

Guidance for dealing with a probable or confirmed Covid-19 case in the workplace

UPDATED 12 November 2020

[PLEASE NOTE. Restaurant Association members are strongly advised to seek guidance from the employment team on 0800 737 827 if you have any questions. The Restaurant Association has taken all reasonable care to ensure that the information materials contained on our website and in this resource are true and correct at the time of publication. The information provided is general information only and is not intended to constitute legal advice. Therefore, the Restaurant Association accepts no responsibility for any loss, errors or omissions which may arise pertaining to such reliance.]

The following information provides some guidance on actions you will need to take if you:

- **Have a staff member who is suspected or confirmed to be infected with COVID-19, or, who is required to take a Covid-19 test**
- **Have had a customer or other visitor to the premises who has been confirmed to have COVID-19**

In cases where a customer, or an employee tests positive for COVID-19, the Ministry of Health will take the lead and it will be important to follow their instructions with regards to your workplace. Further Guidance on this is here:
<https://www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus>

Guidance for workplaces that have a confirmed or probable case of Covid-19

If an employee, customer, or visitor becomes a confirmed or probable COVID-19 case and has been at your workplace while potentially infectious there are standard processes that will be followed. While following Ministry of Health instructions is essential, it is also advisable to take steps above and beyond public health requirements to eliminate or minimise, so far as is reasonably practicable, the risk of workers and others in your workplace (such as staff and other customers) contracting COVID-19. Going above the requirements, will also help you to offer

some assurances to the public and help protect your business from reputational damage.

You may be told by the person in question directly, or notified the by the local public health unit (PHU) and then you should:

- Inform any Health and Safety Managers within the organisation; they are usually the best people to have contact with the PHU;
- Isolate spaces that this person may have spent significant time in and ensure deep cleaning is undertaken before they are able to be used. The Restaurant Association recommends using professional cleaning services to deep clean the premises. Members should also refer to the **Restaurant Association Guide: Cleaning Following a Confirmed or Probable Case of COVID-19** for sector specific guidelines or the following link for broad cleaning requirements for a confirmed or probable case of Covid-19: <https://www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-information-specific-audiences/covid-19-general-cleaning-and-disinfection-advice/cleaning-following-confirmed-or-probable-case-covid-19>). Specific or additional advice will be given by public health officials of any cleaning requirements based on the extent of exposure;
- Cleaners must wear appropriate PPE, for example disposable gloves or gloves appropriate to the cleaning chemicals being used, and safety eyewear to protect against chemical splashes. If there is visible contamination with respiratory secretions or other body fluids in the area, the cleaners should also wear a disposable apron.
- Assist as required with the PHU's contact tracing process (see below) and support any staff identified as a close contact to self-isolate for 14 days;
- Follow PHU advice on communication with your employees and customers (see below);
- Consider getting all staff tested for covid-19, even if Ministry of Health advice is that this is not necessary. As a public facing business, undergoing this testing as a precaution will help with your messaging to customers and media and may help to protect your business' reputation;
- Consider store or site closure – this decision should be made on the advice of a public health official based on information on the extent of the exposure; and

- Follow PHU advice on any additional requirements that are specific to your type of business.

Remember, at any time, an employee who feels unwell with symptoms of COVID-19 should be encouraged to go home and to seek help by calling their GP (doctor) or call Healthline, for free, on [0800 358 5453](tel:0800 358 5453).

Contact tracing

Contact tracing will be undertaken by PHUs and/or the Ministry of Health to determine potential exposure to employees, customers and visitors. Contacts may be determined to be close contacts and require 14 days self-isolation. There may also be casual contacts who need no further specific action.

The contact tracing process involves factual information gathering which could include interviews, CCTV, checking of rosters and assessing cleaning procedures that had occurred whilst/after confirmed case was on site.

Communication with employees

Follow advice from your PHU to help you inform employees of the situation and what interventions will need to be followed such as contact tracing, covid testing, cleaning, and support options available. This could include:

- Having Ministry of Health guidance readily available for employees; and
- Any support available to employees, through the business or government.

Communication with customers and the media

Follow advice from the PHU to help you inform customers of current situation, and what actions will be taken. Make sure you put your customers minds at ease by being proactive with your communication.

This could include:

- Signage at the front of the store to inform customers of a confirmed case and any information from health officials;
- Notifying customers via media platform (newsletter, Facebook etc.) of a confirmed case and any information from health officials; and
- Having Ministry of Health guidance readily available for customers.

