

From: s7(2)(f)(ii) - protection
To: [REDACTED]
Subject: FW: COVID-19 Update: worker vaccination requirement for close-contact businesses, & workforce vaccination risk assessment process to be introduced in law
Date: Wednesday, 27 October 2021 10:46:58 AM
Attachments: [FAQs - 26 October 2021.pdf](#)
[image001.png](#)

From: s7(2)(f)(ii) - protection
Sent: Wednesday, 27 October 2021 10:27 AM
To: s7(2)(f)(ii) - protection
Subject: COVID-19 Update: worker vaccination requirement for close-contact businesses, & workforce vaccination risk assessment process to be introduced in law

Mōrena tatou,

Further to Minister of Workplace Relations and Safety Michael Woods and the Prime Minister's [announcement regarding worker vaccination yesterday](#), 26 October, please refer to this [written update which summarises the range of measures introduced to help protect workplaces and workers from COVID-19](#):

- Vaccination will be required for all workers at businesses where customers need to show COVID-19 Vaccination Certificates, such as hospitality and close-contact businesses.
- New law to introduce a clearer and simplified risk assessment process for employers to follow when deciding whether they can require vaccination for different types of work.
- Non-vaccinated workers in roles requiring vaccination will be given a new four-week notice period to get vaccinated before employment can be terminated.
- Employers to be required to provide paid time off for workers to get vaccinated and will need to keep records about workers' vaccination status.

Also, attached is the latest FAQ document from DPMC covering worker vaccination, and a selection of other topics. You are welcome to share part or all of this material.

The timing of these announcements coming into force will depend on when we move to the COVID-19 Protection Framework.

Government is working with the CTU and BusinessNZ to make sure robust guidance for businesses is ready in advance. If your organisation is a member of BusinessNZ or CTU, please work through your existing relationships to advocate for appropriate implementation measures and timeframes for your sector or industry.

If you have *specific definitional queries* regarding the COVID-19 Protection Framework as it relates to your sector or industry, these can be directed to MBIE for now. You are welcome to come via me in the first instance. Please remember that more detail on *how* the Framework will be implemented won't be available until the end of November, after further decisions are made by Ministers.

Warm regards,

s7(2)(f)(ii) - protection

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against
COVID-19

Aotearoa New Zealand
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BookMyVaccine.nz



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COVID-19 FAQs

26 October 2021

Alert Levels and General Information

This contains the most up-to-date and approved messaging on key COVID-19 matters.

Information that changes or is added between grids will be highlighted. Please ensure you are using the most up to date version.

This document answers frequently asked questions about what **Alert Level 3 and Alert Level 2** means for New Zealand.

This information applies from **5.00pm, 26 October 2021.**

Information can be used for any government, agency, local government or relevant sector and business communications.

This is a living document that will be updated frequently. Information that changes or is added between versions will be highlighted. New sections and changes to messages are in **yellow.**

Please ensure you are using the most up to date version.

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Alert Level status across New Zealand

Based on the latest public health assessment, parts of Waikato are in Alert Level 3, this will continue till 11.59pm on Wednesday 27 October.

Auckland remains at Alert Level 3, with no changes to the current restrictions. This will be reviewed on Monday 1 November.

Northland moved to Alert Level 2 at 11.59pm on Tuesday 19 October.

Travel boundaries between Auckland and parts of the Waikato exist despite both being at Alert level 3, and boundaries between these Alert Level 3 areas and the rest of New Zealand remain in place.

New COVID-19 Protection Framework

Q. What is the new COVID-19 Protection Framework?

The new COVID-19 Protection Framework (CPF) will replace the current Alert Level system. New Zealand will transition to the framework as it becomes safe to do so and once the milestone 90% vaccination rate in each DHB milestone has been reached.

Like our current Alert Level systems there will be three settings Green, Orange and Red. The framework uses COVID-19 Vaccination Certificates (CVCs) to minimise disruptions to people’s lives and protect people from COVID-19.

Q. Why are we introducing a new framework?

Using Alert Levels to stamp out COVID-19 helped keep us safe from the worst impacts of COVID-19 that we have seen overseas. It’s something we’re incredibly proud of.

While Delta, and its high transmissibility, has changed our ability to control COVID-19, the vaccine has enabled us to change the way we manage the virus.

High vaccination rates mean we can introduce a new system to support us to move to a new chapter, where COVID-19 is managed in a different way, minimising the impacts it has on our day-to-day lives.

Q. Where can I find out more information about the COVID-19 Protection Framework?

The DPMC has provided a COVID-19 Protection Framework FAQ document alongside this FAQ. More information is available on the Unite Against COVID-19 [website](#).

Q. When will more information about CPF be made available?

More detail on how the Framework will be implemented will be available by the end of November, after further decisions are made by Ministers.

High vaccination rates mean we will soon be able to take a new approach to managing COVID-19 with fewer restrictions and less reliance on lockdowns to stop the spread of the virus. Work is now underway to develop guidance and detail to underpin the new COVID-19 Protection Framework, and we will only transition when it is safe to do so. We'll be talking with a wide range of people as this work progresses including community and business groups, education, faith-based and sport sectors, and other key stakeholders.

Business

Q. What changes have been announced on mandatory vaccinations in business?

Cabinet decided (26 October 2021) that vaccinations will be mandated for everyone who works in any workplace where a vaccine certificate is required for entry. In the new COVID-19 Protection Framework, this includes hospitality, events, gyms and close proximity businesses such as hairdressers and barbers. Any business which chooses to require vaccine certificates into the future will be covered by this decision.

Q. Will an employee be required to inform their employer of their vaccination status?

Workers can choose whether they want to tell their employer if they are vaccinated. However, if they do not share this information, and they are doing work that requires vaccination, this could have employment consequences. This is because their employer can then treat them as unvaccinated. In these situations, employers must inform workers of this assumption, and what it would mean for a worker's employment.

Q. What happens if an employee is unvaccinated, but is doing work that will require vaccination?

Employers must consider options like redeployment before giving an employee notice of termination. However, there may be instances when there are no options for redeployment, and other options like taking leave or working from home are not realistic.

In these situations, Government is introducing a requirement for unvaccinated employees to be given four weeks' paid notice. Employers must give employees a reasonable chance to be vaccinated before the end of this notice period.

Q. Who will enforce this?

Agencies such as WorkSafe enforce Government mandates.

In recognition of the additional COVID-19 enforcement duties WorkSafe is taking on, Cabinet has increased WorkSafe's funding by \$4.4 million for the next year.

For vaccination requirements imposed by employers, each employer will need to check whether their workers are vaccinated. MBIE's early resolution service and mediation service are available to assist with any issues that may arise in workplaces.

For more information go to their [website](#).

Q. Where can we go for advice on vaccination requirements for employees now?

WorkSafe has published guidance on COVID-19 health and safety risk assessments and some businesses have done a risk assessment to require some or all of their workers to be vaccinated.

The additional funding of \$4.4 million for WorkSafe will enable them to extend their current COVID-19 activity and undertake more proactive work using a mix of education, engagement and enforcement interventions.

Visit their [website](#) for more information.

Q. What was the Enhanced Business Support Package Government announced today?

The business support package announced today includes;

- Resurgence Support Payment rate doubled and paid fortnightly, up to \$43,000 per business
- Wage subsidy will continue through the transition period
- \$60 million package for Regional Business Partner Programme and mental health support

Q. What are the changes to Resurgence Support Payments (RSPs) announced today?

After the next scheduled payment on the 29th of October RSPs will move to fortnightly payments at double the current rate. The enhanced support will first be paid on 12 November and fortnightly thereafter until Auckland moves to Red status in the new framework.

Currently the RSP is paid at a base rate of \$1500 per eligible business and \$400 for each full-time employee up to a total of \$21,500.

For the payments starting on 12 November this will be \$3000 per business and \$800 per FTE (Full Time Employees) up to 50 FTEs. This will make the maximum fortnightly payment \$43,000

Q. Are there any changes to the wage subsidy payments?

The Wage Subsidy will continue to be available on the current criteria while areas of the country are still in Alert Level 3.

Q. Is there any specific support for Auckland business owners?

Yes, today the Government announced \$60 million package for business advice and mental health support will be made available to help Auckland businesses.

Businesses will be able to apply for up to \$3000 worth of advice and planning support, and then receive up to \$4,000 to implement that advice through the established Regional Business Partners programme.

As part of the package, \$10 million is available for mental health and wellbeing support through a programme to be designed with the EMA (Employers & Manufacturers Association) and Auckland Business Chamber of Commerce.

Support for low income households

Q. COVID-19 restrictions are adversely affecting low income households, how will Government help?

Income limits for Hardship Support through the Ministry of Social Development have been temporarily lifted so more people can receive assistance.

Currently a single person working 30 hours per week on the minimum wage is not eligible for hardship assistance from Work and Income. Minister Sepuloni announced that from the 1st of November income limits for assistance lifts to 40 hours at the minimum wage, or \$800 per week and \$1600 per week for a couple with or without children.

The temporary income eligibility criteria will come into force from 1 November for four months. 28 February 2022 will be the last day the increased limits will apply.

Q. Are there any further plans to support low income households?

Ministers are also considering further supports for individuals and families experiencing hardship as a result of the Delta outbreak. Cabinet will review these in the next few weeks.

The Government has bolstered support for those affected by the Delta outbreak with more than \$38 million allocated to support community organisations responding to needs in the community.

