



COVID-19 Vaccination Policy

Category	Health Safety & Wellbeing
Type	Policy
Policy	Chief Executive Officer
Approved by	Executive Leadership Team on 24 January 2022
Last Approved Revision	13 December 2021 (draft)
Review Date	Change in legislation and/or 3 months from last review
Applies to	All employees/kaimahi, contractors, elected members, volunteers, agency staff, consultants

How this policy supports our values

Be brave – think differently	We look for alternative ways to deliver services
Be a good human	We use controls to protect each other and our community from COVID-19
Better together	We support each other to understand and manage the risks associated with the impact of COVID-19
Make it happen for Selwyn	We support our kaimahi to understand the impact of COVID-19 on our community

This policy will be subject to regular reviews as circumstances change.

1. Introduction

The Council has an obligation under the Health and Safety at Work Act 2015 to provide a work environment without risks to health and safety, so far as is reasonably practicable. This obligation includes minimising the risks associated with exposure to COVID-19 and its variants. The Council also has a legal duty to consult, cooperate and coordinate with other businesses about the health and safety duties its shares with them.

All Council workers have a duty to take reasonable care for their own health and safety and the health and safety of their colleagues and other people, and to comply with reasonable health and safety instructions.

The Council may review this policy (and subsequently amend, suspend or revoke it) when there are changes, such as to relevant legislation, public health guidance or health orders, or three months from the last review. Where the Council conducts a review, it will be carried out fairly and reasonably, and in good faith. This policy has been developed in consultation with workers/kaimahi and any proposed amendment, suspension or revocation would be subject to consultation with all workers.

2. Purpose

The safety of our team is a priority for the Council. The aim of this policy is to outline the Council's position on COVID-19 vaccination requirements for staff, and its implications for our workers/kaimahi, contractors, elected members, volunteers, agency staff and consultants.

This policy also documents how the Council will prevent and minimise the spread of COVID-19 and its variants in the workplace. It also works in conjunction with other public health measures and the internal guidance in place to prevent and minimise the spread of COVID-19 in Council workplaces.

By implementing this policy, the Council intends to:

- ensure that the Council and its workers comply with their legal obligations;
- evaluate and minimise the risks in the workplace arising from COVID-19;
- set out the Council's approach to preventing and minimising the spread of COVID-19 in the workplace;
- promote vaccinations as a safeguard for the health and safety of our kaimahi;
- set out the Council's requirements for mandatory vaccination;
- prevent potential disruption to the Council's business and provision of its services caused as a result of COVID-19; and
- outline the Council's expectations for engaging or contracting with third parties.

3. Policy statement

The Council will take all reasonably practicable steps to prevent or otherwise minimise the risks from COVID-19 and its variants for our workers and other people who could be put at risk in our workplaces.

We recognise that where there is a risk of COVID-19 infection for an individual, that risk then extends out to pose a risk to that person's colleagues, whanau, social networks and the community.

While vaccinated individuals are not fully prevented from contracting COVID-19, Government advice is that they will be much less likely to catch and/or to spread COVID-19, and if the virus is caught, any symptoms are likely to be fewer, milder or not present at all.

4. Definitions

Term	Definition
Affected person	Means a person who belongs to a defined group (or whose work would cause them to belong to a defined group)
Council	Means the Selwyn District Council
Face-to-face contact with	in relation to persons who belong to different groups, means- (a) having face-to-face contact within 2 metres of each other for 15 minutes or more; or (b) being in a confined space within 2 metres of each other for 15 minutes or more
Fully vaccinated	Means the person has received all of the doses of a COVID-19 vaccine or combination of COVID-19 vaccines specified in Schedule 3 of the COVID-19 Public Health Response (Vaccinations) Order 2021, administered in accordance with the requirements specified for that vaccine or combination of vaccines in the second column of that table, or as varied.
Risk assessment	An assessment of the risks of exposure, transmission and infection, and the potential consequences. It also considered the efficacy of available controls. The risk assessment was based on the role assessments, expert advice and relevant research.
Vaccinated/Vaccination	Means a COVID-19 vaccine specified in Schedule 3 of the COVID-19 Public Health Response (Vaccinations) Order 2021
Vaccination certificate/Vaccine pass	Means a certificate, letter, or pass issued under the COVID-19 Public Health Response by the Ministry of Health to an individual confirming their vaccination status Vaccine Pass Means a COVID-19 vaccination certificate (My Vaccine Pass) issued under the COVID-19 Public Health Response (COVID-19 Vaccination Certificate) Order 2021
Worker/kaimahi	A worker, as defined in the Health and Safety at Work Act 2015 means any individual who carries out work in any capacity for a PCBU, including work as- <ul style="list-style-type: none"> • an employee; or • a contractor or subcontractor; or • an employee of a labour hire company who has been assigned to work in the business or undertaking; or • an outworker (including a home worker); or • an apprentice or a trainee; or • a person gaining work experience or undertaking a work trial; or • a volunteer worker; or • a person of a prescribed class.

