COVID-19 pandemic: Frequently asked questions – 12 March 2020

The Health and Safety at Work Act 2015 (HSWA) is very clear that employers must ensure the health and safety of their employees but it also places obligations on nursing and other staff to ensure the wellbeing of themselves and others.

This is a summary document of answers to questions that may be asked by nurses, midwives, health care assistants and kai mahi hauora. However, readers are encouraged to keep themselves up-to-date with the latest infection control recommendations and guidelines.

Please also note that this information is for guidance only. Many cases will need to be determined individually on their own facts; and different workplaces will have different employment conditions and policies.

The COVID-19 situation in New Zealand is evolving and we are still learning. This document will be updated regularly as more is learned.

Table of contents

What is the responsibility of the Ministry of Health in a pandemic situation? .................................................. 2
What is NZNO’s role in a pandemic situation? .......................................................... 2
How infectious is COVID-19? ...................................................................................... 3
What impact is COVID-19 likely to have on working conditions? .................................................. 3
What should be done if a patient is considered a suspect case of COVID-19 infection? .......................... 3
What are the minimum precautions to reduce the risk of transmission of acute respiratory infections? .......................................................................................................................................................... 3
How should suspected, probable or confirmed cases of COVID-19 be dealt with? ...................... 3
What responsibilities do DHBs and other employers have in a pandemic situation? ......................... 4
What responsibilities do employees have in a pandemic situation? ................................................. 4
How can I ensure I play a primary role at work to ensure readiness for a pandemic or disaster? ...... 4
What ethical issues are there for me to consider, especially if there are competing demands on me from my employer, family/whānau etc? ................................................................................................................................................. 5
What should employees do if they are unaware of their workplace’s safety and pandemic plan or if they are unsatisfied that their wellbeing is sufficiently being cared for? .............................................................................. 5
Can nursing staff refuse to work if they feel unsafe or unprotected from COVID-19? .................... 5
Can I be required to take sick leave if I don’t have COVID-19 symptoms but have recently looked after an individual or family/whānau who fulfil the case definition of COVID-19? ........................................................... 5
If I am required to look after patients with COVID-19, what happens if I have to go into self-isolation or contract the disease myself? ........................................................................................................ 6
Can I be required to take sick leave if I have recently travelled to a country where COVID-19 is prevalent? .......................................................... 6
What should I do after returning from international travel? .................................. 6
Can I be required to work extra hours because of how COVID-19 has affected my workplace? ........ 7

General questions and answers

What is the responsibility of the Ministry of Health in a pandemic situation?

The Ministry of Health leads the Government’s response to COVID-19 and any other pandemic. It is the responsibility of other agencies to plan for and respond to COVID-19 or any other pandemic in their respective sectors and settings, based on the direction set out by the Ministry of Health, which is working with the broader sector to continue a strong response to the ‘stamp out’ phase of pandemic planning tailored to COVID-19.

The Ministry of Health website has several pages of information and advice about COVID-19 and these pages are updated regularly.


What is NZNO’s role in a pandemic situation?

NZNO is committed to supporting members in their professional and industrial endeavours. As such, NZNO’s role in a pandemic is to:

- provide NZNO members with access to the latest information associated with a pandemic or disaster
- support nurses, midwives and other health care workers in preparing for a pandemic or disaster
- work with agencies including the Ministry of Health to ensure systems and processes are in place to support and protect NZNO members and
- other workers in health
- support agencies including local district health boards in preparing for a pandemic
- support nurses, midwives and agencies during the recovery phase
- support NZNO members with industrial and professional support where employment issues arise.

NZNO has a published guideline: Obligations in a pandemic or disaster that sets out both employer and employee responsibilities during a pandemic. This is available at: https://www.nzno.org.nz/LinkClick.aspx?fileticket=vlDcH9XdIG%3d&portalid=0.


How infectious is COVID-19?

The likelihood of limited person-to-person transmission is **moderate** and the likelihood of sustained transmission, and widespread outbreaks, remains **low**, although it may be high in some settings (e.g. institutions, aged care facilities etc).

What impact is COVID-19 likely to have on working conditions?

COVID-19 will have an impact on workloads and resources, especially if it becomes more prevalent or strikes heavily in winter alongside the flu. However, it is expected that few cases in New Zealand will require hospitalisation. Most people with the virus, once diagnosed and having sought medical advice, should be able to manage their illness at home in isolation.

What should be done if a patient is considered a suspect case of COVID-19 infection?

- Rapidly obtain a travel history from any patient with respiratory infection.
- All patients with respiratory infection and recent travel history should be provided with a surgical mask upon entry to the facility.
- Infection prevention and control precautions (standard, contact and droplets) should apply and the patient should always wear a surgical mask, and be placed in a single room.
- Immediately contact the local medical officer of health to discuss whether it should be considered as a suspect case.
- If admission or further assessment is required, the local hospital should be contacted and clearly informed that the patient is a suspect case before the patient is sent.

