

Guidance for workers

Unite
against
COVID-19

Guidance for workers about COVID-19 testing and self-isolation periods (at Red Traffic Light settings under the COVID-19 Protection Framework, April 2022)

Workers and employers around New Zealand have worked together to slow the spread of COVID-19 and keep each other, and workplaces, safe. More than ever, it is important that both workers and employers continue to act in good faith.

Here are some common questions from workers about the interaction between COVID-19 isolation periods and work requirements. This incorporates information about public health isolation requirements from:

covid19.govt.nz/isolation-and-care/if-you-have-covid-19/

Note: If you are a health care worker, you should refer to the guidance provided by the Ministry of Health: health.govt.nz

I've completed seven days in isolation – what do I do now?

If you have tested positive and completed your 7-day isolation, you can return to work. If you are still sick, you should stay home until you are well and for 24 hours after your symptoms resolve. There is no public health requirement to produce a negative test before returning to work. This is because there is a chance people will test positive for some time despite not being infectious.

Household contacts must test on day 3 and day 7 of their isolation period and return a negative test on day 7 to return to work. If the test is positive, they must start isolation as a COVID-19 case.

More information is available at: covid19.govt.nz/isolation-and-care/if-you-have-covid-19/

What happens if my employer insists that I produce a negative test before returning to work?

Public health guidance is clear that a worker who tested positive but is now well and has been symptom-free for 24 hours after their 7-day isolation period does not need to produce a negative test to return to work after their isolation period.

If a workplace is saying this is a requirement, it must be part of their company policy, on which employees were consulted. If it is a company policy, the employer should pay for the test.

The employer will be responsible for arranging the supply of a test that the employer requires be taken in accordance with the company policy.

As the public health advice is that workers can return to work after their 7-day isolation period so long as they are symptom-free, the employee would be considered ready, willing and able to work at that time. If the employer does not allow the worker to return to work, the employee can expect to be paid by the employer.

I'm being pressured to return to work before my 7-day isolation period is completed – is that legal?

Employers should not knowingly allow workers to come to a workplace when they are sick with COVID-19 or required to self-isolate under public health guidelines for COVID-19. If they do, they are likely to be in breach of their duties under the Health and Safety at Work Act. There are some specific exemptions permitted by the Director-General of Health.

Employers should not require workers who are household contacts to return to work during their self-isolation period unless they are using and continue to meet the requirements of the Close Contact Exemption Scheme or Bubble of One. Workers who are caring for dependents who are COVID positive do not have to return to work during their isolation in either scheme. Further details about the schemes: business.govt.nz/covid-19/close-contact-exemption-scheme/

In these situations, employers and employees should have good faith conversations about what arrangements can be made.

If your employer is insisting that you return to work, you can submit an online query to the Early Resolution team at employment.govt.nz/early-resolution/. Early Resolution assistance could involve speaking with you and your employer and ensuring everyone is fully informed with relevant and up-to-date information. The team might also arrange a discussion to see if a resolution can be reached.

What do I do if my employer tells me not to take a test or register my result even though I am symptomatic?

To protect yourself and others, it's important to stay home if you're sick, and get a test. To prevent the spread of the virus, people who have tested positive are required to isolate for a full 7 days. Day 0 is from symptom onset, or day the test taken, whichever came first.

More details are available at: health.govt.nz/covid-19-novel-coronavirus/covid-19-health-advice-public/about-covid-19.

Employers should enable you to comply with your obligations.

If you get a positive result on your rapid antigen test (RAT), you need to record it at My Covid Record. You will get a text message from 2328 with links to more information on what to do next. This will include an online form where you can detail your symptoms and what extra support you need.

What happens if my employer and myself cannot reach an agreement and I believe they are breaching the law?

You can contact Employment New Zealand's Early Resolution team via an online query (employment.govt.nz/early-resolution/). This service can help both employers and workers. If there is still disagreement, then you could consider taking a case to the Employment Relations Authority. Normal employment law still holds, and it is important workplaces meet their obligations.

Questions about leave and pay

You may have questions about leave and pay if you are required to self-isolate. There is information available in the Leave and Pay section of the guidance at this link: employment.govt.nz/covid-faq