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Warning for employers skimping on sick leave as Covid wave hits

RNZ

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By Susan Edmunds of RNZ

Under-pressure employers taking a hard line on sick leave are being warned to take care with the rules.

There have been reports this week that the country's collective immunity to Covid-19 is waning.

Wastewater analysis from PHF Science shows the number of cases is currently at its highest rate for more than six months and the latest Health New Zealand figures show there have been 50 hospitalisations with the virus in the past week.

Are we sicker than we used to be, and are our sick leave laws keeping up?

Research last year from Southern Cross and Business NZ showed the average number of sick days being taken in 2024 was 6.7, up from 5.5 in 2022. It was the highest recorded. Manual workers took an average 7.5 days compared with 5.9 for non-manual workers.

In 2021, the minimum sick leave entitlement increased from five to 10 days.

At the University of Auckland, law school professional teaching fellow Simon Schofield said he had heard of employers taking an increasingly stringent line in respect to sick leave. "That poses a number of risks for employers that are too aggressive."

He said there were cases last year where employees had been refused sick leave when there was no medical certificate.

The Holidays Act does not require a medical certificate if people are away from work for fewer than three days.

"That breached the statutory requirement and the employee resigned ... and was successful in respect of a personal grievance for unjustified dismissal because the employer had failed to follow the requirements of the Holidays Act."

He said absenteeism was increasing for a number of reasons.

"What happens is employers get increasingly irate. The result is they can mishandle what can be quite delicate situations, especially when you're talking about disabilities and so forth."

He said employers should get advice if they were not sure of their obligations.

"I do think that in these difficult financial times that employers are putting a lot of pressure on employees to be present in the office, but there are associated challenges with that, and I think employers need to be careful if they're proposing to take a hard line in relation to some of these issues."

Associate professor Paula O'Kane, from the University of Otago's management department, said the rules were not keeping up.

She said people were not sicker than they used to be, but they were taking leave when they needed to and were being encouraged to do so.

There was more awareness of the implications for colleagues of coming to work sick, she said. "In essence, by taking sick leave we're hopefully not disrupting other people within the organisation. Because of Covid we learned a lot more. We may have known it but I think we were made much more aware of the implications of those colds and flus and the infectious diseases on people."

She said there was a lot of inequity in the way sick leave was offered.

Not allowing people to accrue more than 20 days' sick leave left them vulnerable, she said.

"If you had cancer, for example, and were off for six months, had never taken a day's sick leave in your life, you'd have 20 days. Someone else could take their 10 days every year and they wouldn't have that much difference... I think we're not doing enough to accrue sick leave and to enable people to have that whenever something really serious happens."

The Government is making changes that will mean annual and sick leave will accumulate based on hours worked, rather than as a set entitlement. Workplace Relations Minister Brooke van Velden said it would be more proportionate for part-time workers.

But O'Kane said the Government had missed a chance to make it more equitable and fair for everyone.

"We could be doing a lot more around lots of types of leave to really support society and how society has changed over the years in terms of responsibilities and caring. We don't have that village around us anymore.

"A lot of people don't have the grannies there, the granddads there, the neighbours that can help when things go wrong. And so when society shifted like that, we probably need to be shifting our policies to help support that."

Schofield said he supported the idea of dividing up carer leave and sick leave.

"Currently, in this country, we put carer's leave and sick leave together. If I'm looking after my children who are sick we put that in the same bucket as sick leave. In Australia they divided the two out.

"That may be an opportunity to solve some of the problems that will be created, certainly some of the pushback that we're seeing in relation to the Employment Leave Bill, where part-time employees will have a prorated entitlement to sick leave.

"Often that's covering carer's leave...You're looking after children. Often the people looking after those children are women and often they're the ones working part-time."

**This story has been updated to remove the reference to 19 deaths.*

The Covid-19 dashboard [found here](#) reports the number of deaths reported in the last 7 and 30 days. These are not deaths which occurred during these time periods; they are deaths which occurred prior to July 18, 2025 and have been coded as Covid-19 attributed in the underlying dataset within the 7 or 30-day reporting period.

