

## Q and A for operating as an essential business

*Version 10: Updated at 4:51pm 22 April to update information on transfer of RSE workers and link to information on varying terms and conditions of employment contracts from Bell Gully*

*Version 9a: Updated at 4:01 17 April to update the section on visa flexibility for workers and updated guidance from MPI on essential workers in household bubbles with other essential workers*

*Version 9: Updated at 16 April to update the section on visa flexibility for workers*

*Version 8: Updated at 4:29pm 15 April to update the section about RSE workers and include information about an employment webinar being held on 16 April.*

*Version 7: Updated at 3:30pm 9 April to include a new section on RSE workers.*

*Version 6: Updated at 3:30pm 8 April to provide updates on what work counts as “essential” at alert level 4, proof of essential business registration from MPI, managing households with two essential workers from different businesses and various labour/immigration matters.*

*Version 5: Updated at 8:45am 1 April to provide updates on the registration process, working with suppliers, applying the 2m distance rule, separation in various accommodation situations, online sales, and to add a new section on employment matters.*

*Version 4: Updated at 12:38pm 26 March to provide guidance for those who cannot meet the 2metre rule (requirements to register and provide additional information to MPI).*

*Version 3: Updated at 11:05am 26 March to update on remote sales of alcohol.*

*Version 2: Updated at 8:56am 26 March following member webinars.*

The Government has only one goal: stopping the virus. If, to achieve that, businesses have to close, then the Government accepts that as an unfortunate, but necessary consequence.

The Government requires essential businesses to do everything within their power to guarantee the virus will not be spread amongst their workers or the community. If they cannot do that, they must close.

NZW has collated the following questions and provided answers based on the best information we have available. In some circumstances we are waiting for clarification from the government. We will update this Q&A document as we learn more from MPI. Newly added responses will be highlighted in yellow.

If in doubt about the best way to proceed, we suggest that you proceed as if all your workers (and others on your worksite, if relevant) already have the virus, and design processes and procedures around that.

The approach from Government only applies for the remainder of Alert Level 4 at this stage. The situation may change, including our ability to operate as an essential business. It is important that all NZW members and our essential suppliers work together to comply with all the requirements and prevent the spread of COVID-19. Failure to comply with these conditions may harm your individual business (ie you may be shut down) but may also have effects industry wide.

Lastly, we note that essential businesses may remain open but are not obliged to do so. If you do not wish to operate, or do not believe that you can do so in a way that appropriately manages the risk, then you should close. If you do choose to close your business, then [this information about government financial support](#) may be useful.

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## DEFINITIONS FOR ESSENTIAL BUSINESSES AND REGISTRATION

### Q: What is an “essential business”?

“Essential businesses”, and those that are part of the essential services supply chain, can continue to operate under Alert Level 4. Essential businesses are defined to include:

- Any entity involved in the packaging, production and processing of food and beverage products, whether for domestic consumption or export; and
- Any entity involved in relevant support services, such as food safety and verification, inspection or associated laboratory services, food safety and biosecurity functions.

This covers grape growing and winemaking, as well as the essential suppliers who will continue to operate.

Remaining open as an essential business is an absolute privilege. The Government has been clear that essential businesses can only remain open if they can guarantee that they have in place measures to appropriately manage the risk to workers and the community. NZW supports that strict standard.

*Just because you are an essential business, it doesn't mean everything you do is essential.* If there are tasks that are not essential to carry out during the four week Alert Level 4 period, you should defer these until a later stage. For more guidance, click [here](#) to jump to the answer to the question: *Q: What work counts as “essential”/what work am I allowed to do during Alert Level 4.*

### Q: Do I need to register with Government as an essential business?

If you are an essential business, you need to register UNLESS:

- there are 5 or fewer people (including the owner) working at each business site; and
- social distancing of at least 2 metres between staff at each business site can be achieved— including travelling, to and from work.

