



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

Security level: IN CONFIDENCE

Report number: BEB RPT 21-045

To: Hon Chris Hipkins
Minister for COVID-19 Response

KEY POINTS

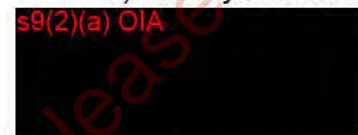
1. Attached is this week's report regarding the implementation of the **COVID-19 Public Health Response (Vaccinations) Amendment Order 2021**.
2. The implementation programme is being delivered by a cross-agency Senior Officials Group, chaired by the Border Executive Board and including representatives 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 is the same as that provided to your office by the Ministry of Health on Wednesday 25 August.
5. The implementation programme is overall showing as AMBER, which acknowledges that there are a number of issues under active management, including the recent application for a Judicial Review in the High Court.

RECOMMENDATION:

a) That you note the contents of the attached report

Yes / No

s9(2)(a) OIA



Christine Stevenson
Comptroller of Customs / Chair
Border Executive Board

Hon Chris Hipkins
Minister for COVID-19 Response

Date: 26 August 2021

Date:

ENDS

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

Summary - Updates in bold

Overall programme status: AMBER

Date Prepared: 26 August 2021, 4.00pm

Prepared by: Morag Ingram, Border Executive Board, [REDACTED]

- Vaccination numbers across both public and private sector border workers continue to increase. Scheduled on-site vaccination sessions for workers on ports have been affected to differing degrees by the community outbreak and raised alert levels. Some DHBs were able to restart onsite vaccinations at the end of last week under AL4 conditions. Border workers continue to have priority access.
- As at 25 August, there were 12,487 workers listed as Active¹ on the Border Worker Testing Register (BWTR), of which 92% are recorded as having received at least one dose.
 - 10,863 (87%) are recorded as fully vaccinated; 655 (5%) are recorded as having received one dose; a remaining 969 (8%) 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:
 - 98% of all government workers who are active on the Border are recorded as being fully vaccinated, with another 21 government workers recorded as having received one dose. 31 active public sector border workers working at the air and/or maritime sector have been recorded as unvaccinated (no dose). Government employers have been made aware of the requirements on them under the amended Order that no unvaccinated workers can undertake certain work after 26 August. The Public Service Commission (PSC) continues to work to identify redeployment opportunities across Public Service agencies. Where required, employers and individuals receive advice and support services from Ministry of Social Development (MSD).
 - 82% 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 639 (7%) privately employed workers recorded as having received one dose; a remaining 884 (11%) are recorded as no dose.
- No supply chain exemption applications have been received to date.
- The application to the Employment Court for a Judicial Review of the Vaccination Order (the Order) was dismissed. A subsequent application was made to the High Court on Sunday, 22 August. Crown Law is leading the response.
- Interest received from organisations and companies on 'edge' of amended Order for their entire workforces to be included in the BWTR, even though not required under either the Testing or Vaccination Orders. The implications of this for BWTR compliance and reporting to be considered.

Issues

Action	Status	Responsible	Notes
Employment Relations	Some Issues	Hannah O'Donnell (MSD) Anna Cassie (PSC) Shane Kinley (MBIE)	<ul style="list-style-type: none"> • As at 25 August, under the <u>amended Order</u>, 31 active public sector border workers working at the air and/or maritime sector have been recorded as unvaccinated (no dose). Of these 31: <ul style="list-style-type: none"> ○ 8 workers are very new additions to the BWTR, some of whom have not yet been matched to their NHI number and therefore might in fact be vaccinated. In future these workers would need to get a first dose before starting work on the border. ○ [STAFF IN CONFIDENCE] 8 workers are in a s9(2)(ba)(ii) OIA [REDACTED] and have indicated that they are not intending to be vaccinated. They are being directly supported by MSD and are in the process of re-deployment and therefore it is not expected they would continue to do work that falls under the Order. ○ ≤5 workers have indicated that they are not intending to get vaccinated, but MoH has not been informed whether these individuals will continue to do work that falls under the Order. ○ ≤5 workers have indicated they are booked for a vaccine and intending to get vaccinated. This would need to happen before their next day of work that falls under the Order for them and their PCBU to be compliant with the Order. ○ For 7 workers, MoH does not currently have the vaccination intentions or their PCBU's employment intentions. This outreach is ongoing. • Further legal advice is being sought by MoH regarding the coverage scope of "service worker" as stated under the Order, with service workers due to have received their first dose by 26 August 2021. • The PSC has set a clear expectation that all employees in the public sector should be vaccinated. It has activated its Worker Mobility Hub to find redeployment opportunities across Public Service agencies where possible, which will assist with broader redeployment options. Where required, MoH connects employers and individuals with advice and support services from MSD. Options and process for those staff who are not vaccinated includes redeployment to suitable alternative duties within the agency or a different agency. • An application for a Judicial Review of the Order has been made in the High Court. Crown Law is leading the response on this, and further updates will be provided as the situation develops. Crown Law is also providing updates to the Attorney General's office.

