



Update: Implementation of COVID-19 Public Health Response (Vaccinations) Amendment Order 2021

Security level: IN CONFIDENCE

Report number: BEB RPT 21-051

To: Hon Chris Hipkins
Minister for COVID-19 Response

Cc: Hon Michael Wood
Minister of Transport

KEY POINTS

1. Attached is this week's report regarding the implementation of the **COVID-19 Public Health Response (Vaccinations) Amendment Order 2021**.
2. The implementation programme is being delivered by a cross-agency Senior Officials Group, chaired by the Border Executive Board and including representatives from Ministry of Health; Ministry of Transport; Ministry of Business, Innovation and Employment; Department of Prime Minister and Cabinet; Public Service Commission; Ministry of Social Development; Civil Aviation Authority; and Maritime NZ.
3. This report provides you with detail on current and emerging issues related to the implementation of the amended Vaccination Order, and how these are being responded to by Government agencies and the border sector.
4. The data included in this report was extracted from the Border Worker Testing Register by the Ministry of Health on Wednesday 15 September.
5. The implementation programme is showing as AMBER overall, as anticipated, due to the number of issues under active management in the lead up to the 30 September deadline.

RECOMMENDATION:

a) That you note the contents of the attached report

Yes / No

s9(2)(a) OIA



PP

**Comptroller of Customs / Chair
Border Executive Board**

Date: 16 September 2021

Hon Chris Hipkins
Minister for COVID-19 Response

Date:

ENDS

Border Worker Vaccinations Order Amendment (BWVO Amendment): Implementation Report

Summary - Updates in bold

Overall programme status: AMBER

Date Prepared: 16 September 2021, 8.00pm

Prepared by: Morag Ingram, Border Executive Board, s9(2)(a) OIA

- Vaccination numbers across both public and private sector border workers continue to increase. Border workers continue to have priority access.
- As at 15 September, there were 11,999 workers listed as Active¹ on the Border Worker Testing Register (BWTR), of which 96% are recorded as having received at least one dose.
 - 10,774 (90%) are recorded as fully vaccinated; 676 (6%) are recorded as having received one dose; a remaining 539 (4%) are recorded as no dose.
 - MoH is working through data anomalies on vaccination status as they arise.
- In terms of the split of government and privately-employed workers:
 - 97% of all government workers who are active on the Border are recorded as being fully vaccinated; and 27 government workers are recorded as having received one dose. 46 active government border workers working at the air and/or maritime sector or MIQF, have been recorded as unvaccinated (no dose), however following detailed interrogation of individual records, the MoH Monitoring and Compliance team have confidence that no unvaccinated government workers have been active on the border in the past two weeks.
 - 86% of all privately employed workers who are active on the Border and covered by the amended Order are recorded as being fully vaccinated; with another 649 (8%) privately-employed workers recorded as having received one dose; a remaining 493 (6%) are recorded as no dose; however an initial review suggests the 'no dose' number requiring detailed interrogation is 433 (more detail on p2). Targeted checks are being undertaken with each PCBU around their workforce details
- Policy work for the next round of potential amendments to the Order has commenced. The scope of this currently covers advice regarding other COVID-19 vaccines to be recognised in the Order for work at the border, other than just Pfizer. Should any amendments to the Order be proposed and approved, the earliest they would come into effect is anticipated to be after the 30 September deadline.
- Discussions are continuing across agencies on the published VO Guidance and interpretation of some aspects of the Order, including interpretation of the term "layover" in the air sector; inclusion of mooring lines as an example of an "affected item" in the maritime sector; and queries around alternative vaccine options from both the air and maritime sectors. The VO Guidance issued on 08 September will be progressively updated as issues are resolved.
- Two supply chain exemptions applications have been received as at 16 September 2021, and a report will be prepared by the cross-agency panel set up to assess applications. Hon Hipkins is the decision maker.
- The application to the High Court for a Judicial Review of the Order is due to be heard on 22 September, with a ruling anticipated before the 30 September deadline. Crown Law is leading the response.