What are the minimum precautions to reduce the risk of transmission of acute respiratory infections?

- Avoid close contact with people suffering from any acute respiratory infections.
- Frequent hand-washing, especially after direct contact with ill people or their environment.
- People with symptoms of acute respiratory infection should practice cough etiquette (maintain distance, cover coughs and sneezes with disposable tissues or clothing and wash hands) and stay home if unwell.
- Adhere to standard infection prevention and control practices in primary health care.
- All patients with respiratory infection and recent overseas travel history should be provided with a surgical mask upon entry to the facility. For suspect cases of COVID-19 infection, include contact and droplet precautions, such as personal protective equipment (PPE).
- Aerosol-generating procedures should be avoided in primary health care.

How should suspected, probable or confirmed cases of COVID-19 be dealt with?

Patients with suspected infection of novel coronavirus should be managed medically according to their symptoms and clinical state. They do not need to be hospitalised unless clinically indicated.

Non-hospitalised cases should remain in isolation at home or in their current accommodation while symptomatic. They should be provided with infection prevention and control advice along with advice regarding what to do if symptoms worsen, and followed up by public health.

With hospitalised cases it is important to rapidly obtain a travel history and implement precautionary infection prevention and control measures within hospitals to prevent transmission in health care settings.
What responsibilities do DHBs and other employers have in a pandemic situation?

DHBs are required to have local readiness and response plans in place when there is a pandemic situation. NZNO recommends all health facilities have up-to-date disaster and pandemic guidelines for employee health and safety.

The employer’s primary duty of care under the HSWA is to ensure, so far as reasonably practicable, the health and safety of workers. The HSWA also requires employers to engage with their workers on decisions that affect their health and safety.

Note that employers are obliged to meet all leave and consultation provisions under the terms of any collective agreement they have entered into with NZNO.

What responsibilities do employees have in a pandemic situation?

Under the HSWA employees are required to take reasonable care to ensure the health and safety of themselves and others by their actions or omissions, and to comply with the employer’s/business’s reasonable instructions and policies, i.e. follow safe work practices, use equipment, wear protective equipment or clothing, participate in training, and report hazards, faulty equipment, an incident or injury.

The employee is responsible for highlighting to their employer any conditions or circumstances that place the worker’s health and safety at risk. Employers have an obligation to engage with their workers in all health and safety matters, so it is important to participate in these discussions within your workplace.

NZNO recommends in the case of an emergency, pandemic or disaster, and in this instance COVID-19, that members:

- continuously monitor their own health and that of their colleagues, and immediately report any issues of concern to their employer;
- immediately report to their manager any breaches of policies, procedures or processes that are in place to prevent harm, e.g. infection prevention and control procedures or incorrect use of personal protective equipment (PPE).

How can I ensure I play a primary role at work to ensure readiness for a pandemic or disaster?

NZNO recommends nurses, midwives, health care workers and kai mahi hauora maintain personal readiness to respond, professionally and personally, to an emergency, pandemic or disaster. This may include:

- maintaining up-to-date knowledge of organisational requirements associated with emergency response
- remaining up to date with the appropriate use and safe disposal of PPE
- ensuring contact details held by your employer are up-to-date
- maintaining a personal emergency kit at home and/or at work or in the car.

Discuss preparations and strategies with your families, whānau and friends to ensure readiness and safety in the home, and how to remain in contact in the case of an emergency, disaster or pandemic.
What ethical issues are there for me to consider, especially if there are competing demands on me from my employer, family/whānau etc?

The National Ethics Advisory Committee (NEAC) has published a set of ethical values for a pandemic. These can assist nurses, midwives, health care workers and kai mahi hauora in their decision-making if a conflict exists. NZNO recommends members:

- familiarise themselves with the ethical values outlined by NEAC and available on its website: [https://neac.health.govt.nz](https://neac.health.govt.nz)
- be aware of any employment obligations, if volunteering services in the case of an emergency, pandemic or disaster.

NZNO recommends members discuss their plans with their employer, family, whānau or significant others.

What should employees do if they are unaware of their workplace’s safety and pandemic plan or if they are unsatisfied that their wellbeing is sufficiently being cared for?

Employees should notify management of their concerns, via their health and safety representative. Nursing staff who are not satisfied with the response from their management should contact NZNO’s Member Support Centre (MSC) (0800 28 38 48, [nurses@nzno.org.nz](mailto:nurses@nzno.org.nz)). The NZNO MSC will ensure you are directed to the right NZNO staff member.

Can nursing staff refuse to work if they feel unsafe or unprotected from COVID-19?

Nurses, midwives, health care workers and kai mahi hauora may have to care for individuals who meet the case definition for COVID-19. Careful planning can help reduce the impact of COVID-19 or a pandemic, but nurses, midwives, health care workers and kai mahi hauora must still remain mindful of both their rights and responsibilities.