¹ Active workers are defined as those who have worked at a port/border in the last 14 days.

Prioritisation and delivery of Border Worker vaccinations	Under control	Leanne Blinkhorne (MoH)	<ul style="list-style-type: none"> Following the initial temporary shutdown of vaccination sites as the country moved to AL4 and as DHBs are now back up and running, prioritisation of border workers and their household contacts for vaccination continues regionally. It is noted that the Essential Worker category has also been introduced for priority vaccinations. Many DHB regions with Port sites are continuing to vaccinate onsite at Ports over the next week and into September. This includes Northland, Auckland, Tauranga, Tairāwhiti, Hawkes Bay, Capital and Coast, and Christchurch DHBs. Border workers continue to be able to gain priority access at community vaccination sites across all DHB regions, with specific importance on those DHB regions where AL4 has restricted onsite port vaccination plans. 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 for vaccination 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 services workers.
Maritime workers	Some Issues	Sharyn Forsyth (Maritime NZ) Allison Cossar and Therese Egan (MOH)	<ul style="list-style-type: none"> No substantive update. All comments remain relevant. Further to comments in row above, vaccination rates for workers at ports have shown steady improvement since the recent amendment on 14 July, which expanded vaccinations to a wider group of border workers – targeted engagement continue to lift these rates further. Further effort is going into working closely with those new PCBUs and PCBUs with large numbers of unvaccinated workers. Vaccine hesitancy and disinformation continues to be drivers behind vaccine uptake, including the speed with which the vaccine was developed; s9(2)(ba)(i) its impact on fertility; and removal of “freedom of choice”. The change of mode of engagement with workers to online by default, as opposed to face-to-face, may not have same level of reach or influence, however this is counterbalanced with change in alert level, as well as the daily public health messages around the need of Border Workers and all New Zealanders to get vaccinated, and the increased capacity in the nationwide vaccination programme and messages around adequate level of vaccine supply. Additional guidance statement for Schedule 2 groups of affected persons part 4, groups in relation to affected ports - ‘on or around ships’ has been refined at request of the sector and is in the process of being finalised. It needs to be broad enough to reflect different ways of operating between the ports, but narrow enough to permit consistency and compliance/enforcement.
Reporting	Under control	Priti Patel (MoH) Jo Pugh (MoH)	<ul style="list-style-type: none"> No substantive update. All comments remain relevant. MoH continues to develop and expand the reporting required to satisfy information needs against the Order while at the same time develop a dashboard style report aligned to the BWTR dashboard. 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 workaround is required to resolve data vaccination records between the CIR and BWTR as they are identified. Ongoing manual work is required to ‘cleanse’ data between MIQ and BTWR employee data records. This is the subject of a regular manual process between the MIQ and MoH teams, with both teams confident this process captures the errors as and when identified. However, this does result in the data in BWTR 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, or duplicates in the BWTR caused by staff working at multiple organisations. MoH expects corrections to flow through in the system over the coming weeks, however this will be an ongoing issue that will need active 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 and Maritime NZ are aware that some PCBUs have interpreted the Required Testing Order more widely than is strictly required, in order to ensure that their workers are prompted to be tested. This has resulted in these workers, who may not be in scope of the amended Order, contributing to numbers reported from the BWTR.
Supply Chain Exemption	Under control	Shelley Tucker (MOT)	<ul style="list-style-type: none"> No applications under the Supply Chain Exemption have been received as at 25 August 2021.

