

FEBRUARY 2022

Decision Document

Kia ora koutou,

With the highly contagious COVID-19 spreading into the community, a number of employers have introduced policies whereby only vaccinated persons can attend their workplaces in order to reduce the risk of contracting, transmitting, and the resulting health consequences of having COVID-19. Stats NZ, like other employers, has been looking at these scenarios for the safety of its employees, and also for the respondents, stakeholders and communities we engage with, to help protect against COVID-19 and its potential health-related impacts.

On 19 January 2022 Stats NZ started a two-week consultation process where you were asked to provide feedback on the proposal that certain roles that undertake the following activities be fully vaccinated against COVID-19. The activities included:

- entering the Christchurch, Auckland and Wellington Stats NZ offices and/or
- engaging with our communities and stakeholders attending indoor/outdoor events.

The consultation pack provided included a draft Risk Assessment and a proposed COVID-19 Controls Policy.

By the time consultation ended on 2 February 2022, we had received submissions from 96 employees out of approximately 1300 employees (and contractors) who received the consultation pack – thank you to those who took the time to engage in this process. The feedback we received was considered and identified some areas that need further thinking and exploration. Overall, the majority of the feedback was positive and in support of this health and safety initiative.

We have now reached the decision that only employees who are fully vaccinated against COVID-19 can undertake roles that enter the Christchurch, Auckland and Wellington Stats NZ offices and/or engage with our communities and stakeholders attending indoor/outdoor events.

Although we recognise everyone has a right to choose whether to be vaccinated, our duties under the Health and Safety Work Act 2015 (HSWA) mean we need to take all reasonably practicable steps to ensure the health and safety of our team and those we engage with, including doing what we can to ensure our team does not become seriously ill while at work, and that the actions of our team do not cause others to become ill. Having conducted a risk assessment that showed the vaccine is the best way to keep our people (and others) safe from COVID-19, and having reviewed the Government and expert advice regarding the safety of the vaccine, we needed to make a decision on the best approach, and this is why we have decided to implement the COVID-19 Controls Policy.

This document sets out further the reasons for our decision and our responses to some common questions and themes that you have raised. It also includes the COVID-19 Controls Policy which has been adopted with some amendments in response to the feedback received.

Implementation Timeline

The following timeline will now apply:

- Employees who have not submitted their vaccination status will be asked to confirm their status by 4 March 2022. If your status is not confirmed by 4 March 2022 you will be considered unvaccinated.
- From 14 March 2022 all Stats NZ employees will be required to be fully vaccinated to enter any Stats NZ office and/or attend indoor and outdoor events.

If you are currently undecided about whether to be vaccinated, we would encourage you to take some paid time to talk with your doctor or other trusted health professional. Paid time is also available for you to attend a vaccination clinic to get your COVID-19 vaccination including the booster.

For those employees who are unvaccinated, we will work with you on an individual basis in good faith to see if the tasks of your role can be undertaken away from the office on a permanent basis and we may consider alternative duties. Where such arrangements are not available, reasonably practicable, or cannot be agreed, termination of employment may result.

Your health and wellbeing is important to us, not just in managing aspects of COVID-19. We also know that change can create uncertainty. To assist you during this time please talk with your People Leader, your P&C Team and seek support at any time through our Employee Assistance Programmes.

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Decision Document – Submissions and Responses

We received a total of 96 submissions with a majority agreeing with the proposals. Of those that expressed an opinion, 64% were favourable and 36% were unfavourable.

We appreciate the time taken to respond to the consultation the input we received was very much valued. Every single submission was read and taken into consideration.

Detailed below are the key themes, comments and questions they were raised, alongside that our responses to them.

Feedback Received	Our Position
<p>Requirement to Vaccinate</p> <p><i>Most staff who replied supported the proposals deeming them reasonable and fair, and believed that the policy would make them safer and provide much needed reassurance, and that the policy was necessary to protect all staff, their whānau, and our communities</i></p> <p><i>Others detailed that working in a safe workplace environment was a fundamental right and that given the rise of close collaborative working and flexible workspaces where physical distancing in meeting rooms, bathrooms, kitchenettes and lifts are almost impossible to ensure, vaccination of all office staff was an effective health and safety measure</i></p> <p><i>Many spoke of their preference to work from the office for a multitude of reasons including higher productivity, social connection, separation of work and home life</i></p> <p><i>Others favoured implementation of the policy as it would facilitate their return to the office for those currently working from home given their current concerns regarding the risk of infection, and for others, it would provide them with a sense of security going forward to remain working in the office especially if Omicron was spreading in the community</i></p>	<p>We agree, Stats NZ has a duty under the HSWA to take all practicable steps to ensure the health and safety of our team, including doing what we can to ensure our team do not become seriously ill while at work and that the actions of our team do no cause others to become ill.</p> <p>As above</p> <p>We understand that working in the office is a preference for many which is why we have developed the COVID-19 control measures and the Stats NZ COVID-19 Protection Framework to set out under what circumstances and settings working from the office can be safely maintained.</p> <p>As above</p>

Others felt that it was unreasonable to require a 100% vaccination rate for office-based staff given the Ministry of Health target of 90%, and with vaccination rates within Stats NZ already likely to be above that number.

