



**MINISTRY OF SOCIAL  
DEVELOPMENT**  
TE MANATŪ WHAKAHIATO ORA

# COVID-19 Vaccination Policy

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Next Review Date:	June 2022
Approved by:	Leadership Team December 2021
Owner:	DCE Organisational Assurance and Communications

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## Purpose

The purpose of this Policy is to establish and communicate the policy of the Ministry of Social Development (MSD) regarding worker vaccination requirements for COVID-19 and its variants (COVID-19) on the basis that COVID-19 poses a risk to the health and safety of employees.

Under the Health and Safety at Work Act 2015, the Ministry has a duty to take all reasonably practicable steps to eliminate or minimise this risk. This includes the risk of contracting and transmitting COVID-19 with those we work with and onto members of the public we interact with, as a result of our work.

## Policy statement

The New Zealand Government has transitioned from a policy of eliminating COVID-19 to a COVID-19 Protection Framework (CPF) that is aimed at minimising risk and protecting New Zealanders from contracting and transmitting the virus and at preventing serious illness/harm and to save lives. The key protection in this approach is vaccination. MSD has a critical role in supporting New Zealand as we address, and recover from, COVID-19 impacts.

MSD supports vaccination as a measure to protect the health and safety of all workers, and the health and safety of our clients, visitors to our workplace, consultants, contractors and other New Zealanders that we work with. We also support vaccination to minimise the risk of COVID-19 spreading to the wider community and a vaccinated workforce is an important step in managing this.

MSD needs to support the broader wellbeing of employees beyond the COVID-19 risks we all currently face and know about. The variants and risks associated with COVID-19 may continue to change and the measures and controls we

implement may need to be reviewed as further measures and controls become available. We note this may mean we need to update, amend or replace this Policy.

COVID-19 also presents risks to business security and continuity. MSD provides critical services to large numbers of New Zealanders, many of whom are vulnerable, and any disruption to these services that may arise from employees contracting COVID-19 directly impacts the wellbeing of clients.

We know that we have a critical role to play in the welfare response to emergencies which requires the ability to quickly respond and to ensure services reach those most in need. The consequences and potential adverse effects of COVID-19 infection and transmission within MSD would have a severe impact on the ability to provide these services.

While not all roles within MSD are client front-facing, all roles contribute to ensuring there is no undue disruption to the service MSD provides.

MSD is required to take all reasonably practicable steps to minimise the risk of harm arising from COVID-19 (and any variants), including its transmission in the workplace, which could cause significant disruption to our ability to deliver services, and cause transmission to the wider community, including our clients. Vaccination is considered the primary way in which MSD can protect our employees (and others working at our premises) and the community from the spread and impact on individuals of COVID-19.

MSD supports the Te Kawa Mataaho (Public Service Commission) Guidelines which set an expectation that all public servants who can be vaccinated are vaccinated, and we will continue to review and update guidance in accordance with public sector and legislative direction.

To meet our obligations to the public who use our services, and our health and safety obligations to each other, MSD has determined we need to introduce mandatory vaccination requirements for all employees who will be in our workplaces or at other sites we deliver our services from. This decision is based primarily on the formal risk assessment conducted with input from employees and employee representatives.

Please read this Policy carefully to ensure you understand it and that you meet the requirements of this Policy and any updated official advice in relation to vaccinations for COVID-19.

## Scope

This Policy covers all MSD employees, contractors, consultants working for MSD including those working here on secondment and includes volunteers. This Policy also outlines our approach to commercial contractors and visitors (excluding clients/client support people) entering MSD premises.

## New employees

All new MSD employees and any employee transferring to MSD from another agency must be fully vaccinated effective immediately unless they have a [Ministry of Health](#) (MOH) exemption.

For the purposes of this Policy, **fully vaccinated** means you have received the required number of an approved vaccination and any subsequent booster or vaccination recommended by the MOH. Information on the COVID-19 vaccine can be found at:

- [Ministry of Health NZ](#)
- [Karawhiua](#)
- [Unite against COVID-19](#)

MSD will regard the employee as vaccinated if the employee has received the required doses of a MOH approved vaccination, including any required booster vaccination in the time recommended by MOH.

Currently, to be fully vaccinated this means the employee has received the first and second dose of the vaccine (and any required boosters).

To remain fully vaccinated for the purposes of this Policy, all required boosters or additional dosage of vaccines as recommended must be received and within the required timeframes.