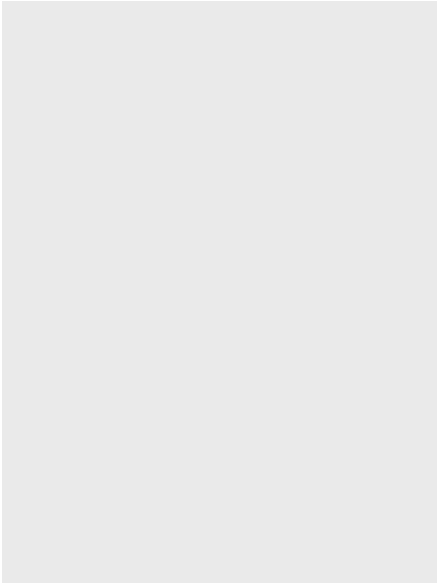
The Covid-19 dashboard does not include any deaths which occurred on or after July 18, 2025.

Prior to July 18, 2025, coding of Covid-19 attributed deaths was prioritised to allow for rapid reporting of these deaths. After this date, Covid-19 attributed deaths are being reported consistently with all other death reporting in New Zealand. Mortality Collection process is more robust, albeit subject to significant lag - presently, preliminary data for 2022, provisional data for 2021, and complete data for the years prior has been published. The number of deaths attributed to Covid-19 on the dashboard will change over time, as while they occurred at any time prior to July 18, 2025, they were coded as being attributed to Covid-19 subsequently.