The 90% target was set by the Government to reduce physical lockdown time and move into the traffic light system.

The Government has always had the aim of getting as many people vaccinated as possible given it save lives.

Given the expert advice from the Ministry of Health (MOH) continues to be that vaccination is the best way to protect the health and safety of people from COVID-19, Stats NZ has determined that it needs to take all reasonably practicable steps to ensure the health and safety of our team and requires all employees coming into the office to be fully vaccinated.

Could vulnerable staff still catch COVID-19 within a fully vaccinated office?

As with any vaccine, the Pfizer vaccine may not fully protect everyone who gets COVID-19 or eliminate its spread.

Vulnerable staff may still get COVID-19 in a fully vaccinated office and if they contract COVID-19 have a higher risk of serious infection.

Having a fully vaccinated offices *helps protects vulnerable people* but does not fully protect them from getting COVID-19.

[COVID-19 vaccine: Severely immunocompromised people | Ministry of Health NZ](#)

It was also raised there would be implications for Stats NZ under the Health and Safety at Work Act 2015 in relation to recklessly causing death, serious injury or serious illness due to mandating a vaccination

Stats NZ recognises the importance of our role and obligations under the HSWA. Stats NZ relies on credible sources such as MOH advice on vaccination as a control against COVID-19 transmission, and we are confident that we have met our obligations in this regard. Stats NZ is neither administering vaccinations nor forcing people to get vaccinated. They have a choice not to.

Office staff would not be engaging in work activities that put them at a greater risk of exposure to COVID-19 than they would be on public transport or public spaces

Stats NZ employees in their everyday lives will engage in activities that put them at risk of exposure to COVID-19. Stats NZ does not have control over these activities, but we do have control over our workplaces, and indeed have legal obligations in respect of them.

<p><i>The Policy document does not explicitly state that all office-based staff will need to be vaccinated, only the consultation document does</i></p>	<p>We have adapted our policy, following feedback to make it clear that the scope of the policy covers Stats NZ employees and contractors who are employed or engaged to undertake roles or work-related activities that have been determined to require fully vaccinated workers.</p> <p>The roles that are covered in the scope include field-based roles and roles that are required to come into the Stats NZ offices, and those that engage with stakeholders and the community at indoor/outdoor events.</p>
<p>Safety and Effectiveness of the Vaccine</p> <p><i>The safety of the COVID-19 vaccination itself and its effectiveness has been questioned?</i></p>	<p>Stats NZ continues to rely on public health experts to provide advice on the risk presented by COVID-19 and the best ways to mitigate the risk. Public health experts are best placed to understand and interpret the relevant research and provide advice on the appropriate approach in the New Zealand environment.</p> <p>Based on this expert advice we continue to be of the view that the vaccine is a safe and effective tool to limit the risk infection and transmission of COVID-19 in the workplace.</p> <p>COVID-19 vaccination: Your questions answered Unite against COVID-19 (covid19.govt.nz)</p> <p>COVID-19: Vaccine effectiveness and protection Ministry of Health NZ</p>
<p>Support for vulnerable staff and medical exemptions</p> <p><i>Many who considered themselves a vulnerable person, immuno-compromised, or someone with underlying health conditions described feeling much safer and more comfortable being in the office knowing that those around them had taken the precaution to prevent the spread of the virus by being vaccinated, whilst other staff</i></p>	<p>Our intention is to continue to provide a safe working environment for everyone including vulnerable employees. Vulnerable employees who are fully vaccinated are able to come into the Stats NZ offices knowing that workers around them are fully vaccinated.</p>

<p><i>did not want to effectively exclude vulnerable staff members from the office environment</i></p> <p><i>Some asked for Stats NZ to provide an exemption process either without question, or on the basis of personal, medical, or belief reasons without the requirement of a Ministry of Health certificate</i></p> <p><i>Will additional support be offered to those that have side effects or that aggravate pre-existing illnesses or conditions as a result of receiving a COVID-19 vaccination, and will Stats NZ provide compensation for staff injured as a result of receiving the COVID-19 vaccination due to the mandatory requirement?</i></p> <p><i>Will exposed or isolating staff be provided with additional COVID-19 leave in addition to their sick leave allowance?</i></p>	<p>Stats NZ has decided that only medical exemptions that have been granted by the Director-General of Health will be considered as valid. The process and criteria are set out by the MOH at the following link: COVID-19 Vaccine Medical Exemption Criteria. If you wish to seek a medical exemption, you will need a suitably qualified medical practitioner to apply for an exemption on your behalf. You will be able to attend the workplace if you are granted a medical exemption by the Director General of Health.</p> <p>If an employee claims that they could not be vaccinated by reason of one of the prohibited grounds of discrimination as set out in the Human Rights Act, then Stats NZ will work through the issues in good faith with the individual employee, and will consider its obligations under that legislation on a case-by-case basis.</p> <p>We will continue to provide paid Special COVID-19 Leave to all employees if they are unable to work for a period of time on advice from their doctor due to an adverse reaction to the vaccine. A medical certificate to this effect will be required. All Stats NZ employees are eligible for this leave with prior agreement. If more time is needed to recover from vaccination, ACC may support any extreme adverse reactions.</p> <p>Should exposed or isolating staff be well enough to work then we would expect them, where possible, to be working from home. Should this not be possible, or the staff member is too unwell to work, additional Special COVID-19 Leave would apply.</p>
<p>Omicron Variant</p> <p><i>What about the Omicron variant?</i></p>	<p>Although Omicron is a new variant, our medical experts from MOH have already learned a lot from experience overseas. Research suggests that, compared to Delta, Omicron:</p>

