



MANAGING STAFF DURING CRISIS SITUATIONS

The purpose of this document is to assist managers to understand the implications for staff and business continuity during a crisis event such as a pandemic, earthquake or other unforeseeable event. The document also identifies actions required by the People and Organisational Development (POD) Section to ensure business continuity in support of HR functions. The document is intended as a supplement to the University Emergency Planning processes, and the HR Business Continuity Plan (BCP).

Central to workforce planning in a crisis is working together to take all necessary precautions to ensure the safety and wellbeing of staff, while balancing the essential and core functions of the University.

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1. Workforce crisis characteristics and impacts

A workforce crisis is when a significant physical or environmental disaster or infectious disease of pandemic proportion impacts the University whether nationally or at a local level. The impact may be in only one area of a campus but have an impact across the campus.

1.1. Notice

In many instances there will be no advance notice of significant event e.g. earthquake or fire but in circumstances such as an infectious disease there may be some ability to limit the spread of a disease by giving advance notice of the situation. In all events it is important to keep staff and students informed of the situation and what they might be expected to do in the event of a crisis.

1.2. Effect on staffing levels

Natural disasters will likely have an impact on staff both in terms of their availability and the continuance of the business. Many staff may be unable to get to work or could be focused on impacts to their immediate family. In an infectious type pandemic emergency it is anticipated the effect would be mainly on staff being required to stay away from the workplace due to infection. This will however impact on staff who remain in or are able to attend the workplace. There are also likely to be recurrent “waves” or absence peaks. For example, the Ministry of Health advises for pandemics that businesses should plan for up to 50% worker absences for periods of about two weeks at the height of a severe pandemic wave, and lower levels of workers absence for a few weeks either side of the peak.

1.3. Reasons for staff absences

Staff absences can be expected for many reasons:

- worker preoccupation with own or family survival or emergency response/mitigation;
- staff illness/incapacity (suspected, actual or recovery);
- some workers may need to stay at home to care for others;
- people may feel safer at home (e.g. to keep out of crowded places and not use public transport);
- some people may be fulfilling other voluntary roles in the community; and
- others may need to stay at home to look after school-aged children (as schools are likely to be closed).

A large scale disaster could last many months and may contain peaks followed by periods of reduced absences.

2. Legislative framework

2.1. Any risks to employees and others must be reasonable

Under the Health and Safety at Work Act 2015 Massey University is responsible for providing a safe workplace, and for ensuring the health and safety of those working in or visiting the University workplace. To achieve this Massey University is expected to:

- systematically identify hazards;
- systematically manage those hazards;
- manage significant hazards by eliminating, isolating, or minimising them, in that order of preference;
- provide suitable protective clothing and equipment to staff and ensure it is worn (where a hazard cannot be eliminated);
- provide safety information to staff;
- provide training and supervision so that work is done safely;
- develop procedures for dealing with emergencies that may arise in the workplace;
- record all workplace accidents and illness and report those that cause “serious harm”;
- monitor the health of employees in relation to the hazards of their work; and
- provide opportunities for employees to participate in health and safety.

Staff can refuse to perform work that they believe is likely to cause serious harm. They can only continue to refuse to carry out that work if, after discussing the matter with the employer, the matter is not resolved and the employee still believes on reasonable grounds that the work is likely to cause them serious harm. This sort of issue needs to be worked through between the employee and the employer.

Relevant legislation:

Health and Safety at Work Act 2015:

- [Section 36 Primary duty of care](#)
- [Section 30 Management of risks](#)
- [Section 83 Right of worker to cease or refuse to carry out unsafe work](#)

Health and Safety at Work (General Risk and Workplace Management) Regulations 2016

- [Regulation 6 Hierarchy of control measures](#)
- [Regulation 7 Duty to maintain effective control measures](#)
- [Regulation 8 Duty to review control measures](#)

2.3. Other relevant legislation

There is a variety of related legislation that also needs to be factored into the University’s response to a crisis situation:

- State Sector Act 1998
- Employment Relations Act 2000
- Holidays Act 2003 (sick, bereavement and annual leave, and public holidays)
- Parental Leave and Employment Protection Act 1987
- Wage Protection Act 1983
- Volunteers Employment Protection Act 1973
- Epidemic Preparedness Act 2006
- Crimes Act 1961¹.

¹ While this Act does not immediately spring to mind when it comes to staff and students, it is considered there is a connection with the duty to provide necessities and protect from injury those people who are under the care or charge of the University.