The Restaurant Association has developed a **media survival guide resource** to provide guidance to help you communicate with customers and the media if you are involved in a COVID-19 outbreak. It includes a template for communicating with the public and many tips for dealing with the media if they get involved. [Read the Covid-19 Media Survival guide here.](#)

Dealing with an affected staff member and close work contacts

- If anyone starts to feel ill with COVID-19 (or cold/flu like) symptoms at home **before they come to work** – they must stay at home. The employee should be told that they need to ring Healthline ([0800 358 5453](tel:08003585453)), or their GP and they will receive advice on what to do and/or if they need a test for COVID-19.
- Symptoms include:
 - sore throat
 - sneezing and runny nose
 - temporary loss of smell
 - fever
 - coughing
 - difficulty breathing.
- If they start to feel unwell **at work**, they need to go home. Isolate the employee immediately and make sure that they have transport home. Provide the employee with a disposable mask. The employee should be told that they need to ring Healthline ([0800 358 5453](tel:08003585453)), or their GP and they will receive advice on what to do and/or if they need a test for COVID-19.
- If it is determined the employee needs to be tested for COVID-19, they need to stay at home, in isolation, until they receive the results of the test.
- The employee must also inform the employer that they are being tested for COVID-19. At that point the employer should identify that person's close work contacts and consult with the Ministry of Health or a medical professional to determine if it is necessary to also isolate these close contacts.
- Clean the area where the person was working and all places they have been, including any high touch areas (e.g. door handles etc in communal spaces). This may mean evacuating some of the areas.
- To minimise the risk of exposure to the COVID-19 virus the person cleaning should as a minimum wear gloves and use alcohol-based hand sanitiser before and after wearing gloves.

- Consider whether a deep clean is necessary under the circumstances and refer to our checklist on this.

If the employee's test result is negative

If the initial test result is negative, the following is recommended:

- the employee will still need to complete the full 14-day quarantine period if they have had close contact with a probable or confirmed case of Covid-19.
- if they are still sick with the same illness at the end of the 14-day isolation period, they will need to stay in isolation until they have been symptom-free for 48 hours.
- If the employee has not had close contact with a confirmed, or probable case of Covid-19, and if they are well, and have been symptom free for 48 hours, they can return to normal activity.
- If they are still unwell, then the employee should not return to work.

If the employee's result is positive

If the employee's test result is positive – the person with Covid-19 will be required to isolate and follow Ministry of Health instructions.

- The employee will not be released from isolation until they have recovered (at the direction of the Ministry of Health).
- That person's close work contacts will also be required to isolate for 14 days (if they are not already).
- If any of the employee's close work contacts subsequently develop symptoms, they need to ring Healthline or their GP and follow their instructions.
- If the close contacts have been at home for 14 days and have had no symptoms or signs of illness they can return to work.
- A deep cleaning of the workplace may be required at the direction of Ministry of Health.

Note: If there is any doubt about someone who feels ill in any way, they should stay home until they have been symptom free for 48 hours.

How do you pay an employee when they are away from work awaiting a test result, are unwell, or are in quarantine?

The below are general points only. Please contact the Restaurant Association Helpline on 0800 737 827 with any specific questions that relate to your situation.

- **Consultation** and **good faith** are still key here as well as thorough communication with the employee at all stages of the process on what options may be available to the employee in the circumstances.
- The employee may be entitled to **paid sick leave** if they qualify for sick leave entitlement.
- The **wage subsidy** is not designed to be used as a substitute payment for mandatory statutory entitlements. However, employers may use the Wage Subsidy to help them pay an employee's statutory entitlements.
- The **Covid -19 Leave Support Scheme** is available for Employers to apply for on behalf of an Employee. Employers may then use the Leave Support Scheme payment to help them pay their employee as usual. Like with the Wage Subsidy, employers who apply for the Leave Support Scheme agree to "use your best endeavours to pay the employee at least 80% of their usual wages". So, if you are not in a position to pay your employee their usual wages, you could consult with them and seek their agreement to a temporary reduction to 80% of their pay. If, after best endeavours, you cannot top up to 80%, you could consult with the employee and seek their agreement to an even greater reduction (for example, that they only receive the Leave Support Payment). If you do this, you should keep a record of the endeavours you made in order to try and at least top them up to 80%.