5. Virus transmission, supporting and encouraging vaccinations

Transmission of COVID-19

The following information is sourced from the Ministry of Health regarding the transmission of COVID-19 as it relates to Council operations.

Infection occurs in three main ways:

- breathing in air that contains infectious particles
- infectious particles landing on your mouth, nose or eyes (for example through being coughed or sneezed on)
- touching your mouth, nose or eyes when your hands have been contaminated by the virus (either through direct contamination, or indirectly by touching surfaces contaminated with the virus).

The risk of becoming infected increases the closer you are to a person and the longer you are close to that person, especially if this contact occurs in poorly ventilated indoor spaces.

Vaccination information and support

While vaccinated individuals are not fully prevented from contracting COVID-19, Government advice is that they will be much less likely to catch and/or to spread COVID-19, and if the virus is caught, any symptoms are likely to be fewer, milder or not present at all.

6. Vaccination requirements

When determining whether Council work must be carried out by a vaccinated person, the Council must ensure compliance with any legislative mandates, and undertake risk assessments if there is no legislative mandate.

Roles identified as requiring vaccination under the above two categories will be referred to as 'Mandatory Vaccination Roles'. The Mandatory Vaccination Roles are set out below.

6.1 Mandatory Vaccination Roles under the COVID-19 Public Health Response (Protection Framework) Order 2021 and/or the Vaccination Order

As at the date of this policy, the COVID-19 Public Health Response Order 2021 (Vaccination Order) mandates that "affected persons" (as defined in the Vaccination Order) must not carry out work unless they have received a COVID-19 vaccine.

If the Vaccination Order is expanded to include other activities, Council will continue to adapt our approach as required.

This includes the following roles in premises where vaccine pass is required by the business or the Vaccination Order:

- workers in food and drink businesses or services
- workers in close-proximity businesses and services
- workers in gyms
- workers who carry out work at a permitted event
- workers at close-proximity businesses or services
- (at traffic light 'red') tertiary education providers).

Workers in these facilities were required to have received 1 dose of the COVID-19 vaccine by 3 December 2021 and their second by 17 January 2022.

6.2 Mandatory vaccination for all roles located in facilities where the Council requires vaccine pass on the basis of a risk assessment

In accordance with its legal duties and commitment to health and safety, the Council has undertaken a risk assessment of all roles performed at/for the Council to consider the likelihood of persons performing such roles being exposed to COVID-19 and the consequences of that on them, or other people. The risk assessment has identified roles which the Council considers need to be performed by vaccinated persons.

Underpinned by the risk assessment work, a decision has been made to require vaccine pass for all people aged 12 years and 3 months and over who enter any Council facilities at which Council staff work, from 17 December 2021, and while the traffic light system is in force. This includes all contractors, consultants and volunteers. *Please find a copy of the risk assessment framework in Appendix 1.*

Based on the Council's risk assessment, workers in these facilities and **all roles within Council are required to be undertaken by people who are vaccinated.** The Council has adopted the following vaccination timeframe: affected employees must have received 1 dose of the COVID-19 vaccine by 4 February 2022 and their second by 4 March 2022.

Role assessments will be regularly reviewed, particularly if levels of COVID-19 in the community change. We will monitor public health advice and take into account any updates on risks.

6.3 Third party vaccination requirements

As part of its operations the Council engages a number of contractors, sub-contractors, and other "Third Parties" including builders and engineers.

The Council's risk assessment has identified that unvaccinated Third Parties increase the potential likelihood of COVID-19 exposure for Council workers and the wider community. It is therefore mandatory that all Third Parties that will have face-to-face contact with Council workers are fully vaccinated.

Third Parties should be advised of the Council's requirement for vaccination and must provide confirmation to their main Council contact of their/team members' vaccination status before undertaking their engaged work, if it will involve:

- meeting in person with Council workers at any location; or
- visiting Council premises at any time.

The confirmation of vaccination status needs to be in writing (email is acceptable) and where available include the Third-Party organisation's COVID-19 Policy. The Council may ask to see evidence of the vaccination status of Third Parties.

If a Third Party does not confirm their/its workers' vaccination status, the Council will treat them as being unvaccinated.

The Council will comply with all Privacy Act 2020 requirements in respect of the vaccination status of Third Parties.

7. Vaccination status of workers

7.1 When the Council can ask a worker/kaimahi for their vaccination status

The Council can ask whether a worker (or prospective worker) is vaccinated for COVID-19 if there is a legitimate, lawful need to know the vaccination status of that worker, for example, for a position that may only be conducted by a vaccinated person.

