

S.M Smith

By email

26 June 2020

LGOIMA Request received 3 June 2020

Wellington City Council has passed to us your request under the Local Government Official Information and Meetings Act 1987 (Act) regarding certain information relating to Karori Sanctuary Trust's (ZEALANDIA) decision to apply for the COVID-19 wage subsidy scheme.

Specifically, you have requested as follows:

(1) A copy of all external or internally-generated advice/information on the subject of the eligibility of employees for the wage subsidy scheme, or minutes/recollection of conversation if advice was verbal.

(2) A copy of all internal communications relating to the decision-making process and decisions on applying for the wage subsidy scheme, or not applying, for different staff members. This includes communication between management members and between staff & management. I would like a copy of:

- Meeting, phone calls and conversation minutes (or recollection of these if minutes were not recorded), including dates the communication;*
- Emails or messages, including dates of communication; and*
- Any other relevant documentation.*

(3) A copy of all internal communications relating to how managers communicate with staff regarding decisions on applying for, or not applying for, the wage subsidy.

We respond to your requests below.

Item One: Externally or internally generated advice

ZEALANDIA obtained independent external legal advice on the eligibility of ZEALANDIA's employees to receive the wage subsidy.

We have decided to refuse your request to supply a copy of that legal advice, on the basis that withholding that information is necessary to maintain legal professional privilege, under section 7(2)(g) of the Act. We have considered the public interest in making the legal advice available, as required by section 7(1) of the Act. As set out in guidance from the Ombudsman, the public interest in maintaining legal professional privilege is very high and any public interest that might outweigh that interest would have to be particularly high. In our view, the public interest does not outweigh the need to maintain legal professional privilege in this instance. Accordingly, we consider there is good reason for withholding this information.

Other guidance and information relied on by ZEALANDIA in relation to eligibility of its employees for the wage subsidy scheme included:

- Expert employment law guidance on the wage subsidy scheme prepared by MinterEllisonRuddWatts, publicly available at: <https://www.minterellison.co.nz/our-view/covid-19-employers-can-still-make-commercial-decisions-regarding-their-workforce>
- Information prepared by Tourism Industry Aotearoa , publicly available at: <https://tia.org.nz/assets/73ca59b144/Webinar-Wage-Subsidy-FAQs.pdf>

Item Two: Correspondence relating to the decision-making process and decisions

You have requested copies of all internal communications relating to the decision-making process and decisions on applying for the wage subsidy scheme, or not applying, for different staff members.

These decisions were made over a series of days, with reference to legal advice and other guidance set out at Item One above. Given the unusual working conditions under the Government's COVID-19 Alert Levels and truncated timeframes, decision-making was the result of in-person or teleconference discussions.

ZEALANDIA employees received written correspondence regarding the decision to apply or not apply for the wage subsidy for that specific employee (reflecting the case-by-case decision making discussed below). That correspondence included specific information relating to the identity and employment terms of the employee to whom it was addressed. Accordingly, we have decided to refuse your request to supply a copy of that correspondence, on the basis that withholding that information is necessary to protect the privacy of natural persons under section 7(2)(a) of the Act. We have considered the public interest in making that correspondence available, as required by section 7(1) of the Act. In our view, the public interest does not outweigh the need to protect the privacy of natural persons in this instance. Accordingly, we consider there is good reason for withholding this information.

In relation to the correspondence around the decision-making process and decisions, and in accordance with your request, we provide a summary and recollection of the decision-making process below.

Timeline

The following table details the ZEALANDIA wage subsidy application timeline, with reference to documents provided in the appendices to this letter:

Date	Action	Appendix
March to May 2020	Consideration of ZEALANDIA’s obligations in relation to the wage subsidy scheme, including declarations required to be made to the Ministry of Social Development. This was followed by a case by case review of which ZEALANDIA employees would meet the wage subsidy requirements allowing ZEALANDIA to comply with that declaration. A description of the matters discussed and considered is set out below this table.	N/A
23 March 2020	Example of letter requesting individual staff consent to apply for our first wage subsidy	2
23 March 2020	ZEALANDIA submitted first wage subsidy application for 40 staff.	N/A
26 March 2020	Chris Fitzgerald emailed a number of managers informing them of the fact that the Government had extended the wage subsidy to cover casual staff and that ZEALANDIA would do some further research into how it should be applied.	3
3 April 2020	Management staff were issued a template letter to be sent to those staff who ZEALANDIA would not be able to apply for the wage subsidy for.	4
6 April 2020	Example of letter requesting individual staff consent to apply for our second wage subsidy	5
7 April 2020	ZEALANDIA submitted second wage subsidy application for 10 staff.	N/A
14 May 2020	Example of letter requesting individual staff consent to apply for our third wage subsidy	6
15 May 2020	ZEALANDIA submitted third wage subsidy application for 6 staff.	N/A

Summary of decision-making and considerations

In deciding whether to apply for the wage subsidy scheme at each relevant time (i.e. in late March, early April and mid-May) we took the following information into consideration in regarding the eligibility of ZEALANDIA’s employees:

- Work and Income’s wage subsidy rules and guidance, as notified on its website at the relevant time. For completeness, we attach for you in appendix 1 screenshots of that guidance from the period in which ZEALANDIA decided to make its second and third wage subsidy applications. Unfortunately, we do not hold copies of the guidance available on the Work and Income website during the period in which ZEALANDIA submitted its first wage subsidy application.
- Independent legal advice (discussed at Item One above).

- Other publically available guidance prepared by reputable sources (discussed at Item One above).
- ZEALANDIA's employment law obligations.
- ZEALANDIA's obligations in administrating the wage subsidy scheme. ZEALANDIA's expectation of what work could reasonably be offered to employees over the 12 weeks of the wage subsidy scheme, considering the impact of a projected long-term lockdown on our operations and also the fact that our busy season would, in normal circumstances, finished at the end of April 2020.
- Case by case review of our ability to apply for and meet all wage subsidy scheme obligations for each employee.

Decisions were made by the Senior Management Team.

Item Three: A copy of all internal communications relating to how managers communicate with staff regarding wage subsidy decisions

Managers were provided with template correspondence to communicate to staff the decisions relating to wage subsidies, including requests for information required by the Ministry of Social Development. That correspondence is referred to in the above timeline, and copies can be found in the attached appendices.

Other items

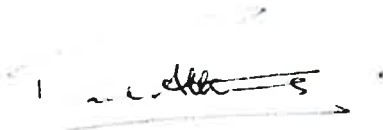
ZEALANDIA has received \$365,361.60 from the wage subsidy for 56 staff.

Right of review

If you disagree with my decision you have the right, under section 27(3) of the Act, to ask the Ombudsman to review and investigate my decision. Further information is available on the Ombudsman website, www.ombudsman.parliament.nz.

Please contact me if you need any further information.

Yours faithfully,



Paul Atkins
ZEALANDIA Chief Executive

WORK AND INCOME

TE HIRANGA TANGATA

Printed from: <https://www.workandincome.govt.nz/online-services/covid-19/declaration-wage-subsidy.html>

Printed: 6 April 2020

COVID-19

Declaration – COVID-19 Wage Subsidy Scheme

This declaration applies to you if you applied for the COVID-19 Wage Subsidy on or after 4pm on 27 March 2020.

By submitting this form, you are declaring that:

You must meet the eligibility criteria

- You meet the eligibility criteria for the Wage Subsidy (**subsidy**):
 - you operate a **business** (being a registered business, sole trader, self-employed person, registered charity [1], incorporated society [2], non-government organisation, or post settlement governance entity) in New Zealand that employs and pays the employees named in your application; and
 - the **employees** (including you if you are a sole trader or self-employed person) named in your application are legally employed by your business and are employed in New Zealand; and
 - your business has experienced a minimum 30% decline in actual or predicted revenue over the period of a month when compared to the same month last year, or a reasonably equivalent month for a business operating less than a year, and that revenue loss is attributable to the COVID-19 outbreak; and
 - before making your application for the subsidy, you have taken active steps to mitigate the impact of COVID-19 on your business activities (including but not limited to engaging with your bank, drawing on your cash reserves as appropriate, making an insurance claim); and
 - you are not currently receiving the COVID-19 Wage Subsidy or COVID-19 Leave Subsidy in respect of any of the employees named in your application.

Your obligations to use the subsidy to retain and pay your employees

- You acknowledge that the granting of your application and your receipt of the subsidy does not override your existing obligations under the Employment Relations Act 2000;
- You will not make any changes to your obligations under any employment agreement, including to rates of pay, hours of work and leave entitlement, without the written agreement of the relevant employee; [3]
- You will retain the employees named in your application as your employees for the period you receive the subsidy in respect of those employees;
- You will not unlawfully compel or require any of the employees named in your application [4] to use their leave entitlements for the period you receive the subsidy in respect of those employees; [5]
- You will only use the subsidy for the purposes of meeting your named employees ordinary wages and salary and your obligations in relation to this subsidy.
- You remain responsible for paying your employees ordinary wages and salary for the employees named in your application.
- You will for the period you receive the subsidy:
 - use your best endeavours to pay at least 80 per cent of each named employee's ordinary wages or salary; and
 - pay at least the full amount of the subsidy to the employee; but
 - where the ordinary wages or salary of an employee named in your application was lawfully below the amount of the subsidy before the impact of COVID-19, pay the employee that amount.
- The ordinary wages or salary of an employee are:

- as specified in the employee's employment agreement as at 26 March 2020; or
- if you ended your employment relationship with any employee named in your application as a result of your business being adversely affected by the COVID-19 outbreak and have re-employed that employee on or after 17 March 2020, as specified in the employee's employment agreement as at the date that employment relationship ended.

Providing information about you, your business and your employees to the Ministry

- You will provide the Ministry of Social Development [6] with information about you, your business and (with their consent) the employees named in your application to the extent required by the Ministry of Social Development or its auditors to make decisions about your application, and to audit and review any subsidy that is granted (to you or another applicant) and how any subsidy granted is paid to employees.

Consent to the Ministry sharing information about your application with other agencies

- You consent to the Ministry of Social Development sharing information about you or your business provided with respect to your application (both at the time of application, and any information provided at a later time) with other agencies (including non-government agencies) to the extent necessary to make decisions about your application, and to audit and review any subsidy that is granted (to you or another applicant) and how any subsidy granted is paid to employees.

Consent to other agencies providing information about you to the Ministry

- You consent to other agencies (including non-government agencies) providing information about you or your business to the Ministry of Social Development or its auditors, to the extent necessary in order for the Ministry of Social Development to make decisions about your application, and to audit and review any subsidy that is granted (to you or another applicant) and how any subsidy granted is paid to employees.

Discuss your application with your employees and gain their consent to information sharing

- You have discussed this application with the employees named in it.
- The employees named in your application have consented (in writing, if practicable) to the following matters:
 - The employees consent to:
 - the information about them in your application being provided to the Ministry of Social Development; and
 - you providing the Ministry of Social Development with any further information about them required in order for the Ministry of Social Development to make decisions about your application, and to audit and review any subsidy that is granted (to you or to another applicant) and how any subsidy granted is paid to employees; and
 - you advising the Ministry of Social Development if they end their employment relationship with your business at a time when you are receiving a subsidy with respect to them.
 - The employees consent to the information about them provided to the Ministry of Social Development with respect to this application (both at the time of application, and any information provided at a later time):
 - being used by the Ministry of Social Development to make decisions about your application, and to audit and review any subsidy that is granted (to you or to another applicant) and how any subsidy granted is paid to employees; and
 - being shared by the Ministry of Social Development with other agencies (including non-government agencies) to the extent necessary in order for the Ministry of Social Development and its auditors to make decisions about your application, and to audit and review any subsidy that is granted (to you or to another applicant) and how any subsidy granted is paid to employees; and
 - being used by the Ministry of Social Development to make decisions about other assistance and entitlements to the extent your application and any subsidy granted is relevant to them (for instance, where your application is relevant to an employee's application for other assistance).

- The employees consent to other agencies (including non-government agencies) providing information about them to the Ministry of Social Development and its auditors, to the extent necessary in order for the Ministry of Social Development to make decisions about your application, and to audit and review any subsidy that is granted (to you or to another applicant) and how any subsidy granted is paid to employees.

Advise your employees they can request access to information you have provided in your application under the Privacy Act

- People have the right to request access to all information held about them under the Privacy Act, they can contact privacyofficer@msd.govt.nz ^(Link 1) to make a request.

Publication of information about you

- You consent to the Ministry of Social Development publishing information about your business and the level and duration of any subsidy provided to you (excluding any personal information about the employees named in your application) on a publicly accessible register.

Notify changes in eligibility

- You will notify the Ministry of Social Development within 5 working days if anything changes that may affect your eligibility or entitlement to the subsidy, including if any of the employees named in your application end their employment relationship with you.

Repaying the subsidy

- You agree to repay the subsidy or any part of the subsidy paid to you if you:
 - fail to meet any of the obligations about how you must use the subsidy; or
 - were not or stop being eligible for the subsidy or any part of the subsidy;
 - provide false or misleading information in your application; or
 - receive insurance such as business interruption insurance for any costs covered by the subsidy.

Provision of true and correct information

- You acknowledge and agree that all of the information you have provided to the Ministry of Social Development is true and correct.

Consequences of non-compliance with the obligations in this declaration

- You acknowledge that you may be subject to civil proceedings for the recovery of any amount you receive that you are not entitled to and/or to prosecution for offences under the Crimes Act 1961 if you:
 - have provided false or misleading information; or
 - fail to meet any of the obligations about how you must use the subsidy; or
 - receive any subsidy or part of a subsidy that you were not entitled to receive.

Authority to make this declaration

- You are making this declaration of behalf of your business and you have the authority to do so.

The Ministry may amend this declaration

- You acknowledge that the Ministry of Social Development may amend this declaration at any time and at its discretion.

Declaration forms part of your application

- You acknowledge that this declaration forms part of your application.