Māori communities COVID-19 fund

Q. What's the fund for and when does it open?

The fund will provide direct financial support to iwi and Māori organisations, to accelerate vaccination uptake over the next two months. Access to the funding for phase 1 activities will begin from 25 October through to the end of the year. Rapid vaccination uptake is the priority.

Q. Who can apply and what are the eligibility criteria?

The fund targets Māori and iwi community organisations. It is anticipated that groups already engaged in vaccination mobilisation and outreach activities through Te Puni Kōkiri, the Ministry of Health and Te Arawhiti will be interested in accessing further funding to maintain and build momentum and will work with them in the first instance. Other groups with funding proposals will be considered.

Q. What are the funding priorities?

Areas where Māori vaccination rates are low – currently Counties Manukau, Lakes District, Taranaki, Northland, Bay of Plenty and Tairāwhiti DHB areas, but these may change over time. There will also be a focus on other priority groups including rangatahi, whānau without permanent housing, tangata whaikaha, whānau who are not well-connected to health services and Māori with mental health and addiction conditions and whānau in rural and remote communities.

Q. What can the funding be used for?

Iwi and Māori community designed and implemented initiatives that complement the vaccination roll-out led by the Ministry of Health and local DHBs. The funding should help connect vaccinators with whānau and whānau with vaccinators. This includes funding for mobile services, communications, incentives, sites, workforce, events, IT etc.

Q. What is the decision-making process for approvals?

A Ministerial Oversight Group will oversee the Māori Communities Covid-19 Fund, made up of the Minister of Finance, the Minister for Māori Crown Relations – Te Arawhiti, the Associate Minister of Health (Māori Health) / te Minita mō Whānau Ora, and te Minita Whanaketanga Māori. This group will sign off proposals.

Vaccination information

Q. What certainty is there for employers navigating a vaccinated versus unvaccinated workforce?

Cabinet has decided that vaccinations will be mandated for everyone who works in any workplace where a vaccine certificate is required for entry. In the new COVID-19 Protection Framework, this includes hospitality, events, gyms and close proximity businesses such as hairdressers and barbers. But any business which chooses to require vaccine certificates into the future – will be covered by this decision.

This requirement means staff and customers are treated equally and it will play a big part in helping to minimise the spread of the virus in the highest risk venues by reducing the potential for COVID-19 to enter the business in the first place, and further supports our businesses in our economic recovery. Government expects to have these changes in place in December.

Q. When will mandatory vaccinations for workplaces come into being?

The timing of this coming into force will depend on when New Zealand moves to the COVID-19 Protection Framework. Government will continue to work through the detail with businesses and unions to ensure we get the balance right.

Q. What advice is available to businesses, employers and workers now to guide decisions on what roles need workers to be vaccinated?

WorkSafe has published guidance on COVID-19 health and safety risk assessments and some businesses have done a risk assessment to require some or all of their workers to be vaccinated.

Visit their [website](#) for more information.

Q. Will we require employers to provide paid time off for workers to get vaccinated?

Yes, most employers have already been doing this, and are taking steps to support employees, for example, by providing transportation to vaccination centres. This change will ensure all employees can get vaccinated during work hours.

It will help any employees for whom time off is a barrier to getting vaccinated, and benefits employers by helping raise vaccination coverage in their workplaces.

Q. Has the date changed for all health and disability sector workers to be vaccinated?

Yes, all workers will need to have received their first vaccine dose by 15 November 2021 rather than 30 October as was originally advised. The extended COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 came into effect at 11.59pm on 25 October, requiring workers who face a high risk of exposure to COVID-19 and who work in the health and disability sectors or in prisons to be fully vaccinated.

General Practitioners, pharmacists, community health nurses, midwives, paramedics, and healthcare and disability workers in facilities where vulnerable patients are treated (including ICU), are amongst those included. It also covers many workers doing non-regulated healthcare work, for example providers in aged residential care and workers who enter homes to provide community support services.

This Order also includes Corrections workers.

Q. What level of vaccination do we need to move to the new protection framework and greater freedoms?

Every District Health Board needs to reach 90% of their eligible population having received both doses of the COVID-19 vaccine before a change to the new framework. 90% is a milestone not an end point. The more eligible New Zealanders who get vaccinated the safer everyone is.

Auckland will be able to move sooner. This plan provides a clear path for Auckland to move out of lockdown as soon as 90 percent fully vaccinated is reached in each of the city's three DHBs.

Education

Q. Do border COVID-19 testing requirements apply to teachers crossing boundaries to school?

Yes, testing requirements will apply to staff who are permitted to travel across the Auckland boundary (eg, evidence of having had a COVID-19 test no more than seven days before their journey, for those travelling back and forth across the Auckland boundary on a regular basis).

Q. Can a child living in a Level 2 area commute daily from L2 to L3 and back to attend high school in Auckland?

Yes, for students in years 11-13 and (some students in years 9 or 10 where a parent is an essential worker).

Q. Are day students crossing Alert Level boundaries to go to school required to be tested?

No, day students who are travelling back and forth across the Auckland Alert level boundary are not required to undertake regular testing.

Q. Will school bus services be travelling across Alert Level boundaries?

School transport services that cross alert level boundaries will resume full service from Tuesday 26 October 2021 but may be discontinued until further notice if they are not used.

Q. Does opening schools in Alert Level 3, for students in years 11-13 include boarding schools?

Yes, residential and specialist schools will reopen for students in years 11-13 on 26 October. If parents have questions or concerns about their child's return, they can contact the school or the Ministry of Education for more information.

Q. Are exams going ahead for all New Zealand students this year?

Yes, exams will go ahead at the end of the year for senior secondary students across the whole country. Students in both Alert Level 2 and 3 will be able to sit their NCEA and Scholarship exams.

Q. Are there any plans to further support students with their NCEA exams?

With Auckland, Waikato and Northland experiencing COVID-19 disruption in Term 4, NZQA has confirmed these students will be eligible for an Unexpected Event Grade, recognising the work they have done.

While students will be expected to attend exams where possible, this long-established 'Unexpected Event Grade' process will reflect what happens in any year when a student's attendance or performance in exams is affected by an illness or injury.

This grade is worked out based on their work throughout the school year.

MIQ

Q. What report was released about MIQ absconders on 21 October?

An investigation report into the absconding incident at the Novotel & Ibis Ellerslie MIQ facility on 2 September 2021 was released on 21 October.

The MIQ system is something that continually evolves and changes – which reflects the changing nature of the COVID-19 virus. As part of a commitment to continuous improvement, incidents are reviewed to ensure any lessons are captured and necessary changes are made.

Q. What were the recommendations from the report?

The report includes several recommendations for improvements, all are either complete or underway, including:

Developing an MIQ Community Case Management framework so that information relating to community cases can be more effectively shared between agencies to ensure safety, wellbeing and risk factors are understood;

Introducing a wellbeing and risk profile assessment for community cases;

Updating and improving site security plans and settings, including a review of CCTV controls, improving training for security staff and ensuring there is a shift supervisor for the security team.

Joint Head of MIQ, Brigadier Rose King highlighted that of the more than 180,000 people who have been through MIQ since March 2020, MIQ has had 13 incidents involving 18 absconders. Every event is extremely disappointing, and they are all taken very seriously. But people in MIQ are not prisoners, or under arrest. We expect community cases and returnees from overseas to follow the rules and the overwhelming majority to do their part to keep New Zealand safe.

Q. Is the Chief Ombudsman investigating the MIQ booking system?

Chief Ombudsman Peter Boshier announced the launch of an investigation into the MIQ booking system on 20 October, after receiving several complaints.

In a statement, Boshier said the complaints received broadly fit into four categories; claiming the allocation system is unlawful, unfit for purpose, unfair and poorly managed. Leading to a decision to do an independent investigation into them all.

Substantive findings will be reported to Parliament next year.

Parts of the Waikato remain in Alert Level 3

Q. How can people in Alert level 3 help?

To move out of Alert Level 3 public health officials urge people in the Waikato to get vaccinated. It's the best way to protect ourselves and our loved ones. At 11.59pm on 25 October in the Waikato 85% of the eligible population have had one dose and 68% are fully vaccinated.

Q. While anyone with COVID-19 symptoms should get tested are there any locations of interest?

People in the Te Awamutu area should get tested if they or anyone in their household has symptoms, or if they have travelled out of Te Awamutu over the past week for work or other activities, regardless of whether they have symptoms.

Q. Can people in Waikato travel across regions also in Alert Level 3?

No, in Alert Level 3 people are advised to stay at home and not travel. The boundaries with Auckland to the north and Alert Level 2 areas to the south exist to prevent the spread of the Delta variant beyond the region.

Auckland Alert Level 3, Step 1

Q. What are the golden rules in Auckland for Alert Level 3?

The golden rules for Auckland's Alert Level 3 are:

- Continue to work or study from home if you can
- Wear a face covering and keep your distance from people while out and about
- Two households can meet up outdoors with a maximum of 10 people.
- More outdoor exercise such as yoga and group exercise classes. Up to 10 people can take part while maintaining physical distancing of 2 metres.
- Children can return to early childhood centres with 10 children in each bubble. Please keep all older children at home.
- Businesses that require close physical contact cannot operate. Gyms remain closed.
- Keep scanning QR codes and record keeping everywhere you go.
- Travel between regions is still restricted.