Identifying in-scope Border Workers	Some issues	Matt Gibbs (MIQ) Mikael Aldridge (Maritime NZ) Shelley Tucker (MOT)	<p>MIQ</p> <ul style="list-style-type: none"> MIQ has engaged multiple times with PCBUs via hotel GMs, to support proactive identification of additional workers under the amended Order. No further outreach planned at this point, and this will be reviewed again in early September. <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. Engagement opportunities being offered include liaising with Dr Siouxsie Wiles and various unions and employers across the border workforces to support delivery of online Q&A sessions, and one to one engagement offered with Dr Ashley Bloomfield for vaccine-hesitant people in economically significant roles, such as maritime pilots. <p>Aviation sector</p> <ul style="list-style-type: none"> Engagement activity planning is underway to target the same group of PCBUs, contractors and sub-contractors for airport companies. <p>Essential workers</p> <ul style="list-style-type: none"> While those in the new 'Essential Worker' category are unlikely to be in-scope of the amended Order, there is some interest from third parties in using the existing BWTR system. The implications for the BWTR's compliance and reporting will need to be worked through. For example, a request has been received from a s9(2)(ba)(ii) OIA to have its entire workforce s9(2)(b)(ii) added to the BWTR. We understand that this is due to the organisation's in-house risk assessment against the 'anticipatory nature' of the amended Order, and wanting to ensure there are testing and vaccination controls in place when deploying workers to the border and elsewhere.
Monitoring and compliance	Under control	Jo Pugh (MoH) Matt Gibbs (MIQ)	<ul style="list-style-type: none"> As at 25 August, MIQF workers (these include public and private sector workers) covered by the <u>original Vaccination Order</u> (which came into effect on 1 May), there are 124 workers recorded on the BWTR as having no doses. Following a manual review of those workers' records in the COVID Immunisation Register (CIR): <ul style="list-style-type: none"> 20 have in fact had 2 doses ≤10 have in fact already had 1 dose 74 have not been NHI matched, mostly because they are new workers. Therefore MoH cannot determine their vaccination status on either the BWTR or CIR yet. (Note: some MIQF workers may be privately-employed new workers who are in scope of the 'anticipatory nature' of the <u>amended</u> Vaccination Order, and therefore have until 30 September to get their first dose. MoH is unable to differentiate these workers within BWTR data.) For 26 workers, MoH currently has no direct information on vaccination status or intentions. This outreach is ongoing.

Overview of vaccination rates of active border workers: data extracted from the BWTR at 8.00am, Wednesday 25 August.

Table 1a Vaccination rates of active workers by workforce group							Table 1b Vaccination % of active workers by workforce group			
Workforce type	No dose		One dose		2 doses		Workforce type	No dose	One dose	2 doses
	Govt	Private	Govt	Private	Govt	Private				
Aircrew		s9(2)(ba)(ii) OIA					Aircrew	≤5%	≤5%	94%
Airport	27	195	≤10	99	1,019	1,549	Airport	8%	≤5%	89%
MIQF	46	64	≤10	131	2,839	3,314	MIQF	≤5%	≤5%	96%
Port	11	600		401	88	1,687	Port	22%	14%	64%
Other		≤10	≤10		249	≤10	Other	≤5%	0%	99%
Unknown	≤10	≤10			39	27	Unknown	≤5%	0%	96%
Total	85	884	16	639	3,784	7,079	Total	8%	≤5%	87%

Comments		Comments	
<p>We are continuing to see an increase in both government workers and privately-employed workers vaccinated, with unvaccinated workers now less than 900.</p> <p>We expect to see some fluctuation in these number in the coming weeks as new PCBUs and workers come onto the BWTR.</p> <p>Note: to ensure no information can be identifiable, all data points ten (10) or less are recorded as ≤10.</p>		<p>Port workers continue to be the largest proportion of unvaccinated workers in the BWTR.</p> <p>Note: to ensure no information can be identifiable, all data points five (5) or less (percentage) are recorded as ≤5.</p>	

Table 2 Summary status by PCBUs where more than 10 unvaccinated active workers								
PCBU	Border Workforce Aircrew		Border Workforce Airport		Border Workforce MIQF		Border Workforce Port	
	No dose		No dose		No dose		No dose	
	Govt	Private	Govt	Private	Govt	Private	Govt	Private
s9(2)(ba)(ii) OIA				≤10				
		s9(2)		45				
								126
								14
			18*					
								76
								140
				19				
								36
					42*	60		
				16				
								≤10
				13				
								19
								41
								12
								45
				33				
								35

Comments	
<p>*See commentary on previous pages regarding data accuracy, particularly as it relates to the recorded government worker and MIQF figures.</p> <p>We continue to see a good uptake of port workers getting vaccinated since last week, with a decrease of more than 100 unvaccinated again this week. 78% of port workers have now 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 new PCBUs and workers come onto the BWTR in the coming weeks.</p> <p>Note: to ensure no information can be identifiable, all data points ten (10) or less are recorded as ≤10.</p>	

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 August 25. Vaccination status as at 9pm August 24. 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 staff working at 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.