In submitting your application you also acknowledge and/or agree:

- The Ministry of Social Development collects the information in this application to determine whether you are eligible to receive assistance.
- The Ministry of Social Development will use the information provided in this application for the purposes addressed in this document, including to assess your eligibility to receive the subsidy and to audit and review any subsidies granted. We may also use the information to contact you or for research and reporting purposes, or to advise you on the matters relating to the assistance you applied for.
- The Ministry will not use the information provided in this application for any other purpose unless required or authorised by law.
- Under the Privacy Act 1993 you have the right to request access to all information held about yourself and to request corrections to that information.

[1] Incorporated under the Incorporated Societies Act 1908 and registered under the Charities Act 2005; or registered the Charities Act 2005.

[2] Incorporated under the Incorporated Societies Act 1908.

[3] It is unlawful for you to unilaterally vary an employment agreement to reduce an employee's wages or salary in order to receive the subsidy. You must continue to comply with your obligations under the Employment Relations Act 2000.

[4] Including essential workers who are unable to work for COVID-19 related reasons including their own illness or caring for dependents.

[5] Other than as you are lawfully permitted to do, including as provided for in an employee's employment agreement.

[6] "Ministry of Social Development" includes the Chief Executive of the Ministry of Social Development and her staff.

Index of page links

1. <mailto:privacyofficer@msd.govt.nz>
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WORK AND INCOME

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Printed from: <https://www.workandincome.govt.nz/products/a-z-benefits/employer-questions-and-answers.html>

Printed: 8 April 2020

COVID-19

Common questions on the COVID-19 Wage Subsidy

Answers to some common questions about how the COVID-19 Wage Subsidy for employers works.

Multiple applications

I'm an employee who works full time for a company that hasn't been impacted by COVID-19, and I'm also self-employed. Can I apply for the wage subsidy using the self-employed application?

Yes. You can apply under the self-employed application, as long as you meet the usual criteria for your impacted business. We pay employers and self-employed contractors, not individuals. However, if you are only part-time self-employed, then your application should be at the part-time rate.

I'm an employee who works full-time for a company that has been impacted by COVID-19, and my employer has applied for the wage subsidy on my behalf. I'm also self-employed part-time. Can I also apply for the part-time wage subsidy using the self-employed application?

Yes. You can apply for the part-time wage subsidy under the self-employed application, as long as you meet the usual criteria, despite being a named employee on your employer's application.

I'm an employee who works full-time for a company that has been impacted by COVID-19, and my employer has applied for a wage subsidy on my behalf. I'm also self-employed full-time. Can I also apply for the full-time wage subsidy using the self-employed application?

Yes. You can apply for the full-time wage subsidy under the self-employed application, as long as you can meet the usual criteria, despite being a named employee on your employer's application.

I work multiple part-time jobs. Can I get wage subsidy from all of my different employers?

Yes. As an employee who is employed by two or more different businesses, you can receive the wage subsidy from multiple employers, as long as you meet the usual criteria. We cannot pay the same employer more than once for the same employee, and the wage subsidy rate should reflect whether you're employed part-time or full-time by that employer.

Already applied for Wage Subsidy or Leave Payment

I've already applied and been paid the COVID-19 Wage Subsidy for all of my employees. Do I need to do anything else?

No. You can't submit another application. You're covered by the COVID-19 Wage Subsidy you've already been paid. This lump sum covers 12 weeks per employee.

I already applied for the COVID-19 Wage Subsidy, but only for some of my employees. Can I make another application for my remaining employees?

Yes. You can make an additional application for any of your employees whom you haven't already applied for.

As an employer I've already received the Leave Payment for an employee. Am I now able to apply for the COVID 19-Wage Subsidy for this employee?

The Leave Payment only covers 14 days for self-isolation. After the 14 days, you can apply for the COVID-19 Wage Subsidy for that employee, as long as you meet the criteria for the payment.

[COVID-19 Wage Subsidy](#) ^(Link 1)

Application status

I haven't yet applied for the COVID-19 Wage Subsidy for any of my employees. Is it too late to make an application?

It's not too late. You can apply for the COVID-19 Wage Subsidy now. We want you to be able to retain and pay your employees at this time.

I've applied and I haven't heard anything yet. Should I make another application?

No, you shouldn't make another application. It may take a few days for your payment to come through.

Payments

What happens if I have received an email that my subsidy has been paid but I still don't have the money in my account?

Payment should be made into an account within two business days of processing. Unfortunately there has been a significant increase in the number of returned payments to MSD due to incorrect bank account numbers added to wage subsidy applications. A dedicated MSD team will contact you if your payment is one of these to discuss. You will need to provide us with the correct bank account when we call.

What happens if I think I may have added a valid, but incorrect bank account (i.e. someone else's bank account) in error on my application?

We understand that sometimes people make mistakes and fill in details incorrectly. It's very important that all information is checked before submitting an application or else this may cause further delays. You will need to call us to let us know the correct details 0800 40 80 40. Once we have these details we will make the payment to the correct account.

Please note payment should be made into the correct account within two business days of processing. MSD have a dedicated team who will attempt to trace the initial payment and have the funds returned.

Active steps to mitigate the impact of COVID-19

As an employer or self-employed person, what active steps do I have to take to mitigate the impact of COVID-19?

You must take active steps to mitigate the financial impact of COVID-19 on your business before you apply for the Wage Subsidy.

This could include:

- activating your business continuity plan
- drawing on your cash reserves (as appropriate)
- making an insurance claim
- proactively engaging with your bank
- seeking advice from the Chamber of Commerce, a relevant industry association or the Regional Business Partner programme.

Employer obligations

As an employer, what are my obligations under employment law at this time?

Your obligations under employment law haven't changed.

As an employer, if I have already received a COVID-19 Wage Subsidy for an employee, do the new obligations of the COVID 19 Wage Subsidy (after it was modified on March 27 2020) now apply?

No. The obligations for the COVID-19 Wage Subsidy remain the same as at the time you applied.

As an employer, what happens if I make my employee redundant during this time?

You need to try your best to retain your employees you are currently receiving the COVID-19 Wage Subsidy for. If you applied for the COVID-19 Wage Subsidy for any employees after 4pm on 27 March 2020, you must retain those employees or you will be in breach of your obligations.

What do I do if the subsidy is higher than what I usually pay my employee?

The wage subsidy is designed to keep your employees connected to you. Any difference should be used for the wages of other affected staff.

If one of my employees who I have made an application for, voluntarily leaves during the twelve week period for another job opportunity or because of caring responsibilities, do I need to pay the money back to MSD?

No – where your employee voluntarily leaves their employment you must advise MSD, and you cannot claim any more subsidy for that person. However, you do not have to return the subsidy already paid.

As an employer, I'm currently receiving the Flexi-Wage subsidy for my employee(s). Can I also apply for the COVID-19 wage subsidy?

Yes – the COVID-19 wage subsidy is available on top of the Flexi-Wage subsidy that you are already receiving for your employee(s). All wage subsidies that you receive must be paid to your employees.

You can check your obligations for the Wage Subsidy payment here:

[Obligations if you applied before 4pm on 27 March](#) (Link 2)

[Obligations if you applied on or after 4pm on 27 March](#) (Link 3)

Employee concerns

What if I have a complaint about how my employer has paid me?

If you have a complaint because you think your employer is breaching any of their minimum employment obligations to you, you can contact Employment NZ by calling on 0800 20 90 20 or by email at info@employment.govt.nz.

Rehiring employees

As an employer I had to let some of my employees go because of COVID-19. Can I rehire them and get the COVID-19 Wage Subsidy to help pay them?

You can apply for the COVID-19 Wage Subsidy if you re-employ your employees before you apply and if your employees were:

- employed by you as of 17 March 2020; and
- you had to let them go because of COVID-19; and
- you did not apply for the COVID-19 Wage Subsidy for the employees.

It is expected that employers and employees would operate in 'good faith' and employers would look to re-hire on at least the same terms and conditions.

Shareholder-employees and partnerships

Shareholder-employees

If I am a shareholder in a business, can I apply for the wage subsidy?

If you work for the business and you are paid a wage, salary or draw an income for the work you do for the business, you can apply for the wage subsidy.

If I work for a business where there are multiple shareholders, how do I apply for the wage subsidy?

The business you work for should make one application for all of its employees and shareholders who work for the business and are paid a wage, salary or draw an income for that work they do.

Which form do I use?

You can use the 'employer' form and the other shareholders if they are paid a wage, salary or draw an income for the work they do for the business, need to have their details entered into the employee section of the form.

Partnerships

If my business operates in a partnership, can I apply for the wage subsidy?

If each partner that works for the business is paid a wage, salary or draws an income for the work they do, you can apply for the wage subsidy.

Which form do I use?

One partner must apply on behalf of the other partner(s) using the 'employer' form and using the other partners as named employees.

Self-employed and contractors

If I'm self-employed or a contractor, am I entitled to apply for the wage subsidy?

Yes. You can apply for the wage subsidy using the 'self-employed' application, provided you meet the criteria.

Casual Employee(s)

As an employer, can I apply for the wage subsidy on behalf of my casual employee(s)?

Yes. You can apply for the wage subsidy for any casual employee(s) that are employed by you at the time you apply and who would have been expected to work during the time you will receive the wage subsidy.

How do I assess whether my casual employee(s) qualifies for the full-time or part-time wage subsidy rate?

Casual employees may have variable hours, so to assess their subsidy rate, the employer should average their hours over the last year. If this average is 20 hours or more, they can apply for the full-time rate, and if it's under 20 hours they can apply for the part-time rate.

If they have worked for less than a year, the employer should average the hours worked during their total employment period.

Related links

[COVID-19 Wage Subsidy](#) (Link 4)

Index of page links

1. <http://www.workandincome.govt.nz/products/a-z-benefits/covid-19-support.html#null>
2. <http://www.workandincome.govt.nz/online-services/covid-19/wage-subsidy-declaration.html>
3. <http://www.workandincome.govt.nz/online-services/covid-19/declaration-wage-subsidy.html>
4. <http://www.workandincome.govt.nz/products/a-z-benefits/covid-19-support.html>

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Printed from: <https://www.workandincome.govt.nz/online-services/covid-19/declaration-wage-subsidy.html>

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 - the **employees** (including you if you are a sole trader or self-employed person) named in your application are legally employed by your business and are employed in New Zealand; and
 - your business has experienced a minimum 30% decline in actual or predicted revenue over the period of a month when compared to the same month last year, or a reasonably equivalent month for a business operating less than a year or a high growth business that has experienced a significant increase in revenue, and that revenue loss is attributable to the COVID-19 outbreak; and
 - before making your application for the subsidy, you have taken active steps to mitigate the impact of COVID-19 on your business activities (including but not limited to engaging with your bank, drawing on your cash reserves as appropriate, making an insurance claim); and
 - you are not currently receiving the COVID-19 Wage Subsidy or COVID-19 Leave Subsidy in respect of any of the employees named in your application.

Your obligations to use the subsidy to retain and pay your employees

- You acknowledge that the granting of your application and your receipt of the subsidy does not override your existing obligations under the Employment Relations Act 2000;
- You will not make any changes to your obligations under any employment agreement, including to rates of pay, hours of work and leave entitlement, without the written agreement of the relevant employee; [3]
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- You will not unlawfully compel or require any of the employees named in your application [4] to use their leave entitlements for the period you receive the subsidy in respect of those employees; [5]
- You will only use the subsidy for the purposes of meeting your named employees ordinary wages and salary and your obligations in relation to this subsidy.
- You remain responsible for paying your employees ordinary wages and salary for the employees named in your application.
- You will for the period you receive the subsidy:
 - use your best endeavours to pay at least 80 per cent of each named employee's ordinary wages or salary; and
 - pay at least the full amount of the subsidy to the employee; but

- where the ordinary wages or salary of an employee named in your application was lawfully below the amount of the subsidy before the impact of COVID-19, pay the employee that amount.
- The ordinary wages or salary of an employee are:
 - as specified in the employee's employment agreement as at 26 March 2020; or
 - if you ended your employment relationship with any employee named in your application as a result of your business being adversely affected by the COVID-19 outbreak and have re-employed that employee on or after 17 March 2020, as specified in the employee's employment agreement as at the date that employment relationship ended.

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Consent to the Ministry sharing information about your application with other agencies

- You consent to the Ministry of Social Development sharing information about you or your business provided with respect to your application (both at the time of application, and any information provided at a later time) with other agencies (including non-government agencies) to the extent necessary to make decisions about your application, and to audit and review any subsidy that is granted (to you or another applicant) and how any subsidy granted is paid to employees.

Consent to other agencies providing information about you to the Ministry

- You consent to other agencies (including non-government agencies) providing information about you or your business to the Ministry of Social Development or its auditors, to the extent necessary in order for the Ministry of Social Development to make decisions about your application, and to audit and review any subsidy that is granted (to you or another applicant) and how any subsidy granted is paid to employees.

Discuss your application with your employees and gain their consent to information sharing

- You have discussed this application with the employees named in it.
- The employees named in your application have consented (in writing, if practicable) to the following matters:
 - The employees consent to:
 - the information about them in your application being provided to the Ministry of Social Development; and
 - you providing the Ministry of Social Development with any further information about them required in order for the Ministry of Social Development to make decisions about your application, and to audit and review any subsidy that is granted (to you or to another applicant) and how any subsidy granted is paid to employees; and
 - you advising the Ministry of Social Development if they end their employment relationship with your business at a time when you are receiving a subsidy with respect to them.
 - The employees consent to the information about them provided to the Ministry of Social Development with respect to this application (both at the time of application, and any information provided at a later time):
 - being used by the Ministry of Social Development to make decisions about your application, and to audit and review any subsidy that is granted (to you or to another applicant) and how any subsidy granted is paid to employees; and
 - being shared by the Ministry of Social Development with other agencies (including non-government agencies) to the extent necessary in order for the Ministry of Social Development and its auditors to make decisions about your application, and to audit and review any subsidy that is granted (to you or to another applicant) and how any subsidy granted is paid to employees; and

- being used by the Ministry of Social Development to make decisions about other assistance and entitlements to the extent your application and any subsidy granted is relevant to them (for instance, where your application is relevant to an employee's application for other assistance).
- The employees consent to other agencies (including non-government agencies) providing information about them to the Ministry of Social Development and its auditors, to the extent necessary in order for the Ministry of Social Development to make decisions about your application, and to audit and review any subsidy that is granted (to you or to another applicant) and how any subsidy granted is paid to employees.