<p><i>What about the effectiveness of the vaccine with the new variant Omicron?</i></p> <p><i>The risk assessment includes only the worst-case scenario of fatality, which results in a disproportionate focus on perceived risk, especially due to the belief that omicron does not present a morbid risk and so should be reviewed.</i></p> <p><i>There is no consideration to how the Omicron variant will change the risk profile from both the perspective of the increased transmission rate</i></p>	<ul style="list-style-type: none"> • Is more transmissible. • May cause similar symptoms, but because we have a highly vaccinated population, many people may not have any symptoms, though could still pass the virus on to others. • Does not result in as many people being hospitalised, however because of the high number of people with Omicron, hospitalisations have risen steadily. • Can still cause severe illness and even death, especially in people who have underlying health conditions. <p>What is COVID-19 Unite against COVID-19 (covid19.govt.nz)</p> <p>With the onset of Omicron, the guidance provided by MOH continues to be that the vaccine is effective in reducing the number of people who get COVID-19 and provides protection against the symptoms of COVID-19. The MOH have updated their advice to say that the booster (in addition to the two doses of vaccine) is likely to offer greater protection and based on this Stats NZ is encouraging all employees to get the booster.</p> <p>COVID-19 vaccination: Your questions answered Unite against COVID-19 (covid19.govt.nz)</p> <p>In our risk assessment, we have included death as a possible consequence based on MOH advice. The MOH still advise that although Omicron is mild, for many people it can still cause severe illness and even death, especially in people who have underlying health conditions. Consequently, the degree of harm that may result from the risk of exposure can still be severe.</p> <p>COVID-19 vaccination: Your questions answered Unite against COVID-19 (covid19.govt.nz)</p> <p>Stats NZ consulted on a draft risk assessment across the five risk contexts for the transmission and contraction of COVID-19. The draft risk assessment was based on the expert advice</p>
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<p><i>associated with this variant and so the likelihood of all five risk contexts should be raised to almost certain, and evidence that that vaccines appear to be less effective at managing spread of omicron compared to delta and so this needs to be reflected in the risk assessment.</i></p>	<p>from the MOH at the time when Delta was the prevalent variant. Stats NZ has continued to review the advice provided from MOH, even during consultation, to see if there is any material changes to the advice provided.</p> <p>The MOH has continued to update its advice, based on experience overseas, relevant studies, and clinical studies on new variants including Omicron. The MOH has not materially changed its advice with the Omicron variant and continues to provide advice that the vaccine is a safe and effective tool to limit the risk infection and transmission of COVID-19 in workplaces. The MOH's updated advice indicates that they believe the effectiveness of the vaccine may diminish over time and that a booster can offer greater protection against transmitting COVID-19 to others and reduce the chance of more serious infections.</p> <p>Stats NZ will continue to review risk assessments when there are material changes to MOH advice. A new risk assessment has been drafted on the Omicron variant based on employees being fully vaccinated across the five risk contexts and the potential impact on operations if large parts of the agency's workforce were to get sick. This risk assessment has been consulted on with the National HSW Committee, HSW Advisors and Representatives.</p>
<p>Alternative control measures in place of vaccines</p> <p><i>A feeling amongst others was that a vaccination mandate was not essential as there are numerous ways for COVID-19 within the office environment and other preventative measures could be taken to reduce risk e.g., testing; face masks; ventilation; social distancing, breath, atmospheric testing and rapid antigen testing.</i></p>	<p>We will continue to follow all health and safety protocols, within the protection framework, recommended by the MOH and all government requirements. Vaccination is one of a suite of controls recommended by the MOH. The different controls considered and implemented are set out in full in the risk assessment.</p> <p>Stats NZ risk assessments includes the controls of face masks, ventilation, social distancing, reduced office occupation and hygiene practices. The risk assessments have determined, taking into consideration these other controls, that vaccination is an additional control that is required to minimise the level of</p>

