
All District Health Boards

COVID-19 Vaccination Order FREQUENTLY ASKED QUESTIONS COMMUNITY HEALTH PROVIDERS

1 November 2021

On 11 October 2021 the Government announced that workers in the health and disability sector will be required to be fully vaccinated against COVID-19 before 11.59pm 1 January 2022, and must have received their first vaccination before 11.59am on 15 November 2021. The mandatory vaccine requirement has been formally implemented by way of an amendment to the COVID-19 Public Health Response (Vaccinations) Order 2021 (“the Order”), which became effective from 25 October 2021.

This list of Frequently Asked Questions explains how the Order may affect workers who are employed by community health providers that have services contracts with District Health Boards.

How will the Order work?

The Order requires that affected persons who fall within its coverage must be vaccinated against COVID-19 by the specified dates. It will be an offence for an affected person to continue to carry out work without being vaccinated after the stated dates, and an offence for an employer to allow an affected person to undertake that work.

Who is an affected person?

The Order defines an “affected person” as follows:

- Health practitioners
- Workers who carry out work where health services are provided to members of the public by one or more health practitioners and whose role involves being within two metres or less of a health practitioner or a member of the public for a period of 15 minutes or more
- Workers who are employed or engaged by certified providers and carry out work at the premises at which health care services are provided
- Care and support workers.

What does this mean for me?

All workers covered by the Order are required to be vaccinated by the specified dates, and will not legally be allowed to undertake work if they have not been.

How does the Order apply to people who have accepted, but not yet commenced employment?

People who are intending to work within a community health provider and are covered by the Order will be required to have at least one vaccination before their commencement date if this is after 15 November 2021, and two vaccinations if this is after 1 January 2021.

Will contractors and volunteers be required to be vaccinated?

Any person coming in to the community health provider to carry out work, whether that is as an employee, a contractor or a volunteer, will may be required to be vaccinated in order to perform that work.

Will the Order affect visitors to the community health provider?

Visitors and guests of the community health provider are not covered by the Order, however each community health provider will have their own visitor policy relating to visitors to the premises.

How can I get proof of vaccination status?

You can get proof of vaccination status by logging in to: <https://www.identity.health.nz/>

What if I do not want to disclose my vaccination status?

Employers would prefer to have open conversations with all their staff around their vaccination status and any concerns that they may have regarding the vaccine. This is to ensure that the employers can comply with the Order and provide for the health and safety of our staff and patients.

However, the Order expressly requires employees within coverage to provide their employers with accurate information about their vaccination status, including the name of the vaccine received and the date the vaccine was received. Failure to do so is considered a breach of the Order and an infringement offence under the COVID-19 Public Health Response Act 2020, and you may be subject to a fine or an infringement fee.

Can I get a medical exemption?

The Pfizer COVID-19 vaccine has an excellent safety profile and the advice provided by the Immunisation Advisory Centre is that there are only a handful of eligible people (fewer than 100) in Aotearoa who cannot receive it at all. The Immunisation Advisory Centre has further information about who cannot receive the Pfizer vaccine, which can [be found here](#).

The medical advice is that the vaccine is safe for people who:

- Are pregnant or breast feeding;
- Have pre-existing health conditions;
- Are on treatments that weaken the immune system (such as cancer and HIV treatments); and
- Have had severe reactions to other vaccines in the past.

In order to obtain an exemption on medical grounds, a suitably qualified health practitioner will need to provide written confirmation that it is inappropriate for you to be vaccinated. A formal process will be undertaken if you believe you will reach the conditions for a medical exemption. A worker may not exempt themselves if they are a suitable qualified health practitioner.

Where a suitably qualified health practitioner provides a medical exemption, the employer will then need to conduct a risk assessment to determine whether appropriate risk mitigation controls can be put into place to enable the role to be undertaken safely or consider other alternatives if this cannot be

agreed. The employer may choose to require a further assessment be undertaken through an employer-appointed health practitioner.

What is a Minister Approved Exception?

The Order provides that the employer may seek approval from the Minister for an exception for a particular person, from the requirement to be vaccinated, in order to prevent significant disruption to health services. This may occur where:

- the health services cannot be delayed to facilitate the person required to carry out the work being vaccinated
- the services cannot be performed by other persons who have been vaccinated
- there is a public health risk associated with work.

The Minister may impose conditions on any exception granted and it will be for a specified period only, i.e. not an ongoing solution. Where an exception is approved by the Minister, the employer will then need to conduct a risk assessment to determine whether appropriate risk mitigation controls can be put into place to enable the role to be undertaken safely.

Are there other alternatives to being vaccinated? E.g. additional PPE and regular surveillance testing.

