

# TEU's Guide to Health and Safety Alert Levels 2 and 3

August 2020

One of the key things during the COVID-19 response is to ensure that you are all looking after each other, and your health and safety needs are taken seriously. We thought we'd share some simple health and safety checklists and information.

Before you read the checklist you might want to check the detailed advice on what is expected from tertiary education institutions and organisations found [here](#). In short – those under Level 3 (Auckland Region only) will be working from home (unless in essential services); and everyone else in Level 2 will have to practice social distancing on worksites. But the details are worth a read.

While this advisory is about health and safety under Levels 2 and 3 of the COVID-19 Alert System, don't forget about other 'more usual' H&S hazards and associated risks, as your employer has an obligation to continue managing all those other risks as well as managing the specific risk from Covid-19.

Work practices may change to adapt to a Covid-19 safe work environment, new hazards and risks may present themselves. If you identify any new hazards or risks please make sure you report to your employer, health and safety rep, and TEU (you can find TEU contact information at [teu.ac.nz](http://teu.ac.nz) or can call us on 0800 278 348).

## Refusing to return to the worksite.

If you are a person who is vulnerable to COVID-19 (health teams have been advising those who are vulnerable include those over 70 years of age or over 60 if you are Māori or Pasifika; and those who have an underlying medical condition that increases your vulnerability) you should not work on-site under level 3. You may also wish to remain away from work at lower levels.

Your employer may request information confirming that you have an underlying medical condition. If you are unsure about what information it is reasonable to request please contact your organiser.

## Stopping/Ceasing Unsafe Work

Please note at any time if you believe your work is unsafe you have the right to cease work [s83 HSW Act 2015]. Under s83 you can cease, or refuse to carry out, work if:

1. You believe carrying out the work will expose you, or any other person, to a serious risk to you or any other person's health;
2. The exposure to the hazard is immediate or imminent.

**If you have any concerns about unsafe work, tell your employer – in writing [and verbally] immediately – contact your Health & Safety Representative and TEU at [teu@teu.ac.nz](mailto:teu@teu.ac.nz) .**

**You can also make a notification to [Worksafe](#)**

**Awahi atu, awahi mai | Taking care of each other**

[teu@teu.ac.nz](mailto:teu@teu.ac.nz) | 0800 278 348 | 178 Willis St, Te Aro, Wellington 6011

## Working onsite during COVID-19 Alert Levels 2 and 3

	YES	No	UNSURE
<b>Engaging with your Health and Safety Representative [HSR]</b>			
• Do you know who your work group/area HSR is?			
• If you don't have an HSR in your work group, do you know how to elect one?			
<b>Physical Distancing</b>			
• Are you able to maintain a minimum of 1 metre [1m], preferably 2m, between you and your colleagues when in your office space?			
• Do you know what your employer's plan is to manage the proximity between co-workers?			
• Are you confident that your employer has measures in place to ensure physical distancing when in teaching spaces?			
<b>Good Hygiene in the Workplace</b>			
• Is there plenty of soap and hand sanitiser available and easily accessible for use in your work area?			
• Are surfaces being cleaned regularly? (in classrooms etc. & in office spaces)			
• Is there a plan/process in place to ensure work vehicles are cleaned regularly as well?			
<b>Your Safety and Personal Protective Equipment [PPE]</b>			
• If you require PPE (masks, gloves etc.), is it available and easily accessible?.			
• Do you know, and have had, training in how to use your PPE correctly?			

The employer's obligations to ensure health and safety of workers so far as reasonably practicable still apply. This means implementing the highest levels of physical distancing practicable.

*Generally, for all tertiary education organisations the requirements to continue working from home where possible remain in Level 3 & 2 i.e. working from home is enabled.*

## To keep everyone safe in the workplace

- Ensure as much space as possible between you, your co-workers, and students preferably a minimum of 2 metres.
- If not reasonably practical to maintain at least 2m, implement effective control measures for working between 1 and 2 metres.
- As noted above, do not work within 1m of others; it's the employer's duty to implement effective control measures and this duty still stands for essential work.
- Wearing a face mask can reduce the risk of people who have COVID-19, spreading the virus to others. People may feel well or have no obvious symptoms, but a face mask can help stop infectious droplets spreading when they speak, laugh, cough or sneeze.
- You should use face masks whenever physical distancing or contact tracing is not possible.
- Face masks can be useful if there is known community transmission, and people are near each other, (less than 2 metres apart) such as on public transport, in shops or in other confined or crowded environments.
- Face masks are only one part of keeping yourself safe and protecting others so its important to keep up good hygiene, hand washing, and social distancing.

## Good Hygiene in the Workplace

Along with physical distancing another key factor in minimising the spread of COVID-19 is ensuring there are good hygiene practices at work.

Your employer's obligations include providing you with adequate facilities and equipment to maintain good hygiene, as well as providing information and training on maintaining good hygiene at work.