A worker will be required to provide evidence of vaccination if that worker is in a role:

- where vaccination is mandated under the Vaccination Order
- identified by the Council based on a risk assessment
- where an external party requires vaccination.

7.2 Those unwilling, unable or who decide not to receive a vaccination

The Council recognises and respects that some people may be unable to, or decide against, vaccination. Every person in New Zealand has the right to refuse medical treatment under section 11 of the New Zealand Bill of Rights Act 1990.

Under this policy a decision not to be fully vaccinated may have implications for that person's employment or engagement with the Council.

A person who works in a Mandatory Vaccination Role who is unwilling, unable or who decides not to receive the required vaccines or does not provide proof of having received the required vaccines, and has not been granted a valid exemption, will be consulted with by the Council on the potential consequences of not receiving the required vaccines.

The Council's steps may include:

- discussing in good faith the results of the risk assessment
- outlining the timeframe for when the work will only be able to be undertaken by vaccinated workers
- offering another opportunity for the employee to provide feedback on the assessment and timeframe to be vaccinated
- offering further support to be vaccinated
- outlining the consequences if they do not meet the deadline for a second dose of the vaccine
- exploring alternative options such as:
 - any reasonably practicable risk mitigations, other than vaccination, that reduce the risk to the health and safety of other people
 - changes to the employee's role (including hours and location at which work is performed)
 - redeployment to suitable alternative duties where vaccination is not required
 - notice of termination if no suitable alternatives are available.

8. New employees

Offers of employment will be conditional on the applicant providing proof of being fully vaccinated. This is based on the Council risk assessments demonstrating a legitimate health and safety requirement for vaccination. Where a role requires a fully vaccinated worker to perform the duties the role shall be advertised as such.

A hiring manager may request that applicants for that role confirm their vaccination status as part of the recruitment process and may require vaccination as a pre-condition of employment. The applicant has a right to refuse disclosure, however a hiring manager shall be entitled to treat such an applicant as if they were not vaccinated in determining their suitability for the role.

9. Proof of vaccination, personal information and privacy

An individual's health information, including whether they have been vaccinated for COVID-19, is their personal information. Generally, workers do not need to share their vaccination status (or any personal health information) with their employer. However, there is a public health exception in the Privacy Act 2020 that permits the collection, use and disclosure of personal information where it is necessary to prevent or lessen a serious threat to public health or public safety.

Customers/clients, co-workers, kaimahi, or other service users cannot require a worker to disclose their vaccination status, and employers must not disclose the vaccination status of workers to other parties except where permitted by law.

If a worker is in a specific role that requires the worker to be vaccinated (for example, if a position is subject to a Health Order) or if a COVID-19 exposure risk assessment has been completed and can show that a specific role requires vaccinated workers, then workers will be required to provide evidence of vaccination. Acceptable evidence will include a vaccination certificate issued by the Ministry of Health including an electronic record.

If workers do not confirm their vaccination status and/or do not wish to provide the Council with evidence of vaccination, the Council will assume that they have not been vaccinated and take steps on that basis. The Council will tell the worker that it has made this assumption. In these circumstances, the Council may enquire further, however workers are not required to disclose their reasons for declining vaccination.

Where a worker provides any information regarding an inability to be vaccinated due to a particular physical or other need that a suitably qualified health practitioner (in the course of examining the person) has determined would make it inappropriate for them to be vaccinated that information will be treated as a confidential personal health information and will be stored securely in accordance with the Privacy Act 2020.

The Council will maintain and appropriately secure records of evidence of vaccination in a secure database.

10. References and related documents

Document	Link
COVID-19 Public Health Response (Vaccinations) Order 2021	https://www.legislation.govt.nz/regulation/public/2021/0094/latest/LMS487853.html
COVID-19 Public Health Response (COVID-19 Vaccination Certificate) Order 2021	https://www.legislation.govt.nz/regulation/public/2021/0382

Health and Safety at Work Act 2015	https://www.legislation.govt.nz/act/public/2015/0070/latest/DLM5976660.html?search=qs_act%40bill%40regulation%40deemedreg_health+and+safety+at+work_resel_25_h&p=1&sr=1
Human Rights Act 1993	https://www.legislation.govt.nz/act/public/1993/0082/latest/DLM304212.html
New Zealand Bill of Rights Act 1990	https://www.legislation.govt.nz/act/public/1990/0109/latest/DLM224792.html
Privacy Act 2020	https://www.legislation.govt.nz/act/public/2020/0031/latest/LMS23223.html
Unite against COVID-19	https://covid19.govt.nz/
WorkSafe NZ - How to decide what work requires a vaccinated employee	https://www.worksafe.govt.nz/managing-health-and-safety/novel-coronavirus-covid/how-to-decide-what-work-requires-a-vaccinated-employee/
Employment New Zealand - Vaccines and the Workplace	https://www.employment.govt.nz/leave-and-holidays/other-types-of-leave/coronavirus-workplace/covid-19-vaccination-and-employment/
Employment Relations Act 2000	https://www.legislation.govt.nz/act/public/2000/0024/latest/DLM58317.html

11 – Deviation from policy

Deviation from this policy can only be made with the approval of the Chief Executive of the Selwyn District Council. Failure to comply with the requirements of this policy may be considered a breach of your contract or employment agreement and may, after consultation, lead to a disciplinary outcome up to and including termination of employment or a contract for services.