Advise your employees they can request access to information you have provided in your application under the Privacy Act

- People have the right to request access to all information held about them under the Privacy Act, they can contact privacy.officer@msd.govt.nz ^(Link 1) to make a request.

Publication of information about you

- You consent to the Ministry of Social Development publishing information about your business and the level and duration of any subsidy provided to you (excluding any personal information about the employees named in your application) on a publicly accessible register.

Notify changes in eligibility

- You will notify the Ministry of Social Development within 5 working days if anything changes that may affect your eligibility or entitlement to the subsidy, including if any of the employees named in your application end their employment relationship with you.

Repaying the subsidy

- You agree to repay the subsidy or any part of the subsidy paid to you if you:
 - fail to meet any of the obligations about how you must use the subsidy; or
 - were not or stop being eligible for the subsidy or any part of the subsidy;
 - provide false or misleading information in your application; or
 - receive insurance such as business interruption insurance for any costs covered by the subsidy.

Provision of true and correct information

- You acknowledge and agree that all of the information you have provided to the Ministry of Social Development is true and correct.

Consequences of non-compliance with the obligations in this declaration

- You acknowledge that you may be subject to civil proceedings for the recovery of any amount you receive that you are not entitled to and/or to prosecution for offences under the Crimes Act 1961 if you:
 - have provided false or misleading information; or
 - fail to meet any of the obligations about how you must use the subsidy; or
 - receive any subsidy or part of a subsidy that you were not entitled to receive.

Authority to make this declaration

- You are making this declaration of behalf of your business and you have the authority to do so.

The Ministry may amend this declaration

- You acknowledge that the Ministry of Social Development may amend this declaration at any time and at its discretion.

Declaration forms part of your application

- You acknowledge that this declaration forms part of your application.

In submitting your application you also acknowledge and/or agree:

- The Ministry of Social Development collects the information in this application to determine whether you are eligible to receive assistance.
- The Ministry of Social Development will use the information provided in this application for the purposes addressed in this document, including to assess your eligibility to receive the subsidy and to audit and review any subsidies granted. We may also use the information to contact you or for research and reporting purposes, or to advise you on the matters relating to the assistance you applied for.
- The Ministry will not use the information provided in this application for any other purpose unless required or authorised by law.
- Under the Privacy Act 1993 you have the right to request access to all information held about yourself and to request corrections to that information.

[1] Incorporated under the Incorporated Societies Act 1908 and registered under the Charities Act 2005; or registered the Charities Act 2005.

[2] Incorporated under the Incorporated Societies Act 1908.

[3] It is unlawful for you to unilaterally vary an employment agreement to reduce an employee's wages or salary in order to receive the subsidy. You must continue to comply with your obligations under the Employment Relations Act 2000.

[4] Including essential workers who are unable to work for COVID-19 related reasons including their own illness or caring for dependents.

[5] Other than as you are lawfully permitted to do, including as provided for in an employee's employment agreement.

[6] "Ministry of Social Development" includes the Chief Executive of the Ministry of Social Development and her staff.

Index of page links

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WORK AND INCOME

TE HIRANGA TANGATA

Printed from: <https://www.workandincome.govt.nz/online-services/covid-19/declaration-wage-subsidy.html>

Printed: 14 May 2020

COVID-19

Declaration – COVID-19 Wage Subsidy Scheme

This declaration applies to you if you applied for the COVID-19 Wage Subsidy on or after 4pm on 27 March 2020.

By submitting this form, you are declaring that:

You must meet the eligibility criteria

- You meet the eligibility criteria for the Wage Subsidy (**subsidy**):
 - you operate a **business** (being a registered business, sole trader, self-employed person, registered charity [1], incorporated society [2], non-government organisation, or post settlement governance entity) in New Zealand that employs and pays the employees named in your application; and
 - the **employees** (including you if you are a sole trader or self-employed person) named in your application are legally employed by your business and are employed in New Zealand; and
 - your business has experienced a minimum 30% decline in actual or predicted revenue [3] over the period of a month when compared to the same month last year, or a reasonably equivalent month for a business operating less than a year or a high growth business that has experienced a significant increase in revenue, and that revenue loss is attributable to the COVID-19 outbreak; and
 - before making your application for the subsidy, you have taken active steps to mitigate the impact of COVID-19 on your business activities (including but not limited to engaging with your bank, drawing on your cash reserves as appropriate, making an insurance claim); and
 - you are not currently receiving the COVID-19 Wage Subsidy, COVID-19 Leave Subsidy, COVID-19 Essential Workers Leave Support or COVID-19 Leave Support Scheme in respect of any of the employees named in your application.

Your obligations to use the subsidy to retain and pay your employees

- You acknowledge that the granting of your application and your receipt of the subsidy does not override your existing obligations under the Employment Relations Act 2000;
- You will not make any changes to your obligations under any employment agreement, including to rates of pay, hours of work and leave entitlement, without the written agreement of the relevant employee; [4]
- You will retain the employees named in your application as your employees for the period you receive the subsidy in respect of those employees;
- You will not unlawfully compel or require any of the employees named in your application [5] to use their leave entitlements for the period you receive the subsidy in respect of those employees; [6]
- You will only use the subsidy for the purposes of meeting your named employees ordinary wages and salary and your obligations in relation to this subsidy.
- You remain responsible for paying your employees ordinary wages and salary for the employees named in your application.
- You will for the period you receive the subsidy:
 - use your best endeavours to pay at least 80 per cent of each named employee's ordinary wages or salary; and
 - pay at least the full amount of the subsidy to the employee; but

- where the ordinary wages or salary of an employee named in your application was lawfully below the amount of the subsidy before the impact of COVID-19, pay the employee that amount.
- The ordinary wages or salary of an employee are:
 - as specified in the employee's employment agreement as at 26 March 2020; or
 - if you ended your employment relationship with any employee named in your application as a result of your business being adversely affected by the COVID-19 outbreak and have re-employed that employee on or after 17 March 2020, as specified in the employee's employment agreement as at the date that employment relationship ended.

Providing information about you, your business and your employees to the Ministry

- You will provide the Ministry of Social Development [7] with information about you, your business and (with their consent) the employees named in your application to the extent required by the Ministry of Social Development or its auditors to make decisions about your application, and to audit and review any subsidy that is granted (to you or another applicant) and how any subsidy granted is paid to employees.

Consent to the Ministry sharing information about your application with other agencies

- You consent to the Ministry of Social Development sharing information about you or your business provided with respect to your application (both at the time of application, and any information provided at a later time) with other agencies (including non-government agencies) to the extent necessary to make decisions about your application, and to audit and review any subsidy that is granted (to you or another applicant) and how any subsidy granted is paid to employees.

Consent to other agencies providing information about you to the Ministry

- You consent to other agencies (including non-government agencies) providing information about you or your business to the Ministry of Social Development or its auditors, to the extent necessary in order for the Ministry of Social Development to make decisions about your application, and to audit and review any subsidy that is granted (to you or another applicant) and how any subsidy granted is paid to employees.

Discuss your application with your employees and gain their consent to information sharing

- You have discussed this application with the employees named in it.
- The employees named in your application have consented (in writing, if practicable) to the following matters:
 - The employees consent to:
 - the information about them in your application being provided to the Ministry of Social Development; and
 - you providing the Ministry of Social Development with any further information about them required in order for the Ministry of Social Development to make decisions about your application, and to audit and review any subsidy that is granted (to you or to another applicant) and how any subsidy granted is paid to employees; and
 - you advising the Ministry of Social Development if they end their employment relationship with your business at a time when you are receiving a subsidy with respect to them.
 - The employees consent to the information about them provided to the Ministry of Social Development with respect to this application (both at the time of application, and any information provided at a later time):
 - being used by the Ministry of Social Development to make decisions about your application, and to audit and review any subsidy that is granted (to you or to another applicant) and how any subsidy granted is paid to employees; and
 - being shared by the Ministry of Social Development with other agencies (including non-government agencies) to the extent necessary in order for the Ministry of Social Development and its auditors to make decisions about your application, and to audit and review any subsidy that is granted (to you or to another applicant) and how any subsidy granted is paid to employees; and

- being used by the Ministry of Social Development to make decisions about other assistance and entitlements to the extent your application and any subsidy granted is relevant to them (for instance, where your application is relevant to an employee's application for other assistance).
- The employees consent to other agencies (including non-government agencies) providing information about them to the Ministry of Social Development and its auditors, to the extent necessary in order for the Ministry of Social Development to make decisions about your application, and to audit and review any subsidy that is granted (to you or to another applicant) and how any subsidy granted is paid to employees.

Advise your employees they can request access to information you have provided in your application under the Privacy Act

- People have the right to request access to all information held about them under the Privacy Act, they can contact privacyofficer@msd.govt.nz ^(Link 1) to make a request.

Publication of information about you

- You consent to the Ministry of Social Development publishing information about your business and the level and duration of any subsidy provided to you (excluding any personal information about the employees named in your application) on a publicly accessible register.

Notify changes in eligibility

- You will notify the Ministry of Social Development within 5 working days if anything changes that may affect your eligibility or entitlement to the subsidy, including if any of the employees named in your application end their employment relationship with you.

Repaying the subsidy

- You agree to repay the subsidy or any part of the subsidy paid to you if you:
 - fail to meet any of the obligations about how you must use the subsidy; or
 - were not or stop being eligible for the subsidy or any part of the subsidy;
 - provide false or misleading information in your application; or
 - receive insurance such as business interruption insurance for any costs covered by the subsidy.

Provision of true and correct information

- You acknowledge and agree that all of the information you have provided to the Ministry of Social Development is true and correct.

Consequences of non-compliance with the obligations in this declaration

- You acknowledge that you may be subject to civil proceedings for the recovery of any amount you receive that you are not entitled to and/or to prosecution for offences under the Crimes Act 1961 if you:
 - have provided false or misleading information; or
 - fail to meet any of the obligations about how you must use the subsidy; or
 - receive any subsidy or part of a subsidy that you were not entitled to receive.

Authority to make this declaration

- You are making this declaration of behalf of your business and you have the authority to do so.

The Ministry may amend this declaration

- You acknowledge that the Ministry of Social Development may amend this declaration at any time and at its discretion.

Declaration forms part of your application

- You acknowledge that this declaration forms part of your application.

In submitting your application you also acknowledge and/or agree:

- The Ministry of Social Development collects the information in this application to determine whether you are eligible to receive assistance.
- The Ministry of Social Development will use the information provided in this application for the purposes addressed in this document, including to assess your eligibility to receive the subsidy and to audit and review any subsidies granted. We may also use the information to contact you or for research and reporting purposes, or to advise you on the matters relating to the assistance you applied for.
- The Ministry will not use the information provided in this application for any other purpose unless required or authorised by law.
- Under the Privacy Act 1993 you have the right to request access to all information held about yourself and to request corrections to that information.

[1] Incorporated under the Incorporated Societies Act 1908 and registered under the Charities Act 2005; or registered the Charities Act 2005.

[2] Incorporated under the Incorporated Societies Act 1908.

[3] Businesses can include a fall in projected capital income as 'revenue' for the purpose of an application where:

- They have no revenue other than seed or venture capital, or Government funding; and
- They are recognised by Callaghan Innovation as a legitimate research and development start up business

[4] It is unlawful for you to unilaterally vary an employment agreement to reduce an employee's wages or salary in order to receive the subsidy. You must continue to comply with your obligations under the Employment Relations Act 2000.

[5] Including essential workers who are unable to work for COVID-19 related reasons including their own illness or caring for dependents.

[6] Other than as you are lawfully permitted to do, including as provided for in an employee's employment agreement.

[7] "Ministry of Social Development" includes the Chief Executive of the Ministry of Social Development and her staff.

Index of page links

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WORK AND INCOME

TE HIRANGA TANGATA

Printed from: <https://www.workandincome.govt.nz/covid-19/wage-subsidy/obligations.html>

Printed: 14 May 2020

COVID-19

Your obligations for COVID-19 Wage Subsidy

Your **obligations** when you receive the Wage Subsidy and under employment law.

The **Wage Subsidy** obligations are in the declaration you agreed to when you applied.

Obligations if you applied before 4pm on 27 March (Link 1)

Obligations if you applied on or after 4pm on 27 March (Link 2)

An overview of your Wage Subsidy obligations

You must agree that:

- you **meet** the following eligibility criteria:
 - your business has had a 30% revenue drop attributable to the COVID-19 outbreak
 - you are registered and operating in New Zealand
 - you have taken active steps to mitigate the financial impact of COVID-19 on your business activities, including proactively engaging with your bank and calling on your internal cash reserves (where appropriate)
 - you haven't received a COVID-19 Wage Subsidy that was available before 28 March 2020 for the named employees
- you **will** use the subsidy to retain and pay your employees:
 - you will retain the employees named in the application for the period the subsidy is paid in respect of those employees
 - for the period of the subsidy you will:
 - use best endeavours to pay **at least 80%** of each named employee's normal wages or salary for the duration of the subsidy
 - pass on at least the full amount of the subsidy claimed, to the employee, for the subsidised period, **but**
 - if the employees' ordinary wages are less than the subsidy, pay them their usual wages
- you **have** discussed the application with the named employees, who consent to the information in the application:
 - being provided to the Ministry and
 - being used by the Ministry, and shared with other agencies, to make decisions about the application, and to review and audit any subsidy granted
- you **consent** to the information in the application being verified with other agencies
- you **are aware** that they may be audited, and if you provide false or misleading information, you may be investigated for fraud
- you will notify MSD if circumstances change that affect your eligibility
- you will repay any amount to which they are not entitled.