<p><i>The risk assessment only compares no control measures against a suite of control measures including vaccination, and should therefore undertake a third assessment which contained all other control measures except the vaccination so that the residual risk could be evaluated</i></p>	<p>risk of contracting and transmitting COVID-19 to an acceptable level.</p> <p>Rapid antigen testing is being researched by Stats NZ for our field teams as a surveillance tool to detect COVID-19.</p> <p>Rapid antigen testing Ministry of Health NZ</p> <p>As new controls are recommended by MOH then these will continue to be considered and assessed in each risk assessment.</p> <p>In the risk assessment we have reviewed each control for its effectiveness and have considered whether the controls (without vaccine) bring the risk of contracting and transmission of COVID to an acceptable risk level. The risk rating with only these controls was still high and it was only with the addition of vaccination that brought the level of risk to an acceptable level (low).</p>
<p>Working from home</p> <p><i>All unvaccinated staff should temporarily be able to work from home until such a time that the policy is reviewed or the pandemic becomes endemic, should this not be possible, every effort should be made to find alternative roles even if it is completely different from their current work, and should this also not be possible, unpaid extended leave for a stated period be provided.</i></p> <p><i>What will the process be for deciding if and for how long a role can be undertaken from home and will consideration be given to the longer-term desirability of this as being together in the office is crucial to team culture, including sharing and learning from one another, and that Microsoft Teams is a supplemental system which does not replace in-person face-to-face contact. Also, by allowing unvaccinated staff to exclusively work from home, this could create</i></p>	<p>We will work in good faith with unvaccinated employees on a case-by-case basis to explore their individual circumstances and the requirements of their role. If accommodating working from home is not possible, we will explore other potential redeployment options.</p> <p>However, we consider that it may not be possible in all cases for office staff to be able to work from home on an indefinite or time-specific basis as an alternative to vaccination. If this occurs, then termination of employment may be considered. Unpaid extended leave would be considered on a case-by-case basis.</p> <p>We have developed a COVID-19 - Long-term Working from Home Assessment to support managers and ensure that the tasks of the role are assessed to help them make a decision on a case-by-case basis whether their roles may be undertaken away from the office. This may not always mean equitable outcomes, for example, it may be determined an unvaccinated person can undertake their role away from the office but for a vaccinated employee in a similar role</p>

<p><i>inequitable outcomes for vaccinated employees who may not be able to benefit from such an agreement</i></p> <p><i>That the policy proposed was inconsistent with Stats NZ's own COVID-19 Protection Framework as under both the orange and red settings, staff have the option to work from home if they are more comfortable doing so, and under the green setting, people concerned about positive cases in their environment have the option to work remotely. Therefore, following those established guidelines for both vaccinated and unvaccinated was a fairer approach</i></p> <p><i>Will unvaccinated staff be offered additional payment and/or equipment should it be accepted that they can work from home indefinitely?</i></p>	<p>their current flexibility arrangement will apply which may require them to come into the office. Our priority is to try and keep people employed at Stats NZ where we reasonably can, while at the same time continuing to be able to meet our organisational outputs and engendering a workplace culture that supports collaboration.</p> <p>The Stats NZ COVID-19 Protection Framework is not a long-term model of working and not a model that supports the collaborative environment that we are looking to create at Stats NZ. This is a Business Continuity Plan rather than a way we look to operate in the longer term.</p> <p>We will not be providing additional payments but will consider equipment requests on a case-by-case basis. Stats NZ is currently developing a policy on the provision of equipment for employees who work from home which would apply.</p>
<p>Public Service and alignment with Stats Way</p> <p><i>Some felt that as a government organisation and as public servants we have a duty to role model behaviours that the Government is asking of citizens such as getting vaccinated, and to reinforcing the message that the COVID-19 vaccine is safe and effective in controlling the spread of the disease</i></p> <p><i>That Stats NZ was acting without a Government mandate and so should only be taking such measures if imposed on it</i></p>	<p>We agree. The COVID-19 <i>Public Sector Workforce Guidelines</i> states: "It is important that public sector agencies take a consistent approach and model what is expected for the rest of New Zealand" and "Complying with all required public health and social measures, is the bottom line for all agencies while continuing to provide public services to the fullest extent possible for all New Zealand." Agencies should continue to engage with staff and unions on planning for complying with the public health and social measures of the COVID-19 response.</p> <p>Although Stats NZ is not acting under a Government mandate, we have obligations under the HSWA to provide for the health and safety of our workers. To do this we are required to take all reasonably practicable steps to eliminate risks to health, which is why we have undertaken the risk assessment and</p>