Keywords [For use in policy metadata]

COVID-19, vaccination, vaccination certificate; vaccine pass, new employees

Appendix 1: Risk assessment

In consultation with staff, the Council has conducted an assessment of exposure and transmission risks across the organisation. We also considered the range of controls available and how those may be applied.

The Council's risk assessment is based on assessing roles against contact factors associated with the risk of contracting and spreading COVID-19 set out by WorkSafe NZ.

All risk assessments were independently reviewed by an external party. Risk assessments are signed off by the CEO/ELT.

As part of the health and safety risk assessment, we have considered the following:

- How many people does the employee carrying out that work come into contact with?
- How easy will it be to identify the people who the employee comes into contact with?
- How close is the employee carrying out the tasks in proximity to other people?
- How long does the work require the employee to be in that proximity to other people?
- Does the work involve regular interaction with people considered at higher risk of severe illness from COVID-19, such as people with underlying health conditions?
- What is the risk of COVID-19 infection and transmission in the work environment when compared to the risk outside work?
- Will the work continue to involve regular interaction with unknown people if the region is at a higher alert level?

Where a health and safety risk assessment identifies that there is a significant likelihood that the individual performing the role may be exposed to the infectious disease, and the consequences would be significant for them or other people, then we may decide the role needs to be performed by a vaccinated person.

Risk Assessment Framework

No.	Considerations	Assessment Score (Low, Medium, High)	Score	Controls currently being used (Etc PPE, Remote etc)
1	How many people does the employee carrying out that work come (in and shift up to 8hrs) into contact with? (very few (under 5) = lower risk; many (over 20)= higher risk)			
2	How easy will it be to identify the people who the employee comes into contact with? (easy to identify, such as co-workers = lower risk; difficult to identify, such as unknown members of public = higher risk)			
3	How close is the employee carrying out the tasks in proximity to other people? (2 metres or more in an outdoor space = lower risk; close physical contact in an indoor environment (2m or closer) = higher risk)			
4	How long does the work require the employee to be in that proximity to other people? (brief contact = lower risk; lengthy contact = higher risk)			
5	Does the work involve regular interaction with people considered at higher risk of severe illness from COVID-19, such as people with underlying health conditions or people who can not be vaccinated as yet (under 12years)? (little to none = lower risk; whole time = higher risk)			
6	What is the risk of COVID-19 infection and transmission in the work environment when compared to the risk outside work? (equal to outside work = lower risk; higher than outside work = higher risk)			
7	Will the work continue to involve regular interaction with unknown people if the region is at a higher alert level? (no = lower risk; yes = higher risk).			
8	Can the work be carried out remotely?			
9	Is there a risk of COVID in the Region (Covid level/number of cases)			
		TOTAL	0	

Risk Likelihood

Likelihood	Likelihood Description	Scoring	Probability % (to assist assessment)
Frequent	Will almost certainly occur, and at least once in a month	5	91-100
Often	Will probably occur 6-12 times per year	4	71-90
Likely	1-5 times per year – likely to occur at least once in the next two – three months. There is a chance in the foreseeable future.	3	51-70
Possible	May occur at least once in the next year. Little chance of occurrence in foreseeable future.	2	21-50
Rare	Not expected to occur this year but may occur in a future period – unlikely in foreseeable future.	1	1-20

Risk assessment scoring results

	Insignificant	Minor	Moderate	Major	Catastrophic
frequent (high)	15	21	27	36	45
often	14	19	25	34	36
likely (medium)	12	17	23	25	27
possible	11	16	17	19	21
rare (low)	9	11	12	14	15

Total risk score informs level of risk

Risk Score	Level of Risk	Action Required	Attention of / assigned to
15-25 27-45	Extreme risk	Requires immediate assessment of actions	ELT/Council (as required), Statutory bodies.
8-12 18-26	Significant risk	Requires remedial assessments and action via the annual planning process	Unit Manager, Programme Sponsor, Programming Steering Group
4-6 13-17	Moderate risk	Address via new procedures and/or modification of existing practices and training	Programme manager, workstream leaders.
1-3 9-12	Low risk	No formal requirement for further action, unless escalation of risk is possible.	Workstream leads, project managers.