If you do not meet those two criteria you need to register as soon as possible by contacting MPI directly at [info@mpi.govt.nz](mailto:info@mpi.govt.nz) (the online registration process is now closed). You must also register if you cannot meet the social distancing requirements, and provide additional information to MPI (see the section “Managing Separation and Self-Isolation” below for more information).

If you are in any doubt as to whether you meet the criteria, you should register. Until you have registered, you may keep operating and are expected to already have appropriate health procedures in place.

### Q: Will MPI give us a registration certificate or some kind of proof of registration?

Some essential businesses have now received a confirmation email from MPI, but others have not. MPI's advice to NZW several days ago was that a process for sending out confirmations was still under development. If someone asks you for confirmation, check your Junk or Spam or Clutter inbox, but otherwise we suggest you refer them to this advice from NZW that many businesses have not received any confirmation.

### Q: Should our registration form address how we will be operating our merchandisers/sales reps?

Yes. Our understanding, based on some information from the Food and Grocery Council, is that supermarkets will expect your merchandisers to work under the supermarket's COVID-19 rules – which makes sense. You should note that some of your workers will be working offsite as

merchandisers, and will comply with the relevant supermarket's rules. You should only send your workers to supermarkets if both you and they are satisfied that they will be safe.

Similarly, we understand that most supermarkets would prefer sales reps to contact them by phone, rather than by coming to the store.

**Q: Do staff need to carry proof that they are a worker for an essential business?**

This is not required, but it may make your worker's life easier if they are challenged on their way to work, or travelling for essential work business. Sample letters which you could adapt and print or email to each worker are available for download [here](#). Once received, you can also add in your MPI registration number.

**Q: Where can I get help with the registration process?**

Contact MPI at 0800 00 83 33 or [info@mpi.govt.nz](mailto:info@mpi.govt.nz) for further details on registration.

## HOW DO I OPERATE SAFELY AS AN ESSENTIAL BUSINESS?

We are creating a health and safety handout with more information from WorkSafe about responding to COVID-19. This will shortly be available on our website [here](#).

**Q: What kinds of health measures do I need to have in place?**

MBIE's advice is that if your essential business is continuing to operate you must ensure it is done in a way that limits the transmission of COVID-19 by taking the following measures:

- minimise, or eliminate if possible, physical interactions amongst staff and with and between customers,
- ensure appropriate health, hygiene and safety measures are in place,
- restrict activity to only what is essential during the Alert 4 period.

In practice, it may be helpful to ask these questions:

1. If I assume that every worker already has the virus, and I **must** stop it passing from any one worker to another, how would I need to redesign my operations?
2. If this were a video game, and I lose if workers or visitors come within 2m of each other, how would I redesign my processes to stay alive?

NZW has produced a [Best Practice Guide](#) that looks at each of the questions asked by MPI in the registration form and indicates the kinds of measures that NZW anticipates would satisfy MPI's health expectations. The [Best Practice Guide](#) covers areas such as social distancing, personal hygiene/PPE, limiting unnecessary access to your worksite and managing illness/spread of the virus if detected or suspected.

See also the separate section of questions on **Managing Separation and Self- Isolation**, below.

**Q: I am having difficulty obtaining hand sanitiser/disinfectant/PPE. What should I do?**

We recommend that you keep working with your suppliers and check with your regional winegrower association. We understand that New Zealand as a whole is working to increase the availability of PPE and other key products. You should consider other ways that you could conduct your operations to reduce the amount of PPE required. WorkSafe has some guidance on its website about managing PPE supply issues available [here](#).

Ultimately, if you cannot operate safely, you will need to close. The primary requirement is to stop the spread.

The Government is working to assist in the distribution of PPE for some essential services (e.g. the health sector and supermarkets). However, there is no indication at this stage that it will extend to our industry.

**Q: What domestic travel will be permitted during the lockdown?**

We have made clear to the government that more guidance on travel between regions is urgently required. Our hope is that within a few days we will have a clear answer on:

- a. when essential workers may and may not move between regions; and
- b. what conditions or restrictions must be observed.