<p><i>It would negatively impact on Stats NZ's commitment to diversity and inclusion, conflict with our Wellbeing Policy, make our recruitment challenges even harder, exacerbate business continuity concerns, and go against the Stats Way and our "bringing our whole selves to work" ethos</i></p>	<p>made the decisions to require employees to be fully vaccinated for certain roles and activities.</p> <p>We acknowledge that there are implications and challenges as a result of this policy. This is a challenging policy for those that chose not to get vaccinated, and we know that it may be difficult to replace staff who leave.</p> <p>It is important to acknowledge that the issues around vaccination are sensitive, and we need to be aware of this whenever we are talking to those we work with.</p> <p>However, overall we are committed to supporting everyone to be able to perform their roles safely. The policy ultimately is a health and safety initiative to protect Stats NZ employees from the contraction and transmission of COVID-19.</p>
<p>Policy and Vaccination Status</p> <p><i>A policy review date should be detailed</i></p> <p><i>It was raised whether fully vaccinated status should remain as two main vaccinations and not any subsequent boosters, whilst others requested that boosters become a requirement when staff become eligible to receive them</i></p> <p><i>A request for Stats NZ to considers mandating other vaccines such as measles for staff who interact with the community</i></p>	<p>Given the fast-changing nature of the situation we will complete a review of the Policy in 6 months. However, if the MOH materially change its guidance we will take this into account to determine if we should review our Policy earlier.</p> <p>Stats NZ follows the advice and guidance from the MOH, Ministry of Business, Innovation and Employment and Te Kawa Maataho. The variants and risks associated with COVID-19 may continue to change and the measures and controls we implement today will be reviewed as further measures and controls become available, such as booster shots. As per our Policy, what constitutes "fully vaccinated" will be determined and advised by Stats NZ from time to time and will take account of public health and Government guidance at the time. We will update, amend, or replace this Policy as needed. If any significant changes become necessary, we will consult again with you.</p> <p>Stats NZ has legal obligations under the Health and Safety at Work Act 2015 to take all reasonably practicable steps to provide a safe working environment, but has not at this stage, identified through the risk assessment process,</p>

	<p>the need to implement vaccinations against other diseases as a control measure.</p>
<p>Proof of Vaccination</p> <p><i>Is the Vaccine Pass expiry date being used for any specific purpose?</i></p> <p><i>If Vaccine Passes are used to verify vaccination status, both new and existing staff should be made aware of the risks related to COVID-19 in their work duties and how these duties compare to risk factors described in the HRC and WorkSafe’s policies</i></p> <p><i>Others were opposed to restrictions on freedoms by government and government employers both in terms of the vaccination and the issuing, collecting and storing of the Vaccine Pass itself</i></p> <p><i>How will vaccination records be stored, how long for, and will this be shared externally?</i></p> <p><i>Others raised privacy and wellbeing concerns given if a staff member chooses not to disclose their vaccination status, it would be assumed that they were unvaccinated, and so pose a significant risk to psychological safety as it would create a situation where staff would in effect have their personal medical choices 'outed' leading to discrimination by other staff, impacting morale and their relationships with others</i></p>	<p>Once employees have confirmed their vaccination status using their Vaccine Pass, and it is recorded in CiAnywhere, then they will be able to attend the offices or engage in indoor/outdoor events without requiring to provide further evidence to Stats NZ. When your Vaccine Pass expires you will be required to update your details in Ci Anywhere.</p> <p>Staff at Stats NZ, new and existing, will be informed of all the information they are required to know around COVID-19.</p> <p>It is not unusual to place restrictions on freedoms if it is in the public good and/or justified to do so. We are following the Government guidance provided as to how we can best meet our legal obligations to our people.</p> <p>Records are stored in CiAnywhere alongside other forms such as the Conflict-of-Interest declarations. This information is collected for the purpose of ensuring adherence to the policy and will be kept in accordance with usual HR records and Privacy Act requirements. It will only be shared externally if authorised by the individual or otherwise permitted by law.</p> <p>We understand that there may be psychological and wellbeing challenges faced by some staff as a result of their personal decisions, and we want to ensure that support is provided and so encourage those experiencing this to contact our employee assistance programmes and/or speak with your people leader.</p> <p>With regards to privacy concerns, if the vaccination status of an employee is disclosed due to someone with access to that information passing it on, that will be dealt with from both a privacy breach and a disciplinary perspective.</p>

	<p>If staff members are inappropriately speculating on another employee's vaccination (or health) status due to their absence from the office, that is a conduct issue and should be dealt with as appropriate. We note that we consider the risk of someone being "outed" due to working from home as low, as this practice is common, and staff have a number of reasons to do so.</p>
<p>Consultation, Dates and timing</p> <p><i>Some felt the consultation period and the consideration of feedback was too short given the significance of the impact and implications of such a decision on staff, and so both the consultation and decision period should be extended</i></p> <p><i>Some believed that Stats NZ had failed to afford procedural fairness and natural justice, whilst another questioned the extent to which iwi and TTRAM had been consulted and Te Tiriti o Waitangi obligations considered</i></p> <p><i>Others stated that the process lacked transparency as Stats NZ had not committed to release all feedback received, and that an anonymous feedback mechanism was not provided</i></p> <p><i>That the timeframe in which to be fully vaccinated was unrealistic especially if staff needed to consult their GP, to seek an exemption through the Ministry of Health process, or if they preferred to receive the new Novavax vaccine</i></p> <p><i>Some proposed Stats NZ set two dates, one date for staff to have received their first COVID-19 vaccination and a second date for full vaccination</i></p>	<p>We agree that it is important to ensure that there is sufficient time for both consultation and proper consideration of feedback. This is important for both robust decision making and good policy development. We are satisfied that the time frames for this have been sufficient.</p> <p>Stats has an obligation to ensure that everyone who might be affected or potentially affected are given the opportunity provide feedback. As the consultation was provided to all staff, including employees belonging to TTRAM, we believe that all such persons and teams have been given that opportunity and that procedural fairness has been applied.</p> <p>We are satisfied that the process has been robust and fair. The option to provide feedback anonymously is not a requirement, though we note that some respondents did provide their feedback anonymously through a third party. This document seeks to provide a summary of the feedback received. We will consider requests for raw data but would need to work through privacy issues.</p> <p>If employees have an intention to be vaccinated, then we can work with them to implement their vaccination plan in accordance with MOH guidance. This will be discussed on a case-by-case basis with individually impacted employees.</p> <p>As our response above, if employees have an intention to be vaccinated then we can work with them to implement their plan provided it is reasonable and in accordance with public health advice.</p>