Good hygiene includes:

- staying at home if you are sick;
- hand hygiene – that is, washing hands regularly with soap and water, or cleansing with hand sanitiser;
- cleaning surfaces regularly;
- ensuring good air ventilation;
- coughing or sneezing into a tissue or your elbow, and then washing yours hand with soap and water and/or cleansing with hand sanitiser;

You should also consider what provisions have been put in place to clean your workplace and sanitize equipment and work vehicles.

## Your Safety and Personal Protective Equipment [PPE]

If you are concerned about returning to work without safety equipment or PPE, you should engage with your employer alongside your HSR and Union Rep to ensure that the risk of COVID-19 is being managed so far as is reasonably practicable. This means:

- Your employer has ensured all reasonably practicable control measures are in place to manage the risk of COVID-19. This may include:
  - physical distancing;
  - staggered breaks;
  - minimal contact with others;

- physical barriers;
- providing clean and well-equipped facilities to ensure good hygiene; and
- safety equipment and/or PPE as appropriate.
- That the messaging of what control measures are in place is clear and being provided to all workers.
- That worker concerns are being actively engaged on and feedback from workers is incorporated.

Whether or not your workplace decides PPE is needed – your employer must have in place all reasonably practicable controls measures to keep you safe, and the employer needs to work with you to alleviate any concerns about your return to work.

**If PPE is being used in your workplace, remember to use it correctly and safely**, your employer must provide information and training on how to do this. If you have any concerns about the supply and/or access to PPE please advise your HSR, Branch President or local TEU Organiser.

### **Is your Mental Health being looked after?**

Working at home and managing family life is challenging for anyone's mental health. Your employer has obligations under the H&S at Work Act to protect your health and safety while at work and this includes your mental health.

There are a number of organisations providing support and resources for all workers to access. They include:

- [mentalhealth.org.nz/get-help/covid-19/top-tips-to-get-through/](https://mentalhealth.org.nz/get-help/covid-19/top-tips-to-get-through/)
- [health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-health-advice-general-public/covid-19-mental-health-and-wellbeing-resources](https://health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-health-advice-general-public/covid-19-mental-health-and-wellbeing-resources)

For a range of other mental health helplines: <https://www.mentalhealth.org.nz/get-help/in-crisis/helplines/>

## **Health and Safety at Work Act 2015**

*Here are some of the key parts of the Act relevant to these circumstances.*

### **s83 Right of worker to cease or refuse to carry out unsafe work**

- 1) A worker may cease, or refuse to carry out, work if the worker believes that carrying out the work would expose the worker, or any other person, to a serious risk to the worker's or other person's health or safety arising from an immediate or imminent exposure to a hazard.
- 2) A worker may continue to refuse to carry out the work if—
  - a) the worker attempts to resolve the matter with the PCBU as soon as practicable after first refusing to do the work; and
  - b) the matter is not resolved; and
  - c) the worker believes on reasonable grounds that carrying out the work would expose the worker or any other person to a serious risk to the worker's or other person's health or safety arising from an immediate or imminent exposure to a hazard.

- 3) Without limiting subsection (2)(c), **reasonable grounds** exist if a health and safety representative has advised the worker that carrying out the work would expose the worker or any other person to a serious risk to the worker's or other person's health or safety arising from an immediate or imminent exposure to a hazard.
- 4) A worker who ceases work under subsection (1) must, as soon as practicable, notify the PCBU that the worker has ceased work.
- 5) Subsection (1) does not authorise a worker to refuse to do work that, because of its nature, inherently or usually carries an understood risk to the worker's health and safety, unless that risk has materially increased beyond the understood risk.
- 6) To avoid doubt, nothing in this section limits or affects an employee's right to refuse to do work under any other enactment or the general law.

### s36 Primary duty of care

- 1) A PCBU (effectively, the employer) must ensure, so far as is reasonably practicable, the health and safety of—
  - a) **Workers who work for the PCBU, while the workers are at work in the business or undertaking; and**
  - b) **Workers whose activities in carrying out work are influenced or directed by the PCBU, while the workers are carrying out the work.**
- 2) **A PCBU must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.**
- 3) **Without limiting subsection (1) or (2), a PCBU must ensure, so far as is reasonably practicable:-**
  - (a) the provision and maintenance of a work environment that is without risks to health and safety; and
  - (b) the provision and maintenance of safe plant and structures; and
  - (c) the provision and maintenance of safe systems of work; and
  - (d) the safe use, handling, and storage of plant, substances, and structures; and
  - (e) the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities; and
  - (f) the provision of any information, training, instruction, or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking; and
  - (g) that the health of workers and the conditions at the workplace are monitored for the purpose of preventing injury or illness of workers arising from the conduct of the business or undertaking.



**TEU**

**TERTIARY EDUCATION UNION**  
**TE HAUTŪ KAHURANGI**

**Awhi atu, awhi mai | Taking care of each other**

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