

COVID-19 Alert Levels and Personal Information

General rules for business at Alert Level 4

- All employees must stay at home and access work remotely.
- In limited circumstances you may go to your work premises to carry out necessary activity to enable remote working, such as picking up laptops or specialised equipment.
- If traveling to site, employees should:
 1. only be on site for the minimum amount of time to carry out essential operations
 2. maintain compliance with the 1-metre distancing rule for employees, and the 2-metre distancing rule for all other persons
 3. wear a face covering if possible
 4. record their entry to the location via QR code or an alternative contact tracing system.

General rules for business at Alert Level 3

- Staff should work from home if they can.
- Sites need to display a QR code and have an alternative contact tracing system. Most businesses have mandatory record keeping requirements to support contact tracing.
- Any service 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, e.g. physical distancing, handwashing and regularly cleaning surfaces. Employees must stay home if they're sick.
- Staff must maintain compliance with the 1-metre distancing rule for employees, and the 2-metre distancing rule for all other persons. Use measures such as PPE including face coverings where appropriate.
- Customers and clients should not enter the workplace except to the minimum extent necessary to collect goods through a method that minimises physical contact does not involve entering a building. Customers and clients will need to record their entry to the location via QR code or an alternative contact tracing system.
- People can travel using public or private transport to get to their workplace premises within Alert Level 3.
- You must meet all other health and safety obligations.

General rules at all Alert Levels

- It's important to keep up basic hygiene measures at all alert levels, including washing hands and coughing or sneezing into elbows. Regularly disinfect shared surfaces.
- If sick, people need to stay home. Don't go to work and don't socialise.
- People with cold or flu symptoms should call their doctor or Healthline and make sure to get tested.
- Keep a record of locations visited to help contact tracing.

Record keeping

- Our premises must display a NZ COVID Tracer QR code and have an alternative way people can record their visit.
- We recommend the alternative record is separate from any existing visitor sign-in forms or tools you currently use to ensure the purpose of the information being collected is clear.
- You must ensure that everyone aged 12 years or older who enters a site either:
 1. scans the NZ COVID Tracer QR code
 2. makes some other kind of personal contact record (e.g. a diary note), or
 3. provides their name and phone number, alongside the date and time they arrived.
- This requires the person in charge of the site to have systems and processes in place to ensure that people do check in. In practical terms, this means having QR codes in various places, not just site entries, and encouraging people as far as possible to remember to record.
- For physical sign-ins, it is recommended you use a ballot box with a slot for sheets to be inserted. Have prepared note pages next to the box for people to record their name, phone number, date and time they visited the site. This keeps the information confidential.
- Staff should also be encouraged to record their visits but building access swipe cards or an appointment booking system can be used as long as they collect all the required information (name, date, time, phone number).
- If a customer, client or other visitor refuses to check in despite the processes you've put in place, you are not required to take any further action to make them. You can encourage them to do so, but do not have to take any action that would put staff health and safety at risk.
- Provide guidance for what staff can do if someone becomes angry at being asked to provide their contact details. This may include wording for staff to use if they need to de-escalate the situation, but also let them know that their safety comes first and acceptable to back down.
- Signage could include a message that: 'Recording contact details is required to enter this premise and abuse of staff will not be tolerated'.
- If we can show that we have taken all steps necessary to ensure that there are prominent QR codes, physical forms and posters that alert people to sign in, then we will not be liable if an individual outright refuses to record their visit and endangers staff safety with this refusal.

Level Requirements

- While we recommend that all sites provide record keeping capability, there are mandatory requirements at different Alert Levels. [Note: Alert Level 3 requirements are subject to change]

At Alert Level 4

- Most businesses are closed, but a range of businesses than can open must ensure that people record their visit as far as reasonably practicable.

Businesses that must ensure all visitors (not staff) entering their premises record their visit include:
<ul style="list-style-type: none"> • Health services, including pharmacies
<ul style="list-style-type: none"> • Providers of distance or online learning for primary and secondary education

<ul style="list-style-type: none"> • Courts and tribunals
<ul style="list-style-type: none"> • Social and community-based services supporting persons to maintain critical well-being or as crisis support for people who are unsafe or homeless.
<p>Businesses, services and workplaces which need to record everyone who comes onto their premise (including workers, customers and clients) include:</p>
<ul style="list-style-type: none"> • Food delivery services for bakeries, uncooked food suppliers, alcohol suppliers.
<ul style="list-style-type: none"> • Sale of essential non-food consumer products (via online ordering/contactless delivery)
<ul style="list-style-type: none"> • Building, construction, and maintenance required to address immediate health and safety risks
<ul style="list-style-type: none"> • Postal and courier services
<ul style="list-style-type: none"> • Transport and logistics
<ul style="list-style-type: none"> • Primary industries
<ul style="list-style-type: none"> • Scientific services involved in the COVID-19 response
<ul style="list-style-type: none"> • Key utility services
<ul style="list-style-type: none"> • Key communications services
<ul style="list-style-type: none"> • Government services if a regulatory, defence, or social service, or related to the COVID-19 response and cannot reasonably be delayed
<ul style="list-style-type: none"> • Foreign Government (maintaining critical operations based in New Zealand)
<ul style="list-style-type: none"> • Security services
<ul style="list-style-type: none"> • Pest management services
<ul style="list-style-type: none"> • Essential elements of pulp and paper plants
<ul style="list-style-type: none"> • Services for deceased persons or tūpāpaku including funeral homes, crematoria, or cemeteries.
<ul style="list-style-type: none"> • Unions, if reasonably necessary to provide a service that cannot reasonably be delayed