Your obligations under employment law

Regular employment law applies to all employment relationships – regardless of the circumstances that we find ourselves in. This includes anything that has been agreed to in an employment agreement.

For information on your obligations under employment law, contact Employment NZ on: [0800 20 90 20](tel:0800209020) ^(Link 3) or **visit** their website. For example, you might have questions about:

- employer contributions to KiwiSaver
- holiday pay
- annual leave.

[Guidance for employees, employers and businesses on Employment.govt.nz](#) ^(Link 4)

Related links

[Repaying the COVID-19 Wage Subsidy](#) ^(Link 5)

[Moving alert levels with the COVID-19 Wage Subsidy](#) ^(Link 6)

Index of page links

1. <http://www.workandincome.govt.nz/online-services/covid-19/wage-subsidy-declaration.html>
2. <http://www.workandincome.govt.nz/online-services/covid-19/declaration-wage-subsidy.html>
3. tel:0800209020
4. <https://www.employment.govt.nz/leave-and-holidays/other-types-of-leave/coronavirus-workplace/>
5. <http://www.workandincome.govt.nz/covid-19/wage-subsidy/repayments.html>
6. <http://www.workandincome.govt.nz/covid-19/wage-subsidy/moving-alert-levels.html>

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TE HIRANGA TANGATA

Printed from: <https://www.workandincome.govt.nz/covid-19/wage-subsidy/making-payments.html>

Printed: 14 May 2020

COVID-19

Paying your staff the COVID-19 Wage Subsidy

How to pay the COVID-19 Wage Subsidy to your employees, and manage GST and tax around this.

Paying your staff

If you are receiving the COVID-19 Wage Subsidy, you must try your hardest to pay the employee named in your application at least 80% of their usual wages. If that isn't possible, you need to pay at least the subsidy rate (ie, full-time or part-time).

If your employee's usual wages are less than the subsidy, you must pay them their usual wages. Any difference should be used for the wages of other affected staff - the wage subsidy is designed to keep your employees connected to you.

The Wage Subsidy is to support you to pay 12 weeks of wages for your employees from the date you submitted your application.

Visit the Employment NZ website for information about employment law.

[Employment New Zealand](#) (Link 1)

GST and tax

Businesses

Information about GST, PAYE/PAYG and income tax if you're a business.

GST

You don't have to pay GST on the wage subsidy.

PAYE/PAYG

Your employee will need to pay tax on their wage subsidy payment as it's paid to them as part of their normal wages. This means it's subject to the usual employer deductions, eg, PAYE/PAYG, Student Loan, KiwiSaver, Child Support etc.

When calculating PAYE/PAYG deductions, do not gross up the Wage Subsidy component. PAYE/PAYG is deducted from the subsidy (i.e. \$585.80 less PAYE/PAYG, etc).

You can agree with your employee the frequency at which the subsidy is paid. However, if the subsidy is being paid outside of their usual pay cycle this might have adverse tax implications for your employees such as:

- they may be taxed at the wrong rate
- it may impact Working for Families entitlements.

Income tax

For most businesses, the Wage Subsidy is classified as "excluded income" for income tax purposes. This means that as a business you don't pay income tax on the Wage Subsidy you receive from MSD. You don't get an income tax deduction for the wages you pay using the Wage Subsidy. You still need to make the usual PAYE/PAYG deductions when you pass it onto your employee.

Self-employed

If you're self-employed, you need to pay income tax on the COVID-19 Wage Subsidy you receive, as it's a payment to replace a loss of earnings.

More information

For further information on tax queries, visit the Inland Revenue website.

[Information on Wage Subsidies on the Inland Revenue website](#) ^(Link 2)

For information on your obligations under employment law, contact Employment NZ on: [0800 20 90 20](tel:0800209020) ^(Link 3) or visit their website. For example, you might have questions about:

- employer contributions to KiwiSaver
- holiday pay
- annual leave.

[COVID-19 and the workplace information on the Employment NZ website](#) ^(Link 4)

Employee receives ACC

If you apply for a Wage Subsidy, you can't include any employees in your application who are on ACC earnings related compensation.

If you're receiving the Wage Subsidy for an employee and they get injured and start to receive ACC, the employee will continue to get paid as normal (including any Wage Subsidy). The employees' wages will need to be declared to ACC and be deducted off their ACC payment.

If an employee was on ACC and then returns to work during the Wage Subsidy period (and they're now no longer receiving ACC), you can apply for the Wage Subsidy for them, as long as they meet the criteria.

Related links

[Your obligations for COVID-19 Wage Subsidy](#) ^(Link 5)

[Repaying the COVID-19 Wage Subsidy](#) ^(Link 6)

Index of page links

1. <https://www.employment.govt.nz/>
 2. <https://www.ird.govt.nz/covid-19/business-and-organisations/employing-staff/wage-subsidies>
 3. tel:0800209020
 4. <https://www.employment.govt.nz/leave-and-holidays/other-types-of-leave/coronavirus-workplace/>
 5. <http://www.workandincome.govt.nz/covid-19/wage-subsidy/obligations.html>
 6. <http://www.workandincome.govt.nz/covid-19/wage-subsidy/repayments.html>
-

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WORK AND INCOME

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Printed from: <https://www.workandincome.govt.nz/covid-19/wage-subsidy/payments-and-processing-times.html>

Printed: 14 May 2020

COVID-19

Payment rates and processing times for COVID-19 Wage Subsidy

Full-time and part-time payment rates, and application processing timeframes for the Wage Subsidy.

Payment rates

The subsidy will be paid at a flat rate of:

- \$585.80 for people working 20 hours or more per week (full-time rate)
- \$350.00 for people working less than 20 hours per week (part-time rate).

The subsidy is paid as a lump sum and covers 12 weeks per employee from the date you submit your application.

Hours fluctuate

If you work variable hours (or your employee does), you can use an average to work out what rate to apply for.

Use the average hours worked each week:

- over the last 12 months, or
- over the period of time you (or they) have been employed (if it's less than 12 months).

If the average hours are:

- 20 or more, apply for the full-time rate
- less than 20, apply for the part-time rate.

Processing timeframes

We're working to pay the COVID-19 Wage Subsidy as quickly as we can.

We need to check the information you've given us is the same as what's held by Inland Revenue. If it isn't, there could be a delay.

We cannot give you information about the status of your application over the phone. We'll be in touch as soon as we can.

If your application's approved

Payment should be made into an account within 2 business days of processing.

We'll text or email you once the payment has been made. Your bank will use a specific reference - MSD COVID19C

If you haven't received payment in your account, it may be because we don't have the right bank account number for you. If this is the case, the money will be returned to us and we'll call you.

If your application's declined

We'll email you to let you know.

It could be declined because:

- the application was completed by an employee (not the employer)
- you applied using the wrong application form, or
- the details you gave us don't match those held by Inland Revenue (IR).

If you think your details don't match those held with IR, you can check them with IR and apply again with the correct details.

Otherwise, if you don't agree with our decision to decline your application, your email will tell you how you can get this reviewed.

If you are a state sector organisation and your application for the Wage Subsidy has been declined, you'll need to contact your monitoring agency to discuss this.

Related links

[Who can get the COVID-19 Wage Subsidy](#) ^(Link 1)

[How to apply for the COVID-19 Wage Subsidy](#) ^(Link 2)

Index of page links

1. <http://www.workandincome.govt.nz/covid-19/wage-subsidy/who-can-get-it.html>
 2. <http://www.workandincome.govt.nz/covid-19/wage-subsidy/how-to-apply.html>
-

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WORK AND INCOME

TE HIRANGA TANGATA

Printed from: <https://www.workandincome.govt.nz/covid-19/wage-subsidy/repayments.html>

Printed: 14 May 2020

COVID-19

Repaying the COVID-19 Wage Subsidy

How to repay the COVID-19 Wage Subsidy if you need to.

If you're not sure whether you need to repay the Wage Subsidy, call us on [0300 40 80 40](tel:0300408040) (Link 1)

When you need to repay

You need to repay some or all the COVID-19 Wage Subsidy if:

- you no longer meet the criteria for the subsidy
- you're not meeting your obligation to use the subsidy to retain and pay your employees
- you've received insurance (eg, business continuity insurance) for any costs covered by the subsidy
- you provided false or misleading information in your application.

Redundancies

Your obligations state you should retain your employees you're currently receiving the COVID-19 Wage Subsidy for.

If you have to make an employee redundant during the subsidy period:

- you can use the Wage Subsidy to pay the employee any notice period arising from the redundancy, and
- you must repay any balance of the Wage Subsidy that's left after the notice period has been paid.

You cannot use the Wage Subsidy to make any contractual redundancy payments to an employee.

30% decline in revenue

When you applied for the subsidy, you declared that:

- your business experienced a minimum 30% decline in actual or predicted revenue over the period of any month from Jan 2020 to June 2020, when compared with the same month last year, and
- that decline is related to COVID-19.

For pre-revenue research and development start-up companies, 30% revenue loss includes a drop of 30% in projected capital income.

Business hasn't had a 30% decline in revenue

If you predicted a minimum 30% decline and your business hasn't experienced this, you may find you didn't need the wage subsidy. If this is the case, you can repay it.

Business has had a decline in revenue

You don't have to repay the wage subsidy if your business has experienced a minimum 30% decline in actual revenue, whether your business is able to open or not.

This also includes if your application was based on a minimum 30% decline in predicted revenue and this has happened.

Business returns to work before 12 weeks ends

If your business returns to work before the 12 weeks Wage Subsidy period has finished, you may need to repay the subsidy.

It depends on whether your business has experienced a 30% decline in revenue or not.

Business has had a decline in revenue

You don't have to repay the wage subsidy if your business has experienced a minimum 30% decline in actual revenue, whether your business is able to open or not.

Business hasn't had a 30% decline in revenue

If you predicted a minimum 30% decline and your business hasn't experienced this, you may find you didn't need the wage subsidy. If this is the case, you can repay it.

Employee resigns

If one of your employees voluntarily leaves during the 12 weeks of the wage subsidy, you need to tell MSD. You can't claim another subsidy for that person.

You don't have to repay the subsidy. Any difference should be used for the wages of other affected staff - the wage subsidy is designed to keep your employees connected to you.

How to repay the subsidy

You can fill out the online form. You'll need your:

- business name
- IRD number
- New Zealand Business Number (NZBN), if you have one
- phone number
- email address
- postal address.

You'll also need to tell us the amount you need to repay.

Once we process the form, we'll be in touch to confirm how to make the repayment.

[Repayment request](#) ^(Link 2)

After you've made the repayment

We'll update your details in the employer list within 24-48 hours. This is where people can search for employers who have received COVID-19 Wage Subsidies.

If you made a:

- full repayment, you'll no longer be in the list
- part repayment, the amount of money paid to you will be updated
 - the number of employees won't change as we're unable to update this.

Related links

[Your obligations for COVID-19 Wage Subsidy](#) ^(Link 3)

[Moving alert levels with the COVID-19 Wage Subsidy](#) ^(Link 4)

Index of page links

1. tel:0800408040
 2. <https://workandincome.govt.nz/form/workandincome/govt/nz/form.req2?requestType=workandincome-govt-nz-wagesubsidy-refund-form>
 3. <http://www.workandincome.govt.nz/covid-19/wage-subsidy/obligations.html>
 4. <http://www.workandincome.govt.nz/covid-19/wage-subsidy/moving-alert-levels.html>
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WORK AND INCOME

TE HIRANGA TANGATA

Printed from: <https://www.workandincome.govt.nz/covid-19/wage-subsidy/who-can-get-it.html>

Printed: 14 May 2020

COVID-19

Who can get the COVID-19 Wage Subsidy

Find out who can apply and what criteria you need to meet to apply for the COVID-19 Wage Subsidy.

Who can apply

You can apply if you're:

- an employer
 - if you have casual employees, you can apply for them if they're employed by you at the time you apply and they would have expected to work during the time you will receive the subsidy
 - if you have an employee on ACC earnings related compensation, you can't apply for them. But you can apply for them if they've returned to work and no longer get ACC.
- a sole-trader
 - you can also apply if you're a sole trader who's also an employee and your employer has already applied for a Wage Subsidy for you
- a contractor
- a shareholder in a business (ie, you work for the business and are paid a wage, salary or draw an income for the work you do)
- a partner in a business (ie, each partner is paid a wage, salary or draws an income for the work they do).

In all cases you need to meet the criteria for the Wage Subsidy.

Criteria you need to meet

You must be an eligible employer

The majority of New Zealand employers who have been adversely affected by COVID-19 are eligible to apply. This includes:

- registered charities
- Non-government organisations (NGOs)
- the self-employed and sole traders
- contractors
- incorporated societies, and
- post-settlement governance entities
- local government organisations
- kindergartens and Early Childhood Centres.

State sector organisations

State sector organisations are generally not eligible to receive the COVID-19 wage subsidy. This includes:

- government agencies, such as:
 - Ministry of Health
 - District Health Boards

- Inland Revenue
- Ministry of Social Development
- Crown entities, such as:
 - Kāinga Ora
 - Accident Compensation Corporation (ACC)
- schools
- tertiary education institutions, such as:
 - universities
 - polytechnics
 - institutes of technology
 - Wananga

State sector organisations do not include:

- local Government, such as:
 - Regional councils
 - City councils
 - District councils
- kindergartens
- Early Childhood Centres
- Non-Government Organisations (NGOs).

A state sector organisation, with its monitoring agency, can ask for an exception to become eligible to apply for the Wage Subsidy. State sector organisations should contact their monitoring agency if they wish to discuss this.

Businesses contracted to provide services to state sector employers

These businesses (eg cleaning, security, etc) are not state sector employers. They can apply for the subsidy if they meet the other qualifications.

Your business must be in New Zealand

Your business must be registered and operating in New Zealand.

This means your business must be:

- registered with the New Zealand Companies Office
- physically located in New Zealand, and
- your employees legally work in New Zealand.