Once we have the answers, we will notify members. If necessary, we will rapidly produce guidance or a template SOP that businesses can adopt.

There is a dedicated section on RSE workers (including movement of RSE workers) at the bottom of this document.

**Q: How do we pass paper work orders between staff?**

You can use contactless methods such as taking a photo and sending these via email/text message.

**Q: How can we hand pick safely?**

Our Guidelines for Operating as an Essential Business [here](#) have some suggestions for reducing the risks involved with hand picking. It may not be possible for all businesses to hand pick safely, or without breaching the 2m rule.

**Q: Are my office/admin staff essential business? Can they continue working from office?**

You can only have essential staff working during this time. If your office/admin staff are absolutely essential and must work from the office, then they can continue to work. However, all workers need to know your risk management procedures and comply with these.

We anticipate that many office/admin staff will be able to work from home, and this option should be utilised wherever possible.

**Q: What will the rules be at Alert Level 3?**

At this stage, informal advice from MPI suggests that at Alert Level 3 the Alert Level 4 restrictions on the grape and wine industry and its suppliers will remain in place. What is likely to change is that there may be some broadening of the businesses that can open.

In coming days we expect government agencies to begin planning, and hopefully consulting us on what the Alert Level 3 restrictions will be. We will circulate guidance to all members as soon as possible.

## WORKING WITH SUPPLIERS

**Q: Are my essential suppliers allowed to remain open?**

If you are operating as an essential business, then essential suppliers in your supply chain are also considered essential with respect to that supply to you. This means that all the critical products or

services necessary for the creation and distribution of grapes and wine are considered essential services (for that part of the supplier's business).

We consider that this will include essential activities within these categories:

1. Staff, labour and support for staff
2. Equipment and engineering support
3. Consumables/dry goods
4. Transport and logistics
5. Waste management
6. Cleaning products and services
7. Utilities

Note that activities in the supply chain that could equally be carried out after Alert Level 4 period are not considered essential parts of the supply chain.

If your suppliers need any confirmation that you are an essential business and you have not yet received a registration number from MPI, we have produced a letter from the NZW Chief Executive Officer that you can send to them: click [here](#).

#### Q: What work counts as “essential”/what work am I allowed to do during Alert Level 4?

As an essential businesses you can **only do work during the Alert Level 4 period that is essential during that period**. What does that mean?

- If it is urgent and needs to be done right now or your business will suffer (eg repair of a broken water main), then clearly it is “essential”.
- If it something could just as easily be done when Level 4 is lifted, or it would be only a minor inconvenience to defer it until then, then it is not “essential”.
- Between those two extremes lies the grey area, where you – as the business manager – need to make a reasonable judgement call about whether the work is, or is not, “essential”.

Because vineyards and wineries are seasonal businesses, there is a cycle of work that needs to be completed each year. As harvest finishes, there will be tasks that need to be programmed in and carried out before spring, or before the next harvest. Each essential business will need to carefully reflect on what counts as “essential” during the Alert Level 4 period, taking into account factors such as:

- the seriousness of the need to prevent the spread of COVID-19;
- the fact that when we drop to Level 3 fewer restrictions will be in place;
- the requirements of each vineyard or winery;
- the amount of work that needs to be completed before spring;
- the seasons and the weather;
- the availability of materials, suppliers and advisors;
- the availability of workers and contractors; and
- any other relevant factors.

A vineyard may, for example, conclude that some activities (such as starting pruning) can be deferred beyond the Alert Level 4 period, while other activities (such as irrigation maintenance, and other repairs) must be started now.

If you decide that work (such as pruning and maintenance) *does* need to be commenced during Alert Level 4, **we strongly recommend that you document how you reached that decision**, so that you

can justify it when queried. We have prepared a template [here](#) to assist with documenting your decision to operate as essential.

If you have decided that certain work is essential, then you should inform your suppliers of that decision, and let them know that they are justified in providing you goods and services as suppliers to an essential business. You can expect that some of them will ask to you justify your decision, because they, in turn, need to be satisfied that they are supplying essential businesses carrying out essential work.