At Level 3

- Many businesses are still closed to visitors at level 3, and the requirements are similar to Level 4. While recording staff is not required for some businesses, it is recommended that workers at each shift are tracked.

<p>Businesses that need to make reasonable attempts to record visitors, not staff</p>
<ul style="list-style-type: none"> • Services provided under the Oranga Tamariki Act 1989, and other social services provided to support persons to maintain critical well-being and as crisis support for people who are unsafe or homeless

<ul style="list-style-type: none"> • Courts and tribunals
<ul style="list-style-type: none"> • Health services, including pharmacies

At Level 2

- At Alert Level 2 the following types of businesses and services must have systems and processes in place to ensure, so far as is reasonably practicable, that every visitor scans the QR code or otherwise checks in:

Businesses and services must have systems in place to ensure record keeping
<ul style="list-style-type: none"> • Businesses that serve food and drinks, such as cafes, restaurants, bars. • This does not apply to businesses or services providing food or drink to their employees, or vending machines that are located and used within a workplace
<ul style="list-style-type: none"> • Indoor public facilities, such as museums, libraries and swimming pools
<ul style="list-style-type: none"> • Indoor event facilities, such as cinemas, theatres, concert venues, and casinos
<ul style="list-style-type: none"> • Indoor exercise facilities, such as gyms
<ul style="list-style-type: none"> • Businesses or services requiring physical contact/close-proximity between people, such as massage and hairdressing services, and semi-professional and professional sports
<ul style="list-style-type: none"> • Health services, including pharmacies
<ul style="list-style-type: none"> • Courts and tribunals
<ul style="list-style-type: none"> • Social services with a public area, including a customer service counter

Privacy and record keeping

- You can only collect the information required by the Health Order – the name of the person, the date and time they visited, and a telephone number that can be used to contact them. It is not permitted to collect any other type of personal information such as number plates.
- The purpose of the collection is to enable the Ministry of Health to contact a person in the event of a suspected or confirmed case of COVID-19.
- Personal information must be kept securely and can only be used for COVID-19 contact tracing. It must not be added to a marketing database or any other database as this will breach the Privacy Act.
- Information collected for contact tracing must be kept for 60 days then disposed of. At the end of each day, staff should empty the ballot box and file that day's sheets in a locked cabinet.
- A staff member at each site should have designated responsibility to file sheets daily and then destroy the sheets on a scheduled date 60 days later. The physical sheets must be disposed of securely using a shredder or locked destruction bin.

Privacy notices

- A short privacy statement should be displayed alongside your register system that states:

This information is being collected to assist in the management of the COVID-19 pandemic. It will be given to the Ministry of Health and/or the District Health Board on request in the event that it is required for contact tracing purposes. We will not use it for any other purpose and will destroy it after 60 days. It will be kept securely here at [site name/location]. You have a right to access and correct any information we hold about you.

Face coverings

For staff

- At Alert Levels 2, 3 and 4, most employees who interact with the public must wear a face covering.
- This includes employees who:
 1. Serve customers at a cafe or any other businesses or service that serves food or drink
 2. Work at a retail store selling items to customers
 3. Work at an indoor public facility, such as a theatre, museum or gallery.

Exemptions and privacy

- Some employees who have a disability or health condition may not be able to wear a face covering safely or comfortably. If so, these employees do not need to wear a face covering. The staff member should discuss this with their manager. There may be other health and safety actions that can be taken to keep the staff member safe, such as working in a non-customer facing role.
- Some customers and visitors may not feel comfortable if employees are not wearing a face covering. Discuss with the individual employee whether they feel comfortable communicating their reasons for not wearing a mask to customers as this may involve revealing personal, health-related information to strangers. The employee has a right to say nothing about it.
- The employee may wish to apply for an exemption card. This can be requested from the Disabled Persons Assembly NZ (call 04 801 9100, or email info@dpa.org.nz).
- The employee may also authorise you to inform worried customers about their situation but keep this information high-level without disclosing sensitive personal information.
- There is no exemption to face covering requirements for personal reasons. In such situations, site managers should work with their staff in good faith to resolve the situation and explore alternatives.

For clients and visitors

- People visiting business premises to attend meetings and visit with staff are not required to wear a face covering if they meet in a private (i.e. non-public) area of the premises.
- However, for the comfort of staff, each site should set its own protocols with regard to mask use by visitors. This may include only holding meetings offsite in a public area (such as a café) where masks are required, or having video-only meetings with external parties.

