

## The good employer's guide to working from home

Hamish Kynaston, Peter Chemis, Sherridan Cook, Susan Rowe, Nicola Cuervo, Alastair Sherriff, Mere King, Holly Hedley, Shaun Brookes, Lorraine Hercus

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This week thousands of New Zealand employees will be expected to reduce person to person contact by working from home as the Government response to COVID-19 is at level 2. For employees based outside of Canterbury working from home will be a new and novel experience. Even for those employees who managed flexible arrangements post earthquake the switch to homebased working can bring a number of challenges for both employee and employer. How should employers manage a decentralised home based worker force? What does employment law require?

The fundamental principle is that the employment relationship is based on a mutual duty of good faith. Employers and employees should keep this duty in the forefront of their mind in coming weeks.

How should the employer discharge its duty of good faith?:

- **Communicate regularly and early.** Let your employees know what is happening with as much warning as possible – they need to plan too.  
Once employees start working from home, have regular catch ups - this could be using Skype (or a similar app) for team meetings if those facilities are available, or a simple phone call or text message. Employees will feel isolated, and many may be unsure of what is happening with the company and what they are supposed to be doing.
- **Set clear expectations of employees.** The reality of working from home (particularly if employees have children at home for a portion of the day) is that there will be an impact on productivity. This should be reflected in the employer's expectations. These expectations should be realistic and ideally should include feedback on what can be achieved at home from the employee.  
Some workers will be able to continue with their normal stream of work. However, for many workers this will not be the case. Managers should ensure as far as possible that their employees have meaningful work to complete. For more junior staff, this might mean having them complete online training courses or other professional development that will result in time savings when work returns to normal.
- **Be flexible.** Consult about work hours. Working flexibly is working the same hours but over a different timespan. There might be times the employees are required to be working at their home desk for operational reasons, but where possible give employees the freedom and flexibility to carry out their role without strict guidelines. This will allow the employees the opportunity to work around the unavoidable distractions they will face and be as productive as possible. If you need to actually reduce hours of work you will need to propose the change, consult with the employee and go through a lawful process first without making a unilateral change.
- **Provide support.** Employees will cope with change differently. Having support in place, and communicating how to access that support, is crucial. This could include reminders about Employee Assistance Providers (EAP) or other confidential helplines or resources, providing IT support and information about how to access that, or simply having a manager available to take a call from an employee when needed. Delivered care packages for home based or self isolating workers might also be an idea to boost morale and let the employee know the business appreciates their efforts.
- **Resource your staff.** If an employer directs an employee to work at home they will need to ensure they also provide the tools required to do the work. Having trade tools, an internet connection, telephone, computer, stationery, and a workspace is essential for many. Where equipment can be loaned from work, or subsidised by the business (or even purchased) then this will enable the employees to reach their productivity potential while at home. Businesses that have not already stress tested their system by having employees work from home for the day will need to move quickly as New Zealand moves through the

response levels. These trials will quickly identify where improvements can be made.

- **Consider health and safety.** If employees are working from home, that will be their "workplace" and the employer will have some health and safety duties (concurrent with the employee's duties) to ensure the risks at the home/ workplace are managed. The duty is only to eliminate or manage the risks "as far as reasonably practicable".  
With isolation now recommended, having the HR team carry out a health and safety audit of each worker's home is not going to be reasonably practicable. However, a checklist for employees to complete themselves might be a reasonably practicable step an employer could take. This could include a workstation check, and any other potential risks that might arise from working from home.

Employees and employers who have good communication and work together to address issues quickly are best placed to meet face the challenging times ahead.

## **Auckland**

**188 Quay Street  
Auckland 1010**

**PO Box 1433  
Auckland 1140  
New Zealand**

**P: +64 9 358 2555  
F: +64 9 358 2055**

## **Wellington**

**Aon Centre  
1 Willis Street  
Wellington 6011**

**PO Box 2694  
Wellington 6140  
New Zealand**

**P: +64 4 499 4242  
F: +64 4 499 4141**

## **Christchurch**

**83 Victoria Street  
Christchurch 8013**

**PO Box 322  
Christchurch 8140  
New Zealand**

**P: +64 3 379 1747  
F: +64 3 379 5659**