**Q: Are the caterers feeding my harvest workers “essential”?**

The question is whether they are essential to your essential business. If that is the way you are feeding your workers and you are unable to find another way of doing so, then they may be essential to your business. However, if you do have other alternatives that would not involve then those caterers are unlikely to be “essential”.

**Q: Do my essential suppliers need to register?**

Yes. The rule is that everyone must stay at home, unless they are working for an essential business. All such businesses need to register separately (or be exempt from registration because of their size).

**Q: How do I work with my suppliers to manage risk?**

You should consult with suppliers to ensure that everyone operating has registered as required and is taking appropriate steps to manage the risks of COVID-19. One way you could do this is by sharing your process documents, so you know what procedures you are both following. If you are concerned that their processes are insufficient, you should not continue working with them unless and until they are rectified.

## MANAGING SEPARATION AND SELF ISOLATION

**Q: Can you provide more clarity about permitted living arrangements for workers in my vineyard/winery?**

The following is our understanding, following discussions with MPI, of the level of isolation at home required of workers in essential businesses:

- If the worker lives alone, no issues arise. They need to respect the 2m rule as they travel to/from work.
- If the worker lives with a family group/living group, that group is their “isolation bubble”. There is no need for the worker to isolate from the others of that bubble while at home.
- If the worker lives in accommodation shared only with other workers from the same essential business, then that whole accommodation group is their “isolation bubble”. They do not need to isolate from each other at home, and may travel together in one vehicle to work (respecting the 2m rule for contacts with others outside their group). Once at work they should maintain 2m separation both within and outside of their bubble.
  - Note that reducing the size of living groups increases safety. We recommend you explore alternatives such as campervans, etc.
- On 17 April MPI advised NZW that it would be unnecessary for a family or household bubble with workers from two different essential industries or businesses to self-isolate within their family or household bubble, unless another risk factor is present (such as someone in the bubble being unwell, in contact with someone who was or is self-isolating, or with an overseas traveller – which would preclude the workers from attending their workplace).



This differs from the guidance of NZW in previous versions of the Q and A document (where it was preferable for two workers who work for different essential businesses should not live in the same accommodation, unless impossible, and self-isolation should be undertaken). MPI has advised that households and essential workers are free to undertake self-isolation measures voluntarily. As with other procedures, if you have a worker in this situation, you must consider carefully the risks, and the mitigations required, and **document your decisions** so that they can be reviewed by MPI when asked.

- Also consider how you can further limit risk within the workplace (eg can your worker be tasked with solo tasks in a vineyard?).
- The Ministry of Health has specific guidance on how to self-isolate from others in the same household, which is available [here](#).

#### Q: What if our staff cannot use the 2m rule in some situations?

If your essential business cannot meet social distancing requirements in some situations, then you have to register with MPI (regardless of your number of staff) and provide extra information about how you will manage COVID-19 risk. You should keep a written record of why it was unavoidable in that situation.

This is only available in situations where observing the 2m rule is absolutely unavoidable (for example, where two people are needed to lift a heavy item). If there is one circumstance where the 2m rule cannot be met, you must still observe the rule in all other areas of your business.

Guidance from the Director-General of MPI dated 31 March 2020 includes the following. You can [download the full MPI letter and Guidance here on our website](#).

Social distancing in the workplace and the absence of PPE that would mitigate virus spread when social distancing is difficult to achieve, are two significant challenges that should be addressed to ensure safe practice in the face of COVID- 19.

MPI has developed a set of hygiene requirements for primary processing industries that provides a basis for operating that we will verify organisations against during the lockdown period. We will of course provide clarification where needed.

**For the avoidance of doubt, we would like to see processing plants adopt a two-metre social distance rule as a base standard. We understand there will be some exceptions when the rule cannot always be observed, but we would expect those exceptions to be limited and well documented. We would not support operating below one metre of separation, and where operations are to be consistently conducted between one and two metres of separation, investment in PPE that reduces transmission risk is necessary. [Emphasis added]**

#### Q: When staff staying in our accommodation have finished harvest, should they self-isolate for 14 days before going home to their families?

