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**HR KNOWHOW
WHAT'S**

NEW

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H1N1 Influenza

The H1N1 virus is now at the highest phase of a pandemic, meaning there is a global spread of the disease. In New Zealand as at 15 June there were a total of 86 confirmed cases by the Ministry of Health with 66 people being treated in isolation. However it is thought that the numbers have increased to over 100 today.

Planning for a Pandemic

We suggest that employers consider how their operations would be affected if employee/s were quarantined or refused to come to work for health & safety reasons during the pandemic.

Considerations extend to:

- Would any, part or all of the operations be able to be undertaken remotely?
- Does the Company have remote access set up?
- What confidential information would you allow to be transferred to an employee's residential address?

We suggest that you plan for 50% staff absences for periods of about two weeks at the height of a severe pandemic wave and lower levels of staff absence for a few weeks either side of the peak. Overall a pandemic wave may last about 8 weeks.

Payment

Sick leave entitlements will apply and employees may elect to use annual leave if they have exhausted their sick leave. We recommend that you require employees to put this request to use annual leave for sick leave purposes in writing.

If leave entitlements have been used there is no obligation to pay the employee if he or she is absent because of a pandemic.

The Engineers Union is espousing payment by employers where employees are required to stay at home because of illness or isolation requirements. Where economically viable this would be a generous response. However in these times expecting the employer to shoulder additional costs where their revenue may be significantly reduced in a pandemic seems unreasonable. It is hard to predict the end of the issues around the H1N1 pandemic with no vaccine developed let alone brought to market.

The sensible thing will be to advise your employees what you intend to do regarding payment if any of them become ill or are put in isolation. You can require an employee to stay home if sick because this condition would make your workplace unsafe for others.

Ministry of Health Advice

The signs and symptoms of influenza include fever, cough, sore throat, stuffy nose, body aches, headaches, chills, fatigue and sometimes diarrhea and vomiting.

The Ministry of Health advises:

- If you become sick, to keep from infecting others you should stay at home for 7 days after your first sign of illness or wait until you have no symptoms for 24 hours, whichever is longer.
- If you become sick and you require medical advice, call either Healthline 0800 611 116 or your GP. By not visiting a hospital or medical centre first you will be limiting the spread the virus.
- If you are caring for someone with the flu, be alert to their symptoms, especially if there are underlying health problems. If the person starts to have difficulty breathing, has chest pain, blueness around the lips, is unable to keep fluid down, becomes less alert or develops confusion; seek medical advice.
- Make sure you are able to be self-sufficient for an extended period. This includes having enough food, water, medical supplies including paracetamol or ibuprofen, other medications, nappies for babies, cleaning products, tissues and bathroom supplies.
- Ensure you are taking extra precautions with personal hygiene, especially with washing your hands.

Not enough Tamiflu

If this pandemic becomes large scale in New Zealand and not everyone affected is able to be treated with Tamiflu, the recovery time may turn into a much longer period for some people. It is best to be as prepared as possible, ensuring your employees know what may be required of them, how their pay will be treated and whether they will be able to work from home.

If you would like more advice regarding the H1N1 influenza please contact us on 09 377 9891 or email kh@knowhow.co.nz.

Holidays Act Review

The Holidays Act is currently under review with the appointed working group specifically reviewing:

- the calculation of relevant daily pay
- trading annual leave for cash at the employee's request, and
- transferring the observance of public holidays

At long last may we see a much easier Holidays Act for employers to administer and understand.

The report of the Review will be finalised by December 2009. We will keep you up to date on the Review.

When is an agreement an Employment Agreement?

A recent case in Canterbury, *Anna Wilding (employee) vs Jim and Maxine Marron (employer)*, involved an employee claiming she was unjustifiably dismissed after an offer of employment had been made and subsequently withdrawn.

Ms Wilding claimed Mr & Mrs Marron offered her permanent employment at the cinema, and was then advised that she was no longer needed. Ms Wilding had not worked at all at the cinema. While Mr & Mrs Marron denied offering Ms Wilding permanent employment, the Authority found that they had emailed Ms Wilding stating how excited they were that she was joining them at the cinema and that they would soon prepare a roster for her hours of work.

The Employment Relations Authority found that Ms Wilding had been unjustifiably dismissed and ordered Mr & Mrs Marron to pay her \$5,225.00.

The Employment Relations Act, Section 6, specifies that the meaning of an employee includes a person who is intending to work.

This case shows that once the offer of employment has been made, it is legally binding and the employee has full rights and entitlements.

If you would like advice regarding offering employment please contact us on 09 377 9891 or email kh@knowhow.co.nz.

Referrals

We are very grateful to our clients who provide us with referrals and it is a key part of our business growth. If you know of a business owner or manager who needs expert HR advice I hope you will consider referring them to us.

If you have any queries relating to the matters outlined in our Newsletter please call us on 09 377 9891.

Kind regards

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