Sole traders

Sole traders are not required to be registered with the New Zealand Companies Office, but must have:

- a personal IRD number for paying income tax and GST
- government licences and permits for their business needs, and
- qualifications or registrations for their trade or profession.

Sole traders must still meet the requirements to be physically located and legally working in New Zealand.

Your employees must be legally working in New Zealand

Legally working in New Zealand means a person is both working in New Zealand and is legally entitled to work in New Zealand.

A person is legally entitled to work in New Zealand if they:

- are a New Zealand or Australian citizen (including a person born in the Cook Islands, Niue or Tokelau), or
- have a New Zealand residence class visa (eg, permanent residence visa or returning resident visa), or
- have a New Zealand work visa or a condition on their New Zealand temporary visa that allows them to work in New Zealand (eg, work visa or student visa that allows them to work).

For more information, visit the Employment New Zealand website.

[Employment New Zealand](#) (Link 1)

You must have a 30% decline in revenue

Your business must have experienced a minimum 30% decline in actual or predicted revenue over the period of a month, or 30 days, when compared with the same month, or 30 days, last year, and that decline is related to COVID-19.

This means your business has experienced a 30% decline in:

- actual revenue, or
- predicted revenue (e.g. for businesses who have seen a reduction in bookings such as accommodation providers), and
- that decline is related to COVID-19.

Your business must experience this decline between January 2020 and 9 June 2020.

Definition of revenue

Revenue means the total amount of money a business has earned from its normal business activities, before expenses are deducted.

If you are a pre-revenue research and development start-up business, you can include a drop in projected capital income when determining a 30% decrease in revenue.

Determining a decline in revenue

To determine a decline in revenue, the business must compare one month's revenue (or 30 days) against the same month (or 30 days) the previous year (e.g. February 2020 compared with February 2019).

The revenue in the affected period must be at least 30% less than it was in the period it was compared against.

Businesses operating for less than a year or have high growth

New businesses which have been operating less than a year, or high growth businesses (e.g. that have had a significant increase in revenue), can apply for the Wage Subsidy.

To determine whether these businesses meet the 30% decline in revenue assessment, they must compare their revenue against a previous month, or 30 days, that gives the best estimation of the revenue decline related to COVID-19.

For example, 30% loss of revenue attributable to COVID-19 comparing January 2020 to March 2020.

You must mitigate the financial impact

Your business must have taken active steps to mitigate the financial impact of COVID-19.

This could include:

- drawing from your cash reserves (as appropriate)
- activating your business continuity plan
- making an insurance claim
- proactively engaging with your bank
- seeking advice and support from:

- the Chamber of Commerce
- a relevant industry association
- the Regional Business Partner programme.

You must retain the employees you're applying for

You must retain the employees named in your application for the period of the subsidy.

Employers are required to agree that, for the duration of the subsidy, they will make best efforts to retain the employees the subsidy was paid for.

If you are receiving the COVID-19 Wage Subsidy, you must:

- try your hardest to pay staff at least 80% of their usual wages;
 - if that isn't possible, pay at least the rate of the subsidy that applies to that employee
- if the employee's usual wages are lower than the rate of the subsidy, continue paying that amount for the duration of the subsidy.

Rehiring employees

You can apply for the COVID-19 Wage Subsidy if you re-employ your employees before you apply and if your employees were:

- employed by you as of 17 March 2020; and
- you had to let them go because of COVID-19; and
- you did not apply for the COVID-19 Wage Subsidy for the employees.

It is expected that employers and employees would operate in 'good faith' and employers would look to re-hire on at least the same terms and conditions.

Related links

[Payment rates and processing times for COVID-19 Wage Subsidy](#) (Link 2)

[How to apply for COVID-19 Wage Subsidy](#) (Link 3)

Index of page links

1. <https://www.employment.govt.nz/starting-employment/right-to-work-in-new-zealand/>
2. <http://www.workandincome.govt.nz/covid-19/wage-subsidy/payments-and-processing-times.html>
3. <http://www.workandincome.govt.nz/covid-19/wage-subsidy/how-to-apply.html>

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Printed from: <https://www.workandincome.govt.nz/covid-19/wage-subsidy/employee-information.html>

Printed: 14 May 2020

COVID-19

Employee information for COVID-19 Wage Subsidy

If your employer's business has been affected by COVID-19, they may be able to get the Wage Subsidy to help pay you.

Your employer can't get both the COVID-19 Wage Subsidy and the COVID-19 Leave Support Scheme for you at the same time.

The COVID-19 Leave Support Scheme is available to help employers pay employees who:

- can't come into work because Ministry of Health guidelines recommend they stay at home, and
- can't work from home.

[COVID-19 Leave Support Scheme](#) ^(Link 1)

Wage Subsidy applications

Your employer needs to apply for the Wage Subsidy and there are certain criteria they need to meet.

- If you're working multiple jobs, each of your employers may be able to get the Wage Subsidy to help pay you.
- If you're a casual employee, your employer can apply for you if:
 - you're employed by them at the time they apply, and
 - you would have expected to work during the time they will receive the subsidy.
- If you get ACC earnings related compensation, your employer can't apply for you. But they can apply for you if you've returned to work and no longer get ACC.
- If you're a sole-trader and an employee, and your employer has already applied for a Wage Subsidy for you, you can still apply as a sole trader.

In all cases, your employer needs to meet the criteria for the Wage Subsidy.

[Criteria for the COVID-19 Wage Subsidy](#) ^(Link 2)

Wage Subsidy payments

Your employer will get:

- \$585.20 if you're working 20 hours or more a week (full-time rate), or
- \$350 if you're working less than 20 hours a week (part-time rate).

The subsidy is paid to your employer as a lump sum and covers 12 weeks per employee.

If you're not working

Your employer should try their hardest to pay you at least 80% of your usual wages. If that isn't possible, they will pay at least the subsidy rate (ie, full-time or part-time).

If your usual wages are less than the subsidy, your employer will pay you your usual wages.

It's paid to you as part of your normal wages so you'll still need to pay tax on it, eg PAYE, Student Loan, Kiwisaver, and Child Support.

If you're working

Your employer should pay you in accordance with your employment agreement. Your hours of work and hourly rate can only be changed with your agreement.

For information or questions on employment law, contact Employment NZ on [0800 20 90 20](tel:0800209020) ^(Link 3) or visit their website.

[Guidance for employees, employers and businesses on Employment.govt.nz](#) ^(Link 4)

You've been made redundant

If you're made redundant during the subsidy period, your employer can use the Wage Subsidy to pay you any notice period arising from the redundancy.

Check if your employer has applied for the Wage Subsidy

You can see if your employer has received the wage subsidy on the Ministry of Social Development (MSD) Wage Subsidy Employer Search.

You can also ask MSD to check if any employer has applied for a Wage Subsidy for you.

If you believe your employer is receiving the subsidy, but not meeting the conditions they agreed to, your first step is to talk to your employer. If the issue is not resolved, you can make a complaint to Employment New Zealand.

[COVID-19 Wage Subsidy Employer Search on MSD website](#) ^(Link 5)

Employment law

Regular employment law applies to all employment relationships – regardless of the circumstances that we find ourselves in. This includes anything that has been agreed to in your employment agreement (including how your employer pays you).

For information or questions on employment law, contact Employment NZ on: [0800 20 90 20](tel:0800209020) ^(Link 6) or visit their website.

[Guidance for employees, employers and businesses on Employment.govt.nz](#) ^(Link 7)

Employer complaints

If you have a complaint because you think your employer is breaching any of their minimum employment obligations to you, you can contact Employment NZ:

- Call them on: [0800 20 90 20](tel:0800209020) ^(Link 8)
- Email them at info@employment.govt.nz ^(Link 9)

Related links

[COVID-19 Wage Subsidy](#) ^(Link 10)

Index of page links

1. <http://www.workandincome.govt.nz/covid-19/leave-support-scheme/index.html>

2. <http://www.workandincome.govt.nz/covid-19/wage-subsidy/who-can-get-it.html>
 3. tel:0800209020
 4. <https://www.employment.govt.nz/leave-and-holidays/other-types-of-leave/coronavirus-workplace/>
 5. <http://msd.govt.nz/about-msd-and-our-work/newsroom/2020/covid-19/covid-19-wage-subsidy-employer-search.html>
 6. tel:0800209020
 7. <https://www.employment.govt.nz/leave-and-holidays/other-types-of-leave/coronavirus-workplace/>
 8. tel:0800209020
 9. <mailto:info@employment.govt.nz>
 10. <http://www.workandincome.govt.nz/covid-19/wage-subsidy/index.html>
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WORK AND INCOME

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Printed from: <https://www.workandincome.govt.nz/covid-19/wage-subsidy/moving-alert-levels.html>

Printed: 14 May 2020

COVID-19

Moving alert levels with the COVID-19 Wage Subsidy

As New Zealand moves through the alert levels, some businesses and employees will be able to return to work. Find out how this impacts the Wage Subsidy.

This does not change your obligations to your employees under employment law and your employment agreement with them.

Employees should be paid for all the hours they work, as per their employment agreement with you. You can use the Wage Subsidy to help you do this.

Working example

Fran is a chef at a café and couldn't work from home as the country went into lockdown. During the lockdown, she and her employer agreed that her pay would reduce to 80% of her normal wages.

Now at Alert Level 3, Fran is going back to work, as the café is providing contactless meal delivery. This means Fran will be back at work full-time and her employer will pay her usual hourly rate for the hours worked. Her employer can use the Wage Subsidy to help do this.

[Visit the Employment NZ website for information about employment law.](#) ^(Link 1)

Related links

[Your obligations for COVID-19 Wage Subsidy.](#) ^(Link 2)

[Repaying the COVID-19 Wage Subsidy.](#) ^(Link 3)

Index of page links

1. <https://www.employment.govt.nz/>
 2. <http://www.workandincome.govt.nz/covid-19/wage-subsidy/obligations.html>
 3. <http://www.workandincome.govt.nz/covid-19/wage-subsidy/repayments.html>
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Printed from: <https://www.workandincome.govt.nz/products/a-z-benefits/employer-questions-and-answers.html>

Printed: 6 April 2020

COVID-19

Common questions on the COVID-19 Wage Subsidy

Answers to some common questions about how the COVID-19 Wage Subsidy for employers works.

Multiple applications

I'm an employee who works full time for a company that hasn't been impacted by COVID-19, and I'm also self-employed. Can I apply for the wage subsidy using the self-employed application?

Yes. You can apply under the self-employed application, as long as you meet the usual criteria for your impacted business. We pay employers and self-employed contractors, not individuals. However, if you are only part-time self-employed, then your application should be at the part-time rate.

I'm an employee who works full-time for a company that has been impacted by COVID-19, and my employer has applied for the wage subsidy on my behalf. I'm also self-employed part-time. Can I also apply for the part-time wage subsidy using the self-employed application?

Yes. You can apply for the part-time wage subsidy under the self-employed application, as long as you meet the usual criteria, despite being a named employee on your employer's application.

I'm an employee who works full-time for a company that has been impacted by COVID-19, and my employer has applied for a wage subsidy on my behalf. I'm also self-employed full-time. Can I also apply for the full-time wage subsidy using the self-employed application?

Yes. You can apply for the full-time wage subsidy under the self-employed application, as long as you can meet the usual criteria, despite being a named employee on your employer's application.

I work multiple part-time jobs. Can I get wage subsidy from all of my different employers?

Yes. As an employee who is employed by two or more different businesses, you can receive the wage subsidy from multiple employers, as long as you meet the usual criteria. We cannot pay the same employer more than once for the same employee, and the wage subsidy rate should reflect whether you're employed part-time or full-time by that employer.

Already applied for Wage Subsidy or Leave Payment

I've already applied and been paid the COVID-19 Wage Subsidy for all of my employees. Do I need to do anything else?

No. You can't submit another application. You're covered by the COVID-19 Wage Subsidy you've already been paid. This lump sum covers 12 weeks per employee.

I already applied for the COVID-19 Wage Subsidy, but only for some of my employees. Can I make another application for my remaining employees?

Yes. You can make an additional application for any of your employees whom you haven't already applied for.

As an employer I've already received the Leave Payment for an employee. Am I now able to apply for the COVID 19-Wage Subsidy for this employee?

The Leave Payment only covers 14 days for self-isolation. After the 14 days, you can apply for the COVID-19 Wage Subsidy for that employee, as long as you meet the criteria for the payment.

[COVID-19 Wage Subsidy](#) (Link 1)

Application status

I haven't yet applied for the COVID-19 Wage Subsidy for any of my employees. Is it too late to make an application?

It's not too late. You can apply for the COVID-19 Wage Subsidy now. We want you to be able to retain and pay your employees at this time.

I've applied and I haven't heard anything yet. Should I make another application?

No, you shouldn't make another application. It may take a few days for your payment to come through.

Active steps to mitigate the impact of COVID-19

As an employer or self-employed person, what active steps do I have to take to mitigate the impact of COVID-19?

You must take active steps to mitigate the financial impact of COVID-19 on your business before you apply for the Wage Subsidy.

This could include:

- activating your business continuity plan
- drawing on your cash reserves (as appropriate)
- making an insurance claim
- proactively engaging with your bank
- seeking advice from the Chamber of Commerce, a relevant industry association or the Regional Business Partner programme.

Employer obligations

As an employer, what are my obligations under employment law at this time?

Your obligations under employment law haven't changed.

As an employer, if I have already received a COVID-19 Wage Subsidy for an employee, do the new obligations of the COVID 19 Wage Subsidy (after it was modified on March 27 2020) now apply?

No. The obligations for the COVID-19 Wage Subsidy remain the same as at the time you applied.

As an employer, what happens if I make my employee redundant during this time?

You need to try your best to retain your employees you are currently receiving the COVID-19 Wage Subsidy for. If you applied for the COVID-19 Wage Subsidy for any employees after 4pm on 27 March 2020, you must retain those employees or you will be in breach of your obligations.

What do I do if the subsidy is higher than what I usually pay my employee?

