



# COVID-19 & Vaccinations

## Context – Collated Workforce Guidance as at 17 October 2021

### Kaupapa | Purpose

The purpose of this document is to connect you to examples of internal policies and professional bodies in relation to Covid-19. It includes:

- links to statements made by professional bodies, unions and some New Zealand companies.
- Information and advice from government
- Good Employment practice and Workplace Risk Assessment

**The information shared by NZCCSS should not be replace professional advice. Decisions should be made with appropriate and trusted professionals.**

### Ngā Kaupapa Here o Roto | Internal Policies

It will be crucial to develop good internal policies in relation to covid-19 and vaccination. Below are some spaces to help with this.

### Policy Place

Shares [Key Tips for your Workplace Vaccination policy and procedure](#). Including:

- provisions for staff who are unable to be vaccinated because of health conditions or who refuse
- being open about the risks of these people to themselves and others

### Guidance from Policy Platform

Developed through a working group which involved representatives from disability support, aged residential care, home and community support, mental health and addiction NGOs, unions, Ministry of Health etc... Link [here](#).

### Tauāki Ngaio | Professional Body Statements

A number of professional bodies have released vaccination statements / guidance in relation to their expectations of their members. We have collated these below.

### [Aotearoa New Zealand Association of Social Workers](#)

### [Korowai Tupu o Ara Taiohi: The Professional Association of Youth Workers in Aotearoa](#)

### [College of Midwives Draft Position Statement](#)

<https://www.legislation.govt.nz/regulation/public/2021/0182/latest/whole.html#LMS519333>

The Ministry of Health is [rolling out workplace vaccination](#) programmes in a number of workplaces, notably in Auckland.

### He pai te aromatawai i te mahi me te morearea | Good Employment and Risk Assessments

Government advice currently is that, apart from those in frontline roles, an employer cannot ask an employee to get vaccinated. **But an employer can decide, where there is a high risk of exposure to Covid 19, that certain work must be done by vaccinated workers. In order to do so, they must first carry out a health and safety risk assessment.**

Workplace NZ has [advice on how to decide what work requires a vaccinated employee](#).

- The focus must be on the role being performed, and not on the employee.
- Workers in this situation must be allowed enough time to get vaccinated.
- Currently this provision applies to workers who may be exposed, and does not cover situations where people working in a sector – such as social services work – may transmit the virus to vulnerable clients.

Good employment rights and protections means:

- that a worker should be consulted on any decision that might affect their continued employment.
- that processes should be transparent and open;
- that parties to the relationship should be 'active and constructive' with each other.

### **Workplace risk assessments**

The [Workplace NZ website](#) contains useful questions to help an employer complete a risk assessment.

Workplace risk assessments include:

- Explain difficulty of social distancing in high contact roles
- Define roles which require a vaccinated worker
- Risks of contracting or transmitting COVID
- Implement policy for tasks that require vaccinated worker
- Regard for consistency across the workplace sector
- Equity impacts – for Māori, for Pacifica
- Access to digital information by clients
- Mandates for client safety include mental health and obligations to require safety of residents, clients.
- Risk assessment may say can only work at alert level 2 or 3
- Could propose leave on pay
- Offer redeployment into non-contact roles
- Explain the reason for requiring vaccination.
- If options are not accepted, could dismiss /release from employment

## **Ngā Uniana Hokohoko | Union Statements**

### **NZCTU, Te Kauae Kaimahi**

Vaccination policy sees vaccination as part of a suite of control measures against contracting or transmitting the virus.

Vaccination is however one of many control measures, and it needs to be properly located within a wider suite of risk management and workplace controls. Workplaces create and connect the bubbles of employees and are therefore areas where COVID transmission is of concern.(p.2)

CTU emphasises a high trust model with workplaces facilitating vaccination uptake. They follow the government model of 'educate, expect and support' approach and state that coercion will create resentment and resistance. Support includes

- Receiving the vaccination during work hours with time off for side effects
- Providing clear and accessible information, countering misinformation
- Follow Health and Safety at Work Act requirements to engage with workers on matters that impact their privacy, health and safety, and consult with workers on matters that impact their employment.
- Carry out workplace risk assessments

CTU emphasises fair treatment regardless of vaccination status, to ensure provisions for work to continue, and that Human Rights are not breached. Redeployment opportunities should be considered and offered.

