



Masks and Face Coverings



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New Zealand currently has a COVID-19 Protection Framework in place, also known as the traffic light system. It minimises the impact and provides protection from COVID-19 through 3 settings - Green, Orange and Red. Each setting 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 masks and face coverings in response to COVID-19 outbreaks. Mask-wearing requirements will likely vary depending on the traffic light setting in place. Where mask-wearing restrictions apply, you may need to direct your employees to wear a mask in the workplace.

Review the governments guidance [here](#) for further information on when masks and face coverings are legally required and specific exemptions to the requirements. Those who are exempt have the option to obtain either a personalised exemption card or non-personalised exemption card to aid them in avoiding discrimination. The difference is the personal card has legal standing and is considered conclusive proof of exemption.

What is considered to be a mask or face covering?

What mask or face covering may be required will depend on the risk assessment of the work being done and any current or future public health requirements.

Check the [Ministry of Health website](#) for up to date public health rules in relation to mask-wearing 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 masks are legally required in your industry or business, you will need to direct employees to wear a mask 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 masks 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 mask or 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 masks?

If you are legally required to OR choose to implement the use of masks in your business, you will need to provide this PPE 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 masks available.

Safe use

If you implement the use of masks in your business it is important that you are clear on safe use guidelines, as there are risks associated with incorrect use of masks. Make sure guidance is provided in how masks 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 mask?

Discuss with the employee the reason for their refusal. An exemption may apply allowing the employee to be at work and not wear mask. 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 mask 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 mask 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 for further information.