Issues

Action	Status	Responsible	Notes
Employment Relations	Under control	Hannah O'Donnell (MSD) Anna Cassie (PSC) Shane Kinley (MBIE)	<p>No substantive update. All comments remain relevant.</p> <ul style="list-style-type: none"> • MSD continues to be available to support impacted workers to look for and prepare for other work - MSD's support includes assistance to update CVs and find jobs that match their skills. PCBUs are being advised weekly of the support available and how to access it. • The recent Employment Relations Authority finding in favour of the employer following a challenge to the original Order was widely reported and commented on in media last week.
Prioritisation and delivery of Border Worker vaccinations	Under control	Taylor Sanders (MoH)	<p>No substantive update. All comments remain relevant.</p> <ul style="list-style-type: none"> • Prioritisation of border workers continues with onsite vaccinations at some Ports and access to a wide range of community vaccination clinics regionally. • Onsite vaccination clinics at ports continue at Auckland, Tauranga, Tairāwhiti, Hawkes Bay, Capital and Coast and Christchurch DHBs. • Furthermore, due to extra priority vaccination capacity being opened up for essential workers, port workers have even more choices about clinic locations they can access, such as drive-through vaccination sites. For example, both Auckland and Canterbury DHBs have now established drive-through vaccination sites that are able to be accessed by Group 1 border workers as well as essential service workers. • Translated vaccination education materials have been provided to ports, especially resources for Pacific peoples. Other resources have included FAQs, posters for cafeterias, vaccine booking instructions, education webinars and videos, and offers of face-to-face question and answer sessions with health experts.

¹ Active workers are defined as those who have worked at a port/border in the last 14 days.
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Maritime workers	Some Issues	Sharyn Forsyth (Maritime NZ) Alison Cossar (MoH)	<ul style="list-style-type: none"> Maritime NZ is aware of small groups of workers who continue to express their stance against mandatory vaccinations. Additional feedback has been received from the sector and industry on the published VO Guidance document. This been collated and MoH has revised the Guidance to provide further clarity to 'on or around ships'. Vaccination rates for workers at ports continue to show steady improvement. Recent small rises amongst some PCBUs are likely to be as a result of recent clarification within the VO Guidance document. The timing of the clarification of the Guidance means that at least one PCBU will be unable to complete a fair employment process with those workers prior to 30 September. It is likely they will be seeking a Supply Chain Exemption in this instance. The request from workers to have access to an alternative vaccine is being considered as part of the advice being prepared for the Minister in the proposed quarterly amendments to the Order. At this point in time, an alternative vaccine will not be available before 30 September. PCBUs have the option of applying for the Supply Chain Exemption noting that any application must still meet the criteria as set out, ie supply chain disruption. PCBUs are being encouraged to continue to plan for compliance in time for the 30 September deadline.
Reporting	Under control	Priti Patel (MoH) Jo Pugh (MoH)	<ul style="list-style-type: none"> No substantive update. All comments remain relevant. MoH is progressing work on developing a new BW vaccinations dashboard aligned to the BWTR dashboard with requirements gathered and wireframes being developed. MoH is also continuing to develop a Vaccination compliance flag to identify when workers are complying to the Order or not. Under the Order, PCBUs are required to manually request access to their employees' vaccination status on BWTR. This is the subject of ongoing communication to PCBUs by the BWTR team in MOH and through sector engagement. Regularised reporting is now available and shared on request to the Minister's Office, and in this document.
Alignment of BWTR data with other reporting systems in MOH and MIQ	Some issues	Jo Pugh (MoH) Matt Gibbs (MIQ)	<ul style="list-style-type: none"> No substantive update. All comments remain relevant. Ongoing manual work is undertaken weekly to ensure alignment between MIQ and BTWR employee data records. Both teams are confident this process captures the errors as and when identified. However, this does result in the data that is reported not being as up-to-date as MIQ PCBUs and stakeholders expect. Data errors are the result of a number of reasons, including human error at time of data entry (for example by the PCBU, or by the vaccinator in the field); individuals having duplicate NHI numbers, of duplicates in the BWTR caused by staff working at multiple organisations. MoH expects corrections to flow through in the system as part of active review and management. An Active employee in the BWTR is defined as someone who has worked within the last 14 days. However, the figures do not include inactive border workers and individuals who have self-identified as border workers at time of vaccination, but who have not been registered in the BWTR, which may account for differences in reporting. Additionally, numbers of active workers in the BWTR continue to vary as the workforce changes. This reflects the ever-changing size, complexity and composition of the border workforce – including the continuing rotation and turnover of staff within the workforce. This means the data needs to be considered as a 'snapshot' taken at a point in time. MoH are aware that some PCBUs have interpreted the Required Testing Order more widely than is strictly required, this is to ensure their workers are prompted to be tested. This has now resulted in these workers, who may not be in scope of the amended Vaccination Order, contributing to unvaccinated numbers reported from the BWTR. Equally some PCBUs are intentionally putting their workers on the BWTR as a mechanism to see their vaccination status and manage work rosters, when technically those workers may not all be captured by the Vaccination Order. Education and engagement on application of the the Order is ongoing.
Supply Chain Exemption	Under control	Shelley Tucker (MOT)	<ul style="list-style-type: none"> Two supply chain exemptions applications have been received as at 16 September 2021. A cross agency panel will meet to assess the applications, and a report will be prepared for the BEB Chair and Hon Hipkins in the week of 20 September 2021. Hon Hipkins is the decision maker. Another reminder about the exemption process and need to submit applications in advance of 30 September is being sent through the BWTR newsletter this week. There is a group of aviation and port workers who are Pfizer-hesitant but not vaccine hesitant. At this stage the Order only allows for the Pfizer vaccine. It is possible further supply chain exemption requests may be received from some of these workers – noting that the nature of the exemption (supply chain) means that the PCBU applying for the exemption would need to evidence the supply chain disruption that would occur should the worker be taken out of the supply chain.
Identifying in-scope Border Workers	Some issues	Matt Gibbs (MIQ)	<p>MIQ</p> <ul style="list-style-type: none"> Reminder communications are being sent by MBIE to PCBUs this week.