## What you need to do to comply with this policy

To comply with this policy, the employee must receive

- a first dose of the vaccine no later than 10 January 2022; and
- the second dose no later than 4 February 2022; and
- any required boosters or additional vaccines as recommended and within the expected timeframes.

You will be required to provide proof of your vaccination status with My Vaccine Pass, which is the official record of your COVID-19 vaccination status (or My COVID Record as an acceptable alternative). MSD reserves the right to verify your vaccination status by other means if necessary. You can find information on this at [My Vaccine Pass | Unite against COVID-19](#).

## Policy principles

MSD has based its assessment of health and safety risks arising from COVID-19 and its variants on the advice of the MOH, the guidance of WorkSafe New Zealand and Te Kawa Mataaho (Public Service Commission), and other relevant information available at the time. We have also considered our need to deliver critical services to New Zealanders and to ensure we meet our statutory obligations as well.

In considering implications for MSD employees, MSD will explore all available and reasonable alternatives in consultation with the employee and their representative.

The potential outcome of termination of employment is as a last resort, and alternatives will be considered within available, reasonable and appropriate fiscal and operational considerations.

## Supporting employees to be vaccinated

MSD will continue to enable our people to be fully vaccinated (and remain vaccinated) by providing paid special leave during work time to receive a vaccination and/or booster and to recover from any short-term effects of vaccination.

MSD has a suite of resources available to assist employees in their decision making about the COVID-19 vaccination, including a dedicated Doogole page with links to independent advice and contacts for people who wish to discuss any issues with vaccination hesitancy.

## Key dates

There are some key dates that are important for everyone to be aware of. These are as follows:

- **16 December 2021** – MSD COVID-19 Vaccination Policy is implemented.
- **16 December 2021** – new employees (including secondees or transferred workers) to MSD are required to be fully vaccinated (unless they have an MOH exemption).
- **16 December – 7 January 2022** –
  - Current employees are required to provide evidence of their vaccination status to managers (My Vaccine Pass or My COVID Record).
  - Managers will record vaccination status into an employee’s myHR file to enable discussions to occur for employees classified as unvaccinated.
  - MSD will start working with any employee who advises they are not willing to vaccinate to explore any available and reasonable alternatives to termination.
- **10 January 2022** –
  - All MSD employees are required to have had at least their first vaccination.
  - Any employees who have not received their first dose of the vaccination by this date (and who do not have an MOH exemption) are asked to immediately notify their managers so they can discuss with the employee, the reasons why they are not vaccinated. If the employee does not disclose or provide evidence of their vaccination status, we will

assume that the employee is not vaccinated for the purposes of this Policy.

- During this period, employees' not fully vaccinated will be asked to work from home while the assessment takes place. Where the employee is unable to work from home (either in their current role or an alternative role) they will be on paid discretionary leave.
- **3 February 2022 –**
  - Any employees who are not fully vaccinated by this date (and who do not have an MOH exemption) are asked to immediately notify their managers so they can discuss next steps.
- **4 February 2022 –**
  - Everyone within scope of this Policy is required to be fully vaccinated.
  - The Leadership Team will receive recommendations to consider and endorse. During this time employees will continue working from home. The Leadership Team will complete this process by 17 February 2022.
  - **18 February 2022 –** outcomes will be communicated to employees. If no reasonable alternatives are available, the employee will be given notice of termination of their employment.
- **18 March 2022 –**
  - Should the employee not have their required vaccinations, their employment is terminated.
  - If the employee becomes vaccinated during the notice period, the notice of termination will be withdrawn.

## Phased approach

The introduction of this policy is based on working through different phases as needed by an employee's circumstances. The three phases (***Discussion, Assessment, and Implementation***) aim to identify those employees whom we need to work with more directly on potential implications of being unvaccinated.

## Discussion Phase

### Confirmation of vaccination status

From 16 December, employees are asked to provide evidence of their vaccination status to their manager. The table below shows what evidence is required to demonstrate vaccination status dependent on the employee's current situation.

<b>Employees who are vaccinated</b>	<ul style="list-style-type: none"><li>• Need to supply confirmation of vaccination status using My Vaccination Pass (MVP) or My Covid Record as the appropriate means of evidence.</li><li>• Confirmation will be confidentially recorded in an employee's myHR record and can be updated as required</li></ul>
<b>Employees who are unvaccinated due to an MOH exemption or other medical reasons</b>	<ul style="list-style-type: none"><li>• Need to supply confirmation of vaccination status using an MOH exemption.</li><li>• Will need a suitable/reasonable alternative working option from 10 January 2022 as they will not be able to work from an MSD premise.</li><li>• We will work with these employees on a case-by-case basis and this will include reviewing any reasonable alternative working options as necessary.</li></ul>
<b>Employees who are unvaccinated</b> <b>Employees who are unwilling or decline to declare vaccination status</b>	<ul style="list-style-type: none"><li>• Will need a suitable/reasonable alternative working option from 10 January 2022 as they will not be able to work from an MSD premise.</li><li>• MSD will follow a process to determine any appropriate options and will discuss timeframes and potential outcomes with the employee</li></ul>

Employees may choose to vaccinate at any point during the **Discussion, Assessment or Implementation** phases.