3. Crisis Management Guidelines

3.1. Action plan guidelines and considerations

The following guidelines are adapted from the Ministry of Education². They are based on epidemic infection, but may be applicable to other crisis situations:

1. Tertiary organisations are encouraged to maintain as full a service as possible for as long and as safely as possible during an emergency.
2. During an emergency which closes a site, tertiary education organisations may consider alternative means of delivering education to their students (such as distance learning options).
3. Closing education sites to students can occur as part of the crisis e.g. in a pandemic, education site closure is a way of prevent the influenza spreading (New Zealand's National Health Emergency Plan).
4. Although organisations might be closed to students they will not necessarily be closed for staff. With the University's prior approval, staff may continue working at the site, working remotely (e.g. from home), or carry out additional or 'alternative duties' for their employer or another agency. Tertiary education organisations may also be used for alternative purposes in an emergency.
5. An emergency may be prolonged with significant staff absences as a result of: illness, looking after sick dependents, recovery of their own living situation, medial or carrying out 'alternative duties' in priority areas for their employer or another agency (e.g. in health or welfare roles).

In emergency planning there are employment issues. The key issues are:

- Attendance in the workplace, the issues that relate to an employee's refusal to do so and utilization of remote working (usually working from home);
- Salary payments during an absence and related issues of additional paid leave over and above an employee's accrued entitlement;
- The ability to require staff to provide wider support during an emergency by undertaking additional duties that are not in the employee's job description; and
- Approaches to take if there is a request for workplace closure by a regulatory agency.

3.2. Preparing for the possibility of the University or campus closure in the event of emergency

There are several scenarios which could occur in an emergency. The most likely are:

1. Business as usual
2. Campus workplace closed to students
3. Campus workplace becomes unsafe
4. Campus workplace closed to staff and students
5. Campus workplace used for an alternative purpose.

Managers should discuss these possibilities with their staff, staff representatives and contractors as part of their preparedness planning. This discussion should include identifying whether research, teaching, and other services can be delivered in a way that does not pose any health and safety risk, and implementing methods of communicating campus closure to students and employees.

² Generalised from Pandemic Planning Guide and Action Plan for Tertiary Education Organisations.

Statutory requirements relating to the employment relationship (e.g. the Employment Relations Act, Holidays Act, and Wages Protection Act) and any specific requirements of employment agreements will not be affected by campus closure to students in an emergency.

The University and staff also have statutory and moral responsibilities towards each other and students as defined by the Crimes Act. For example, if there was a pandemic cluster outbreak declared in Wellington in the morning, by the afternoon public gatherings could be banned and education facilities may be directed to close by the Medical Officer of Health. This scenario could pose a legal and moral requirement if for instance students become seriously ill and public transport ceases to operate and ambulance services are overwhelmed in the city. The requirement to provide the necessities of life would include persons who may have de facto charge of other persons, and in the University's context includes lecturers or tutors. (MoE, 14 August 2006, Influenza Pandemic, Planning guide for tertiary education organisations).

In the event that the University decides, or is required to, close to students or suspend business during an emergency, it is important that the employment conditions during the business suspension are discussed with, and made clear to, employees and other workers. Those discussions may include, for example, the use of annual leave.

Contractors will be subject to the provisions of their contracts, and contract law generally.

In the event of an emergency, employees have the right to refuse to perform work if they believe it is likely to lead to serious harm. However, their belief must be on reasonable grounds, and they must have attempted to resolve the matter with their employer before they can continue to refuse. The right to refuse unsafe work does not apply unless the understood risks of the work have materially increased. To avoid such situations, it is best for managers to have had discussions with staff prior to any emergency occurring. The right to refuse work is detailed in "Working in a Situation Likely to Cause Serious Harm Policy" in the [University Policy Guide](#).

3.3. If a campus workplace or business unit stays open

If a campus workplace or business unit stays open during an emergency, employment relations legislation will continue to apply according to the circumstances.

4. Pay and leave entitlements for staff

Depending on the scenario different issues may arise as to what staff can expect in relation to whether or not they are paid or required to take leave. In a prolonged closure University funding may or may not continue. The scenarios in the table below may not be mutually exclusive.