<p><i>The proposed 1 March 2022 implementation date should be brought forward as a result of Omicron now being present in the community</i></p>	<p>We need to ensure that we allow the appropriate amount of time to ensure a genuine consultation process has occurred and have time to then review and refine our approach accordingly. We also need sufficient time for employees and contractors to provide their vaccination status once the decision is announced. We have extended our timeframe to 14 March 2022 to allow an appropriate period of time for this to occur. On 14 March employees will need to be fully vaccinated to enter Stats NZ offices and/or engage with our communities and stakeholders attending indoor/outdoor events.</p>
<p><i>Why is the vaccination mandate only coming into effect now?</i></p>	<p>We have been focusing on those staff who work most closely with the public (Field Collections and Census) to ensure their safety given that they face the highest levels of risk. We are now turning our attention to the rest of Stats NZ to ensure the safety of all our staff. This also follows the guidance from Ministry of Health and Te Kawa Mataaho</p>
<p><i>Were staff, union delegates and Health and Safety representatives involved in the process of developing the policy and risk assessment?</i></p>	<p>Yes, we engaged with the PSA and the National HSW Committee. This will again be the process followed for any new risk assessment.</p>
<p><i>To provide a more accessible simplified document in plain and consistent language, separating out the policy from the guidelines, as some found the consultation document unclear and the risk matrices confusing</i></p>	<p>We accept that the topic is complex in nature and have sought to provide a simplified risk assessment which was shared at the consultation stage. If you do have specific questions for clarification, please let us know.</p>
<p>Freedom of Choice</p> <p><i>Many who were against implementing a vaccination mandate for office staff believed that it was unreasonable given the risk and its severity, that it would be divisive and cause unnecessary conflict, social division, and would result in enforced segregation, whilst others stated that whatever the reasons for staff not being vaccinated should be treated with respect and not as second class citizens for exercising autonomy over their body.</i></p> <p><i>Some argued that the policy breached the Employment Relations Act 2000, contravened</i></p>	<p>Stats NZ has obligations under the Health and Safety at Work Act 2015 to provide a safe working environment. The risk assessments completed are for the purposes of the health and safety of all our employees. We will work closely with employees who are considered not vaccinated to look for alternative work options and will treat all employees with respect and in good faith.</p> <p>We are satisfied that Stats NZ is acting as a good employer and in good faith, acting in reliance on</p>

<p><i>the New Zealand Bill of Rights Act 1990, and that it is not reasonable for Stats NZ to require vaccinations when using the Governments own vaccination assessment tool for assessing such a requirement.</i></p> <p><i>Given the financial implication of losing employment, some felt this should be considered coercion, and so Stats NZ was putting staff under undue influence and duress to agree to an unwanted medical treatment.</i></p>	<p>the advice from public health experts. Vaccination is a personal choice, and Stats NZ will work with staff members who choose not to (or cannot) be vaccinated to determine what the best way forward is in their employment at Stats NZ.</p> <p>We disagree. Stat's NZ health and safety obligations to its people are of paramount importance to us, and the policy is a key tool to ensuring we meet these obligations. We are not forcing anyone to get vaccinated, but we are being clear and transparent as to the consequences for those who choose not to. Any affected staff members will be considered on a case by case/role by role basis in good faith following a fair and reasonable process Any discussions with affected employees will need to go through a process which complies with the Employment Relations Act 2000.</p>
<p>Office Environment</p> <p><i>Will staff be required to wear masks in all parts of the office, if so, what quality masks are required e.g., P2 or N95, and will these be provisioned for staff?</i></p> <p><i>What ventilation systems exist in Stats NZ offices to reduce aerosol transmission e.g., HEPA filters?</i></p>	<p>We will follow MOH guidelines on mask wearing in our offices, which is as per the traffic light phases: Red Phase 1: Masks on the move, wear your masks in ALL public areas, between floors and other government departments in shared sites. Phase 2: Limit face to face meetings with external visitors and prioritise virtual meetings. Limit movements between floors, stick to your home floor as much as possible. Masks and social distancing in meetings with mixed home floors. Phase 3: Wear masks anytime you leave your desk. Stick to your home floor, keep movements to a minimum. Virtual meetings, or meetings on your home floor.</p> <p>At this stage staff have provided their own masks that they have for personal use outside of Stats NZ. Due to this we have not looked at providing masks for staff in general, but this may require further consideration if employees request this.</p> <p>All offices are compliant with their individual Building Warrants of Fitness, and all ventilation systems take old air out and bring in fresh air in. The air is not rearticulated within the buildings. There are no additional filters in place as a result of this. Building services are able to provide</p>