Once they are no longer working in your business, they will be required to adhere to the Alert Level 4 requirements: stay at home (ie your worker accommodation). Note that if Alert Level 4 is extended beyond the initial 4 weeks, the worker will be required to stay in the current accommodation. If this causes financial issues, you may be entitled to [some government support](#).

## SELLING WINE

### Q: Can wineries continue to sell wine? How may they do so?

We have been advised that wineries, as essential businesses, may continue selling wine direct to consumers under their existing licences for remote sales, so long as all other distancing and other requirements are complied with for the sales/distribution/delivery workers (and delivery must be contactless).

We recommend that you should speak with your courier company about how you can ensure the recipient is over 18 in a contactless delivery situation. As part of the ordinary requirements for remote sales, your website should require age verification on two occasions before a sale can be completed (once upon entry to the website, and once immediately before the sale is completed).

This guidance only applies to members who *already* have a liquor licence that allows them to sell wine online (ie a licence which permits remote sales). If you are unsure whether this applies to you, or have any other licensing questions, please contact Sarah Wilson at [sarah.wilson@nzwine.com](mailto:sarah.wilson@nzwine.com)

We do not recommend that members deliver wine themselves. Courier companies will still be operating throughout Alert Level 4.

### Q: Can wineries continue to fulfil orders for export?

Yes, wineries may continue to export.

### Q: How is the Wine Export Certification System operating?

MPI has temporarily amended the Wine Export Certification System so that wine samples do not have to be physically sent to WECS for sensory evaluation - so please do not send any wine samples to WECS.

All steps for export eligibility remain the same as usual except for the sensory evaluation process.

All Wine e-Cert users should now have received an email from WECS describing the new requirements and process. If you have not, please email [wecs@nzwine.com](mailto:wecs@nzwine.com) to receive the information pack.

## IF THE VINTAGE/HARVEST PROCESS IS INTERRUPTED

### Q: Is a grower entitled to compensation for their crop if it's unable to be picked because they cannot meet MPI protocols?

Most of the Government support is focused on paying wages for workers; however, there are loans available for businesses to assist at this time.

The Government announced a Business Finance Guarantee Scheme to provide short-term credit to cushion the financial distress on solvent small and medium-sized firms affected by the COVID-19 crisis.

The scheme will include a limit of \$500,000 per loan and will apply to firms with a turnover of between \$250,000 and \$80 million per annum. The loans will be for a maximum of three years and expected to be provided by the banks at competitive, transparent rates.

The Government will carry 80% of the credit risk, with the other 20% to be carried by the banks.

More information is available [here](#).

We also suggest that you check your grape supply contract to see what obligations exist between the grower and the winery in this situation.

## EMPLOYMENT AND RECRUITMENT OF STAFF

*A separate section for RSE workers is available at the end of this document.*

**Q: Where can I find information on Government support?**

We have a separate document outlining Government support for businesses [here](#).

**Q: Is there support for me to communicate key messages with my staff (eg about the 2m rule)?**

We have developed a workplace poster for members to assist with this. These are available on our website [here](#).

The New Zealand Police have also released some videos in collaboration with the team from Wellington Paranormal (including a song about the 2m rule). These are available on YouTube [here](#).

**Q: What if one of my staff feels unwell?**

If one of your staff feels unwell then they should not come in to work. If they are already at work, they should go home immediately. You should seek immediate guidance by phone from a GP or via Healthline. They will be able to advise you on what steps you need to take, both with regard to that employee and your wider business.

Depending on your setup, you may be required to either shut down your business or remove a group of staff from duty until test results are returned and/or your premises have been thoroughly cleaned throughout.

The advice you receive may vary depending on a number of factors, including New Zealand's alert level, the levels of community transmission, and how you have structured staff interactions within your business.