		Sharyn Forsyth (Maritime NZ) Shelley Tucker (MOT)	<p>Maritime sector</p> <ul style="list-style-type: none"> Ongoing sector engagement to support education and awareness of contractors/sub-contractors of port companies, in particular small employers/PCBUs (<10 employees) newly in-scope of the amended Order. Maritime NZ has compiled a list of possible contractors (c400) who may board ships. Engagement via email and webinar is continuing. Multiple joint meetings are being held with representatives from across the sector, including with the port companies, stevedoring companies, unions and associations. Cross agency approach to work through any barriers to vaccination of their workforces, or process questions related to unvaccinated workers, for example, stevedore companies have been provided with regional MSD contacts to support workers choosing not to get vaccinated in finding other employment opportunities. <p>Aviation sector</p> <ul style="list-style-type: none"> Engagement activity planning has progressed to reach the same group of PCBUs, contractors and sub-contractors for airport companies. Dr Siouxsie Wiles met with three groups of aviation stakeholders in virtual meetings last week. Work is underway on other approaches that may respond to specific workers queries and concerns about the COVID-19 vaccine Multiple stakeholders have sought assistance with the intended meaning of the term “layover” as used in the Order. The guidance that was issued had not been consulted with the sector and did not reflect that concerns had already been raised and MoT was in discussion with MoH Legal and Policy about this. The sector stakeholders raising the concern are now aware that further work is underway.
Monitoring of privately-employed workers	Under control	Jo Pugh (MoH) Priti Patel (MoH)	<ul style="list-style-type: none"> As at 15 September, 86% of all privately-employed workers who are active on the Border and covered by the <u>amended Vaccination Order</u> (which comes into effect on 30 September), are recorded as being fully vaccinated; with another 649 (8%) privately-employed workers recorded as having received one dose; a remaining 493 (6%) are recorded as no dose. An initial review of these 493 recorded ‘no dose’ privately-employed workers suggests that: <ul style="list-style-type: none"> 34 need to be NHI matched 20 are recorded as MIQF workers – with vetting underway with MBIE MIQ’s records. 6 workers require reclassifying. Of the remaining 433 recorded ‘no dose’ privately-employed workers, more than 75% (332) come from just 14 employers across both the air and maritime sectors. As with the monitoring process followed for government workers (noted below), targeted outreach is underway with each PCBU around their workforce details and a detailed breakdown of this data will be provided to the Office in next week’s report. This timing is in recognition of the expected extent of data cleansing that will need to be conducted by both PCBUs and the MoH Monitoring and Compliance team during this outreach process.
Monitoring and Compliance – government workers	Under control	Jo Pugh (MoH) Matt Gibbs (MIQ)	<ul style="list-style-type: none"> As at 15 September, 98% of all government workers who are active on the Border are recorded as being fully vaccinated, with 27 government workers recorded as having received one dose. As at 15 September, of the government workers covered by the <u>amended Vaccination Order</u> (which came into effect on 26 August), there are 46 workers recorded on the BWTR as having no dose. Following a manual review of these workers’ records in the COVID Immunisation Register (CIR), as well as direct outreach and engagement with PCBUs and individual workers: <ul style="list-style-type: none"> 36 have in fact had 1 or 2 doses but need to be NHI matched. s9(2)(b)(i) OIA [REDACTED] 3 workers (as mentioned last week) are believed by the MoH Monitoring and Compliance team to have been incorrectly indicated as working at the border. Work is ongoing with their employer to correct the attendance information.

Overview of vaccination rates of active border workers: data extracted from the BWTR at 8.00am, Wednesday 15 September.

