

Dear [Employer]

### **ALERT LEVEL 3 & 2 and YOUR EMPLOYEES**

As of midday today, Auckland goes to Alert Level 3. This means essential services and only businesses that can operate safely as per the govt COVID alert guidelines, will be allowed to operate.

For the rest of the country, Alert Level 2 applies. This means operations can continue provided protective personal equipment (PPE) such as masks and gloves are provided for employees and 'social distancing' can be maintained. At Level 2 the government encourages employers to send home anyone who can work from home.

Employee safety is our top priority and yours. Our members, your employees, are reliant on you doing the right thing during this difficult time.

Gloves, masks, social distancing and good hygiene including provision of soap, hand washing facilities and hand sanitisers are essential if work continues while we are at Level 2 or 3. You, the employer, are required to provide any necessary PPE, at your cost.

Where PPE is needed for the work to be done safely and you do not provide it, employees will be protected by section 83 of the Employment Relations Act if they refuse to do the work until you provide the necessary PPE.

Where your employees are prevented from working due to the government directive under Alert Levels 2 and 3, your obligations under the employment agreement continue to apply. Employees must be paid as normal.

If the Level 2 and 3 Alerts remain in place beyond Friday and this affects your employees, please talk with the workplace delegate and union organizer before making any unilateral decisions on issues such as wages, use of leave, or restructuring.

Any action that affects employees' safety or any terms and conditions requires the employee's agreement. If we have a collective agreement in your workplace please bear in mind that a formal collective variation and ratification may be required for any changes to take effect. We encourage you to do nothing that affects terms and conditions of our members' employment without agreement and without consultation with delegates and the union. Taking steps to ensure agreement and consultation will greatly reduce the potential for legal challenges.

Yours sincerely,

Bill Newson  
E tū National Secretary