**Q: Can we recruit staff? From outside my region?**

Yes. If you need staff in order to carry out your essential business then you may recruit for those essential staff. The starting point will be that they should come from your region.

We have made clear to the government that an answer on travel between regions is urgently required. Our hope is that within a few days we will have a clear answer on:

- b. when essential workers may and may not move between regions; and
- c. what conditions or restrictions must be observed.

Once we have the answers, we will notify members. If necessary, we will rapidly produce guidance or a template SOP that businesses can adopt.

There is a dedicated section on RSE workers (including movement of RSE workers) at the bottom of this document.

You can also advertise for workers on [www.worktheseasons.co.nz](http://www.worktheseasons.co.nz) – this website matches jobseekers with employers needing staff.

**Q: How do I offer support to my workers who speak English as a second language?**

You will need to ensure that your workers understand what is required of them. This is not optional. Most critical will be the 2m rule, hygiene measures, and what is required of them outside of work (ie stay at home).

**Q: How can we manage how our workers behave outside of work?**

Be very clear with your staff that your ability to operate during this period depends on everyone in New Zealand following the rules, and not bursting their “isolation bubble”. If we breach the trust the Government is placing in us as essential businesses, we can expect to be shut down.

**Q: Can my staff work if they are over 70 or in another high-risk group?**

The Government guidance is that at Alert Level 4 people over 70 or in another high-risk group should remain home as much as possible. If you can, you could arrange for them to work remotely (depending on their role), but we do not recommend having these high-risk workers physically in your business.

You should also check with your staff whether they have any underlying health conditions that put them at higher risk, or whether they have any high risk/vulnerable family members at home who they need to care for. In either situation, these workers should stay home.

**Q: Will winery staff here on AIP and other visas have these extended automatically or do they need to contact INZ?**

Travellers with a temporary (work, student, visitor, interim and limited) visa that expired before 1 April 2020 who are unable to leave New Zealand must apply online for a new visa. An interim visa will be issued so they are not in breach of immigration requirements. There is no dedicated application process so apply as you would for the visa you have currently [here](#).

Travellers with a temporary visa due to expire between 1 April and 9 July 2020 will have their visas automatically extended to 25 September 2020. Confirmation of extensions will be emailed to all visa holders.

More information is available on Immigration New Zealand’s website [here](#).

There is a dedicated section on RSE workers at the bottom of this document.

**Q: Can we get visa flexibility to move workers to a different employer or role?**

Holders of a work, student, visitor, limited or interim visa with an expiry date of 2 April to 9 July 2020 who were in New Zealand on 2 April 2020 have had their visas automatically extended to 25 September 2020.

The government has just announced a temporary relaxation of restrictions for limited classes of visa holders to help them assist essential services during Level 4 and a future Level 3.

**Q: What options are there for overseas workers to undertake other jobs at my workplace or at other workplaces if they have finished their contract with me?**

It will depend on the type of visa they hold. If you are not sure of what visa status a person holds, you can use the VisaView service provided by Immigration New Zealand (available [here](#)).

**Work visa holders** with employer-specific work visas already employed in essential services will be able to vary their hours and be redeployed to do other roles within their current workplace.

They can also perform their current role in a different workplace to help essential businesses keep operating while New Zealand remains at Alert Level 3 or 4 and for six weeks after that. However, they will need to *stay regional* in level 4 when changing roles.

**International students** who are already employed in an essential services role will be able to work longer hours while New Zealand remains at Alert Level 3 or 4 and for six weeks following. Students who are employed in an essential services role and wish to work more than 20 hours must still meet their study requirements and should discuss their plans with their education provider.

The relaxation of conditions DOES NOT apply to holders of interim visas or to enable visa holders to work on non-essential tasks during Level 4.

**Q: What does the employer of a worker on a temporary visa need to do?**

Employers of workers on temporary visas in essential services can now apply for a free variation of conditions to allow the worker more flexibility to stay in work in limited circumstances. Apply [here](#).