The Order requires that no affected person may carry out their role unless they are vaccinated (other than people with a medical exemption or Minister approved exemption – see above). Other than these very limited situations, there are no exceptions to being vaccinated, so steps such as additional PPE, social distancing, surveillance testing, and other measures will be in addition to and will not be available as alternatives to being vaccinated. The most likely outcome is that if you are an affected person and are not vaccinated, you will not be allowed to perform your role.

What if I have previously contracted COVID-19 and have achieved natural immunity? Will the employer accept antibody testing as proof of this?

The Order does not distinguish between people who have previously had COVID-19 and those who have not. It requires that everyone covered by it is vaccinated.

What if I have been vaccinated overseas with a vaccine that is not the Pfizer vaccine?

Yes, if it includes one of the approved vaccines. The approved vaccines and administration requirements are set out in the Order, which currently include the Pfizer, Moderna, AstraZeneca and Janssen vaccines. However, only the Pfizer vaccine is currently available in New Zealand.

If you have received a vaccine that is not on the approved list, you will be required to receive one of the approved vaccines to comply with the Order. You will need to provide evidence of vaccination to be considered vaccinated in compliance with the Order.

What will happen if I do not get the first dose by the date in the Order?

The Order is explicit that no affected person can perform their role from the dates specified if they are not vaccinated (subject to a medical exemption or Ministerial exception being granted). An employer may explore other options, including paid special leave, unpaid leave or annual holidays, if you are intending to receive your vaccination shortly after the dates set out in the Order and are unable to receive it by the deadline.

What if my preference is to wait for a different (non RNA) vaccine to become available?

Currently the only vaccine available in New Zealand is the Pfizer vaccine. If alternative vaccines become available in New Zealand in the future, the employer may consider whether it is practicable to place you on annual leave or leave without pay to enable you to receive this vaccine, however this is unlikely before the deadline. This will be subject to the vaccine meeting the requirements of the Order and any relevant Ministry of Health advice.

If I do not wish to be vaccinated, will my employer redeploy me to a new role?

If you are not vaccinated by the dates in the Order, the employer will consider redeployment options for you. However, given the broad coverage of the Order, it is unlikely that many roles will exist within the sector that you may be redeployed to that will not also require you to be vaccinated. Each situation will be assessed on a case-by-case basis and the provisions of your employment agreement will be adhered to.

What will happen to me if I do not receive the vaccine and there are no suitable redeployment options?

After working through a fair process with you, if no suitable redeployment alternatives or other options are agreed then you will be given notice of termination of employment subject to the provisions of your employment agreement. If my employment is terminated, what are my entitlements?

If, following a fair process, your employment is terminated, you will receive notice of termination in accordance with your employment agreement, and any outstanding holiday pay or other entitlements.

What happens if I am on some form of leave when the required vaccination dates occur?

Employers will expect employees who are returning from leave (which may be parental leave, ACC, annual leave etc) to have at least one vaccination before they return if this is after 15 November 2021, and two vaccinations if this is after 1 January 2022.

Where this means that an employee will be unable to return on their previously expected return date, employers will discuss the options, including extending the leave period or granting annual leave.

In the case of employees who are about to take parental leave and would prefer not to take the vaccine until after the baby is born, employers should consider the available options, including the early commencement of the leave period.

Am I able to return to the employer in the future?

If you are vaccinated in accordance with the Order and meet any other requirements, then you can apply for other roles and will be considered in a fair way.

What happens if I am a casual worker?

Casual employees who have not been vaccinated in accordance with the Order will not be offered further work until they comply with the Order.

If I am feeling hesitant about taking the vaccine, what can I do?

Employers appreciate that some people will have questions and will want to seek reassurance that taking the vaccine is safe. If you would like support, please:

- Call your GP or local medical centre
- Talk to a trusted advisor
- Talk to your Lead Maternity Carer

If I feel unwell after being vaccinated, can I take paid special leave?

In most instances people who take the vaccine suffer only mild side effects. If, however, you feel unwell, talk with your employer about leave options that may be available.

What if I have had one dose but not a second?

The process outlined in this FAQ document will apply to employees who have not received one dose after 15 November 2021 and also to those who have not received two doses after 1 January 2022.

What are the next steps?

Employers will begin a process of establishing who is covered by the Order and will work with those employees and their unions to determine:

1. Their vaccination status
2. Whether they have received the vaccine, or the reason they have not received it
3. Whether they intend to receive the vaccine by the required date
4. What options are available should they be unable to perform their role.

I have questions. Who can I ask?

There are many people you can approach, depending on the nature of your questions:

- Speak to your GP if you have any questions about the vaccine or COVID-19
- Speak to your manager if you have questions about what the Order may mean for your employment
- Speak to your union delegate/organiser about support they may be able to provide you.