Q. Are there any changes to the Auckland boundary area and travel across it?

No. Air and land boundaries between Auckland and the rest of the New Zealand remain heavily restricted, and most people will not be permitted to travel across it without specified permission or exemptions. This is to provide confidence that COVID-19 will not be transmitted across the boundary. Checkpoints are in place to prevent illegal travel over Auckland's boundaries.

Most people who are permitted to cross the boundary for business or personal reasons will require a COVID-19 test, with people travelling for permitted personal reasons requiring evidence of a negative result taken within 72 hours of travelling.

Information about permitted travel is available on the [Unite Against COVID website](#).

Domestic travel

Q. What changes have been made to domestic travel restrictions?

If announcement is made to move an area to a higher alert level, people living in that area are no longer permitted to travel to an alternative place of residence outside the area once the announcement has been made, i.e there is no grace period between the time an announcement to a higher alert level is made and when it comes into effect.

The exception to this is any travel permitted under the rules of the increased alert level.

Additional information

Q. Do you have any advice on celebrating Halloween this year?

Advice if you are living in an area under Alert Level 3 over Halloween:

At Alert Level 3, tamariki (children) will not be able to go trick-or-treating.

While we can't celebrate in the usual way, there are alternative options you can do at home in your bubble.

Try a Halloween themed scavenger hunt in your backyard. You can meet up with 1 other household, up to a maximum of 10 people — you need to celebrate outside.


Have a Halloween movie night with your bubble.

Decorate your house.

Have a virtual costume party with friends and whānau online.

Remember if you are in Tāmaki Makaurau / Auckland or in parts of the Waikato that are at Alert Level 3, indoor gatherings are not allowed.

Advice if you are living in an area under Alert Level 2:



Check the [Unite Against COVID-19 website](#) for advice on how to stay COVID-19 safe while trick or treating, and information for those households who want to take part sharing candy with visitors.

From:

[Carol McKelvey](#)

To:

[REDACTED] S7(2)(b)

S7(2)(b)

Cc:

Auckland Regional Council Industry and Government meeting - session on workplace related requirements for COVID-19 vaccination led by MBIE (UNCLASSIFIED)

Following the Ministry of Transport led Auckland boundary discussion on Tuesday 2nd November, we would like to set the stage for the next meeting on the new workplace related requirements for COVID-19 vaccination that the government is introducing in connection with the shift to the new COVID-19 Protection Framework. Hon Michael Wood's Minister for Workplace Relations and Safety previously released an announcement on the 1st October regarding the new requirements. Both the government and the business sector are working to ensure that the new requirements are implemented in a way that is consistent with the needs of the business sector and the safety of workers. The government is introducing the new requirements in connection with the shift to the new COVID-19 Protection Framework. Hon Michael Wood's Minister for Workplace Relations and Safety previously released an announcement on the 1st October regarding the new requirements. Both the government and the business sector are working to ensure that the new requirements are implemented in a way that is consistent with the needs of the business sector and the safety of workers.

We will be joined by Guyahiri Ganesan, Principal Policy Advisor, Workplace Relations and Safety Policy, MBIE. The session will consist of a short presentation followed by a discussion on the following topics:

- The risk assessment process
- How the new requirements will work with CVCs
- How the new requirements will support or create market access and
- Whether any additional vaccination mandates are needed, particularly for work in critical roles or other essential services.

The team also welcome thoughts on guidance support needed to implement these changes.

Ngā mihi
Andy

S7(2)(c) - obligation of confidence

[REDACTED]

S7(2)(f)(ii) -
t t

From: S7(2)(f)(i)
To: Michael Quinn; S7(2)(f)(i)
Subject: FW: [COMMERCIAL]Covid - Waste sector - feedback requested on vaccine mandates - due 3pm Thurs 4 Nov
Date: Wednesday, 3 November 2021 2:33:56 PM
Attachments: [COVID-19 vaccination and workplaces- key utilities.pptx](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

From: S7(2)(f)(i) >

Date: Tuesday, 2 November 2021 at 1:55 PM

To: S7(2)(f)(i)

Subject: FW: [COMMERCIAL]Covid - Waste sector - feedback requested on vaccine mandates - due 3pm Thurs 4 Nov

Kia ora S7(2)(f)(i) and S7(2)(f)(i) ,

Are we feeding into this ? this relates to waste and other key utilities .

Ngā mihi nui

S7(2)(f)(i)

Waste Solutions

S7(2)(f)(i) S7(2)(a) Privacy

Auckland Council | Level 18 | 135 Albert Street | Auckland
Private Bag 92300 | Auckland 1142

www.aucklandcouncil.govt.nz

From: Donna Peterson S7(2)(a) Privacy

Sent: Tuesday, 2 November 2021 1:48 pm

To: S7(2)(a) Privacy

[Redacted]

S7(2)(f)(i)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

S7(2)(a) Privacy

Cc: Jonathan Ryan >; Roderick Boys >; Stephanie Hill >; Stephen Goodman >; Shaun Lewis >; Briar Wyatt

Subject: [COMMERCIAL]Covid - Waste sector - feedback requested on vaccine mandates - due 3pm Thurs 4 Nov

Kia ora koutou, thank you for the information provided so far on the issues for mandatory vaccines for workplaces and for border crossings.

The attached slide pack summarises:

1. The current state of play with law changes (slides 2 and 3)
2. Proposals for a risk assessment framework (slides 5 and 6)
3. Questions about mandatory vaccinations to protect critical utilities and essential services (slide 11).

Feedback on these slides would be welcomed. For key utilities (including the waste sector), we are particularly interested in any information you may be able to provide in relation to questions 3 and 4 on Slide 11- regarding whether any mandate should differentiate between frontline and head office work (and if so, how), and whether exemptions will be needed.

We are seeking feedback by 3pm Thursday 4th November.

Ngā mihi
Donna.

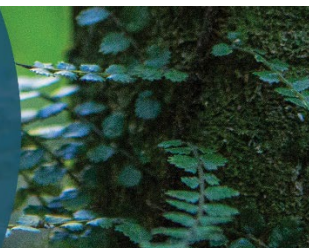
Donna Peterson (she/her)
*Senior Analyst | Kaitātari Matua
Waste and Resource Efficiency Team*

Ministry for the Environment | Manatū Mō Te Taiao
S7(2)(a) Privacy mfe.govt.nz

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**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

COVID-19 vaccination and workplaces

Planned law changes, November 2021



What the Government has decided

On 26 October 2021, the Government announced law changes to:

- Create a risk assessment framework for employers to follow when deciding whether to require vaccination for different types of work.
- Mandate vaccination for work where:
 - Customers must show a COVID-19 Vaccination Certificate (CVC) to enter places, or
 - This is needed to continue exporting goods to an overseas market.
- Require employers to give employees paid time off to be vaccinated.
- Create a four-week paid notice period for unvaccinated workers whose employment is terminated because their work requires vaccination.

The Government also announced it is considering whether additional vaccination mandates are needed for other types of work, where there is strong public interest in doing so.

Process and timing

- Law changes are expected to come into effect at the end of November (around 27 – 30 November).
 - Drafting is already underway for the employment law changes (paid time off for vaccination and four weeks' paid notice of termination).
 - We are currently seeking feedback on details about:
 - The risk assessment process, and
 - Whether any additional vaccination mandates are needed, particularly for work in critical utilities or other essential services.
 - We also welcome your thoughts on guidance/support needed to implement these changes.
-



Risk assessment framework

Option 1 for risk assessment framework

Option 1 involves counting points relating to four factors.

No threshold has been set yet for what would require vaccination. The higher this threshold (eg 6 points compared to 2 points), the greater the risk tolerance.

Work environment			Ability to maintain physical distancing		
0	1	2	0	1	2
Mostly done outside	Mostly done in an indoor space at least 100m ²	Mostly done in an indoor space less than 100m ²	Able to maintain distancing	Able to maintain distancing of at least 1 m	Cannot maintain distancing (ie close proximity)
Nature of work			Length of time (per day) with hard-to-identify people		
0	1	2	0	1	2
No contact with public	Public-facing: people are easy to identify	Public-facing: people are not easy to identify	Brief contact (eg less than 20 minutes)	20 minutes to a few hours	More than a few hours

Option 2 for risk assessment framework

Option 2 involves a checkbox exercise based on the same factors as option 1. Similar to option 1, no threshold has been set yet for what would require vaccination (eg at least two ticks in column B).

	Column A	Column B
Work environment	Mostly outdoors	Mostly indoors
Ability to maintain physical distancing	Able to maintain at least 1 m physical distancing	Unable to maintain at least 1 m distancing
Nature of work	Not public-facing	Public-facing
Length of time (per day) with hard-to-identify people	Briefing contact with people	More than brief contact with people

Questions about risk assessment framework



About the two options:

- Which option do you prefer?
- Are they easy to use?
- Do any other factors need to be included?
- How does work in your business/sector score?
- What do you think the threshold should be for each option?

About the process for using the framework:

- How should engagement with workers happen?
 - Where an organisation has health and safety representatives, is this enough for worker engagement?
 - How should unions be involved in the process?
-

Questions about risk assessment framework



About factors included in the framework:

- We have only included factors related to work health and safety, based on public health advice. Should the framework include any other factors, like risk of undue disruption or third-party access requirements?
- If yes, how would these be defined and measured?