There is no fee or levy for the application for a variation of conditions.

**Q: Are there any limitations on what the variation applies to?**

Yes. The relaxation of visa conditions is specifically directed to help enable employers in essential industries to maintain their labour pool as hiring would be very difficult while New Zealand remains at Alert Level 3 or 4. That means that any work undertaken will also need to be a task that is considered essential to the business at Level 4, or is safe to undertake at Level 3.

**Q: When did these changes come into effect?**

The changes came into effect on 16 April and will continue while New Zealand is at Level 4 and Level 3, and for six weeks after that.

**Q: What are my obligations?**

Any amendment to an employee's conditions of work must be compliant with normal New Zealand employment law and the individual or collective employment agreement relevant to the employee. As a minimum that means any changes to the employees' role should be agreed and written down.

**Q: What if my workers need assistance with childcare to be able to come to work?**

The Government has said the preferred approach is to make your own arrangements, and use your existing networks for in-home care, such as a neighbour, relative, friend or nanny, who can come to

your house or provide childcare in your own home. However, this is subject to a number of requirements:

- the person providing care for your children essentially becomes an extension of your self-isolating household group
- this group must remain the same for the whole 4-week period
- the carer should not care for children from other households/families (other than their own) over the same period
- if a child or carer becomes unwell, they must stay at home.

If you are unable to access childcare to perform your essential service, the Government has agreed that it will fund licensed childcare providers to provide in-home care to the children aged 0-14 of essential workers. They would be subject to the same requirements as set out above.

For the purposes of providing care to children of essential workers, the in-home carer will be classified as an essential worker.

More information is available online [here](#).

**Q: What is the law around cutting back workers' hours or pay, redundancies, or extended leave?**

Even in the current situation, you must still comply with general principles of employment law – including the requirement to negotiate in good faith and agree with your workers any changes to their terms of employment.

On 16 April we held a webinar with Bell Gully Employment Law experts, to answer a range of your questions. You can access a recording of this webinar [here](#). Bell Gully have also prepared a guide for winegrowers about varying terms and conditions of employment which is available [here](#).

In the meantime, up to date information on employment obligations can be found [here](#) and information on the government's Business Support Package can be found [here](#).

**Q: What are our obligations to international workers whose jobs will soon or have ended but are still in our accommodation?**

Our industry relies on backpackers and other international visa holders. Through no fault of their own, many of them now find themselves stuck in New Zealand, far from their families, and some of them are in worker accommodation that members have provided or paid for. Under Alert Level 4, the workers are legally required to "remain at their current place of residence" wherever they are until it is lifted, unless they have arrangements to travel home.

Morally, we need to do the right thing by these workers, but each situation is going to be different. Do check if you are eligible to apply for the wage subsidy to pass onto these employees if you have experienced or predict a 30% drop in revenue. Also consider whether they are able to assist with essential tasks in lockdown that are within their visa conditions.

We will want these workers to return home saying positive things about how they were treated in lockdown. Keep in touch with the workers, and continue to support them however you can. This support could include agreeing not to charge them for staying in your accommodation (seeing as they are not allowed to leave) and arranging food deliveries while in Level 4 lockdown. Have an honest discussion about what they can afford to contribute.

We are seeking clarification of the support that local Civil Defence Emergency Management (CDEM) Groups can offer to international workers. You can find the contact details [here](#).

If you are aware of travellers visiting New Zealand who do not already have suitable accommodation arranged, the government can provide assistance to find suitable accommodation. For more details, see [here](#).

## RSE WORKERS

The latest information from Government is available on the [Immigration New Zealand website](#).

**Q: Are RSE workers able to move to other employers or regions under existing ATRs?**

On 8 April the government announced that RSE workers are able to move between employers and regions, but only if the movement is first approved by Immigration NZ and the labour inspectorate.