For customers

- Customers aged 12 years or older are required to wear a face covering when visiting indoor facilities. This includes museums, cafes and galleries.

- Some people who have a disability or health condition may not be able to wear a face covering safely or comfortably, and so are not required to wear one.
- Note that people who have an exemption card are not required to carry it or show it.
- Sites do not need to stop people without face coverings from entering their premises, because some people will be exempt from wearing a face covering. To deny entry may discriminate against people with disabilities that prevent them from wearing a face mask.

Vaccination

- Our agency cannot require any individual to be vaccinated. However, we can require that certain work must only be done by vaccinated employees, where there is high risk of contracting and transmitting COVID-19 to others.
- To decide that work is high risk and needs vaccination for health and safety reasons, specific sites must first assess their COVID-19 exposure risk. Note that some exposure risk may be reduced by other public health measures such as physical distancing or PPE usage.
- Generally, an employee does not need to disclose their vaccination status to their employer. However, if certain work cannot be done by an unvaccinated employee, the employer can ask an employee about the employee's vaccination status.
- If the employee does not provide evidence about their vaccination status, the employer may assume the employee has not been vaccinated for the purposes of managing health and safety risks. However, we must first inform employees of this assumption, and what will happen if the employee is not vaccinated or does not disclose their vaccination status.
- An employee cannot be redeployed or disadvantaged for refusing to disclose their vaccination status unless particular work cannot be done by unvaccinated employees.

Privacy

- Collecting, storing and sharing information about people's vaccination status must be done in accordance with the Privacy Act.
- Any information collected about vaccination status must be collected and used lawfully by:
 1. Informing employees as to how the information will be used and why it is being collected
 2. Informing employees of what will happen if the information is not provided
 3. Storing the information in a secure location, such as a dedicated HR system or file
 4. Not passing the information to any other person or agency without the employee's consent.
- You do not need to copy a person's vaccination card or letter from their GP as evidence of getting a vaccination. You can just indicate "Vaccinated – evidence sighted" in your records. This means you reduce the amount of sensitive personal information held on file.

Staff health and wellbeing

- No employee who is sick with COVID-19 or who is required to self-isolate, may go to work in any circumstance.
- We cannot require or knowingly allow employees to come to a workplace when they are sick with COVID-19 or required to self-isolate under public health guidelines for COVID-19. An employer who requires this, or an employee who tries to come to work in these circumstances, is likely to be in breach of their duties under the Health and Safety at Work Act.

- Employees who are at higher risk of severe illness if they contract COVID-19 (per the Ministry of Health's advice), may be able to work if the employee and employer agree that their risks can be appropriately managed. Working from home is encouraged wherever it is practicable.
- If an employee believes there are reasons why it is not safe for them to be at work, or if they have concerns that they could be putting a member of their 'bubble' at risk, they should let their manager know. Employees should talk to their manager and work together to see if there are ways that could eliminate or minimise the risk of contracting the virus at work (for example, doing less customer facing work).
- If agreed there is a reasonable belief or concern about COVID-19, we must do what is reasonably practicable to address the risk.
- Ways to address the risk of COVID-19 transmission could include:
 1. implementing controls such as isolating employees, good hygiene practices, physical distancing, or PPE as appropriate
 2. asking individual employees to work from home, or carry out reasonable alternative duties while the risk is addressed
 3. agreeing when paid or unpaid leave will be used.
- Under health and safety law, an employee may stop working if they believe the work would expose them or any other person to a serious risk to health and safety arising from an immediate or imminent exposure to a hazard. The employee must notify their manager and may only continue with that course of action if they reasonably believe that risk still remains. Employees are unlikely to be able to refuse to work under these grounds if public health guidance is being followed and work is permitted at the workplace under the current Alert Level.

Privacy

- An employee's health and mental health issues arising from exposure to COVID-19, the requirement to isolate or get a COVID-19 test, concern for themselves or people in their bubble, having to work onsite or use public transport to travel to work, must all be handled with sensitivity. This is personal information that the individual may share with their manager but not want to be shared elsewhere.
- At times, however, a staff member's exposure to COVID-19 will impact on their colleagues, who may themselves have to get tested or self-isolate. In these situations, the public health exemption will apply and information about an individual must be shared in order to control the infection risk.
- In these situations, the staff member should be informed, as soon as practicable if time is of the essence, that their health status will be shared with their colleagues (and the Ministry of Health for contact tracing purposes) and the reasons for doing so made clear.
- If a staff member expresses anxiety about coming to work, managers should try to work through a plan for how the staff member could work alternatively or if other duties could be assigned to them to facilitate working from home.
- The manager should not share one employee's anxieties with the others in the team, but in some situations, having different arrangements for one staff member may impact on the team's way of working. The employee may wish to share their issues with others in the team but should not be forced to do so.