

Earthquake Advice for Employers

Your first priority will have been making sure your people were safe, but now many employers will have questions about the future. There will be difficult decisions to make.

Some employers will be able to continue to operate from existing premises, others will have temporary premises to work from.

Some of you will be deciding whether to close your business or Christchurch branch permanently.

Still others will be living with uncertainty, not knowing how many weeks or months it will be before you can resume "normal" operations. What to do meanwhile? As a first step consider whether you are eligible for the Government's assistance package, see <http://www.workandincome.govt.nz/about-work-and-income/news/canterbury-earthquake/employers.html>.

Keep in communication with staff, about your situation and theirs.

Flexibility is key: different employees will be faced with different circumstances and will also react differently and allowance needs to be made for that. Some may resign or seek transfer out of Christchurch because they do not want to live there any more. Others will need extra time off work because of disruption to homes, schools and childcare facilities.

You are required to continue to pay staff if you are unable to provide them with work to do in a safe workplace. If you cannot afford to continue to pay staff then you may need to look at other options.

If you can provide work in a safe workplace then it is your discretion whether to pay staff who are not ready to come back to work just yet. If a staff member wants to take annual leave which he or she is entitled to then you need to have a good reason to refuse that request.

Options to consider for staff as appropriate may include:

- Redeployment outside of Christchurch or to a different branch or office within Christchurch;
- Reduced hours of work and/or pay by agreement;
- Annual leave, either by agreement or on 14 days' written notice from the employer;
- Sick or bereavement leave;
- Additional paid or unpaid leave;
- Laying off staff.

It is important to talk to staff about whatever you are proposing to do, give them an opportunity to comment, consider the alternatives, and take into account their personal circumstances. Some options require agreement from the staff member concerned e.g. relocation outside Christchurch or a period of unpaid leave or reduced hours. You need to balance the needs of the business with their needs and your responsibility to be a fair and reasonable employer.

This fact sheet contains general advice which is intended to be used only as a guide. Please contact us for legal advice specific to your situation.