About other health and safety controls:

- Should PCBUs/employers be required to consider other health and safety controls as well as vaccination?
 - If so, should they do this at the same time as the risk assessment, or before/after it?
-



Additional vaccination mandates

Additional vaccination mandates

- The Government is considering whether additional vaccination mandates are needed.
 - So far, vaccination has been mandated for the following work: work in border/MIQ facilities, health sector, education sector (excluding tertiary), prisons.
 - Soon, vaccination will or may also be required in CVC areas and for overseas market access.
 - The Government will only be able to make additional mandates if there is a public health rationale or they are in the public interest.
 - Examples raised thus far have been lifeline utilities/essential services, and services that involve contact with vulnerable people.
-

Questions about critical utilities/essential services

1. Should the Government mandate vaccination to protect critical utilities or essential services?
 - If yes, how should these be defined?
 2. Would a mandate still be necessary if the risk assessment framework produced the same outcome?
 - If yes, should this be left to the risk assessment framework?
 - If no, why mandate vaccination if the health and safety/public health threshold isn't met?
 3. Should the mandate differentiate between frontline work and head office/corporate work?
 4. What exemptions/exceptions from the mandate would be needed (eg for urgent or critical work to be done by unvaccinated workers)?
-

From: [redacted] (s7(2)(f)(ii) - protection, S7(2)(a) Privacy)

To: [redacted]

Cc: [redacted]

Subject: [redacted]

s7(2)(f)(ii), discussed.

O

-----Original Appointment-----

From: Carol McInnes@On Behalf of Michael Quinn
Sent: Wednesday, 27 October 2021, 3:03 PM
To: Michael Quinn; Mark Goldson; [redacted]
Cc: Andy Hill
Subject: Auckland Boundary Jo at Industry and Co-employment meeting - session on workplace related requirements for COVID-19 - action led by MBIE
When: Friday, 5 November 2021 9:30 AM-10:15 AM (UTC 12:00) Auckland Wellington
Where: Zoom Meeting ID: [redacted]

Following the Ministry of Transport led Auckland boundary discussion on Tuesday 2nd November, we would like to use this meeting to discuss key aspects of the new workplace related requirements for COVID-19 action that the government is introducing in connection with the shift to the new COVID-19 Protection Framework. Hon Michael Wood's Minister for Workplace Relations and Safety presentation on his announcement in our backs business to vaccinate workers (https://www.mta.govt.nz/infocentre/news-outlook.com/articles/2021/10/27/whats-new-in-the-2021-covid-19-protection-framework-act.html) is available at https://www.mta.govt.nz/infocentre/news-outlook.com/articles/2021/10/27/whats-new-in-the-2021-covid-19-protection-framework-act.html. We will be discussing the new Workplace Relations and Safety Policy MBIE. The session will consist of a short presentation followed by a discussion session.

- The risk assessment process
- How action on mandates will work with CVCs
- How action on mandates will support or create market access and

- Whether any additional vaccination mandates are needed, particularly for work in critical utility services or other essential services.

The team also welcome thoughts on guidance support needed to implement these changes.

s7(2)(a)

s7(2)(c) - obligation of confidence

[redacted]

From: S7(2)(f)(i)
To: S7(2)(a)
Subject: RE: Auckland Boundary Joint Industry and Government meeting - session on workplace related requirements for COVID-19 vaccination led by MBIE [UNCLASSIFIED]
Date: Thursday, 4 November 2021 7:23:01 AM

Thanks Q

-----Original Appointment-----

From: S7(2)(a)
Sent: Thursday, 4 November 2021 7:14 AM
To: S7(2)(f)(i); S7(2)(a); S7(2)(f)(i)
S7(2)(a)
S7(2)(a)
S7(2)(a)
Cc: S7(2)(a)
Subject: FW: Auckland Boundary Joint Industry and Government meeting - session on workplace related requirements for COVID-19 vaccination led by MBIE [UNCLASSIFIED]
When: Friday, 5 November 2021 9:30 AM-10:15 AM (UTC+12:00) Auckland, Wellington.
Where: Zoom details within

S7(2)(f)(i) – as discussed.

Q

-----Original Appointment-----

From: S7(2)(a)
Sent: Wednesday, 27 October 2021 4:30 PM
To: Michael Quinn; S7(2)(f)(i); S7(2)(a) Privacy; S7(2)(f)(i)
S7(2)(f)(i)
Cc: S7(2)(a)
Subject: Auckland Boundary Joint Industry and Government meeting - session on workplace related requirements for COVID-19 vaccination led by MBIE
When: Friday, 5 November 2021 9:30 AM-10:15 AM (UTC+12:00) Auckland, Wellington.
Where: Zoom details within

Following the Ministry of Transport led Auckland boundary discussion on Tuesday 2nd November, we would like to utilise this meeting invite space to discuss key aspects of the new workplace related requirements for COVID-19 vaccination that the government is introducing in conjunction with the shift to the new COVID-19 Protection Framework. Hon Michael Wood's, Minister for Workplace Relations and Safety, press release on this announcement is at: [Govt backs business to vaccinate workforces | Beehive.govt.nz](#)

We will be joined by ^{s7(2)(a)} [redacted], Principal Policy Advisor, Workplace Relations and Safety Policy, MBIE. The session will consist of a short presentation followed by discussion covering:

- The risk assessment process,
- How vaccination mandates will work with CVCs,
- How vaccination mandates will support overseas market access, and
- Whether any additional vaccination mandates are needed, particularly for work in critical utilities or other essential services.

The team also welcome thoughts on guidance/support needed to implement these changes.

Ngā mihi

^{s7(2)(a)} [redacted]

^{s7(2)(c)(i)} Obligation of confidence [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

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[redacted]

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From: S7(2)(f)(i)
To: S7(2)(a) Privacy
Subject: draft
Date: Thursday, 4 November 2021 2:40:58 PM
Attachments: [Draft letter MBIE submission for ELT member approval.docx](#)
(Duplicate)

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4 November 2021

By email:

Tēnā koe

Consultation on planned law changes relating to vaccinations and workplaces

1. Thank you for the opportunity to provide feedback on central government proposals around risk assessments and additional vaccination mandates. Our responses to your questions and some general comments are set out below.

Risk assessments

2. We consider thought should be given to the relationship between any risk assessment required for considering a vaccine mandate and the existing risk assessment process within the organisation. Creating a separate health and safety risk assessment process and rating system could cause confusion for employees and may not fully address the risk.
3. The risk assessment should include details about the current risk associated with COVID-19. For example, the risk context and risk description and an assessment of the consequences, probability, exposure per role/group of workers that are part of the proposed mandate; the impact of current risk controls and the impact of the vaccine on residual risk.
4. Some of the criteria in each of the proposed options need further consideration. The draft assessment refers to 1m physical distancing whereas Worksafe guidelines are 2m. There is also a timeframe of “20 mins per day of exposure to hard to contact people”; 20 mins was the exposure guideline for the original strain of COVID-19 but we know Delta has a higher transmission rate.
5. In relation to both proposed risk assessment approaches (slides 5 and 6), we question whether the fact that a member of the public is “hard to identify” is relevant for an assessment of the risk to that worker. Whether or not a member of the public is “hard to identify” creates a risk for contact tracing which is a public health response. However, at the level of a risk assessment for Council’s workers whether or not the members of the public they are in contact with are “hard to identify” will not affect their risk of contracting COVID-19. Workers are just a likely to contract COVID-19 from a member of the public who is easy to identify than one who is hard to identify.

Additional vaccination mandates

General comments

6. We suggest you consider whether vaccination mandates for all local government employees are appropriate. Our view is that both the public health situation and the public interest support this approach. Auckland Council has conducted a risk assessment for the purpose of our proposed approach to vaccinations for our staff and determined that the risk posed by COVID-19 means that anyone working in our facilities, offices, or in our communities would be at risk and should be vaccinated. We are currently consulting with our staff on a policy approach consistent with our risk assessment and intend to take decisions later this month.

7. We have concluded that all work needs to be completed by vaccinated workers in part because we do not believe lines can easily be drawn between our customer-facing, non-customer facing and regulatory roles. In carrying out their roles, Auckland Council staff regularly interact across facilities and in both customer and non-customer facing venues. Our workforce is highly interconnected, and it would be very difficult to try to separate different roles from interacting with each other.
8. For example, many of our staff who work out in the field are based part of the time in our corporate offices and so interact on a daily basis with our office-based staff who might be considered non-customer facing. We also have a number of facilities that operate a range of services, for example, a recreation centre, library, and local board offices may all be based within the same complex.
9. In preparing our risk assessment and obtaining advice on available options, we have been acutely aware of the advantages that we face as a large and comparatively well-resourced organisation. It would likely be more challenging for smaller local authorities to adopt a sophisticated process and mandates would assist by avoiding the resource implications arising from individual risk assessments and help protect local authorities from legal challenge.

Should the Government mandate vaccination to protect critical utilities or essential services? If yes, how should these be defined?

10. If the Government is not minded to mandate all local government workers then we agree that vaccine mandates for essential workers warrant further consideration. Many of our staff perform essential services or support the provision of essential services that are necessary to keep Auckland running. If Covid-19 were to spread amongst teams performing or supporting those essential services, our ability to perform necessary public functions would be severely affected. By requiring these roles to be performed by vaccinated staff, we can reduce the risk of time lost to COVID-19 related sickness and ensure these services keep running at all times.
11. At a minimum, a non-exhaustive list of essential services (for Auckland Council) should include:
 - a) waste services
 - b) stormwater services
 - c) animal services
 - d) cemeteries and crematoria
 - e) maintenance of public toilets
 - f) social housing
 - g) noise control
 - h) essential park maintenance
 - i) public asset maintenance
 - j) biosecurity incursion response and eradication
 - k) natural hazard event monitoring, response and recovery
 - l) civil defence and emergency management function
 - m) emergency welfare services
 - n) compliance monitoring programmes for high risk activities as they relate to human, aquatic and animal health
 - o) incident/pollution response including related enforcement
12. The definition of essential services could also be considered more broadly. All of the local authority services we operate are in furtherance of the four wellbeings and provide important services to our

communities. For example, our libraries are places of important social connection and cultural enrichment providing access to wifi for those in our communities that need it most. Libraries, like many of our other public facilities, serve vulnerable members of our community, including the homeless, the very young and the elderly.