Status of campus	Funding continues?	Payments to staff	Leave arrangements
Open to staff and students	Yes	<ul style="list-style-type: none"> • Salaried staff will continue to receive their pay during a sustained emergency. • All staff paid on time sheet will need to submit time sheet worked which will be paid as usual. 	<ul style="list-style-type: none"> • Applicable sick leave schemes will apply for staff absent through their own illness or to care for a dependent (this includes staff with contagious disease who are sent home so they do not present a risk to the workplace). • Leave without pay provisions or annual leave will apply to staff absent because they are concerned about being at work or concerned about being affected by the emergency, or who refuse to come to work, or who are attending to other non-work matters³.
Closed to students	Yes	<ul style="list-style-type: none"> • Payment for essential staff continues as if the campus workplace is open. • The University will seek to provide alternative work if a closure is prolonged. • Staff can offer to cover duties performed by absent essential colleagues. 	<ul style="list-style-type: none"> • Staff who are sent home by the University will be paid special leave on pay⁴ while the campus remains closed and is fully funded. • Staff already on annual or sick leave remain on leave.
	No	<ul style="list-style-type: none"> • Payment for essential staff continues as if the campus workplace is open. 	<ul style="list-style-type: none"> • If staff have been sent home by the University and funding has been reduced, then leave without pay will apply (with 14 days' notice being given). • Staff have the option of utilising their annual leave in this situation. • Sick leave only applies in the event of the employee's illness/injury or that of the employee's dependent.

³ A pandemic example is used to illustrate. The University will, while funding permits, continue to pay employees their normal salary during a pandemic, provided, with their employer's pre-approval they:

- come to their usual place of work (with suitable protection measures in place – such as social distancing, personal hygiene, cleaning regimes); or
- work remotely (e.g., from home); or
- carry out pre-approved alternative duties for their employer or another agency; or
- are on sick leave; or
- are looking after sick dependents (using sick or other leave entitlements or anticipated sick leave).

(From State sector employees section of MoE, 14 August 2006, Influenza Pandemic, Planning guide for tertiary education organisations).

⁴ Leave on pay in this instance is based on average earnings for the preceding four (4) weeks for both permanent and fixed-term staff. Any necessary adjustments to this pay are made retrospectively during the Recovery Phase. Managing Staff During Crisis Situations 2016 v6.1.docx

Status of campus	Funding continues?	Payments to staff	Leave arrangements
Closed to staff and students	Yes	<ul style="list-style-type: none"> • Payment for essential staff who agree to assist continues as normal. • The University will seek to provide alternative work if a closure is prolonged. 	<ul style="list-style-type: none"> • Staff who are sent home by the University will be paid special leave on pay while the campus remains closed and is fully funded. • Staff already on annual or sick leave remain on leave.
	No	<ul style="list-style-type: none"> • Payment for essential staff who agree to assist continues as normal. 	<ul style="list-style-type: none"> • If staff have been sent home by the University and funding has been reduced, then leave without pay will apply (with 14 days' notice being given). • Staff have the option of utilising their annual leave in this situation. • Sick leave only applies in the event of the employee's illness/injury or that of the employee's dependent.
Closed – campus used for another purpose		<ul style="list-style-type: none"> • Staff who volunteer to assist other pre-approved agencies would receive remuneration as arranged with that agency. 	
Open to staff and students – but conditions are unsafe ⁵	Yes	<ul style="list-style-type: none"> • Payment for essential staff who agree to assist continues as normal. • Hazard management strategies are implemented with options including: of remote working; relocation; social distancing personal (in an infectious situation); alternative accommodation; protective equipment (PPE). 	<ul style="list-style-type: none"> • Non-essential staff who are sent home will be paid special leave on pay while the campus remains closed and is fully funded. • Staff already on annual or sick leave remain on leave.
	No	<ul style="list-style-type: none"> • Payment for essential staff who agree to assist continues as normal. • Hazard management strategies are implemented with options including: of remote working; relocation; social distancing personal (in an infectious situation); alternative accommodation; protective equipment (PPE). 	<ul style="list-style-type: none"> • If staff have been sent home by the University and funding has been reduced, then leave without pay will apply (with 14 days' notice being given). • Staff have the option of utilising their annual leave in this situation. • Sick leave only applies in the event of the employee's illness/injury or that of the employee's dependent.

⁵ It is reasonable for staff to be expected to attend work where practicable measures have been taken to protect them and where they are physically able to attend. If staff are still concerned about the hazard risk they need to raise it with their supervisor (or their Health and Safety representative) and explain the reasons for their concern. If, after discussion, staff members are still concerned that the measures taken are insufficient they can refuse to do a job they believe it is unsafe. However, they are obliged to work with their supervisor to resolve the matter, and can only continue to refuse to do the job if they have reasonable grounds for considering it dangerous.

