co.nz
Healthline	0800 611 116 (24/7) www.health.govt.nz
Metservice	www.metservice.com
GeoNet	www.geonet.org.nz
Red Cross	www.redcross.org.nz
IRD	0800 775 247 www.ird.govt.nz
ACC Claims	0800 101 996 www.acc.co.nz
Plunketline	0800 933 922 (24/7) www.plunket.org.nz
Victim Support	0800 842 846 (24/7) www.victimsupport.org.nz
Salvation Army	04 384 5649 www.salvationarmy.org.nz

REMEMBER...

Our RESTAURANT ASSOCIATION HELPLINE - 0800 737 827 - is always available. We are happy to hear from you regardless of your situation so please do not hesitate to call the helpline 24/7.

Information is also available on the Restaurant Association website,
www.restaurantnz.co.nz.

We have a number of the team who are on the road and can come visit if you need them to. Let us know if you need a visit by calling 0800 737 827.