



Rapid antigen testing



January 2022

Introduction

Under New Zealand's COVID-19 Protection Framework (traffic light system), businesses can continue operating in most circumstances. Restrictions may apply depending on the setting in place however the risk of COVID-19 transmission may still be present. Testing for COVID-19 may be an option or a requirement for your business to meet its health and safety obligations.

Rapid antigen testing is a screening tool to help detect COVID-19 in those without any symptoms of COVID-19. Testing results display within 15 to 20 minutes; however, the tests are reportedly less reliable than tests conducted through pathology services and could result in false negatives and false positives.

Check the Government's website for up to date information on rapid antigen testing and when it is appropriate [here](#).

Do I have to implement rapid antigen testing in my business?

You only need to implement rapid antigen testing if a government direction or industry standard requires you to do so.

Otherwise, rapid antigen testing may be an alternative control measure to manage COVID-19 transmission risks for your business, subject to the results of any risk assessment you carry out.

I want to implement rapid antigen testing in my business. What do I need to do?

Without a legal requirement, you can only require an employee to take a rapid antigen test if the direction is considered lawful and reasonable, connected to the employee's employment and nature of their workplace, and necessary for an employer to know the employee's fitness to work.

A direction may be considered lawful if it is not contrary to an employment agreement or legislation that applies.

To establish the reasonableness of a direction to take a rapid antigen test:

- Conduct a risk assessment in consultation with your workers assessing the risk and likelihood of infection in the workplace in light of your operations, public health advice, and regulatory guidance
- Rapid antigen testing may be an effective control measure to address infection transmission risks. However, other controls may still be required to adequately address health risks and meet your health and safety obligations. The Ministry of Health has established guidance for workplaces conducting rapid antigen screening onsite.
- Alternative control measures include providing Personal Protective Equipment (**PPE**), practicing hand hygiene, and implementing a detailed Infection Control Policy. These should especially be considered if your risk assessment identifies rapid antigen testing as a reasonable control measure, but it cannot be implemented for whatever reason
- You may direct an employee to take a standard COVID-19 pathology test to confirm the result of a rapid antigen test, and request the test results

If an employee returns a positive test result or refuses testing, please contact the Advice Team for further assistance.

Do I have to pay for testing?

If you implement rapid antigen testing in your business, you should pay for the cost (if any) of testing for employees. If an employee purchases a test kit for this purpose, the employer should reimburse the employee for the cost of it.

Can I discipline my employee for refusing to get tested?

This will depend on the individual circumstances of the case. If there are no reasonable circumstances for refusal 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.

How we can help you:

We can provide you with the following:

- Employment relations and health and safety advice with respect to rapid antigen testing
- A draft general rapid antigen testing policy
- COVID Safety Plan templates and resources with rapid antigen testing as an option to include as part of the Plan

If you have further queries or require assistance, please contact the Advice Team on 0800 675 697 or email advice@empoysure.co.nz.