<p><i>Should an office-based staff member have symptoms consistent with COVID-19, will Stats NZ require the relevant office to be vacated?</i></p> <p><i>Clarification provided around whether a similar policy has been or will be adopted by other agencies or organisation in the same building, and what steps Stats NZ will make to reduce unknown contacts/external visitors or enforce the same standard of requirements on them as these other agencies and organisations will have customers, clients, visitors, contractors, and service providers sharing the lifts, toilets, and communal areas with Stats NZ staff.</i></p> <p><i>Have contractors that are paid directly or indirectly e.g., Deloitte by Stats NZ be required to prove vaccination status?</i></p>	<p>further information to those that require a more indepth understanding of the ventilation systems.</p> <p>Following a staff member receiving a positive COVID-19 result we will follow and the updated Stats NZ COVID-19 Protection Framework and MOH guidelines.</p> <p>Yes, we have been working in partnership with other agencies and organisations within our buildings to ensure we have a standard set of requirements to follow.</p> <p>Yes, all contractors to Stats NZ coming into our offices/buildings are required to prove their vaccination status.</p>
<p>Termination of Employment</p> <p><i>Why would Stats NZ dismiss staff when other viable options are available?</i></p> <p><i>The potential impact of staff having their employment terminated was disproportionate, and unvaccinated staff were being overly disadvantaged</i></p>	<p>We have set out in the Policy document that Stats NZ will seek to retain unvaccinated staff and accommodate them where we can taking into account the nature of the role and the work undertaken. We will work with the employee in good faith to see if the tasks of their role can be undertaken away from the office on a permanent basis and we may consider other viable alternative duties.</p> <p>As noted above, our approach is to try and avoid terminating anyone’s employment where this is reasonably practicable. In the event that termination is the only option, Stats NZ will work through the process consistent with our legal obligations.</p> <p>Further, and as is also set out above, termination of employment would only be considered after a fair consultation process and other options had been exhausted. We accept that should this occur the impact on that staff member will be significant, we must balance this with the overall</p>

<p><i>Redundancy terms should apply if termination of employment is the final result of not providing evidence of fully-vaccination status</i></p> <p><i>Did the PSA agree on the policy and the circumstances around termination of employment?</i></p>	<p>wellbeing and safety of all staff. We have set out within both the Policy and Risk Assessment documentation the reasons for behind implementing such control measures.</p> <p>Any decision to terminate employment will be on notice. Redundancy does not apply as roles are not being disestablished and will still exist.</p> <p>The PSA were consulted as part of this process and have provided feedback on the Policy. Please contact your local PSA delegate should you wish to understand more about the PSA's position and response to this Policy and consultation.</p>
<p>Risk Profile</p> <p><i>Consideration should be given to the possible exposure to COVID-19 whilst commuting to work, especially when using public transport, and this should also inform our Travel Policy e.g., only using providers that require proof of vaccination status</i></p> <p><i>As the vaccination profile of staff was unknown at the time of the risk assessment this should be updated post consultation which would reflect the revised risk based on these numbers</i></p> <p><i>The risk assessment does not adequately demonstrate or explain the likely or relative risks of contracting COVID-19 in the workplace on a site by site or role by role basis e.g. a receptionist who deals regularly with external visitors will require different risk mitigations to an analyst who predominantly works from home and interacts with their team via Microsoft Teams, nor does it detail the impact of this e.g. serious illness or death.</i></p>	<p>We acknowledge that there are risks involved in using public transport whilst commuting to work, however, they fall outside of our control and our legal obligations. We expect staff to comply with Government requirements should they choose to use this (e.g., mask wearing, scanning). We will not be mandating travel requirements for Stats NZ employees in addition to the Government requirements.</p> <p>We are not planning to update the risk assessment with % Stats NZ vaccination rates. We have deemed that being fully vaccinated is an essential control for the health and safety of our employees and in the latest risk assessment made the assumption that the workforce in the office is fully vaccinated.</p> <p>In completing the risk assessment, we have identified activities that are at high risk of contracting and transmitting the virus (i.e., working in the office in close proximity, attending community engagement events) and completed the assessment on these activities. Any roles that undertake these activities have been included in the consultation which covers a broad range of roles. We understand that some roles will spend more time in the office, and this will be taken into consideration when</p>