Should the mandate differentiate between frontline work and head office/corporate work?

13. We do not consider that it should. Many of our head office staff support the work completed by those who perform essential services in the field. If COVID-19 were to spread amongst those head office support staff that would have serious consequences for the operation of our essential services.
14. Additionally, as outlined above, our customer facing and non-customer facing staff interact with each other on a daily basis and so it is not possible to separate the risk to our staff out in this way.

Would a mandate still be necessary if the risk assessment framework produced the same outcome?

15. We note our feedback above regarding the proposed risk assessment framework.
16. We also consider that having a central government mandate in place would help avoid the potential for legal challenge by way of individual cases in the Employment Court and by way of policy decisions in the High Court.

What exemptions/exceptions from the mandate would be needed (e.g. for urgent or critical work to be done by unvaccinated workers)?

17. We consider that any exceptions / exemptions should be limited.

Vaccine certificates for entry into public facilities

18. It appears that vaccination certificates under the 'traffic light system' may only apply to limited local government settings such as events and hospitality. Auckland Council suggests the Government give consideration to vaccination certificate requirements for different types of public facilities more broadly depending on the COVID-19 transmission risk. Auckland Council is considering whether based on an assessment of risk it should be making vaccination a condition of entry to different kinds of its public facilities but notes that the legal position is complex and it would be preferable to have clear Government guidance on this issue.

Conclusion

19. We thank you for this opportunity to provide feedback and we are very willing to contribute further to these important policy discussions. If you have any questions regarding the foregoing or wish to discuss these matters further please contact **xx on xx**.

Nāku noa, nā

From: S7(2)(f)(i) on behalf of S7(2)(f)(i)
To: S7(2)(a)
Subject: FW: For urgent approval: draft feedback to MBIE on further vacc mandates, and new risk assessment framework
Date: Thursday, 4 November 2021 3:51:59 PM
Attachments: [Auckland Council feedback- COVID19 vaccinations and workplaces 4 Nov 2021 .pdf](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Kia ora S7(2)(a)

Please find attached Auckland Councils feedback on vaccinations.

Ngā mihi mahana,

S7(2)(f)(i)

S7(2)(f)(i)

Waea Pūkoro

Auckland Council, Level 15, Te Wharau o Tāmaki Auckland House, 135 Albert Street, Auckland

Visit our website: www.aucklandcouncil.govt.nz

S7(2)(f)(i)

Waea Pūkoro:

From: S7(2)(a)

Sent: Tuesday, 2 November 2021 1:48 pm

To:

S7(2)(f)(i)

S7(2)(a) Privacy

Subject: [COMMERCIAL]Covid - Waste sector - feedback requested on vaccine mandates - due 3pm
Thurs 4 Nov

Kia ora koutou, thank you for the information provided so far on the issues for mandatory vaccines for workplaces and for border crossings.

The attached slide pack summarises:

1. The current state of play with law changes (slides 2 and 3)
2. Proposals for a risk assessment framework (slides 5 and 6)
3. **Questions about mandatory vaccinations to protect critical utilities and essential services (slide 11).**

Feedback on these slides would be welcomed. For key utilities (including the waste sector), we are particularly interested in any information you may be able to provide in relation to questions 3 and 4 on Slide 11- regarding whether any mandate should differentiate between frontline and head office work (and if so, how), and whether exemptions will be needed.

We are seeking feedback by 3pm Thursday 4th November.

Ngā mihi

S7(2)(a) Privacy

*Senior Analyst / Kaitātari Matua
Waste and Resource Efficiency Team*

Ministry for the Environment | Manatū Mō Te Taiao

S7(2)(a) Privacy | mfe.govt.nz


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reanga katoa.



4 November 2021

By email: ^{s7(2)(a)} 

Tēnā koe

Consultation on planned law changes relating to vaccinations and workplaces

1. Thank you for the opportunity to provide feedback on central government proposals around risk assessments and additional vaccination mandates. Our responses to your questions and some general comments are set out below.

Risk assessments

2. We consider thought should be given to the relationship between any risk assessment required for considering a vaccine mandate and the existing risk assessment process within the organisation. Creating a separate health and safety risk assessment process and rating system could cause confusion for employees and may not fully address the risk.
3. The risk assessment should include details about the current risk associated with COVID-19. For example, the risk context and risk description and an assessment of the consequences, probability, exposure per role/group of workers that are part of the proposed mandate; the impact of current risk controls and the impact of the vaccine on residual risk.
4. Some of the criteria in each of the proposed options need further consideration. The draft assessment refers to 1m physical distancing whereas Worksafe guidelines are 2m. There is also a timeframe of “20 mins per day of exposure to hard to contact people”; 20 mins was the exposure guideline for the original strain of COVID-19 but we know Delta has a higher transmission rate.
5. In relation to both proposed risk assessment approaches (slides 5 and 6), we question whether the fact that a member of the public is “hard to identify” is relevant for an assessment of the risk to that worker. Whether or not a member of the public is “hard to identify” creates a risk for contact tracing which is a public health response. However, at the level of a risk assessment for Council’s workers whether or not the members of the public they are in contact with are “hard to identify” will not affect their risk of contracting COVID-19. Workers are just as likely to contract COVID-19 from a member of the public who is easy to identify than one who is hard to identify.

Additional vaccination mandates

General comments

6. We suggest you consider whether vaccination mandates for all local government employees are appropriate. Our view is that both the public health situation and the public interest support this approach. Auckland Council has conducted a risk assessment for the purpose of our proposed approach to vaccinations for our staff and determined that the risk posed by COVID-19 means that anyone working in our facilities, offices, or in our communities would be at risk and should be

vaccinated. We are currently consulting with our staff on a policy approach consistent with our risk assessment and intend to take decisions later this month.

7. We have concluded that all work needs to be completed by vaccinated workers in part because we do not believe lines can easily be drawn between our customer-facing, non-customer facing and regulatory roles. In carrying out their roles, Auckland Council staff regularly interact across facilities and in both customer and non-customer facing venues. Our workforce is highly interconnected, and it would be very difficult to try to separate different roles from interacting with each other.
8. For example, many of our staff who work out in the field are based part of the time in our corporate offices and so interact on a daily basis with our office-based staff who might be considered non-customer facing. We also have a number of facilities that operate a range of services, for example, a recreation centre, library, and local board offices may all be based within the same complex.
9. In preparing our risk assessment and obtaining advice on available options, we have been acutely aware of the advantages that we face as a large and comparatively well-resourced organisation. It would likely be more challenging for smaller local authorities to adopt a sophisticated process and mandates would assist by avoiding the resource implications arising from individual risk assessments and help protect local authorities from legal challenge.
10. If the Government is unwilling to mandate the vaccination of all local government workers, then it is essential that the legislative framework provides clear and express cover for any reasonable risk based mandating decisions local authorities take for their staff. In our view, the Government needs to be explicit that its mandates are de minimis and do not seek to cover all work that should be undertaken only by vaccinated persons.

Should the Government mandate vaccination to protect critical utilities or essential services? If yes, how should these be defined?

11. As a minimum, we agree that vaccine mandates for essential workers warrant further consideration. Many of our staff perform essential services or support the provision of essential services that are necessary to keep Auckland running. If Covid-19 were to spread amongst teams performing or supporting those essential services, our ability to perform necessary public functions would be severely affected. By requiring these roles to be performed by vaccinated staff, we can reduce the risk of time lost to COVID-19 related sickness and ensure these services keep running at all times.
12. A non-exhaustive list of essential services (for Auckland Council) should include:
 - a) waste services
 - b) stormwater services
 - c) animal services
 - d) cemeteries and crematoria
 - e) maintenance of public toilets
 - f) social housing
 - g) noise control
 - h) essential park maintenance
 - i) public asset maintenance
 - j) biosecurity incursion response and eradication
 - k) natural hazard event monitoring, response and recovery
 - l) civil defence and emergency management function

- m) emergency welfare services
- n) compliance monitoring programmes for high risk activities as they relate to human, aquatic and animal health
- o) incident/pollution response including related enforcement

13. The definition of essential services could also be considered more broadly. All of the local authority services we operate are in furtherance of the four wellbeings and provide important services to our communities. For example, our libraries are places of important social connection and cultural enrichment providing access to wifi for those in our communities that need it most. Libraries, like many of our other public facilities, serve vulnerable members of our community, including the homeless, the very young and the elderly.

Should the mandate differentiate between frontline work and head office/corporate work?

14. We do not consider that it should. Many of our back office staff support the work completed by those who perform essential services in the field. If COVID-19 were to spread amongst those head office support staff that would have serious consequences for the operation of our essential services.
15. Additionally, as outlined above, our customer facing and non-customer facing staff interact with each other on a daily basis and so it is not possible to separate the risk to our staff out in this way.