MSD will follow MOH guidance for accepting a person's MVP as current, and for the purposes of this policy, will treat a person with a non-current MVP as unvaccinated.

#### **Discussions with employees who are unvaccinated**

If an employee advises they are either hesitant to vaccinate, unwilling to vaccinate or are unwilling to advise of their vaccination status, MSD in the first instance, will support our people through the information resources referred to

above, through paid time off to obtain the vaccination and through other forms of support such as EAP, health line or other health advisory services.

For employees who confirm as unvaccinated, managers will have a discussion with the employee to understand their particular circumstances. Elements that will be discussed include:

- the expectation all employees will be vaccinated
- an outline of the risk assessment
- the timeline for when vaccination will be required
- the opportunity for the employee to provide feedback on the risk assessment and timeline
- options that may be explored through the assessment phase
- outcomes if an appropriate alternative is not feasible
- whether any other support is needed to assist getting vaccinated.

### **Ministry of Health exemptions**

Exemptions from this Policy will only be available for people who cannot be vaccinated for medical reasons, and have an [MOH exemption](#). Where an employee does not currently have an MOH exemption, we will discuss with the employee the process for seeking one.

Employees with an MOH exemption will need an alternative working option from 10 January 2022 as they will not be able to work from an MSD premise. Where an alternative is not able to be identified, medical retirement may be considered as an alternative to notice of termination.

### **Assessment Phase**

Unvaccinated employees will enter an assessment phase, where options will be explored to determine if there are any reasonable and appropriate measures that can be applied to reduce the possibility of exposure to, or contraction or transmission of COVID-19, including the risk to others, in the workplace.

In assessing the individual circumstances MSD will consider any reasonably practicable and established controls to minimise and protect all employees and clients. The types of options that would be explored include determining:

- whether the role can reasonably be performed permanently from home
- if the role can be reasonably performed elsewhere where vaccination is not a requirement
- if the role can be performed in a different way
- the employee's skills and experience to assess feasibility of alternative roles within other government agencies, either on a permanent or temporary basis

While all reasonable accommodations will be considered, permanently working from home will not be the primary option. MSD has limited capacity to accommodate working from home on a permanent basis and certain roles are not able to be undertaken at home.

For those unvaccinated and unable to work at MSD premises from 10 January 2022, employees are asked to engage with their managers who will consider any available and reasonable options based on organisation, team and employee requirements. The manager will then submit a recommendation of alternative working arrangement or termination to the applicable decision maker. Decision makers can be the relevant Regional Director / Commissioner, General or Group General Manager as appropriate. If the employee is a decision maker, the one-up manager will become the decision maker.

People Group will collate all recommendations for the applicable Deputy Chief Executive. The DCE will present recommendations to the MSD Leadership Team. To ensure a fair and consistent approach across MSD, the Leadership Team will review all recommendations as a moderation panel before either endorsing or making a recommendation for the decision maker to consider. If the decision maker is unable to make a decision, the assessment phase will start again.

## **Implementation Phase**

The implementation phase will take effect immediately (from 16 December 2021) with new employees being required to be vaccinated.

From 10 January 2022 all employees must have confirmed their vaccination status and will have to have received their first vaccination in order to work from or visit an MSD premise.

From 4 February 2022, all employees must be able to confirm a fully vaccinated status to their manager.

## **Termination**

Where the employee has chosen not to or cannot vaccinate or is unwilling to advise their status, and no available and reasonable alternatives to termination are available, notice of termination of employment will be given.

Where a decision to terminate the employment is made, contractual notice periods will apply (minimum notice is one month).

During this period, the employee will be asked to continue to work from home or, if this is not possible, they will be granted paid discretionary leave.

If the employee chooses to get vaccinated during this period, the employee can return to the workplace on a date reasonably set by MSD (to take into account matters such as vaccine efficacy recommendations and work needs) and the notice of termination will be withdrawn.



