

COVID TODAY

Latest news and bulletin updates

Burger, fries + a shot, 80% pay & overcrowding!

McDonald's in hot water already!

By Shazreen Hussain

After five long weeks of restrictive Alert Level 4, residents of our biggest city on 22 September 2021 emerged to new relative freedoms of takeaway food and contactless shopping. The classic, fast-food chain known for its burgers & fries amongst kiwis, McDonald's reopened its drive-throughs at more than 50 restaurants across Auckland when Alert Level 3 began.



However, being at Alert Level 3 doesn't mean that business-life can return to normal just yet. As we know, businesses are still restricted in their day to day operations and can only operate if they comply with those restrictions. McDonalds has already found itself in hot water after potentially falling foul of those restrictions in only less than 24 hours of re-opening!

Unionized members claim that McDonald's is failing to follow social distancing rules when customers are paying for their items at the drive-through counters. Specifically, when customers come to pay, the window counter between the staff member and the customer is less than 2 metres in distance and is open without appropriate barriers in place. Transmission of the virus is easily possible given the proximity of staff to customers. The National Secretary of Unite the Union, John Crocker, said McDonald's have a stick for EFTPOS or cash but in most circumstances, the customer and the staff are going to be well within two metres of each other, which the Union thinks breaches Covid-19 guidelines.

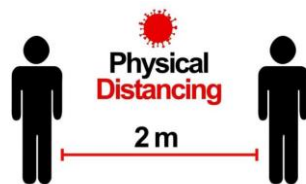


The Council of the Trade Unions president Richard Wagstaff agreed it was a concern. Wagstaff acknowledged that a high-volume of customers go through drive-throughs, and the worst thing that could happen clearly is that we are spreading infection; the virus is easily transmissible.

Simon Kenny, McDonald's spokesperson, said general security measures meant their EFTPOS units were securely wired, so completely closing a drive-through window was unfeasible. Kenny said that McDonald's have extra control measures in place for risk management such as enhanced hygiene and sanitation, employee protection screens and an increased use of protective equipment. Yet, this does not necessarily go far enough to protect customers.

Crocker (Unite) said that he did not find McDonald's argument "compelling". Crocker said he was trying to get WorkSafe to tell McDonald's that their processes for Alert Level 3 were unsatisfactory but was having "tough luck". However, as per Crocker's recommendations, WorkSafe have agreed to investigate.

A spokesperson from WorkSafe said at Alert Level 3, businesses must have systems in place for physical distancing "so far as is reasonably practicable". Businesses who are unable to fulfil the 2 metre physical distancing requirement may mitigate risks by, for example, putting in place plastic barriers or regular cleaning of surfaces said the spokesperson. WorkSafe said McDonalds' procedures included both of those examples and potentially may have mitigated the restriction of social distancing. However, it will check.



What is the Ministry of Health's reaction?

Not impressed! At all Alert Levels, the MOH recommends that business should implement social distancing by keeping a minimum 2 metre distance from people where practical. So, as a business owner this means that you may need to:

- Create 'walkways' to separate people
- Create separate entry and exit zones

- In passageways people should face away from each other when passing, and
- Put in physical shields when physical distancing can't be maintained.

WorkSafe will now investigate whether or not McDonalds is mitigating its lack of social distancing at drive-throughs by implementing other measures to address the issue. We'll keep you posted!

Speaking of drive-throughs... would you like Pfizer with that!?

By Shazreen Hussain



Is this really the world that we now live in - drive-throughs are no longer just for coffees or burgers but now a one-stop vaccination shop as well?

Disappointingly it seems that we're now having to entice people to receive the vaccine with the temptation of a fast-food fix. Many fast-food outlets will soon be asking us if we'd like a Pfizer shot with our "Happy Meal"?

This suggestion is of course intended to help increase vaccination rates. New Zealand is aiming to vaccinate at least 90% of its population by the end of the month and the Government is already in talks with fast-food giant KFC to help reach that goal.

Kiwis love fast-food. So, when Auckland's lockdown dropped to Level 3 last Tuesday night, some Auckland residents immediately celebrated by enjoying coffees and takeaway food, many of which were enjoyed in the early hours of the morning. The love of our fast-food was nicely summed up this week when just a day prior to Level 3, two gang associates were caught trying to smuggle a boot-full of KFC across the Auckland border.

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Deputy Prime Minister, Grant Robertson in his statement to Radio NZ on 23 September 2021, confirmed the fast-food proposal. Robertson felt that Aucklanders were going to be really excited about getting their takeaway fix so it was considered a good idea to use that as an opportunity to vaccinate more people. Robertson said the Government is also working through other options for vaccination, including looking at other spots people frequently visit. So, it seems that McDonald's and KFC may not be the only one-stop vaccination shop popping-up in and around the city.