Would a mandate still be necessary if the risk assessment framework produced the same outcome?

16. We note our feedback above regarding the proposed risk assessment framework.
17. We also consider that having a central government mandate in place would help avoid the potential for legal challenge by way of individual cases in the Employment Court and by way of policy decisions in the High Court.

What exemptions/exceptions from the mandate would be needed (e.g. for urgent or critical work to be done by unvaccinated workers)?

18. We consider that any exceptions / exemptions should be limited.

Conclusion

19. We thank you for this opportunity to provide feedback and we are very willing to contribute further to these important policy discussions. If you have any questions regarding the foregoing or wish to discuss these matters further please contact me at patricia.reade@aucklandcouncil.govt.nz.

Nāku noa, nā

S7(2)(f)(i)

S7(2)(f)(i)

Waea Pūkoro:
Auckland Council, Level 15, Te Wharau o Tāmaki Auckland House, 135 Albert Street, Auckland
Visit our website: www.aucklandcouncil.govt.nz

From: S7(2)(a)
To: S7(2)(f)(i)
Subject: RE: For urgent approval: draft feedback to MBIE on further vacc mandates, and new risk assessment framework (UNCLASSIFIED)
Date: Thursday, 4 November 2021 4:08:52 PM
Attachments: [image014.png](#)
[image015.png](#)
[image016.png](#)
[image017.png](#)
[image018.png](#)

Thank you S7(2)(f)(i), for this detailed feedback. This is really appreciated.

Best regards

S7(2)(a)

Director, Sector Engagement

Energy & Resources Markets Branch
Ministry of Business, Innovation and Employment

From: S7(2)(f)(i) On Behalf Of S7(2)(f)(i)
Sent: Thursday, 4 November 2021 3:52 pm
To: S7(2)(a)
Subject: FW: For urgent approval: draft feedback to MBIE on further vacc mandates, and new risk assessment framework
Importance: High

Kia ora S7(2)
()

Please find attached Auckland Councils feedback on vaccinations

Ngā mihi mahana,
S7(2)(f)(i)

S7(2)(f)(i)
Waea Pūkoro
Auckland Council, Level 15, Te Wharau o Tāmaki Auckland House, 135 Albert Street, Auckland
Visit our website: www.aucklandcouncil.govt.nz

Executive Assistant S7(2)(f)(i)
Waea Pūkoro

From: S7(2)(a)
Sent: Tuesday, 2 November 2021 1:48 pm
To:

S7(2)(f)(i)

Subject: [COMMERCIAL] Covid - Waste sector - feedback requested on vaccine mandates - due 3pm Thurs 4 Nov

Kia ora koutou, thank you for the information provided so far on the issues for mandatory vaccines for workplaces and for border crossings

The attached slide pack summarises:

- 1 The current state of play with law changes (slides 2 and 3)
- 2 Proposals for a risk assessment framework (slides 5 and 6)
- 3 **Questions about mandatory vaccinations to protect critical utilities and essential services (slide 11)**

Feedback on these slides would be welcomed. For key utilities (including the waste sector), we are particularly interested in any information you may be able to provide in relation to questions 3 and 4 on Slide 11- regarding whether any mandate should differentiate between frontline and head office work (and if so, how), and whether exemptions will be needed

We are seeking feedback by 3pm Thursday 4th November

Ngā mihi
S7(2)(a)

Waste and Resource Efficiency Team

Ministry for the Environment | Manatū Mō Te Taiao
mfe.govt.nz

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From: s7(2)(a)
To: s7(2)(f)(i);
Cc: s7(2)(f)(i)
Subject: Auckland Boundary Joint Industry and Government meeting - session on workplace related requirements for COVID-19 vaccination led by MBIE [UNCLASSIFIED]
Date: Thursday, 4 November 2021 4:24:49 PM
Attachments: [COVID 19 - Auckland Boundary Business Forum - Agenda - 5 November 2021.pdf](#)
[COVID 19 - Auckland Business Boundary Forum - Issued Log - 4 November 2021.pdf \(out of scope\)](#)

Evening all

Please find attached our standing Agenda and issues log for tomorrow's meeting. We have extended the meeting to 45 minutes to enable a discussion on COVID-19 vaccinations. We will be joined by s7(2)(a) Principal Policy Advisor, Workplace Relations and Safety Policy, MBIE. The session will consist of a short presentation followed by discussion covering:

- The risk assessment process,
- How vaccination mandates will work with CVCs,
- How vaccination mandates will support overseas market access, and
- Whether any additional vaccination mandates are needed, particularly for work in critical utilities or other essential services.

The team also welcome thoughts on guidance/support needed to implement these changes.

We will start the meeting with a quick check-in on the current boundary and any issues relating to Northland. We can also provide a brief clarification on recent Ministerial comments on the future boundary.

Q

s7(2)(a)

Head | Auckland Policy Office
NZ Government Auckland Policy Office

Level 6, 45 Queen Street, Auckland, 1010 | PO Box 106483, Auckland 1143

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COVID-19: Auckland Regional Boundary Business Forum

Boundary	Day 66 : AL3/AL2
Date of meeting	5 November 2021
Time/duration	9.30am/45 minutes
Location	Zoom: click for hyperlink
Next meeting	tbc

Participants: Industry

S7(2)(a)	Employers & Manufacturers Association
	Employers & Manufacturers Association
	Ports of Auckland
	National Road Carriers Association
	Auckland Chamber of Commerce
	Heart of the City

Participants: Public Sector

S7(2)(a) Privacy	MBIE
	APO Operations Manager
	Ministry of Transport
	Auckland RPSC Project Coordinator
	Ministry of Social Development
Auckland Policy Office	
S7(2)(f)(i)	Auckland Unlimited
	Auckland Council
S7(2)(a) Privacy	Auckland RPSC Advisor
	Ministry for Primary Industries
	Auckland RPSC

Agenda

1	Open	All
2	Roundtable feedback on boundary performance	All (MBIE and MOT lead)
3	Presentation: Vaccination in the workplace	MBIE
4	Issues register	S7(2)(a) Privacy
5	Any other business	All



From: S7(2)(f)(i)
To: s7(2)(a)
Subject: draft feedback to MBIE on further vacc mandates, and new risk assessment framework
Date: Thursday, 4 November 2021 7:47:23 PM
Attachments: [Auckland Council feedback- COVID19 vaccinations and workplaces 4 Nov 2021 .pdf](#)
(Duplicate)

The final sent through to MfE and MBIE – in a bit of a rush. Thanks for your help today

No excuse for abuse!



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From: S7(2)(f)(i)
To: [redacted]; S7(2)(a) Privacy [redacted]
[redacted] S7(2)(f)(i) [redacted] S7(2)(f)(i);
Cc: S7(2)(f)(i); [redacted]
Subject: RE: TSI MPTT Governance Hui
Date: Wednesday, 1 December 2021 2:02:45 PM
Attachments: [Engagement Powerpoint - worker vax and CPF all sectors - final.pptx](#)
[image001.png](#)

FYI – Further to the kōrero about vaccinations for businesses – please find attached MBIE’s presentation re CVCs.

There is an assessment tool in the presentation that is helpful for businesses to decide whether they will need to mandate vaccinations.

Mauriora,
[redacted]

S7(2)(a) Privacy [redacted]
[redacted]
[redacted]

S7(2)(a) Privacy

E hoa, I am sending this email at a time that suits my schedule so please feel free to respond during your normal business hours, kia ora.

-----Original Appointment-----

From: S7(2)(f)(i) >
Sent: Wednesday, October 27, 2021 7:33 PM
To: S7(2)(f)(i); [redacted]
[redacted]
[redacted]
S7(2)(f)(i) [redacted]
Cc: S7(2)(f)(i); [redacted] S7(2)(f)(i); [redacted]
[redacted]
Subject: TSI MPTT Governance Hui
When: Wednesday, December 1, 2021 12:00 PM-2:00 PM (UTC+12:00) Auckland, Wellington.
Where: MS Teams

Kia ora koutou,

This will be MPTT’S last governance hui for 2021.

I have edited to add in an online link for MS Teams.

Ngâ mihi maioha,

Microsoft Teams meeting



[Learn More](#) | [Help](#) | [Meeting options](#) | [Legal](#)

During lockdown, it's not business as usual.





**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HIKINA WHAKATUTUKI

COVID-19 Protection Framework

26 November 2021



Presentation outline

- Outline of the COVID-19 Protection Framework (the “traffic light system”)
- How it applies to different activities
- Employment matters – worker vaccination
- Q&A



About the COVID-19 Protection Framework

- The COVID-19 Protection Framework will replace the Alert Level system for 3 Dec, and:
 - provides more flexibility for businesses
 - apply requirements apply by activity; and
 - minimising the virus' spread.

Green	Orange	Red
used when there are some COVID-19 cases in the community	used when there's increasing community transmission of COVID-19	used if there's a need to protect both at-risk people and our health system from an unsustainable number of hospitalisations

About the COVID-19 Protection Framework

- The framework includes the Green, Orange, and Red guidelines.

