

WE KNOW

# HUMAN RESOURCES

## WORK, WAGES & UNFORSEEN CIRCUMSTANCES

### ADVICE & RESPONSE TO THE TRAGIC EVENTS IN CHRISTCHURCH, MARCH 15 2019

We offer some general advice for employers dealing with questions about pay when employees are unable to attend work as result of events beyond the control of the parties to an employment relationship. This may include, for example, significant climatic events, or disruption caused by earthquake or acts of terrorism.

This is not advice in relation to questions around insurance for which specific advice from your broker or insurer should be obtained.

It must be emphasised that there is no 'one size fits all' answer, however, in general terms, when an employer is unable to provide work but the employee remains ready, willing and able to work, liability for wages will not be extinguished. In the absence of specific relief under the agreed terms of an employment agreement, it is likely that the employer will continue to be liable for wages.

Conversely, where the employer continues to be a position to provide work without risk to the employee's health and safety, an employer will not generally be liable to pay wages to employees who either choose not attend work or who cannot attend work due, for example, to childcare commitments or concerns about road safety or any other reason. In these cases, we encourage employers to discuss other options with their employees. In this 'connected' world it has become increasingly viable to work remotely for example. In many cases, this simply won't be an option so discussion might centre around taking paid annual holidays, alternative holidays owed, sick leave where it is appropriate, or possibly making up time at a later date.

We stress the generalised nature of this advice. If in any doubt employers should seek assistance from the Employment Relations Advisers at the The Chamber. (03 366 5096)

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