All that being said, employers may adopt vaccination requirements for new employees if covered by a Health Order (CTU p. 6). Businesses not under Health Orders can only require vaccination for health and safety reasons, in which case an employer may require confirmation of vaccination. If disclosure is refused the person should be treated as non-vaccinated.

<https://union.org.nz/wp-content/uploads/2021/09/CTU-COVID-Vaccination-Policy.pdf>

## Kupu Tohu me Te Kāhui Tika Tangata | Human Rights Statements

### **Te Kaunihera o nga Māori o Aotearoa. New Zealand Māori Council. Media Statement 28 September** (no longer online)

NZ Māori Council Chair, Archdeacon Harvey Ruru said 'Our Māori population is a young population and young people everywhere are not taking up the vaccination in the numbers needed to reach 90% vaccination required to make our country safe.

People claim they have an individual right to choose what they see as good for themselves. I say that in Māori culture, the thought of the young warriors was not for themselves but for their hapū which they were bound to defend. Don't ask what you would do for yourself, but ask what you would do for the person beside you., and for the community with whom you live. This is our Māori way. Ehara taku oa I te toa takatahi , engari I te toatakatini.' He called on young Māori to become toa again in the fight against COVID.

Mr Ruru questioned the human rights approach. 'The thing about human rights is that they were conceived by human responsibility. We have our rights because we are responsible as a people. But, when we cease to be responsible we stand to lose them. In times of crisis like the present , when our lives depend on walking together, we must expect restrictions on individual liberties.'

Mr Ruru predicted the nations will introduce more restrictions to prevent the disease from spreading, and that young people will be more affected than most. 'Unless we are vaccinated we will not be able to visit our whanaunga in Australia or have them visit us. We will be denied entry into festivals, sports, night clubs, bars. Mr Ruru supported such restrictions. 'We have a right to choose, he said, but a duty to choose not for ourselves, but out of aroha for those around us.

Mr Ruru called on each of the District Chairs to support the vaccination programmes in their Districts. He urged the new appointments to the Māori Health Authority to show leadership to our young people.

### **Human Rights Commission**

The pandemic requires addressing the complexity of public health and rights and freedoms. Section 5 of the Human Rights Act makes provision for limiting rights. The Customs Case (see legal position paper) considered whether a Public Health Order infringed freedoms from discrimination rights. The Judge found that the scientific support for the vaccine and the benefits to the wide community of the Public Health Order outweighed potential discrimination. The important thing is for businesses, services and employers to prepare COVID vaccination policies through the lens for human rights and employer and public responsibilities.

Here is additional information on disability, face-coverings, family violence, managed isolation and quarantine, older people, and police authority on their website at this link:

<https://www.hrc.co.nz/resources/human-rights-relation-covid-19/>

### **Health inequity concerns raised by Race Relations Commissioner**

Commissioner Foon identifies the burden of Delta on Pacific communities, and the high rates of Delta infection for Pacific peoples <https://www.hrc.co.nz/news/health-inequity-concerns-raised-race-relations-commissioner/>

## Tauākī Kaimahi | Employer Statements

### **New Zealand Health Group**

National provider of home and community services, with over 12,000 staff. The staff visit people who are frail, elderly and suffering from chronic health conditions that make them highly vulnerable to the virus.

NZHG want their staff “to be fully vaccinated within the boundaries of their individual values and beliefs”. Addressing individual belief systems might include:

- Vaccination within families
- Trusted providers of the vaccine (marae, church, mosque, rural schools)
- Trusted sources of information, which is provided in advance through culturally-specific information sessions
- Vaccination centres open at each of their city offices as well as mobile units going out to smaller centres and satellite offices

### **Air New Zealand**

Air New Zealand is making a vaccine compulsory for about half its staff. Many in customer-facing roles were already required to be vaccinated under the Government order in July, but the company is now requiring those in a number of related roles to also be vaccinated.

### **New Zealand Defense Force**

NZDF says that it will likely discharge members on medical grounds who refuse to take the vaccine, because they don't meet medical fitness requirements. Allegedly it has gone so far as to name and shame those who are not vaccinated.

12 staff [are seeking a judicial review of the decision](#) on the grounds that their freedom to refuse medical treatment means that they should be able to continue to serve without being vaccinated.

## Additional resources

Ministry of Health Link for Statistical data: <https://www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-data-and-statistics/covid-19-vaccine-data#ethnicity>

Useful Graphics: <https://www.rnz.co.nz/news/in-depth/450874/covid-19-data-visualisations-nz-in-numbers>