

WorkSafe guidance on COVID-19 and operating at level 4

WorkSafe have released some COVID-19 specific guidance on [their website](#). This includes specific guidance for level 4, but also some general information about avoiding transmission of COVID-19.

WorkSafe's approach to enforcement and COVID-19

WorkSafe have said they will use a “reasonable and proportionate approach” when working with essential services in the agriculture sector.

WorkSafe acknowledge that essential services may need to manage work health and safety differently during alert level 4. Some of the usual risk mitigations may not be possible without compromising the delivery of essential services. If you need to deviate from your usual health and safety processes, we recommend that you document your decision making process so that you can provide this to WorkSafe if asked.

WorkSafe say they won't take enforcement action if the actions of the business meet the Health and Safety at Work Act, even if a worker or other person contracts COVID-19.

The bottom line is that, regardless of COVID-19, you must still work to uphold the health and safety of your workers and the public. WorkSafe have been very clear that COVID-19 cannot be used as an excuse to put others in danger. They expect businesses to look after their people, take a pragmatic approach, and act in good faith.

We anticipate that WorkSafe will adopt a similar approach at level 3.

Other guidance

WorkSafe have also provided guidance in other areas. This guidance is in addition to any guidance provided by other Government departments such as MPI and the Ministry of Health.

Precautionary measures: WorkSafe have published [guidance on how to manage the risks created by the pandemic](#), including how to complete risk assessments. However, they accept that the situation is constantly evolving and there will be new risks and hazards to manage.

PPE: WorkSafe has a dedicated webpage on [managing PPE supply issues](#) and the role PPE plays in managing risk.

Staff who are uncomfortable working: If your staff feel uncomfortable about working (from a health and safety perspective) then you have a duty to work together with those staff in good faith to address risks. Risks that cannot be eliminated they should be minimised. Under the Health and Safety At Work Act, there are [limited circumstances](#) where people can stop working due to health and safety concerns.

Working from home: WorkSafe accepts that not everyone will have an ideal working from home setup in the current circumstances. However, they expect businesses to look after their staff, follow advice from the Government and act in good faith.

Hazardous substances regulation and location compliance certificates: It may not be possible for some businesses to obtain location compliance certificates at the moment. Essential services are required to ensure compliance certificates are obtained/renewed as required. If level 4 prevents you from renewing a certificate, WorkSafe expects that you will comply with the regulations in all other respects and will also:

- Review your operations against the prescribed requirements for obtaining certification;
- Ensure your operations have remained compliant;
- Document your review;
- Provide the review document on request to WorkSafe or a compliance certifier; and
- Renew your compliance certificate as soon as possible after alert level 4 is lifted.

If you have questions or concerns, you can [contact a certifier in your region](#) for advice.

Reporting incidents to WorkSafe: [Notifiable events](#) still need to be reported to WorkSafe; however, their capacity to respond may be reduced. They ask that you only call them (0800 030 040) if someone is at serious risk of harm or has been seriously injured, become seriously ill, or died as a result of work. For any other notifications you can complete the relevant online form [here](#).

You do not need to report COVID-19 cases to WorkSafe, even if there is a possibility the virus was contracted through work. WorkSafe will be automatically notified. As the Ministry of Health is the lead agency dealing with COVID-19, WorkSafe has said they do not anticipate taking direct action on those notifications.

Inspections: Face-to-face meetings with WorkSafe inspectors will be kept to a minimum and require approval of a Chief Inspector. Remember that inspectors have broad powers to inspect worksites regardless of alert level. If you have concerns that an inspection might put your business at risk, you should discuss those concerns with WorkSafe directly. However, we do not recommend refusing WorkSafe requests for access or refusing to engage with them.