<p><i>Further information on the data and methodology relied on to formulate the risk assessment, that all statements, are specific and unsubstantiated, and the basis on which conclusions were reached are clear.</i></p> <p><i>What documents and guidelines did Stats NZ reply on in developing the policy and risk assessment?</i></p> <p><i>How was close proximity defined?</i></p>	<p>determining if the role can be undertaken away from the office.</p> <p>All other supporting documentation is provided under 'References' in the COVID-19 Office Risk Logic Simplified document. Following review of this please let us know if you have any further questions.</p> <p>We have relied on the advice and guidance of the Ministry of Health, Te Kawa Mataaho and Worksafe in terms of risks and the best public health measure available to mitigate that risk to our staff. We have included within this Decision Document a number of links to provide evidence of our information source.</p> <p>The 1-meter and 2-meter rule set by MOH.</p>
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RELEASED UNDER THE OFFICIAL INFORMATION ACT

Appendix One

COVID-19 Controls Policy

1. Purpose

This policy sets out the general approach that will be taken by Stats NZ, and the expectations and requirements of our employees, with respect to COVID-19 controls such as vaccination and testing.

As this policy has been developed at a time when workplaces are responding to the challenges of operating within an environment where New Zealand is combating the spread of COVID-19, it is likely that this policy, and our approach, will require review and amendment over time given the rapidly evolving situation and understanding that exists about COVID-19. We will do so in consultation with employees and union representatives.

Stats NZ is committed to meeting its duties and obligations under the Health and Safety at Work Act 2015 to provide a safe working environment, and to protecting our employees and the wider community in which we operate. For these reasons it is critical that Stats NZ and our staff take all reasonably practicable precautions to protect against COVID-19 and its potential health-related impacts.

2. Policy Statement

Whilst Stats NZ will always comply with all current public health measures such as physical distancing and the use of Personal Protective Equipment (PPE). COVID-19 vaccinations are also a key control measure against contracting and transmitting COVID-19 within the workplace and to the community, and in limiting the severity of the virus' potential impacts.

Stats NZ promotes an approach of encouraging and maximising vaccination take-up by our employees, while still protecting and balancing the rights of working people. We accept that vaccination is one of many potential control measures, and it needs to be properly located within a wider suite of risk management and workplace controls where the decision to employ it is made by Stats NZ, rather than mandated by the New Zealand Government.

3. Scope

This policy applies to all Stats NZ employees and contractors who are employed or engaged to undertake roles or work-related activities that have been determined to require fully vaccinated workers.

4. Supporting Vaccination for Stats NZ Employees

Stats NZ strongly encourages all employees who are able to vaccinate against COVID-19 to be vaccinated.

Stats NZ provides paid Special COVID-19 Leave to all employees who need time off to get vaccinated or if they are unable to work for a period of time due to an adverse reaction to the vaccine. All Stats NZ employees are eligible for this leave with prior agreement.

5. Requiring and Storing proof of Vaccination Status

Once a decision is made by Stats NZ that COVID-19 vaccination is a health and safety requirement for the performance of particular task, activity and/or a role by its incumbent, the employee concerned will be informed of the requirement for COVID-19 vaccination and asked for proof of their vaccination status.

Should an employee choose, in this situation, not to provide details of their vaccination status, Stats NZ will operate on the presumption that they are not **vaccinated**. This may include standing the employee down on pay while next steps are considered.

Stats NZ will collect and retain personal employee information about vaccination status and current infection status (through any introduction of rapid testing requirements) in accordance with the Privacy Act 2020. It may also be required to share that information with other agencies, individuals or organisations, should there be a clear legal requirement for that to occur or should that disclosure be necessary to enable an employee to access other premises and/or to come into contact with others for reasons relating to their employment.

The collection of this information is for a lawful and necessary purpose – to monitor compliance with this and other related policies, and if necessary, to make decisions about employees' employment.

Information that is collected will be stored securely in the Stats NZ payroll system and only accessed by People Leaders and Corporate Services staff with appropriate business need. Employees are entitled to request access to, and correction of, any personal vaccination-related or COVID-19 testing-related information held by Stats NZ that is about and/or identifies them.

6. Employees who choose to remain unvaccinated

Employees who remain unvaccinated and who cannot undertake their role due to the vaccination requirement, and/or cannot be redeployed by agreement to a substantially similar role (location, pay grade, hours of work), and/or who cannot agree any other alternative option with Stats NZ, are likely to have their employment terminated on notice. Should the employee complete the vaccination process during their notice period, the termination will be withdrawn and the employee will then be able to return to their role and/or to their full duties and responsibilities.

7. Recognised COVID-19 Vaccinations

The accepted vaccinations will be the Pfizer COVID-19 vaccine and/or any other vaccination or booster vaccination that may subsequently be supported and approved by the Ministry of Health. This means that the types of vaccinations and vaccinations frequency requirements or limits may change from time to time in accordance with relevant updates and guidelines from the Ministry of Health.