The wage subsidy is designed to keep your employees connected to you. Any difference should be used for the wages of other affected staff.

If one of my employees who I have made an application for, voluntarily leaves during the twelve week period for another job opportunity or because of caring responsibilities, do I need to pay the money back to MSD?

No – where your employee voluntarily leaves their employment you must advise MSD, and you cannot claim any more subsidy for that person. However, you do not have to return the subsidy already paid.

As an employer, I'm currently receiving the Flexi-Wage subsidy for my employee(s). Can I also apply for the COVID-19 wage subsidy?

Yes – the COVID-19 wage subsidy is available on top of the Flexi-Wage subsidy that you are already receiving for your employee(s). All wage subsidies that you receive must be paid to your employees.

Employee concerns

What if I have a complaint about how my employer has paid me?

If you have a complaint because you think your employer is breaching any of their minimum employment obligations to you, you can contact Employment NZ by calling on 0800 20 90 20 or by email at info@employment.govt.nz.

Rehiring employees

As an employer I had to let some of my employees go because of COVID-19. Can I rehire them and get the COVID-19 Wage Subsidy to help pay them?

You can apply for the COVID-19 Wage Subsidy if you re-employ your employees before you apply and if your employees were:

- employed by you as of 17 March 2020; and
- you had to let them go because of COVID-19; and
- you did not apply for the COVID-19 Wage Subsidy for the employees.

It is expected that employers and employees would operate in 'good faith' and employers would look to re-hire on at least the same terms and conditions.

Shareholder-employees and partnerships

Shareholder-employees

If I am a shareholder in a business, can I apply for the wage subsidy?

If you work for the business and you are paid a wage, salary or draw an income for the work you do for the business, you can apply for the wage subsidy.

If I work for a business where there are multiple shareholders, how do I apply for the wage subsidy?

The business you work for should make one application for all of its employees and shareholders who work for the business and are paid a wage, salary or draw an income for that work they do.

Which form do I use?

You can use the 'employer' form and the other shareholders if they are paid a wage, salary or draw an income for the work they do for the business, need to have their details entered into the employee section of the form.

Partnerships

If my business operates in a partnership, can I apply for the wage subsidy?

If each partner that works for the business is paid a wage, salary or draws an income for the work they do, you can apply for the wage subsidy.

Which form do I use?

One partner must apply on behalf of the other partner(s) using the 'employer' form and using the other partners as named employees.

Self-employed and contractors

If I'm self-employed or a contractor, am I entitled to apply for the wage subsidy?

Yes. You can apply for the wage subsidy using the 'self-employed' application, provided you meet the criteria.

Casual Employee(s)

As an employer, can I apply for the wage subsidy on behalf of my casual employee(s)?

Yes. You can apply for the wage subsidy for any casual employee(s) that are employed by you at the time you apply and who would have been expected to work during the time you will receive the wage subsidy.

How do I assess whether my casual employee(s) qualifies for the full-time or part-time wage subsidy rate?

Casual employees may have variable hours, so to assess their subsidy rate, the employer should average their hours over the last year. If this average is 20 hours or more, they can apply for the full-time rate, and if it's under 20 hours they can apply for the part-time rate.

If they have worked for less than a year, the employer should average the hours worked during their total employment period.

Related links

[COVID-19 Wage Subsidy](#) (Link 2)

Index of page links

1. <http://www.workandincome.govt.nz/products/a-z-benefits/covid-19-support.html#null>
2. <http://www.workandincome.govt.nz/products/a-z-benefits/covid-19-support.html>

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TE HIRANGA TANGATA

Printed from: <https://www.workandincome.govt.nz/online-services/covid-19/declaration-wage-subsidy.html>

Printed: 18 May 2020

COVID-19

Declaration – COVID-19 Wage Subsidy Scheme

This declaration applies to you if you applied for the COVID-19 Wage Subsidy on or after 4pm on 27 March 2020.

By submitting this form, you are declaring that:

You must meet the eligibility criteria

- You meet the eligibility criteria for the Wage Subsidy (**subsidy**):
 - you operate a **business** (being a registered business, sole trader, self-employed person, registered charity [1], incorporated society [2], non-government organisation, or post settlement governance entity) in New Zealand that employs and pays the employees named in your application; and
 - the **employees** (including you if you are a sole trader or self-employed person) named in your application are legally employed by your business and are employed in New Zealand; and
 - your business has experienced a minimum 30% decline in actual or predicted revenue [3] over the period of a month when compared to the same month last year, or a reasonably equivalent month for a business operating less than a year or a high growth business that has experienced a significant increase in revenue, and that revenue loss is attributable to the COVID-19 outbreak; and
 - before making your application for the subsidy, you have taken active steps to mitigate the impact of COVID-19 on your business activities (including but not limited to engaging with your bank, drawing on your cash reserves as appropriate, making an insurance claim); and
 - you are not currently receiving the COVID-19 Wage Subsidy, COVID-19 Leave Subsidy, COVID-19 Essential Workers Leave Support or COVID-19 Leave Support Scheme in respect of any of the employees named in your application.

Your obligations to use the subsidy to retain and pay your employees

- You acknowledge that the granting of your application and your receipt of the subsidy does not override your existing obligations under the Employment Relations Act 2000;
- You will not make any changes to your obligations under any employment agreement, including to rates of pay, hours of work and leave entitlement, without the written agreement of the relevant employee; [4]
- You will retain the employees named in your application as your employees for the period you receive the subsidy in respect of those employees;
- You will not unlawfully compel or require any of the employees named in your application [5] to use their leave entitlements for the period you receive the subsidy in respect of those employees; [6]
- You will only use the subsidy for the purposes of meeting your named employees ordinary wages and salary and your obligations in relation to this subsidy.
- You remain responsible for paying your employees ordinary wages and salary for the employees named in your application.
- You will for the period you receive the subsidy:
 - use your best endeavours to pay at least 80 per cent of each named employee's ordinary wages or salary; and
 - pay at least the full amount of the subsidy to the employee; but

- where the ordinary wages or salary of an employee named in your application was lawfully below the amount of the subsidy before the impact of COVID-19, pay the employee that amount.
- The ordinary wages or salary of an employee are:
 - as specified in the employee's employment agreement as at 26 March 2020; or
 - if you ended your employment relationship with any employee named in your application as a result of your business being adversely affected by the COVID-19 outbreak and have re-employed that employee on or after 17 March 2020, as specified in the employee's employment agreement as at the date that employment relationship ended.

Providing information about you, your business and your employees to the Ministry

- You will provide the Ministry of Social Development [7] with information about you, your business and (with their consent) the employees named in your application to the extent required by the Ministry of Social Development or its auditors to make decisions about your application, and to audit and review any subsidy that is granted (to you or another applicant) and how any subsidy granted is paid to employees.

Consent to the Ministry sharing information about your application with other agencies

- You consent to the Ministry of Social Development sharing information about you or your business provided with respect to your application (both at the time of application, and any information provided at a later time) with other agencies (including non-government agencies) to the extent necessary to make decisions about your application, and to audit and review any subsidy that is granted (to you or another applicant) and how any subsidy granted is paid to employees.

Consent to other agencies providing information about you to the Ministry

- You consent to other agencies (including non-government agencies) providing information about you or your business to the Ministry of Social Development or its auditors, to the extent necessary in order for the Ministry of Social Development to make decisions about your application, and to audit and review any subsidy that is granted (to you or another applicant) and how any subsidy granted is paid to employees.

Discuss your application with your employees and gain their consent to information sharing

- You have discussed this application with the employees named in it.
- The employees named in your application have consented (in writing, if practicable) to the following matters:
 - The employees consent to:
 - the information about them in your application being provided to the Ministry of Social Development; and
 - you providing the Ministry of Social Development with any further information about them required in order for the Ministry of Social Development to make decisions about your application, and to audit and review any subsidy that is granted (to you or to another applicant) and how any subsidy granted is paid to employees; and
 - you advising the Ministry of Social Development if they end their employment relationship with your business at a time when you are receiving a subsidy with respect to them.
 - The employees consent to the information about them provided to the Ministry of Social Development with respect to this application (both at the time of application, and any information provided at a later time):
 - being used by the Ministry of Social Development to make decisions about your application, and to audit and review any subsidy that is granted (to you or to another applicant) and how any subsidy granted is paid to employees; and
 - being shared by the Ministry of Social Development with other agencies (including non-government agencies) to the extent necessary in order for the Ministry of Social Development and its auditors to make decisions about your application, and to audit and review any subsidy that is granted (to you or to another applicant) and how any subsidy granted is paid to employees; and

- being used by the Ministry of Social Development to make decisions about other assistance and entitlements to the extent your application and any subsidy granted is relevant to them (for instance, where your application is relevant to an employee's application for other assistance).
- The employees consent to other agencies (including non-government agencies) providing information about them to the Ministry of Social Development and its auditors, to the extent necessary in order for the Ministry of Social Development to make decisions about your application, and to audit and review any subsidy that is granted (to you or to another applicant) and how any subsidy granted is paid to employees.

Advise your employees they can request access to information you have provided in your application under the Privacy Act

- People have the right to request access to all information held about them under the Privacy Act, they can contact privacyofficer@msd.govt.nz ^(Link 1) to make a request.

Publication of information about you

- You consent to the Ministry of Social Development publishing information about your business and the level and duration of any subsidy provided to you (excluding any personal information about the employees named in your application) on a publicly accessible register.

Notify changes in eligibility

- You will notify the Ministry of Social Development within 5 working days if anything changes that may affect your eligibility or entitlement to the subsidy, including if any of the employees named in your application end their employment relationship with you.

Repaying the subsidy

- You agree to repay the subsidy or any part of the subsidy paid to you if you:
 - fail to meet any of the obligations about how you must use the subsidy; or
 - were not or stop being eligible for the subsidy or any part of the subsidy;
 - provide false or misleading information in your application; or
 - receive insurance such as business interruption insurance for any costs covered by the subsidy.

Provision of true and correct information

- You acknowledge and agree that all of the information you have provided to the Ministry of Social Development is true and correct.

Consequences of non-compliance with the obligations in this declaration

- You acknowledge that you may be subject to civil proceedings for the recovery of any amount you receive that you are not entitled to and/or to prosecution for offences under the Crimes Act 1961 if you:
 - have provided false or misleading information; or
 - fail to meet any of the obligations about how you must use the subsidy; or
 - receive any subsidy or part of a subsidy that you were not entitled to receive.

Authority to make this declaration

- You are making this declaration of behalf of your business and you have the authority to do so.

The Ministry may amend this declaration

- You acknowledge that the Ministry of Social Development may amend this declaration at any time and at its discretion.

Declaration forms part of your application

- You acknowledge that this declaration forms part of your application.

In submitting your application you also acknowledge and/or agree:

- The Ministry of Social Development collects the information in this application to determine whether you are eligible to receive assistance.
- The Ministry of Social Development will use the information provided in this application for the purposes addressed in this document, including to assess your eligibility to receive the subsidy and to audit and review any subsidies granted. We may also use the information to contact you or for research and reporting purposes, or to advise you on the matters relating to the assistance you applied for.
- The Ministry will not use the information provided in this application for any other purpose unless required or authorised by law.
- Under the Privacy Act 1993 you have the right to request access to all information held about yourself and to request corrections to that information.

[1] Incorporated under the Incorporated Societies Act 1908 and registered under the Charities Act 2005; or registered under the Charities Act 2005.

[2] Incorporated under the Incorporated Societies Act 1908.

[3] Businesses can include a fall in projected capital income as 'revenue' for the purpose of an application where:

- They have no revenue other than seed or venture capital, or Government funding; and
- They are recognised by Callaghan Innovation as a legitimate research and development start up business

[4] It is unlawful for you to unilaterally vary an employment agreement to reduce an employee's wages or salary in order to receive the subsidy. You must continue to comply with your obligations under the Employment Relations Act 2000.

[5] Including essential workers who are unable to work for COVID-19 related reasons including their own illness or caring for dependents.

[6] Other than as you are lawfully permitted to do, including as provided for in an employee's employment agreement.

[7] "Ministry of Social Development" includes the Chief Executive of the Ministry of Social Development and her staff.

Index of page links

1. <mailto:privacyofficer@msd.govt.nz>
-

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WORK AND INCOME

TE HIRANGA TANGATA

Printed from: <https://www.workandincome.govt.nz/covid-19/wage-subsidy/obligations.html>

Printed: 18 May 2020

COVID-19

Your obligations for COVID-19 Wage Subsidy

Your obligations when you receive the Wage Subsidy and under employment law.

The Wage Subsidy obligations are in the declaration you agreed to when you applied.

[Obligations if you applied before 4pm on 27 March](#) (Link 1)

[Obligations if you applied on or after 4pm on 27 March](#) (Link 2)

An overview of your Wage Subsidy obligations

You must agree that:

- you meet the following eligibility criteria:
 - your business has had a 30% revenue drop attributable to the COVID-19 outbreak
 - you are registered and operating in New Zealand
 - you have taken active steps to mitigate the financial impact of COVID-19 on your business activities, including proactively engaging with your bank and calling on your internal cash reserves (where appropriate)
 - you haven't received a COVID-19 Wage Subsidy that was available before 28 March 2020 for the named employees
- you will use the subsidy to retain and pay your employees:
 - you will retain the employees named in the application for the period the subsidy is paid in respect of those employees
 - for the period of the subsidy you will:
 - use best endeavours to pay **at least 80%** of each named employee's normal wages or salary for the duration of the subsidy
 - pass on at least the full amount of the subsidy claimed, to the employee, for the subsidised period, **but**
 - if the employee's ordinary wages are less than the subsidy, pay them their usual wages
- you have discussed the application with the named employees, who consent to the information in the application:
 - being provided to the Ministry and
 - being used by the Ministry, and shared with other agencies, to make decisions about the application, and to review and audit any subsidy granted
- you consent to the information in the application being verified with other agencies
- you're aware that they may be audited, and if you provide false or misleading information, you may be investigated for fraud
- you will notify MSD if circumstances change that affect your eligibility
- you will repay any amount to which they are not entitled.