To enable RSE workers to travel, the RSE employer must take the following two steps:

- Submit to INZ a travel plan that meet the Ministry of Health's COVID-19 Alert Level 4 guidelines; and
- Prepare an accommodation plan and have the intended accommodation approved by an RSE Labour Inspector (the plan should include how the workers will be isolated from other groups, travel as a group "bubble" and the bubble is maintained at the new accommodation)

Note: Shared accommodation such as backpackers/motels/camps that have non RSE people staying are not likely to be approved but this can be discussed with the labour inspector.

You will then be issued with an MBIE Authorisation letter for employee travel for that particular transfer.

At a minimum, the travel plans should include the following information:

- Date of travel
- Names, visa numbers, visa expiry of RSE workers
- Mode of travel and arrangements during travel to meet Alert Level 4 requirements
- Departure protocols re temperature checking, hygiene reminders
- Arrival protocols, including expectations for self-isolation on arrival
- Description of how workers will be cared for during self-isolation, if required
- Induction into workplace arrangements during Alert Level 4

MBIE's Immigration team has advised that the following documents should be carried on the lead person traveling with the employees and be able to be produced if stopped and queried.

1. The MBIE authorised approval for travel letter
2. The COVID-19 appropriate travel plan
3. A travel register identifying all employees traveling
4. Identification from the business (business card with logo)
5. Letter from the owner of the business authorising the employee travel

Guidelines for those RSE employers wishing to transfer surplus workers to another RSE employer who has a shortage have been provided to all RSE employers, and Immigration will process the matching and approval process.

If members have any concerns about a shortage of labour for winter pruning please contact Nicola Crennan at [nicola@nzwine.com](mailto:nicola@nzwine.com)

**Q: Are RSE workers able to move to other employers or regions under new ATRs?**

INZ will be able to process requests for new ATRs where workers are not able to return home, willing to work and able to be accommodated.

They have however put a temporary hold on issuing approval letters until they have finalised the process required around issuing a variation of conditions (VOC) for workers AND what process they can offer to address ATRs expiring.

This means that for the next short while Immigration will not issue any more travel authorisation letters **IF** the workers moving require a VOC to their visa. Immigration will continue issuing travel authorisation for existing joint ATRs in which workers do not require a VOC.

For those employers who have had their travel plans and accommodation approved, they will receive a travel authorisation as soon as the VOCs have been issued.

**Q: Who is responsible for the safety of the RSE worker during travel?**

The RSE workers' employer is fully responsible for arranging the safe travel of their workers. The RSE employers are also responsible for supplying any necessary personal protective equipment (PPE) for their employees. If the travel is from the care of one RSE employer to another, the employers will need to clearly agree who is responsible for which parts of the travel, and when responsibility transfers.

**Q: How will the safety of RSE workers be protected during travel?**

Teams of RSE employees are treated as a bubble that will not interact with others outside of the bubble. Each bubble must be transported in isolation between regions and continue to be isolated when accommodated at the new location.

**Q: Are the RSE workers required to self-isolate on arrival?**

Self-isolation does not appear to be an automatic requirement of safe movement but may be required in certain cases, your contractor will be best to advise you if this is the case.

**Q: What questions should I ask my contractor to make sure that the RSE workers are meeting the Level Four requirements?**

If you have engaged a contractor who will be using RSE workers on your property, you should ask them whether there are any RSE workers who have recently moved who are part of the team. If the answer is yes, you should satisfy yourself that the necessary approvals were received for those workers, such as asking to see the MBIE approval to travel letter, before the workers begin work on your property.

**Q: What should I do to make sure the RSE workers observe the essential business requirements on my workplace?**

You should make sure that the RSE contractor is aware of any policies and operating procedures you have in place to meet the essential business operating requirements by providing them with copies of any operating procedures you have in place and require them to be followed and work with them to make sure the RSE isolation bubble is maintained while they are on your vineyard.

It would be prudent to get written confirmation from your RSE contractor that the contractor acknowledges the existence of your requirements, and will be responsible for ensuring that all





workers comply with both your operating procedures and any requirements imposed on them by MBIE and other government agencies.