Green	Orange	Red
used when there are some COVID-19 cases in the community	used when there's increasing community transmission of COVID-19	used if there's a need to protect both at-risk people and our health system from an unsustainable number of hospitalisations

Food and beverage

	Green	Orange	Red
If My Vaccine Pass verification is used.	<p>Your business can operate.</p> <p>Must sight each customer's My Vaccine Pass, and verify a reasonable number.</p>	<p>Your business can operate without number limits.</p> <p>Face coverings are encouraged.</p> <p>Must sight each customer's My Vaccine Pass, and verify a reasonable number.</p>	<p>An event may occur with up to 100 customers or based on 1m distancing (whichever is the lesser) per defined space.</p> <p>Food and beverage service must be seated and separated.</p> <p>Face coverings are encouraged.</p> <p>Must sight each customer's My Vaccine Pass, and verify a reasonable number.</p>
If My Vaccine Pass verification is not used.	<p>Your business may open with up to 100 people or based on 1m distancing (whichever is the lesser) per defined space.</p> <p>Customers must be seated and separated</p>	<p>Must operate contactlessly</p>	<p>Must operate contactlessly</p>



Accomodation

	Green	Orange	Red
If My Vaccine Pass verification is used, or not	<p>Your business can operate. Shared facilities can operate as normal</p> <p>Any food and beverage service, or events need to follow those rules.</p>	<p>Your business can operate. Shared facilities can operate as normal</p> <p>Any food and beverage service, or events need to follow those rules</p>	<p>Your business can operate. Shared facilities can operate as normal</p> <p>Any food and beverage service, or events need to follow those rules</p>



Events and group activities

	Green	Orange	Red
If My Vaccine Pass verification is used	<p>You can run events, group activities or gatherings without number limits.</p> <p>Must sight each customer's My Vaccine Pass, and verify a reasonable number.</p>	<p>You can run events, group activities or gatherings without number limits.</p> <p>Face coverings are encouraged</p> <p>Must sight each customer's My Vaccine Pass, and verify a reasonable number.</p>	<p>An event or gathering may occur with up to 100 attendees and based on 1m distancing (whichever is the lesser) per defined space.</p> <p>Food and beverage service must be seated and separated.</p> <p>Face coverings are encouraged.</p> <p>Must sight each customer's My Vaccine Pass, and verify a reasonable number.</p>
If My Vaccine Pass verification is not used	<p>Capacity limited to up to 100 attendees, based on 1m distancing, per defined space.</p> <p>Food and beverage service must be seated and separated.</p>	<p>Events are not allowed</p> <p>Only gatherings of up to 50 attendees per defined space.</p> <p>Face coverings are encouraged.</p>	<p>Events are not allowed</p> <p>Only gatherings of up to 25 attendees per defined space can occur.</p> <p>Face coverings are encouraged.</p>



Outdoor community events

	Green	Orange	Red
<p>If My Vaccine Pass verification is used. For events where My Vaccine Pass requirements can be implemented, such as a fair:</p>	<p>No capacity limit Must sight each customer's My Vaccine Pass, and verify a reasonable number.</p>	<p>No capacity limit Must sight each customer's My Vaccine Pass, and verify a reasonable number.</p>	<p>May occur with up to 100 attendees or based on 1m distancing (whichever is the lesser) per defined space (ie 2m gap between groups). Food and beverage service must be seated and separated. Face coverings encouraged. Must sight each customer's My Vaccine Pass, and verify a reasonable number.</p>
<p>If My Vaccine Pass verification is not used. For outdoor community events with uncontrolled access, such as a public parade:</p>	<p>Capacity limited to up to 100 attendees, based on 1m distancing, per defined space (ie 2m gap between groups).</p>	<p>Restricted to 50 attendees per defined space (i.e. 2 metre gap between groups). Face coverings are encouraged.</p>	<p>Restricted to 25 attendees per defined space (ie 2m gap between groups). Face coverings are encouraged.</p>



General retail rules

- General retail stores
- Banks and other customer-facing financial service
- Greengrocers, butcheries, bakeries and fishmongers
- Markets with retail stalls only

	Green	Orange	Red
Restrictions are the same if My Vaccine Pass verification is used or not	Retail may open without number limits.	Retail may open with capacity limits based on 1m distancing (not including workers). Face coverings are mandatory (unless a person is exempt).	Retail may open with capacity limits based on 1m distancing (not including workers). Face coverings are mandatory (unless a person is exempt).

Specific retail rules

- Dairies/convenience stores
- Supermarkets
- Petrol stations
- Pharmacies

	Green	Orange	Red
Restrictions are the same if My Vaccine Pass verification is used or not	<p>My Vaccine Passes can't be required for customers.</p> <p>Retail may open without number limits.</p>	<p>My Vaccine Passes can't be required for customers.</p> <p>Retail may open with capacity limits based on 1m distancing (not including workers).</p> <p>Face coverings are mandatory (unless a person is exempt).</p>	<p>My Vaccine Passes can't be required for customers.</p> <p>Retail may open with capacity limits based on 1m distancing (not including workers).</p> <p>Face coverings are mandatory (unless a person is exempt).</p>



Close contact services

- Includes but is not limited to barbers, beauty parlours, hairdressers, nail salons, non-medical massage, tattoo parlours, and close-contact in-home aid.

	Green	Orange	Red
If My Vaccine Pass verification is used.	Your business can operate. You must sight all customers' My Vaccine Passes, and verify a reasonable number.	Your business can operate. Face coverings are encouraged. You must sight all customers' My Vaccine Passes and verify a reasonable number.	Your business can operate with public health requirements in place. Face coverings are encouraged for customers, and required for workers. You must sight all customers' My Vaccine Passes, and verify a reasonable number
If My Vaccine Pass verification is not used.	Your business can operate with face coverings for staff and 1m distancing between customers.	Your business can't operate.	Your business can't operate.

Workplaces

- Workplace rules are broad. If there are more specific rules, then those apply
- Workplaces include where work takes place off-site, or in private homes
- The general rules for workplaces are:

	Green	Orange	Red
Restrictions are the same if My Vaccine Pass verification is used or not	Workplaces and retail can open without number limits.	Workplaces can open. Any retail may open with capacity limits based on 1m distancing Face coverings encouraged in the workplace and mandatory for retail (unless a person is exempt).	Workplaces can open (including any in-home services). Working from home encouraged if appropriate to the workplace. Face coverings encouraged.

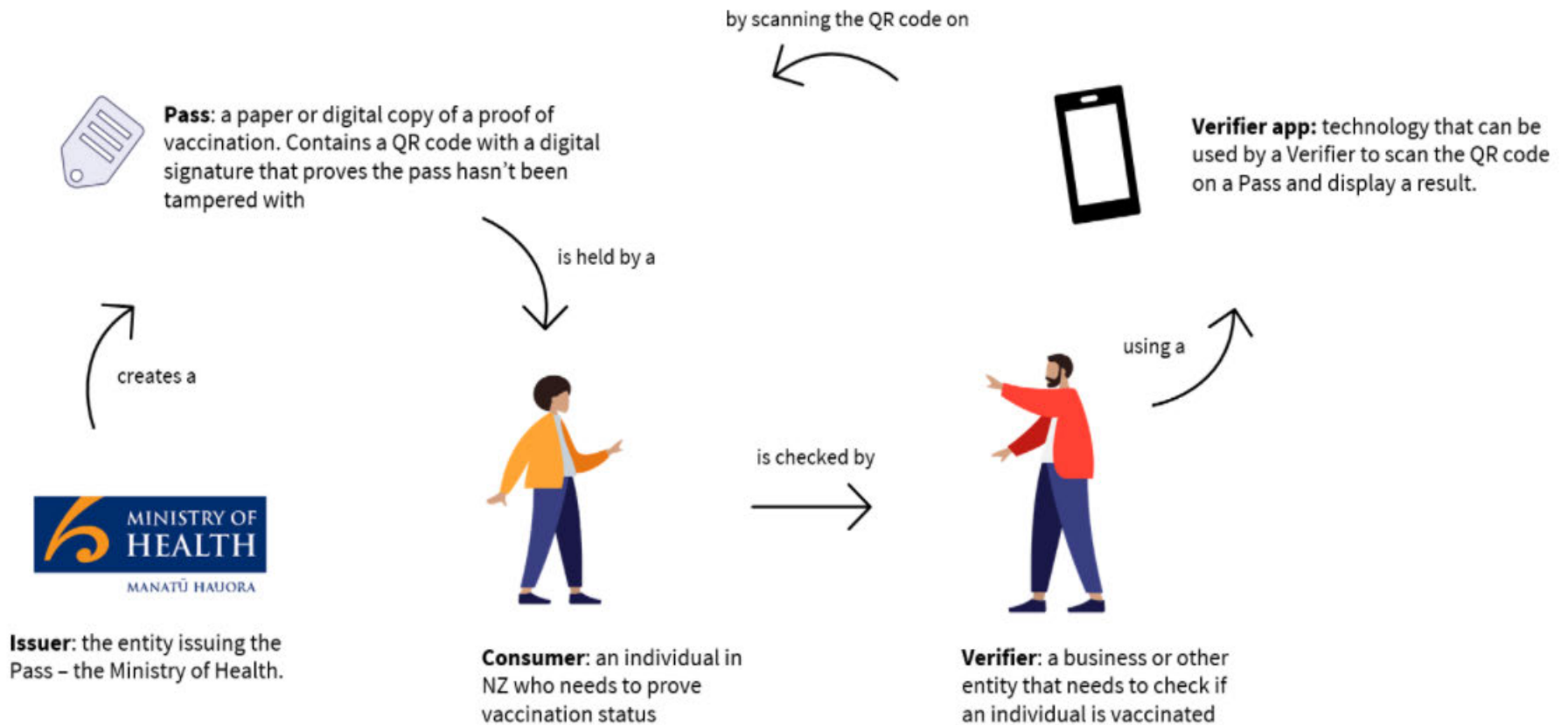


My Vaccine Pass

- Businesses, events, organisations, the community, and a range of sectors can choose whether to require a My Vaccine Pass.
- *My Vaccine Pass* will look the same for both vaccinated individuals and those who are medically exempt.
- You must sight customers' passes, and verify a reasonable number
- Ministry of Health verifier app (NZ Pass Verifier) or integrate the technology to your own apps.