In fact, only this weekend other vaccination incentives were being implemented. Specifically, in the Northland some vaccination centres were proposing to donate a monetary amount of \$10.00 to a local community charity for every vaccination performed. It certainly seems that this has created an uptake in vaccination numbers. It will definitely be interesting to see what other initiatives will be considered and implemented over the next few days if the Government remains intent on hitting a 90% vaccination rate by the end of this month.

We can work from home? Right?

By Sheridan Climo

Well yes you can, but not if you want full pay (according to Farmers department store).



Farmers (department store) has allegedly advised their support office staff that when Auckland moved to an Alert Level 3 setting, all staff were expected to return to the office if they want to receive 100% of their pay.

If staff were to remain working from home, then they will continue to receive only 80% of their pay. Needless to say this created a number of disgruntled remote workers!

So, is this actually legal?

It has been well documented that the implications of COVID-19 lockdowns do not release an employer from their obligations under Employment Law.

As a bare minimum right, employees are entitled to be paid for every hour they work, whether this be in the office or from home.

Essentially, if Farmers (department store) intends to reduce the wages (and even the working hours) of staff who continue to work from home, this will only ever be lawful if the remote working staff agreed to the reduction or were engaged in a good faith consultation process.

If the reduction is mutually agreed then there is no issue and the decision to pay 80% of pay is lawful. Similarly, if Farmers engaged in a consultation process setting out the reasons why remote working staff needed to be paid less than their office-bound contemporaries and engaged in process that enabled the remote working staff to give feedback, then yes, it could be a lawful decision.

In reality though, Farmers (department store) is going to have to demonstrate a pretty decent reason for treating the two types of workers differently. Some people may genuinely need to remain working from home due to childcare issues with schooling; certain factors may be entirely beyond their control. If they are still working as normal (albeit from their home), then there is genuine argument that the decision to reduce pay to 80% just for being home-bound is unreasonable and unfair. Potentially the remote workers were being disadvantaged and this may expose Farmers (department store) to grievances.

Remembering that while Alert Level 3 does allow for more freedoms and that many businesses can return to their normal place of work, the Government advice is to work from home if you can. Aucklanders especially are still grappling with the tail of the latest COVID outbreak and limiting interactions between workers still appears to be the recommended advice. So, it seems a surprise that Farmers (department store) seems to be incentivizing its office support staff to return to work with the temptation of full pay, when Government recommendation is to remain at home and work remotely until a drop to Alert Level 2.

We are also interested to see whether any remote worker feels the decision to keep them on 80% of pay is unfair (simply for being home-bound) and will challenge the actions of Farmers (department store) in a formal capacity. Let's wait and see!

Is it dangerous to drop Alert Levels?

By Shazreen Hussain

The Director General of Health, Dr Ashley Bloomfield, in his statement to the NZ Herald on 22 September 2021, admitted he lost sleep over the decision to move Alert Levels and he expects to see up to 60 additional community Covid-19 cases emerge in the near future.

An expert also warns that dropping Alert Levels was dangerous, and any wrong move could see cases explode and Auckland plunged back into Level 4 lockdown.

Unfortunately, the good weather this weekend saw Aucklanders escape the home confinement for some much-needed fresh air with many of us heading to the beach. With some people gathering for a game of touch-rugby and others enjoying a leisurely stroll on the beach with their 'click and collect' take-out coffees, the police received many complaints from disgruntled residents outraged that Level 3 has been placed at-risk.



Prime Minister, Jacinda Ardern announced on 21 September 2021, that breaching Covid-19 restrictions will mean an increased infringement fee for any individuals and companies that fall foul of the restrictions. The increase shall take effect from November 2021 subject to the passing of the Covid-19 Public Health Response Amendment Bill which provides that:

- Fines imposed by Courts would increase up to \$12,000 for individuals and \$15,000 for companies.
- Fine for criminal offending would increase from \$4000 to \$12,000 or six months imprisonment.

The Government has expressed disappointment at the "lax attitude" to lockdown and will be meeting this week to discuss whether face masks should now be mandatory outdoors.

Resources

- Ministry of Social Development (www.msd.govt.nz)
- Work and Income (www.workandincome.govt.nz)
- Inland Revenue (www.ird.govt.nz)
- Covid-19 Official Site (www.covid19.govt.nz)
- Employment NZ (www.employment.govt.nz)



Emma Monsellier - Director

Tel: 022 376 4977

Email: emma@monsellierlaw.com