Your obligations under employment law

Regular employment law applies to all employment relationships - regardless of the circumstances that we find ourselves in. This includes anything that has been agreed to in an employment agreement.

For information on your obligations under employment law, contact Employment NZ on [0800 20 90 20](tel:0800209020) ^(Link 3) or visit their website. For example, you might have questions about:

- employer contributions to KiwiSaver
- holiday pay
- annual leave.

[Guidance for employees, employers and businesses on Employment.govt.nz](#) ^(Link 4)

Related links

[Repaying the COVID-19 Wage Subsidy](#) ^(Link 5)

[Moving alert levels with the COVID-19 Wage Subsidy](#) ^(Link 6)

Index of page links

1. <http://www.workandincome.govt.nz/online-services/covid-19/wage-subsidy-declaration.html>
2. <http://www.workandincome.govt.nz/online-services/covid-19/declaration-wage-subsidy.html>
3. tel:0800209020
4. <https://www.employment.govt.nz/leave-and-holidays/other-types-of-leave/coronavirus-workplace/>
5. <http://www.workandincome.govt.nz/covid-19/wage-subsidy/repayments.html>
6. <http://www.workandincome.govt.nz/covid-19/wage-subsidy/moving-alert-levels.html>

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WORK AND INCOME

TE HIRANGA TANGATA

Printed from: <https://www.workandincome.govt.nz/covid-19/wage-subsidy/employee-information.html>

Printed: 18 May 2020

COVID-19

Employee information for COVID-19 Wage Subsidy

If your employer's business has been affected by COVID-19, they may be able to get the Wage Subsidy to help pay you.

Your employer can't get both the COVID-19 Wage Subsidy and the COVID-19 Leave Support Scheme for you at the same time.

The COVID-19 Leave Support Scheme is available to help employers pay employees who:

- can't come into work because Ministry of Health guidelines recommend they stay at home, and
- can't work from home.

[COVID-19 Leave Support Scheme](#) ^(Link 1)

Wage Subsidy applications

Your employer needs to apply for the Wage Subsidy and there are certain criteria they need to meet.

- If you're working multiple jobs, each of your employers may be able to get the Wage Subsidy to help pay you.
- If you're a casual employee, your employer can apply for you if:
 - you're employed by them at the time they apply, and
 - you would have expected to work during the time they will receive the subsidy.
- If you get ACC earnings related compensation, your employer can't apply for you. But they can apply for you if you've returned to work and no longer get ACC.
- If you're a sole-trader and an employee, and your employer has already applied for a Wage Subsidy for you, you can still apply as a sole trader.

In all cases, your employer needs to meet the criteria for the Wage Subsidy.

[Criteria for the COVID-19 Wage Subsidy](#) ^(Link 2)

Wage Subsidy payments

Your employer will get:

- \$585.20 if you're working 20 hours or more a week (full-time rate), or
- \$350 if you're working less than 20 hours a week (part-time rate).

The subsidy is paid to your employer as a lump sum and covers 12 weeks per employee.

If you're not working

Your employer should try their hardest to pay you at least 80% of your usual wages. If that isn't possible, they will pay at least the subsidy rate (ie, full-time or part-time).

If your usual wages are less than the subsidy, your employer will pay you your usual wages.

It's paid to you as part of your normal wages so you'll still need to pay tax on it, eg PAYE, Student Loan, Kiwisaver, and Child Support.

If you're working

Your employer should pay you in accordance with your employment agreement. Your hours of work and hourly rate can only be changed with your agreement.

For information or questions on employment law, contact Employment NZ on [0800 20 90 20](tel:0800209020) ^(Link 3) or visit their website.

[Guidance for employees, employers and businesses on Employment.govt.nz](#) ^(Link 4)

You've been made redundant

If you're made redundant during the subsidy period, your employer can use the Wage Subsidy to pay you any notice period arising from the redundancy.

Check if your employer has applied for the Wage Subsidy

You can see if your employer has received the wage subsidy on the Ministry of Social Development (MSD) Wage Subsidy Employer Search.

You can also ask MSD to check if any employer has applied for a Wage Subsidy for you.

If you believe your employer is receiving the subsidy, but not meeting the conditions they agreed to, your first step is to talk to your employer. If the issue is not resolved, you can make a complaint to Employment New Zealand.

[COVID-19 Wage Subsidy Employer Search on MSD website](#) ^(Link 5)

Employment law

Regular employment law applies to all employment relationships - regardless of the circumstances that we find ourselves in. This includes anything that has been agreed to in your employment agreement (including how your employer pays you).

For information or questions on employment law, contact Employment NZ on [0800 20 90 20](tel:0800209020) ^(Link 6) or visit their website.

[Guidance for employees, employers and businesses on Employment.govt.nz](#) ^(Link 7)

Employer complaints

If you have a complaint because you think your employer is breaching any of their minimum employment obligations to you, you can contact Employment NZ:

- Call them on [0800 20 90 20](tel:0800209020) ^(Link 8)
- Email them at info@employment.govt.nz ^(Link 9)

Related links

[COVID-19 Wage Subsidy](#) ^(Link 10)

Index of page links

1. <http://www.workandincome.govt.nz/covid-19/leave-support-scheme/index.html>
2. <http://www.workandincome.govt.nz/covid-19/wage-subsidy/who-can-get-it.html>

3. tel:0800209020
 4. <https://www.employment.govt.nz/leave-and-holidays/other-types-of-leave/coronavirus-workplace/>
 5. <http://msd.govt.nz/about-msd-and-our-work/newsroom/2020/covid-19/covid-19-wage-subsidy-employer-search.html>
 6. tel:0800209020
 7. <https://www.employment.govt.nz/leave-and-holidays/other-types-of-leave/coronavirus-workplace/>
 8. tel:0800209020
 9. <mailto:info@employment.govt.nz>
 10. <http://www.workandincome.govt.nz/covid-19/wage-subsidy/index.html>
-

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WORK AND INCOME

TE HIRANGA TANGATA

Printed from: <https://www.workandincome.govt.nz/covid-19/wage-subsidy/moving-alert-levels.html>

Printed: 18 May 2020

COVID-19

Moving alert levels with the COVID-19 Wage Subsidy

As New Zealand moves through the alert levels, some businesses and employees will be able to return to work. Find out how this impacts the Wage Subsidy.

This does not change your obligations to your employees under employment law and your employment agreement with them.

Employees should be paid for all the hours they work, as per their employment agreement with you. You can use the Wage Subsidy to help you do this.

Working example

Fran is a chef at a café and couldn't work from home as the country went into lockdown. During the lockdown, she and her employer agreed that her pay would reduce to 80% of her normal wages.

Now at Alert Level 3, Fran is going back to work, as the café is providing contactless meal delivery. This means Fran will be back at work full-time and her employer will pay her usual hourly rate for the hours worked. Her employer can use the Wage Subsidy to help do this.

[Visit the Employment NZ website for information about employment law.](#) ^(Link 1)

Related links

[Your obligations for COVID-19 Wage Subsidy.](#) ^(Link 2)

[Repaying the COVID-19 Wage Subsidy.](#) ^(Link 3)

Index of page links

1. <https://www.employment.govt.nz/>
 2. <http://www.workandincome.govt.nz/covid-19/wage-subsidy/obligations.html>
 3. <http://www.workandincome.govt.nz/covid-19/wage-subsidy/repayments.html>
-

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WORK AND INCOME

TE HIRANGA TANGATA

Printed from: <https://www.workandincome.govt.nz/covid-19/wage-subsidy/making-payments.html>

Printed: 18 May 2020

COVID-19

Paying your staff the COVID-19 Wage Subsidy

How to pay the COVID-19 Wage Subsidy to your employees, and manage GST and tax around this.

Paying your staff

If you are receiving the COVID-19 Wage Subsidy, you must try your hardest to pay the employee named in your application at least 80% of their usual wages. If that isn't possible, you need to pay at least the subsidy rate (ie, full-time or part-time).

If your employee's usual wages are less than the subsidy, you must pay them their usual wages. Any difference should be used for the wages of other affected staff - the wage subsidy is designed to keep your employees connected to you.

The Wage Subsidy is to support you to pay 12 weeks of wages for your employees from the date you submitted your application.

Visit the Employment NZ website for information about employment law.

[Employment New Zealand](#) (Link 1)

GST and tax

Businesses

Information about GST, PAYE/PAYG and income tax if you're a business.

GST

You don't have to pay GST on the wage subsidy.

PAYE/PAYG

Your employee will need to pay tax on their wage subsidy payment as it's paid to them as part of their normal wages. This means it's subject to the usual employer deductions, eg, PAYE/PAYG, Student Loan, KiwiSaver, Child Support etc.

When calculating PAYE/PAYG deductions, do not gross up the Wage Subsidy component. PAYE/PAYG is deducted from the subsidy (i.e. \$585.80 less PAYE/PAYG, etc).

You can agree with your employee the frequency at which the subsidy is paid. However, if the subsidy is being paid outside of their usual pay cycle this might have adverse tax implications for your employees such as:

- they may be taxed at the wrong rate
- it may impact Working for Families entitlements.

Income tax

For most businesses, the Wage Subsidy is classified as "excluded income" for income tax purposes. This means that as a business you don't pay income tax on the Wage Subsidy you receive from MSD. You don't get an income tax deduction for the wages you pay using the Wage Subsidy. You still need to make the usual PAYE/PAYG deductions when you pass it onto your employee.

Self-employed

If you're self-employed, you need to pay income tax on the COVID-19 Wage Subsidy you receive, as it's a payment to replace a loss of earnings.

More information

For further information on tax queries, visit the Inland Revenue website.

[Information on Wage Subsidies on the Inland Revenue website](#) ^(Link 2)

For information on your obligations under employment law, contact Employment NZ on [0800 20 90 20](tel:0800209020) ^(Link 3) or visit their website. For example, you might have questions about:

- employer contributions to KiwiSaver
- holiday pay
- annual leave.

[COVID-19 and the workplace information on the Employment NZ website](#) ^(Link 4)

Employee receives ACC

If you apply for a Wage Subsidy, you can't include any employees in your application who are on ACC earnings related compensation.

If you're receiving the Wage Subsidy for an employee and they get injured and start to receive ACC, the employee will continue to get paid as normal (including any Wage Subsidy). The employees' wages will need to be declared to ACC and be deducted off their ACC payment.

If an employee was on ACC and then returns to work during the Wage Subsidy period (and they're now no longer receiving ACC), you can apply for the Wage Subsidy for them, as long as they meet the criteria.

Related links

[Your obligations for COVID-19 Wage Subsidy](#) ^(Link 5)

[Repaying the COVID-19 Wage Subsidy](#) ^(Link 6)

Index of page links

1. <https://www.employment.govt.nz/>
2. <https://www.ird.govt.nz/covid-19/business-and-organisations/employing-staff/wage-subsidies>
3. tel:0800209020
4. <https://www.employment.govt.nz/leave-and-holidays/other-types-of-leave/coronavirus-workplace/>
5. <http://www.workandincome.govt.nz/covid-19/wage-subsidy/obligations.html>
6. <http://www.workandincome.govt.nz/covid-19/wage-subsidy/repayments.html>

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Printed from: <https://www.workandincome.govt.nz/covid-19/wage-subsidy/payments-and-processing-times.html>

Printed: 18 May 2020

COVID-19

Payment rates and processing times for COVID-19 Wage Subsidy

Full-time and part-time payment rates, and application processing timeframes for the Wage Subsidy.

Payment rates

The subsidy will be paid at a flat rate of:

- \$585.80 for people working 20 hours or more per week (full-time rate)
- \$350.00 for people working less than 20 hours per week (part-time rate).

The subsidy is paid as a lump sum and covers 12 weeks per employee from the date you submit your application.

Hours fluctuate

If you work variable hours (or your employee does), you can use an average to work out what rate to apply for.

Use the average hours worked each week:

- over the last 12 months, or
- over the period of time you (or they) have been employed (if it's less than 12 months).

If the average hours are:

- 20 or more, apply for the full-time rate
- less than 20, apply for the part-time rate.

Processing timeframes

We're working to pay the COVID-19 Wage Subsidy as quickly as we can.

We need to check the information you've given us is the same as what's held by Inland Revenue. If it isn't, there could be a delay.

We cannot give you information about the status of your application over the phone. We'll be in touch as soon as we can.

If your application's approved

Payment should be made into an account within 2 business days of processing.

We'll text or email you once the payment has been made. Your bank will use a specific reference - MSD COVID19C

If you haven't received payment in your account, it may be because we don't have the right bank account number for you. If this is the case, the money will be returned to us and we'll call you.

If your application's declined

We'll email you to let you know.

It could be declined because:

- the application was completed by an employee (not the employer)
- you applied using the wrong application form, or
- the details you gave us don't match those held by Inland Revenue (IR).

If you think your details don't match those held with IR, you can check them with IR and apply again with the correct details.

Otherwise, if you don't agree with our decision to decline your application, your email will tell you how you can get this reviewed.

If you are a state sector organisation and your application for the Wage Subsidy has been declined, you'll need to contact your monitoring agency to discuss this.

Related links

[Who can get the COVID-19 Wage Subsidy](#) (Link 1)

[How to apply for the COVID-19 Wage Subsidy](#) (Link 2)

Index of page links

1. <http://www.workandincome.govt.nz/covid-19/wage-subsidy/who-can-get-it.html>
2. <http://www.workandincome.govt.nz/covid-19/wage-subsidy/how-to-apply.html>

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Printed from: <https://www.workandincome.govt.nz/covid-19/wage-subsidy/repayments.html>

Printed: 18 May 2020

COVID-19

Repaying the COVID-19 Wage Subsidy

How to repay the COVID-19 Wage Subsidy if you need to.

