



# Face Coverings



November 2021

## Face coverings

New Zealand has a COVID-19 Protection framework that uses a three-level 'traffic light' system to manage and minimise the risk of Coronavirus. Each level provides public health, social measures and guidance for businesses.

Ministry of Health guidelines state that wearing a face mask can reduce the risk of infected people spreading COVID-19, particularly if there is known community transmission, and people are in close proximity to each other eg in shops or in other confined environments.

The government may introduce or reinstate the mandatory wearing of face coverings or masks in response to COVID-19 outbreaks. Face covering requirements will likely vary depending on the level in place.

Where face coverings restrictions apply, you may need to direct your employees to wear a face covering in the workplace. Review the governments guidance [here](#) for information on when face coverings are legally required and specific exemptions to the requirements.

## What is a 'face covering'?

Face coverings can include a paper or disposable mask, a cloth mask, a neck gaiter, scarf or bandana. What face covering may be required will depend on the risk assessment of the work being done and any current or future public health requirements.

## What are my obligations?

You have a health and safety obligation to your workers to provide and maintain, so far as is reasonably practicable, a working environment that is safe and without risks to health.

If face coverings are legally required in your industry or business, you will need to direct employees to wear a face covering in the workplace, unless an exemption applies.

As a business you should identify what personal protective equipment (PPE) is required in order to control any risks associated with your line of work, including infection control. You may therefore decide that face coverings must be used in your business for you to be able to safely operate, even if they have not been specifically mandated in your industry or business.

When you are identifying and sourcing the appropriate type of face covering to be used, be aware that some

respiratory equipment in circulation may not be compliant with New Zealand standards. Ensure that any PPE will be compliant and fit for purpose. WorkSafe has further guidance in relation to this.

## Do I have to provide face coverings?

If you are legally required to OR choose to implement the use of face coverings in your business, you will need to provide any items of PPE such as face masks to your employees and ensure any workers (such as independent contractors) or visitors know and adhere to any requirements as well. As part of a business continuity plan, you should source and have face coverings available.

## Safe use

If you implement the use of face coverings in your business it is important that you are clear on safe use guidelines, as there are risks associated with incorrect use of face coverings. Make sure guidance is provided in how the face coverings need to be used. The Ministry of Health has released guidance in how to safely put on, wear, remove and dispose of or clean face masks.

## What if an employee refuses to wear a face covering?

Discuss with the employee the reason for their refusal. An exemption may apply allowing the employee to be at work and not wear a face covering. You may need to consider finding an alternative solution to meet your health and safety obligations (eg physical barriers) in some circumstances, such as where an employee is not able to wear a face covering due to a physical or mental health illness or condition.

Consider whether the employee:

- can reasonably work from home. If so, you may be able to reasonably direct them to work at this location for their health and safety
- would like to take a period of annual leave (if accrued) or unpaid leave.

If none of the above applies, please contact the Advice Team for guidance on your options and next steps.

## Can I discipline my employee for unreasonably refusing to wear a mask?

This will depend on the individual circumstances of the case. If there are no reasonable circumstances or you

have found out the reason for the refusal and resolved the employee's concerns as much as possible there may be grounds to investigate disciplinary action. Contact the Advice Team for further guidance.

## What if contractors who come on my premises don't wear a mask?

Your health and safety obligations extend to independent contractors for matters over which you have control, including what happens on your premises. You can direct the independent contractor to wear a face covering that you provide if this is required to ensure their health and safety in your workplace. If they refuse, you may be able to ask them to leave. Contact the Advice Team for further guidance.

## Further Information

This guidance note provides a brief overview of the main issues. If you believe any of these may impact on your business, please contact 0800 675 697 or email [advice@employsure.co.nz](mailto:advice@employsure.co.nz) for further information.