– RNZ

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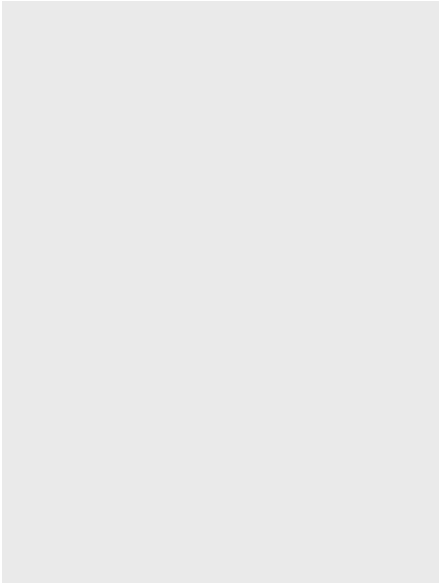
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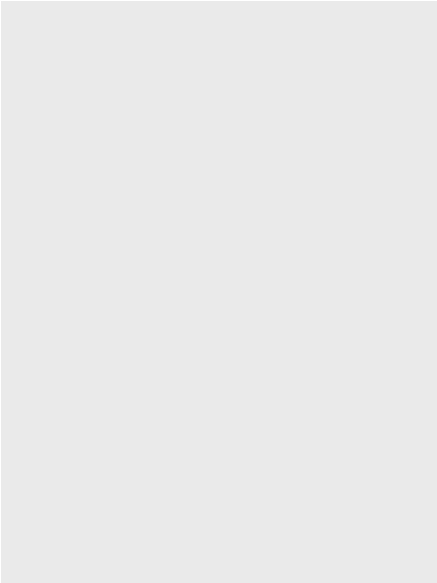
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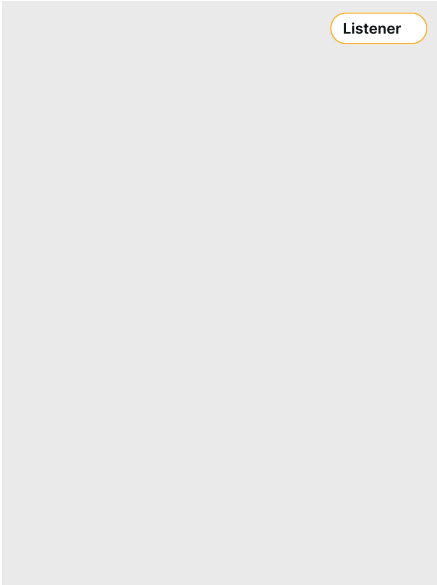
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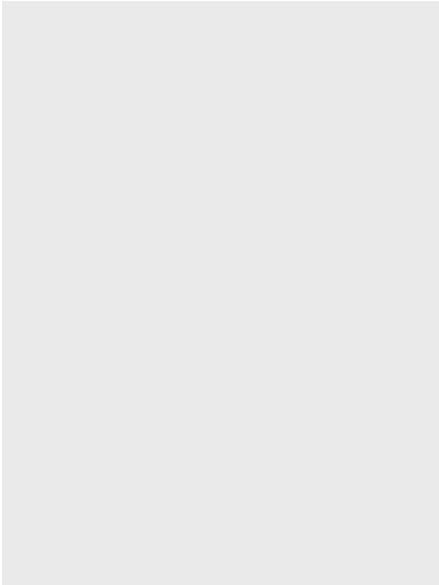
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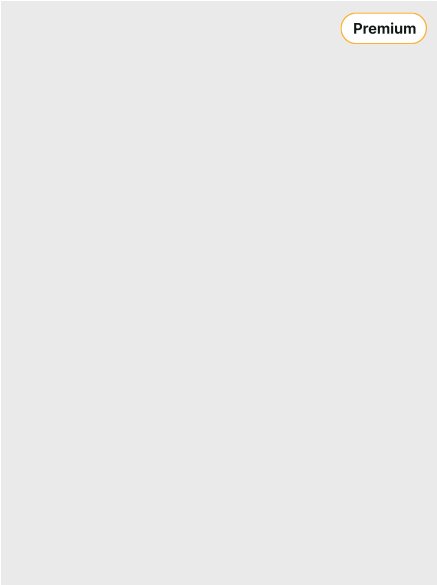
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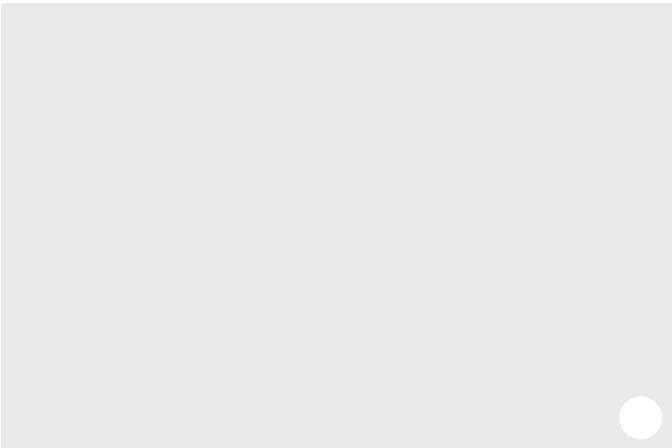
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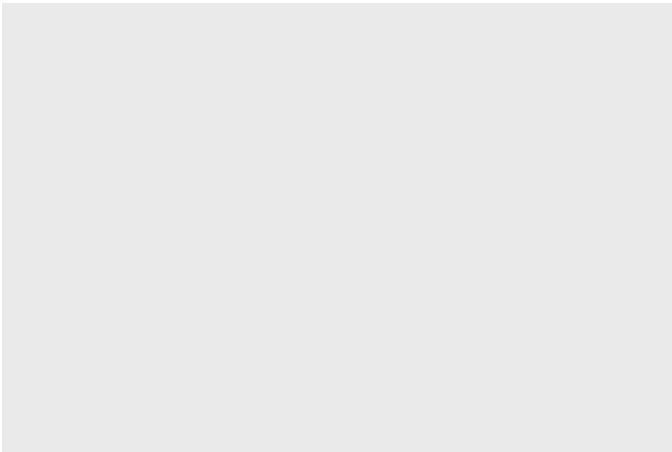
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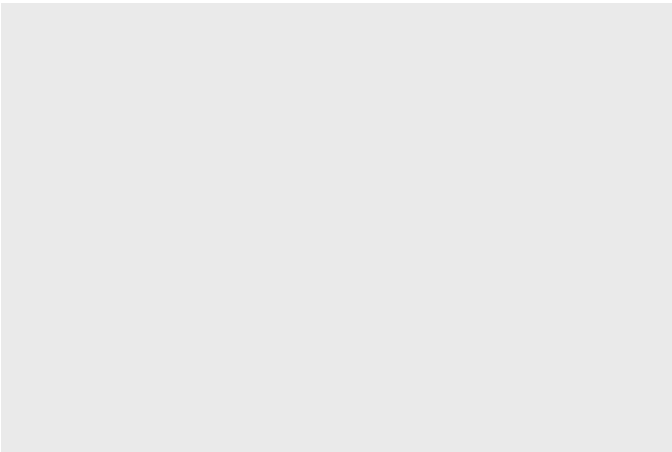
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