If staff choose to stop work without talking to their manager about their concerns or ways to protect themselves, they are putting their relationship, and ultimately their employment, at risk. Obviously, managers will want to avoid making judgements or taking action about absences before they have talked to the staff member and gather all the information. (From Department of Labour Guide, Minimizing the risk and impact of an influenza pandemic on your business. A practical guide for employers. <http://www.dol.govt.nz/PDFs/pandemic-practical-guide.pdf>)

4.1. Casual staff and contractors

If a contractor or casual worker is sick or not able to come to work or directed not to come to work, no payment will be made.

4.2. Sick leave provisions

Arrangements within the University's employment agreements vary considerably as detailed in the table below. All contracts employment agreements (and the Holidays Act 2003) allow sick leave to be taken for caring for dependents.

Overview of sick leave entitlement of University employment agreements	
Main Massey Collective Employment Agreement, Standard Individual Employment Agreement	10 days sick leave for the first year of employment (pro rata for part time staff to a minimum of 5 days), and then "as and when required" with management of long term and frequent short term absence clauses.
Salaried General Practitioners (medical doctors)	"Reasonable" wellness type clause.
Centre for Educational Development (40 to 60 staff)	Wellness with management of long term and frequent short term absence clauses.
Wellington Lecturers (ASTE)	Entitlement. Epidemic clause requires sick leave for absence during "normal course" of disease in an individual to be disregarded.
Flight Instructors (ALPA)	Wellness with long term absence management clause
Farms	Entitlement.
Wharerata	Wellness .
Management Individual Employment Agreement's	"Reasonable" use.
Residential Advisors	Entitlement.

The University will endeavour to maintain regular reviews of absences as detailed in employment agreements.

Staff members are required to keep in contact with their manager or nominated alternative manager within 30 mins of normal starting time on first day of absence and then weekly (depending on the severity of illness) to update their current state of health or health of family.

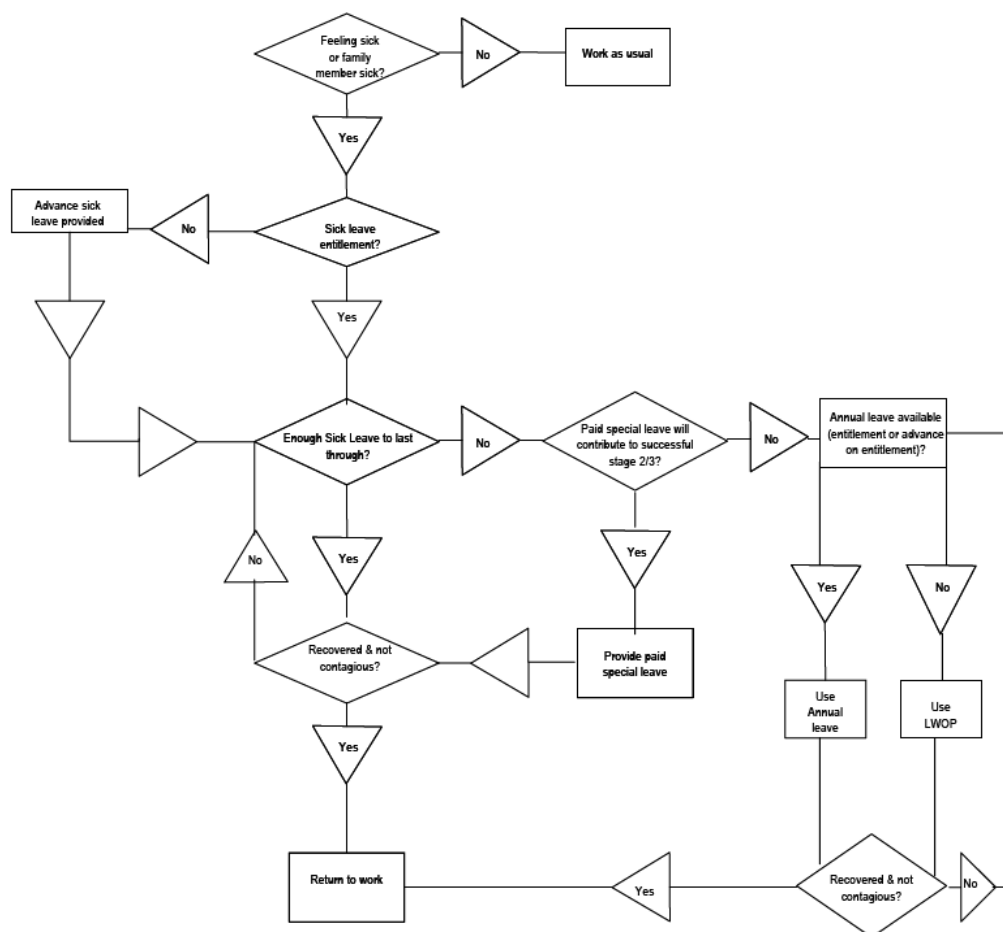
It is recognized that employee absences may create pressure for other employees, if willing, to work longer hours in order to keep essential processes going. In this event, the manager will work with the employees at work to ensure that their health and safety is maintained and the wellbeing of the employee and his/her family is being met.