Verifying My Vaccine Passes



FAQs - Operating different activities

- The COVID-19 Protection Framework requirements apply by activity.
- Businesses that do more than 1 different activities may need to apply different rules.
- Businesses must display posters advertising if they require people entering to have a My Vaccine Pass.


Indoor fair example	Food stalls	General retail	Face painting	Music	Overall
Rules Events rules apply	Food and beverage rules apply	Retail rules	Close contact service rules apply	Depends on set up	You may <ul style="list-style-type: none">• manage areas differently• common set of rules to meet requirements



FAQs - Switching between requirements

- You may switch between operating under My Vaccine Pass is required/not required.
- However, the premises must be thoroughly cleaned between groups.
- You must clearly communicate what settings you are operating under, and display any required signage.

Conference venue at Green	My Vaccine Pass <u>NOT</u> required.	Clean thoroughly in between Clear signage	My Vaccine Pass verification <u>IS</u> used.
Rules	Capacity limited to up to 100 people, based on 1m distancing, per defined space. Food and beverage service must be seated and separated.		You can run events and gatherings without number limits. Must sight and/or verify each customer's My Vaccine Pass.



COVID-19 Protection Framework and My Vaccine Pass – Worker implications

Worker vaccination requirements

- Staff in workplaces that are required to use My Vaccine Pass to operate (or operate with fewer restrictions) must be vaccinated. This includes hospitality, events, close-contact businesses (eg hairdressers) and gyms.
- This vaccination requirement is regardless of whether the business chooses to require My Vaccine Passes from customers/attendees or not. It also applies at all levels of the Framework.
- This does not apply to gatherings. Organisers of gatherings will need to decide whether they want to require My Vaccine Passes. If they do, all persons present at a gathering (including workers) must show their passes to enter.
- To continue doing work in these areas, workers will need to have their first vaccination by the day that the COVID-19 Protection Framework comes into effect, which will be Friday 3 December. These workers will then need to be fully vaccinated by Monday 17 January 2022 to continue doing that work.
- Further information will be provided before Friday 3 December.



Changes to the Employment Relations Act 2000

Paid time-off for employees to be vaccinated


- Effective from 26 November 2021.
- We know most employers have already been doing this, and are taking steps to support employees to get vaccinated, for example by providing transportation to vaccination centres.
- To continue to support employees to be vaccinated, an employee will be entitled to reasonable paid time off during their normal working hours to be vaccinated. This is unless providing the time off would unreasonably disrupt their employer's business or the performance of the employee's employment duties.
- The employee will need to notify their employer of when they intend to be vaccinated and how long they will expect it to take (including travel time).



Four-week minimum paid notice period

- Effective from 26 November 2021. This applies to notices of termination given after this date.
- Under these changes, employers are required to provide four weeks' paid notice of termination when an unvaccinated employee's employment agreement is terminated because their work requires vaccination. This covers situations where vaccination is required by a Government mandate, as well as when an employer decides vaccination is required on health and safety grounds.
- If the employee has a notice period that is longer than four weeks as part of their terms and conditions of employment, then the longer notice period will apply.
- If an employee is vaccinated before the end of this four-week period (or longer if specified in the employment agreement), or becomes authorised to do work without vaccination under a COVID-19 Order (eg because they get an exemption), the notice is cancelled. This is unless cancelling the termination notice would unreasonably disrupt the employer's business.
- Employees will still be able to bring a personal grievance in relation to any termination.
- Parties can also mutually agree to end the employment relationship before the end of the relevant notice period but they will still need to pay out the employee for the notice period.





Authorising future vaccination or testing mandates for work in the public interest

Future vaccination and testing mandates

- As New Zealand is preparing to move into the next phase of the fight against COVID-19 that allows greater freedoms, vaccination will become an increasingly important tool to mitigate risk in workplaces.
- From today, the Minister for Workplace Relations and Safety can mandate vaccination or testing for work where it is in the public interest.

New Zealand Defence Force and Police

- On 26 November 2021 the Government announced that the New Zealand Defence Force and parts of the New Zealand Police will be required to be vaccinated to perform their work.
- Vaccination will be required for the constabulary, recruits and authorised officers of New Zealand Police, and for the armed forces and civilian staff of the New Zealand Defence Force.
- First doses of vaccinations for workers in these organisations will be required by 17 January 2022, and second doses by 1 March 2022.



Vaccination assessment tool

Tool to help workplace vaccination decisions

- As vaccination becomes an increasingly important tool to mitigate risk in workplaces, employers need the ability to manage risks associated with COVID-19.
- The legal framework has been created for **an assessment tool** that helps businesses make decisions about vaccinations in the workplace. Now that the law change has come into effect, the detail of the tool will be set in regulations which are currently being drafted.
- The tool builds on the guidance provided by WorkSafe, and has had input from public health officials, business representatives and unions.
- It will be optional for businesses to use the tool, with businesses still being able to use other health and safety risk assessment processes. Any health and safety risk assessment processes that have already been undertaken to decide whether workers are required to be vaccinated remain valid.

Timing

- The vaccination assessment tool will be available for businesses to use once the regulations creating it come into effect in mid-December.
- MBIE will provide further guidance for businesses and workers in the coming weeks.



Factors the tool will consider

- The tool will likely include the following four factors:

Lower risk	Higher risk
What type of environment does the worker work in?	
100m ² indoor space or greater, or outside	Less than 100m ² indoor space
How close does the person work to other people?	
At least 1 metre apart	Less than 1 metre apart
How long is the worker in proximity to other people?	
15 minutes or less	More than 15 minutes
Does the worker provide services to people who are vulnerable to COVID-19?	
No	Yes

- At least three of the higher-risk indicators for these factors will need to be met before it would be reasonable to require vaccination for particular work.

Third party requirements

- A business can state that it will only deal with workers of another employer who are vaccinated, or only allow vaccinated people onto its premises.
- A business does not need to give reasons for this or have completed a HSWA risk assessment, so long as it is not breaching the Human Rights Act prohibition on unlawful discrimination.
- A business cannot use third party requirements to override a prohibitions on asking for my vaccine passes eg supermarkets
- This means that the employer of those workers must meet that condition by ensuring that the workers assigned to engage with that third party are vaccinated.
- An employer is entitled to make decisions and structure its business in order to ensure it can meet the requirements of its clients. It would therefore be lawful for an employer to require that employees assigned to work with particular clients must be vaccinated where the client has made this a condition of the continued engagement.
- This does not necessarily mean that all workers within the business need to be vaccinated, only those required to engage directly with clients who have imposed this condition.
- In order to achieve this, an employer may need to reorganise its workforce so that it can meet specific client requirements, ie unvaccinated employees would work with clients where this is not a requirement.
- If this was not possible, and following a fair process, an employer could potentially terminate an employee's employment for failing to meet an essential condition of the role. In some instances this could arguably give rise to a redundancy situation. For example, where redundancy is defined as including changes to an employee's conditions of employment.



Resources

- [COVID-19-Protection-Framework.pdf \(covid19.govt.nz\)](#)
- [COVID-19 Protection Framework — business.govt.nz](#)
- [Vaccines and the workplace » Employment New Zealand](#)

Questions



From: [Tui Rutherford](#)
To: [Andy Hill](#); [Michael Quinn](#); S7(2)(f)(i); [redacted]
[redacted]; S7(2)(f)(i); [Carol McIntosh](#);
Subject: RE: FYI - Update for businesses on Rapid Antigen Testing [UNCLASSIFIED]
Date: Thursday, 2 December 2021 9:26:38 AM

Hi all,

Here are a couple of other items that may be of interest.

[Vaccine updates: Vaccination assessment tool and My Vaccine Pass mandates — business.govt.nz](#)

[Business travel — business.govt.nz](#)

Kia pai to rā,

Tui Rutherford

Head of Small Business Services

Te Whakatairanga Service Delivery
Ministry of Business, Innovation & Employment - Hikina Whakatutuki

[redacted]
15 Stout Street, Wellington 6011 | PO Box 1473, Wellington 6140, New Zealand
NZBN 9429000106078

From: [redacted]
Sent: Thursday, 2 December 2021 9:06 am
To: [redacted]; S7(2)(a) Privacy [redacted]
S7(2)(f)(i) [redacted]; S7(2)(a) Privacy [redacted]
[redacted]; Tui Rutherford; S7(2)(a) Privacy [redacted]
[redacted]
[redacted]
[redacted]; S7(2)(f)(i) [redacted]
[redacted]; Carol McIntosh; S7(2)(a) [redacted];
S7(2)(a) [redacted]
[redacted]; S7(2)(f)(i) [redacted]; S7(2)(a) Privacy [redacted]
[redacted]

Subject: FYI - Update for businesses on Rapid Antigen Testing [UNCLASSIFIED]

Fyi – for those who haven't received this through other channels.

From: [redacted]
Sent: Wednesday, 1 December 2021 3:00 PM
Subject: FYI - Update for businesses on Rapid Antigen Testing