Table 1a Vaccination rates of active workers by workforce group							Table 1b Vaccination % of active workers by workforce group				Table 1c Vaccination % of active workers by government workers or privately employed workers			
Workforce type	No dose		One dose		2 doses		Workforce type	No dose	One dose	2 doses	Type of workers	No dose	One dose	2 doses
	Govt	Private	Govt	Private	Govt	Private								
Aircrew	s9(2)(ba)(ii) OIA						Aircrew	≤5%	≤5%	95%	Govt	≤5%	≤5%	97%
Airport	24	53	17	112	2093	3456	Airport	≤5%	≤5%	92%	Private	6%	8%	86%
MIQF	0	≤10	0	≤10	228	13	MIQF	≤5%	≤5%	96%				
Port	≤10	319	0	419	52	1915	Port	11%	16%	73%				
Other	0	≤10	0	0	≤10	26	Other	≤5%	≤5%	94%				
Unknown		20		≤10		453	Unknown	11%	0%	89%				
Total	46	493	27	649	3390	7384	Total	4%	6%	90%				

Comments

We are continuing to see an increase in privately-employed workers vaccinated, with unvaccinated active border workers now less than 500 nationwide, two weeks out from the deadline. Note the actual numbers are in fact much less than this, as has been confirmed by data cleansing and identifying NHI matching issues.

We have also seen an overall increase in numbers in the BWTR as new PCBUs and workers have come onto the BWTR.

Note: to ensure no information can be identifiable, all data counts of ten (10) or less are recorded as ≤10.

Comments

Port workers continue to be the largest proportion of unvaccinated workers in the BWTR, however we are continuing to see good shifts of number of workers getting vaccinated in this group with the overall number

Note: to ensure no information can be identifiable, all percentage counts of five (5) or less are recorded as ≤5.

Table 2 Summary status by PCBUs by workforce group with no dose active workers – privately employed

Border Workforce Airport	
Employer	No dose
s9(2)(ba)(ii) OIA	≤10
	≤10
	≤10
	26
	≤10
	≤10
	≤10
	≤10
	≤10
	≤10
	≤10
	≤10
	≤10
	≤10
	≤10
	≤10
	≤10

Border Workforce Aircrew	
Employer	No dose
s9(2)(ba)(ii) OIA	≤10
s9(2)(ba)(ii) OIA	≤10
	≤10

Border Workforce MIQF	
Employer	No dose
s9(2)(ba)(ii) OIA	50
	≤10

Border Workforce Port	
Employer	No dose
s9(2)(ba)(ii) OIA	≤10
	≤10
	≤10
	42
	≤10
	≤10
	≤10
	≤10
	≤10
	≤10
	≤10
	≤10
	≤10
	55
	≤10
	55
	16
	≤10
	≤10
	≤10
	≤10
	≤10
	≤10
	≤10
	≤10
	≤10
	22
	≤10
	≤10
	≤10
	≤10
	≤10
	≤10
	≤10

Border Workforce Other		s9(2)(ba)(ii) OIA		≤10
Employer	No dose			33
s9(2)(ba)(ii) OIA		≤10		≤10
		≤10		21
Border Workforce Unknown				
Employer	No dose			
s9(2)(ba)(ii) OIA		≤10		
		≤10		
		≤10		
Comments				
*See commentary on previous pages regarding data accuracy, particularly as it relates to the recorded government worker figures.				
We continue to see an uplift of privately-employed workers getting vaccinated with 86% fully vaccinated and 94% now have had at least one dose. We are continuing to prioritise engagement with PCBUs and sectors with larger groups of unvaccinated workers. We are expecting to see new PCBUs and workers come onto the BWTR each week.				
Note: to ensure no information can be identifiable, all data counts of ten (10) or less are recorded as ≤10.				

NOTE

Around 1% of workers have multiple DHBs leading to some double counting. This will be addressed in future reporting
 Data extracted and count data as at 8:00am, 15 September. Vaccination status as at 9pm, 14 September. Active workers only.
 No dose means either the worker has not had any doses, or they cannot be matched in the CIR for another reason.
 An Active employee in the BWTR is defined as someone who has worked within the last 14 days. Data is sourced from the Border Worker Testing Register to reflect active border worker staff. These figures exclude inactive border workers and individuals who have self-identified as border workers at time of vaccination but have not been registered in the BWTR.
 There may be instances of duplicates in the BWTR caused by border workers employed by multiple organisations.
 Data quality is heavily dependent on uploads from PCBUs, and inaccurate details (such as full name or DoB) may mean matches with CIR are not possible.
 Ongoing data maintenance and cleansing is being conducted by the PCBUs and new staff are added as they come online. As the data is cleansed and updated - including the addition and removal of staff as the workforce evolves - the numbers will continue to change.

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