If you're not sure whether you need to repay the Wage Subsidy, call us on [0800 40 80 40](tel:0800408040) (Link 1)

When you need to repay

You need to repay some or all the COVID-19 Wage Subsidy if:

- you no longer meet the criteria for the subsidy
- you're not meeting your obligation to use the subsidy to retain and pay your employees
- you've received insurance (eg, business continuity insurance) for any costs covered by the subsidy
- you provided false or misleading information in your application.

Redundancies

Your obligations state you should retain your employees you're currently receiving the COVID-19 Wage Subsidy for.

If you have to make an employee redundant during the subsidy period:

- you can use the Wage Subsidy to pay the employee any notice period arising from the redundancy, and
- you must repay any balance of the Wage Subsidy that's left after the notice period has been paid.

You cannot use the Wage Subsidy to make any contractual redundancy payments to an employee.

30% decline in revenue

When you applied for the subsidy, you declared that:

- your business experienced a minimum 30% decline in actual or predicted revenue over the period of any month from Jan 2020 to June 2020, when compared with the same month last year, and
- that decline is related to COVID-19.

For pre-revenue research and development start-up companies, 30% revenue loss includes a drop of 30% in projected capital income.

Business hasn't had a 30% decline in revenue

If you predicted a minimum 30% decline and your business hasn't experienced this, you may find you didn't need the wage subsidy. If this is the case, you can repay it.

Business has had a decline in revenue

You don't have to repay the wage subsidy if your business has experienced a minimum 30% decline in actual revenue, whether your business is able to open or not.

This also includes if your application was based on a minimum 30% decline in predicted revenue and this has happened.

Business returns to work before 12 weeks ends

If your business returns to work before the 12 weeks Wage Subsidy period has finished, you may need to repay the subsidy.

It depends on whether your business has experienced a 30% decline in revenue or not.

Business has had a decline in revenue

You don't have to repay the wage subsidy if your business has experienced a minimum 30% decline in actual revenue, whether your business is able to open or not.

Business hasn't had a 30% decline in revenue

If you predicted a minimum 30% decline and your business hasn't experienced this, you may find you didn't need the wage subsidy. If this is the case, you can repay it.

Employee resigns

If one of your employees voluntarily leaves during the 12 weeks of the wage subsidy, you need to tell MSD. You can't claim another subsidy for that person.

You don't have to repay the subsidy. Any difference should be used for the wages of other affected staff - the wage subsidy is designed to keep your employees connected to you.

How to repay the subsidy

You can fill out the online form. You'll need your:

- business name
- IRD number
- New Zealand Business Number (NZBN), if you have one
- phone number
- email address
- postal address.

You'll also need to tell us the amount you need to repay.

Once we process the form, we'll be in touch to confirm how to make the repayment.

[Repayment request](#) ^(Link 2)

After you've made the repayment

We'll update your details in the employer list within 24-48 hours. This is where people can search for employers who have received COVID-19 Wage Subsidies.

If you made a:

- full repayment, you'll no longer be in the list
- part repayment, the amount of money paid to you will be updated
 - the number of employees won't change as we're unable to update this.

Related links

[Your obligations for COVID-19 Wage Subsidy](#) ^(Link 3)

[Moving alert levels with the COVID-19 Wage Subsidy](#) ^(Link 4)

Index of page links

1. <tel:0800408040>
 2. <https://workandincome.govt.nz/form/workandincome/govt/nz/form.req2?requestType=workandincome-govt-nz-wagesubsidy-refund-form>
 3. <http://www.workandincome.govt.nz/covid-19/wage-subsidy/obligations.html>
 4. <http://www.workandincome.govt.nz/covid-19/wage-subsidy/moving-alert-levels.html>
-

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Printed from: <https://www.workandincome.govt.nz/covid-19/wage-subsidy/who-can-get-it.html>

Printed: 18 May 2020

COVID-19

Who can get the COVID-19 Wage Subsidy

Find out who can apply and what criteria you need to meet to apply for the COVID-19 Wage Subsidy.

Who can apply

You can apply if you're:

- an employer
 - if you have casual employees, you can apply for them if they're employed by you at the time you apply and they would have expected to work during the time you will receive the subsidy
 - if you have an employee on ACC earnings related compensation, you can't apply for them. But you can apply for them if they've returned to work and no longer get ACC.
- a sole-trader
 - you can also apply if you're a sole trader who's also an employee and your employer has already applied for a Wage Subsidy for you
- a contractor
- a shareholder in a business (ie, you work for the business and are paid a wage, salary or draw an income for the work you do)
- a partner in a business (ie, each partner is paid a wage, salary or draws an income for the work they do).

In all cases you need to meet the criteria for the Wage Subsidy.

Criteria you need to meet

You must be an eligible employer

The majority of New Zealand employers who have been adversely affected by COVID-19 are eligible to apply. This includes:

- registered charities
- Non-government organisations (NGOs)
- the self-employed and sole traders
- contractors
- incorporated societies, and
- post-settlement governance entities
- local government organisations
- kindergartens and Early Childhood Centres.

State sector organisations

State sector organisations are generally not eligible to receive the COVID-19 wage subsidy. This includes:

- government agencies, such as:
 - Ministry of Health
 - District Health Boards

A person is legally entitled to work in New Zealand if they:

- are a New Zealand or Australian citizen (including a person born in the Cook Islands, Niue or Tokelau), or
- have a New Zealand residence class visa (eg, permanent residence visa or returning resident visa), or
- have a New Zealand work visa or a condition on their New Zealand temporary visa that allows them to work in New Zealand (eg, work visa or student visa that allows them to work).

For more information, visit the Employment New Zealand website.

[Employment New Zealand](#) (Link 1)

You must have a 30% decline in revenue

Your business must have experienced a minimum 30% decline in actual or predicted revenue over the period of a month, or 30 days, when compared with the same month, or 30 days, last year, and that decline is related to COVID-19.

This means your business has experienced a 30% decline in:

- actual revenue, or
- predicted revenue (e.g. for businesses who have seen a reduction in bookings such as accommodation providers), and
- that decline is related to COVID-19.

Your business must experience this decline between January 2020 and 9 June 2020.

Definition of revenue

Revenue means the total amount of money a business has earned from its normal business activities, before expenses are deducted.

If you are a pre-revenue research and development start-up business, you can include a drop in projected capital income when determining a 30% decrease in revenue.

Determining a decline in revenue

To determine a decline in revenue, the business must compare one month's revenue (or 30 days) against the same month (or 30 days) the previous year (e.g. February 2020 compared with February 2019).

The revenue in the affected period must be at least 30% less than it was in the period it was compared against.

Businesses operating for less than a year or have high growth

New businesses which have been operating less than a year, or high growth businesses (e.g. that have had a significant increase in revenue), can apply for the Wage Subsidy.

To determine whether these businesses meet the 30% decline in revenue assessment, they must compare their revenue against a previous month, or 30 days, that gives the best estimation of the revenue decline related to COVID-19.

For example, 30% loss of revenue attributable to COVID-19 comparing January 2020 to March 2020.

You must mitigate the financial impact

Your business must have taken active steps to mitigate the financial impact of COVID-19.

This could include:

- drawing from your cash reserves (as appropriate)
- activating your business continuity plan
- making an insurance claim
- proactively engaging with your bank
- seeking advice and support from:

- Inland Revenue
- Ministry of Social Development
- Crown entities, such as:
 - Kāinga Ora
 - Accident Compensation Corporation (ACC)
- schools
- tertiary education institutions, such as:
 - universities
 - polytechnics
 - institutes of technology
 - Wananga

State sector organisations do not include:

- local Government, such as:
 - Regional councils
 - City councils
 - District councils
- kindergartens
- Early Childhood Centres
- Non-Government Organisations (NGOs).

A state sector organisation, with its monitoring agency, can ask for an exception to become eligible to apply for the Wage Subsidy. State sector organisations should contact their monitoring agency if they wish to discuss this.

Businesses contracted to provide services to state sector employers

These businesses (eg cleaning, security, etc) are not state sector employers. They can apply for the subsidy if they meet the other qualifications.

Your business must be in New Zealand

Your business must be registered and operating in New Zealand.

This means your business must be:

- registered with the New Zealand Companies Office
- physically located in New Zealand, and
- your employees legally work in New Zealand.

Sole traders

Sole traders are not required to be registered with the New Zealand Companies Office, but must have:

- a personal IRD number for paying income tax and GST
- government licences and permits for their business needs, and
- qualifications or registrations for their trade or profession.

Sole traders must still meet the requirements to be physically located and legally working in New Zealand.

Your employees must be legally working in New Zealand

Legally working in New Zealand means a person is both working in New Zealand and is legally entitled to work in New Zealand.

- the Chamber of Commerce
- a relevant industry association
- the Regional Business Partner programme.

You must retain the employees you're applying for

You must retain the employees named in your application for the period of the subsidy.

Employers are required to agree that, for the duration of the subsidy, they will make best efforts to retain the employees the subsidy was paid for.

If you are receiving the COVID-19 Wage Subsidy, you must:

- try your hardest to pay staff at least 80% of their usual wages;
 - if that isn't possible, pay at least the rate of the subsidy that applies to that employee
- if the employee's usual wages are lower than the rate of the subsidy, continue paying that amount for the duration of the subsidy.

Rehiring employees

You can apply for the COVID-19 Wage Subsidy if you re-employ your employees before you apply and if your employees were:

- employed by you as of 17 March 2020; and
- you had to let them go because of COVID-19; and
- you did not apply for the COVID-19 Wage Subsidy for the employees.

It is expected that employers and employees would operate in 'good faith' and employers would look to re-hire on at least the same terms and conditions.

Related links

[Payment rates and processing times for COVID-19 Wage Subsidy](#) ^(Link 2)

[How to apply for COVID-19 Wage Subsidy](#) ^(Link 3)

Index of page links

1. <https://www.employment.govt.nz/starting-employment/right-to-work-in-new-zealand/>
2. <http://www.workandincome.govt.nz/covid-19/wage-subsidy/payments-and-processing-times.html>
3. <http://www.workandincome.govt.nz/covid-19/wage-subsidy/how-to-apply.html>

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Appendix 2

To

ZEALANDIA is in the process of lodging COVID-19 Wage Subsidy and Leave Payment application with MSD – Ministry of Social Development.

We are required to provide the below basic information to MSD, this information will be used by MSD and other agencies to make a decision on our application, and to review and audit any subsidy granted.

Information being disclosed is as follows:

- a. First Name
- b. Last Name
- c. Date of Birth (dd/mm/yyyy)
- d. IRD Number
- e. Employment Type (i.e. 20 hours or more / Less than 20 hours)+1

Please email **by 3pm today** to consent to your information being shared as outlined above.

Regards,

Appendix 3

On 26/03/2020, at 7:20 PM, Chris Fitzgerald <chris.fitzgerald@visitzealandia.com> wrote:

HI team

The wage subsidy scheme was today extended to include casual employees.

We are currently looking into how we can access this for our employees, but at this stage we have a number of questions about how it will apply for our very different casual staff scenarios. These include a night guide that may only expect to work 1 shift a fortnight during May and June.

Once we understand the answers we will come out with some advice for our casual employees.

Cheers

Chris

Appendix 4



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Hi team

Here are 2 template emails (casuals & fixed term) that you are able to use as a basis to send to your team that ask:

All the best

Chris

Hi casual employee

Thank you for reaching out to me about the Covid-19 wage subsidy in relation to your employment contract.

You are employed on a casual employment contract and if you have been offered and agreed to work any shifts we will pay you for that. Please submit your timesheet this Monday for me to approve.

Regrettably, and after very careful consideration, we have decided we are not able to apply for a wage subsidy for you. This is because, under the current circumstances, we are not in a position to offer you any further employment.

I recognise this will come as a disappointment, and is not a position any of us had anticipated being in, however, I will continue to look for opportunities for you and I will be back in touch if our position changes.

Kind regards

Hi fixed term employee

Thank you for reaching out to me about the Covid-19 wage subsidy in relation to your employment contract.

You are currently on a fixed term employment arrangement of 52 hours per fortnight which is coming to an end on current dates. Obviously we will continue to pay you to the end of your contract.

Regrettably, and after very careful consideration, we have decided we are not able to apply for a wage subsidy for you. This is because, under the current circumstances, we are not in a position to offer you any further employment after short dates.

I recognise this will come as a disappointment, and is not a position any of us had anticipated being in, however, I will continue to look for opportunities for you and I will be back in touch if our position changes.

Kind regards



COVID-19 Wage Subsidy and Leave Payment Information Consent

Kia ora

ZEALANDIA is in the process of lodging COVID-19 Wage Subsidy and Leave Payment applications with MSD – Ministry of Social Development.

We are required to provide the below basic information to MSD, this information will be used by MSD and other agencies to make a decision on our application, and to review and audit any subsidy granted. You have the right to request all information held about you under the Privacy Act, you can contact privacyofficer@msd.govt.nz to make a request.

Information being disclosed is as follows:

- a. First Name
- b. Last Name
- c. Date of Birth (dd/mm/yyyy)
- d. IRD Number
- e. Employment Type (i.e. 20 hours or more / Less than 20 hours)

Please email privacyofficer@msd.govt.nz by 3pm today to consent to your information being shared as outlined above.

Regards,

Appendix 6



COVID-19 Wage Subsidy and Leave Payment Information Consent

Kia ora

ZEALANDIA is in the process of lodging COVID-19 Wage Subsidy applications with MSD – Ministry of Social Development. This relates to the 12 week period from 23 March 2020 to 14 June 2020.

We are required to provide the below basic information to MSD, this information will be used by MSD and other agencies to make a decision on our application, and to review and audit any subsidy granted. You have the right to request all information held about you under the Privacy Act, you can contact privacyofficer@msd.govt.nz to make a request.

Information being disclosed is as follows:

- a. First Name
- b. Last Name
- c. Date of Birth (dd/mm/yyyy)
- d. IRD Number
- e. Employment Type (i.e. 20 hours or more / Less than 20 hours)

Please email **by 3pm today** to consent to your information being shared as outlined above.

Regards,