In the event of a death of a staff member for reasons directly relating to emergency, the salary or wages will cease at date of death. Assessment of other termination payments will be made by POD after the emergency recovery phase.

4.3 Anticipating sick leave

University employees will be expected to use their leave entitlements (sick, annual or other, with the ability to anticipate some sick leave) if they are sick or looking after sick dependents during an emergency. When sick leave entitlements and advances are exhausted, Massey University may provide additional paid special leave on case by case basis particularly where extending sick leave will contribute to preventing the arrival or spread of infectious disease.

The approach to leave usage during workforce crisis is detailed below.



4.4 Determination of essential and non-essential workers

University-level essential business functions are listed as an appendix to the Massey [University Emergency Response Plan](#) and campus-level essential business functions are listed as an appendix to each Campus Emergency Response Plan. The Emergency Procedure: Campus Closure gives details of University essential workers.

Managers may determine additional staff with essential mission-critical functions which would be required to operate during an emergency. Essential functions are to be documented in Business Continuity Plans for each department or shared service.

4.5 Remote working and/or social distancing

Staff are permitted to work from an alternative workplace including home if their campus office facility is uninhabitable and prior approval has been sought from the manager.

In an infectious disease emergency, working remotely and/or practising social distancing should occur. Social distancing involves minimising contact with others and avoiding

crowded places and large gatherings of people, whether in internal or external spaces. It is recommended that a distance of at least one metre should be maintained between persons wherever practical; however larger distances are more effective. Visiting or other contact with unwell people should be avoided wherever practicable.

4.6 Travel – national and offshore

The Ministry of Foreign Affairs and Trade, in conjunction with Ministry of Health will publish appropriate travel advisories for New Zealanders travelling to other countries in national or international emergency situations.

In major emergencies, transport may be disrupted and/or county borders may be closed, possibly for several days.

If managers have staff travelling for business reasons during an emergency situation, they need to consider how they will keep in contact and provide support to those staff.

Things to consider:

- Closures overseas or other parts of New Zealand may also cause disruption to travel.
- Make sure you have full contact details for any staff who are away, are about to go, or have recently returned.
- International borders may be closed, so cancel travel early to avoid having staff stranded.
- Check insurances will cover support to any staff who cannot return home.
- Contact staff and determine preferred place of location.
- Contingency plan for staff if travel is disrupted.
- Supporting staff who are not able to return to their home location or who are asked to work at another location e.g. reasonable costs of meals and accommodation, returning via another route, while ensuring compliance with advisories.

For example, consider declaration of a pandemic, if any staff had recently (within the last 4-5 days) travelled to regions known to be affected by the disease, we should consider:

- Advise the employee not to report for work for the duration specified by Ministry of Health for the disease;
- Ask the employee to follow instructions on Ministry of Health's website for self-checking for influenza symptoms, which may include advice by telephone (rather than visit) their medical centre to seek advice immediately if symptoms occur. The employee should report their travel history to the treating doctor. Ask them to document all the people they have been in contact with;
- Check on the employee or student during his/her absence from work or study; and
- Set up a process for ensuring that the employee or student has completed the time duration and is healthy before allowing them to return to work or study.

4.8. Alternative duties/skill capability

In the event of a civil emergency the Emergency Procedure: Campus Closure plans identify essential University services that will be required.

It is important the manager obtain agreement of staff to undertake alternative duties as deemed necessary to support campus workplace essential functions. This may require a change in usual location and or duties. Alternative duties may include covering for essential staff who are unable to attend work, or assisting so the workplace is safe to use.

If the campus workplace is used for an alternative use, then staff who are available for alternative duties may volunteer to assist with the alternative use of University facilities.

To assist in planning stages of a civil emergency manager's need to discuss with their staff as to who would be prepared to undertake alternative duties. This information should be recorded as part of business continuity planning.