Employees are likely to qualify for the Leave Support Scheme if they:

- are sick with COVID-19 and must self-isolate until a doctor tells them they can leave isolation
- are identified as someone who has or may have been in contact with someone who has COVID-19 and must self-isolate for a period, for example:
- a close contact who has been told to self-isolate by a health official through the contact tracing process,
- someone with COVID-like symptoms who meets the Ministry of Health's Higher Index of Suspicion criteria and has been told by a doctor to self-isolate, or

- casual contacts who have been told to self-isolate by a health official through the contact tracing process
- are the parent or caregiver of a dependant who has been told to self-isolate for a period and the dependant needs support to do so safely
- are sick with COVID-like symptoms and been told to self-isolate while awaiting a test or test result, and work in a health and disability facility or service that gets funding from:
 - a District Health Board,
 - the Ministry of Health, or
 - the Ministry of Social Development
- are sick with COVID-like symptoms and work in an aged-care facility or service and have been told to self-isolate while awaiting a test or test result
- are considered 'higher risk' if they contract COVID-19 and a doctor has told them to self-isolate while there's active community transmission, or
- have household members who are considered 'higher risk' if they contract COVID-19 and a doctor has told them to self-isolate while there's active community transmission.

Before applying for the scheme the employer must have the written consent of the employees named in the application.

Further information on this is here: <https://workandincome.govt.nz/online-services/covid-19/declaration-leave-support-scheme.html>

*If the employee's usual wages are **leave support scheme**, the employer must pay them at least their usual wages.*

The Leave Support Scheme is paid as a lump sum and covers 2 weeks per employee from the date you submit your application. You can't apply for less than 2 weeks. <https://workandincome.govt.nz/covid-19/leave-support-scheme/how-to-apply.html>

What if my employee doesn't meet the criteria for the Leave Support Scheme, but I still think they are a Health and Safety risk? Can I tell them to not come in to work? If so, how do I pay them?

From a general health and safety perspective - as you know, as an employer you have a duty to ensure, so far as is reasonably practicable, the health and safety of workers. Because of this, even if an employee does not meet the eligibility criteria for the Leave Support Scheme, and even if they are not showing signs of Covid-19, if, despite this, you still have **reasonable concerns** from a health and safety perspective, it may be reasonable to stand them down. If you do this, you should continue to pay the employee as usual, unless you consult with them and seek their written agreement to a temporary variation to their employment agreement.

Whatever you decide to do, **communication** with the employee is key. Ask them for more information about their situation if you need to and discuss with them whether they believe there is risk in them attending work. We would also encourage you to suggest that the employee call the Healthline directly to explain their situation and seek guidance from them.

Temporary Variations to Employment Agreements

For further information on consulting with employees about temporary variations to their employment agreements (such as a reduction of hours and/ pay), as well as general guidance on how to pay employees please see our guidance [here](#) (this is a member only resource, so login first).

Identifying close-work contacts

Ensure you have current contact information, including home contact for all staff and record the areas of work that each staff member works in.

The Ministry of Health defines a 'Close Contact' as any person with the following exposure to a suspect, confirmed, or probable case during the person's infectious period, without appropriate personal protective equipment (PPE).

In terms of a workplace the following are examples of what might be considered close contacts:

- face-to-face contact in any setting within two metres of a case for 15 minutes or more (e.g. people working opposite each other, sitting opposite each other during a break)
- having been in a closed environment within 2 metres of a case for 15 minutes or more

- or in a higher risk closed environment for 15 minutes or more as determined by the local Medical Officer of Health. The local Medical Officer of Health will determine whether an environment is higher risk. Considerations include the nature of the gathering, the level of contact between individuals and the ability to observe physical distancing/hygiene measures.
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Casual contact definition

A casual contact is defined as someone who has had contact with a person while they were infectious with COVID-19, but doesn't meet the criteria for a close contact. We define who is considered a close contact in our Advice for Health Professionals.

Casual contacts of a confirmed (or probable) case do not routinely need to be tested or self-isolate if asymptomatic. They should be advised to monitor their health for 14 days and to isolate themselves immediately if any symptoms develop and phone Healthline or their GP to arrange to be tested.

For casual contacts with no symptoms there are no restrictions on movements (aside from any that already apply due to the current Government alert level). However, there are situations where a Medical Officer of Health may advise casual contacts to isolate and get tested in the absence of symptoms, and only come out of self-isolation once they have a negative test result. This will be contingent on consideration by public health officials.

Casual contacts who are at higher risk of severe illness (eg, immunocompromised, people with co-morbidities) do not require additional public health follow-up.

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