

## **COVID-19 employee related leave and travel**

This guideline aims to provide guidance on how leave and work-related and personal travel is managed in relation to COVID-19.

1. Where a staff member is ready and willing to work but the employer requires them to stay home or self-isolate, they will be entitled to special leave.
2. When employees must stay home due to government direction (alert level 4), they should be paid normally and not have to use any of their accrued leave.
3. The employer should seek government funding and the support of their bank to help cover the cost of employees ill with COVID-19 or required to self-isolate, in the event of the employer being an essential industry.
4. The full amount of COVID-19 funding must be used for the staff member for whom the application was made. It is important that it is used for special leave over and above the worker's standard leave balance and entitlements, which should not be reduced due to the need for compliance with COVID-19 public health measures.
5. Payment of sick leave will be in accordance with the staff member's employment agreement and the Holidays Act.
6. Where staff are off work due to public health advice, the employer will waive the requirement to produce a medical certificate after three days. However, the employer may require an alternative signed declaration from staff members.
7. These guidelines do not replace terms and conditions of employment contained in employment agreements.
8. The employer will consider employee vulnerability and all government directives when making leave decisions.
9. The employer will inform E tū about any travel insurance cover relating to affected staff.

For further information, please email: [employer@etu.nz](mailto:employer@etu.nz)

## Scenarios to guide leave application for employers

Scenario	Sick Leave including additional sick leave as per employment agreement (collective or individual)	Annual leave as per CA/IA	Domestic leave as per CA/IA	Special leave (any additional leave the employer provides outside of CA/IA)	Other options (e.g. working from home)
Employee is sick with COVID-19	Additional sick leave not taken from entitlement	N/A	N/A	Full pay, no deduction off other leave entitlements	N/A
Employee is self- isolating because they may have been exposed to COVID-19 either at work or in personal time	N/A	N/A	N/A	Full pay, no deduction off other leave entitlements	Employee is able to work from home - normal pay
Employee is at home caring for someone who is sick with COVID-19	Additional sick leave not taken from entitlement	N/A	N/A	Full pay, no deduction off other leave entitlements	Employee is able to work from home - normal pay
Employee is at home caring for a dependant who is required to self-isolate because they may have been exposed to COVID-19 including early childhood or school closure	N/A	N/A	N/A	Full pay, no deduction off other leave entitlements	Employee is able to work from home - normal pay
Employee is at home based on Government advice such as over 70, has respiratory problems or vulnerability due to pre-existing conditions or alert level status	N/A	N/A	N/A	Full pay, no deduction off other leave entitlements	Employee is able to work from home - normal pay

Scenario	Sick Leave including additional sick Leave as Per CA/IA	Annual leave as per CA/IA	Domestic leave as Per CA/IA	Special leave (any additional leave the employer provides outside of CA/IA)	Other options (e.g. working from home)
Employee develops COVID-19 symptoms while at home on self-isolation	Additional sick leave not taken from entitlement.	N/A	N/A	Full pay, no deduction off other leave entitlements	Employee is able to work from home - normal pay
Employee is at home self-isolating because they departed NZ <b>before</b> 15 March	N/A	N/A unless Employee choice	N/A	Full pay, no deduction off other leave entitlements	Employee is able to work from home - normal pay
Employee is at home self-isolating because they departed NZ <b>after</b> 15 March		YES		Full pay, no deduction off other leave entitlements	Employee is able to work from home - normal pay
Employee is unable to return to NZ due to border controls	N/A	N/A unless Employee choice	N/A	Full pay, no deduction off other leave entitlements	Employee is able to work remotely - normal pay
Employee is sick with some illness that is not COVID-19	YES				
Employee is sick with an illness that is not COVID-19 and has <b>run out of paid sick leave entitlement</b>  <i>Discussion with Manager on options.</i>	<p>Situations will be looked at on a case-by-case basis with managers working with HR to determine whether any additional entitlements exist under a particular employee's employment agreement and what other leave entitlements may be utilised.</p> <p>For example:</p> <ul style="list-style-type: none"> <li>- Accrued annual leave (agreed with the employee to take).</li> <li>- Annual leave in advance (agreed with the employee to take and if leaves employment before accrual comes available will be expected to repay).</li> <li>- "Employment agreement" discretionary sick leave* (Manager agrees to exercise discretion in line with employment agreement entitlements).</li> <li>- Leave without pay.</li> <li>- "Non-employment agreement" discretionary sick leave* (The employer agrees to exercise discretion taking into account all relevant context including the exhaustion of the above leave types and where extreme hardship would be experienced by the employee if not granted).</li> </ul> <p>Special consideration will be made for vulnerable employees (low paid and at risk such as older employees or employees with conditions).</p>				

## Travel

**Work-related international travel:** All non-essential international business travel to June is cancelled and any future booking are deferred until further notice, including to Australia. Non-essential travel includes all travel for the purposes of training, education, conference, seminar or meeting attendance.

The employer will consider exceptional circumstances where work related travel may be supported and approved, subject to New Zealand and international travel advisories.

### **Work-related domestic travel**

All work-related domestic travel must be approved by the employer and will be considered on a case-by-case basis. Where videoconferencing is available, this will be preferred. Note that approval will not be given where that approval will be in breach of any Government Directives for COVID-19 management.

**Personal travel:** Please consider carefully any private international travel and discuss this with your line manager before you travel. If you choose to travel and self-isolation is required on return as a result, special leave will not apply in most situations, unless there are exceptional circumstances by agreement with your manager, and other forms of leave and or alternative working arrangements, such as working from home, will be discussed with your line manager.

Special circumstances might include urgent family emergencies such as bereavement.

## Definitions

**Available paid leave:** this is by agreement between line manager and the staff member on what type of leave will be taken including:

- Special leave (see below)
- Entitled sick leave
- Lieu days
- Shift leave
- On-call leave
- Annual leave entitlement
- Annual leave in advance (agreed with the employee to take and if leaves employment before accrual comes available will be expected to repay)
- COVID-19 leave – employer pays worker in full under special leave or as additional leave then applies to MSD for the funding for this leave.

### **Special leave**

Paid leave granted during exceptional situations including the Covid-19 outbreak where the employee is not sick or injured and is not charged against leave entitlement. Where there is an agreement that employees will receive paid special leave, the payment will be based on what they would have earned had they worked.

### **Discretionary Leave**

**Employment agreement discretionary sick leave:** Most Employment Agreements specifically allow the application and granting of additional paid sick leave where an employee has exhausted their accrued paid sick leave entitlements. In some cases leave in advance may be justified and any leave in advance given is to be deducted from future entitlements. Please check the your employment agreement and company policy to see the parameters around granting this.

**Non-employment agreement discretionary sick leave:** Paid sick leave granted in addition to any contractual entitlements granted in exceptional circumstances in response to all relevant context including

the exhaustion of the other leave types and where extreme hardship would be experienced by the employee if not granted.

**Vulnerable employee:** A vulnerable employee is classified as, but not limited to:

- Employees who suffer from known clinical factors of mortality and/or morbidity and face a higher risk.
- An employee who will suffer undue financial hardship for them and/or their families (including low paid employee who may not have sufficient annual leave or sick leave accrued).
- Our older workforce who is more at risk of contracting the virus than younger staff members.

Those with pre-existing conditions or respiratory problems should be cautious and seek medical advice.