Under the HSWA, employees have the right to refuse to perform work if they believe carrying out the work would expose them, or any other person, to a serious risk to health or safety due to immediate or imminent exposure to a hazard.

There are specific steps in this legislation that must be carried out before refusing to perform work. For example, employees must attempt to resolve the issue with the employer as soon as practicable and, should the matter remain unresolved, the employee must have reasonable grounds for believing a serious risk is attached to continuing such work.

Reasonable grounds for such belief will be established if a health and safety representative has advised the employee that carrying out the work would expose them, or another person, to serious risk.


Can I be required to take sick leave if I don’t have COVID-19 symptoms but have recently looked after an individual or family/whānau who fulfil the case definition of COVID-19?

If your employer has required you to stand-down and you are symptom-free and willing to work you may be entitled to paid special leave or other some other leave (preferably sick, or domestic rather than annual leave).
If you are symptom-free but choose to self-isolate in this situation and your employer has duties available for you in the workplace, you may be required to take unpaid leave unless alternatives can be agreed with your employer.

If I am required to look after patients with COVID-19, what happens if I have to go into self-isolation or contract the disease myself?

If you work for a DHB you will receive paid special leave if your employer requires you to self-isolate.

If you work outside of the DHB sector, and are symptom-free and willing to work, you should be given paid special leave. Contact NZNO’s Member Support Centre (0800 28 38 48, nurses@nzno.org.nz) if issues arise with their employer regarding this.

If you work outside of the DHB sector and contract the disease then sick leave provisions will apply. Non DHB members are advised to check their employment agreement to ensure that all leave options have been properly considered by their employer.

Can I be required to take sick leave if I have recently travelled to a country where COVID-19 is prevalent?

Under the Holidays Act 2003 sick leave should be used when a worker is unwell, or caring for an unwell dependent. However, there is no statutory or other obligation to exhaust sick leave if a worker is not unwell but is either compulsorily or voluntarily self-isolated (quarantined) after travelling from a country where COVID-19 is prevalent.

Before taking any action and/or requiring employees to use statutory/accrued leave, good faith obligations require the employer to consult with employees on other options such as working from home or remotely, and for the employer to explore paid special leave or discretionary leave. Members are advised that any agreements/arrangements made should be recorded in writing, even by email or text. Members should contact NZNO’s Member Support Centre (0800 28 38 48, nurses@nzno.org.nz) and keep a written record of any decisions made likely to affect their employment such as deciding not to go in to work.

NZNO is working alongside other unions and with the DHBs to get clarification and consistency around issues such as leave and pay for members working in DHBs, but it’s a complex situation that has not been resolved at the time of writing.

What should I do after returning from international travel?

The Ministry of Health has issued guidance in regard to international travel especially to and from COVID-19 countries and areas of concerns. There are temporary restrictions on people arriving in New Zealand from mainland China and Iran.

Northern Italy and South Korea do not have travel restriction in place. However, if you have been to these areas you are requested to register with Healthline (0800 358 5453) and self-isolate for 14 days starting from the date of departure.

If you have been to Hong Kong, Italy (other than northern Italy), Japan, Singapore or Thailand you should be aware of the COVID-19 symptoms. You do not have to self-isolate if you are well. If you

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1 Note that it is possible, under s 12 of the Epidemic Preparedness Act 2006, for the Governor-General, by Order in Council, to modify any statutory enactment – in this case the Employment Relations Act 2000 or Holidays Act 2003 or Social Security Act 1983 – during a serious outbreak of disease.
develop symptoms within 14 days of departing from these countries you should contact Healthline (0800 358 5453).


Upon return from overseas/international travel check with your employer before returning to work.

NZNO is currently working with DHB employers to finalise requirements around staff working after international travel. At this stage we recommend discussing this in detail with your employer. If you and your employer cannot agree on this, we recommend that you still self-isolate for two weeks if the employer is requiring it. The most important thing is that you and those you care for are protected from contracting COVID-19. Problems with how you are paid during this time can be rectified later.

Can I be required to work extra hours because of how COVID-19 has affected my workplace?

Nurses, midwives, health-care assistants and kai mahi hauora working in a pandemic or disaster may be faced with reduced resources and overwhelming demand. Resources may quickly be used up or may be unavailable. Planning for these circumstances cannot be achieved in isolation. It is important to participate in planning at the family or whānau level, work level and community level. NZNO believes an open and transparent conversation on what will be expected of health professionals in these situations is crucial for planning both personally and at the workplace.

It is likely you will be asked to work more than usual. NZNO encourages members to contribute what they can while balancing the competing obligations on them. However, you must look after yourself so you can properly look after others.

Different collective agreements will have different provisions regarding overtime. Some may express a statement that overtime must be reasonable, or impose mandatory break periods between the cessation of one shift and the commencement of another. Please check your employment agreement or contact your NZNO organiser to clarify your rights and obligations around overtime.

Please also see the question and answer on ethical issues above.