## Contractors and visitors

Commercial contractors are categorised in five main groups:

- 1.1 Tautiaki – through a contracted provider
- 1.2 Cleaners – through a number of contracted providers
- 1.3 Contractors who are treated as staff and have MSD key card access – individuals who complete work for MSD and have a similar profile to MSD employees, such as consultants, project work or IST contractors
- 1.4 Other commercial contractors for ad-hoc services – contractors who provide ad-hoc services, such as training, repair and maintenance and only come on to MSD premises if, and when required
- 1.5 Suppliers – deliveries and courier type services

On the basis of our risk assessment and ongoing consultation with these groups, Tautiaki and cleaners with key card access will be required to be vaccinated to work at MSD premises.

Similarly, contractors with key card access working as employees are included in the COVID-19 Vaccination Policy Implementation Process and will be required to be vaccinated. Where these contractors do not comply, the manager responsible will need to take action in accordance with the agreement, with the contractor or their organisation.

Other commercial contractors, suppliers and landlords will complete their own risk assessment and implement their own policies, however our expectation is that wherever practicable, contractors or suppliers coming onto MSD premises should be vaccinated and show their My Vaccine Pass before entering. Where a contractor or supplier is not vaccinated or is not able to provide a vaccinated person to carry out the work, a joint risk assessment will be carried out with the manager of the site and other controls will be agreed in addition to the existing COVID-19 protocols already in place.

Visitors (excluding clients/client support people) entering MSD premises should be required to provide a vaccine pass for entry. This would be a condition of entry. As visitors can choose to use alternative means to work with us (online, other channels) this shouldn't impact on their interaction with us. This would likely be most relevant to other Government agencies and businesses. It may also impact third party providers who visit us at our premises for meetings etc (but are not co-located or working with us at our workplaces).

## Responsibilities

Person/Party	Responsibilities
MSD Leadership Team	<ul style="list-style-type: none"> <li>Review all recommendations for alternative working options as a moderation panel before either endorsing or making a recommendation to reconsider.</li> </ul>
Deputy Chief Executives (DCEs)	<ul style="list-style-type: none"> <li>Present recommendations from their work group to MSD Leadership Team for moderation</li> </ul>
Decision maker	<ul style="list-style-type: none"> <li>Can be relevant Regional Commissioner, Regional Director, Group General Manager or General Manager</li> <li>Receive recommendations from managers on employee's alternative work arrangements and terminations</li> <li>Endorses (or not) recommendations</li> <li>Make decision after moderation process</li> </ul>
People Group Health, Safety and Security	<ul style="list-style-type: none"> <li>Collated recommendations for DCEs</li> <li>Manages implementation of the COVID-19 Vaccination Policy</li> </ul>
Managers (the person the employee reports to)	<ul style="list-style-type: none"> <li>Encourage and support employees to get vaccinated</li> <li>Ensure employees are aware of the requirement to be fully vaccinated and the timelines</li> <li>Confirm and record in myHR the vaccination status of employees on required dates</li> <li>Explore available and reasonable alternative options, with employees who are unvaccinated or who decline to share their vaccination status or who have an accepted exemption</li> <li>Make recommendations of alternative work arrangements or termination through to decision maker</li> <li>Communicates outcome to employee</li> </ul>
All MSD employees	<ul style="list-style-type: none"> <li>Provide manager with confirmation of vaccination status by 7 January 2022. Valid confirmation is by current My Vaccination Pass (MVP), My CCOVID Record or MOH exemption. A vaccination card is not sufficient.</li> <li>Employees who are unable to safely receive a vaccine, do not wish to become vaccinated, or do not wish to disclose their vaccination status should discuss this with their manager as soon as possible.</li> </ul>

## Definitions

Word/phrase	Definition
My Vaccine Pass	A verifiable proof that the person named on the pass is considered vaccinated for COVID-19, until the pass expires. The pass provides proof of vaccination as recorded in MOH national COVID-19 vaccination register
Fully vaccinated	Has received the required number of an approved vaccination and any subsequent booster or vaccination recommended by the MOH
Not fully vaccinated	Has had one of an approved vaccination (where two are required) or full vaccination has lapsed because a booster is required
Unvaccinated	Has not received any COVID-19 vaccinations, does not disclose their vaccination status or has not had both COVID-19 vaccinations by the 4 February 2022
Relocation	Assessing alternatives inside or outside MSD that may be in a different location – contractual provisions apply where outside the local area
Redeployment	Looking at alternative roles that might be available in other government agencies where vaccination may not be required

## Related policies

Word/phrase	Definition
Reasonable Accommodation	Consideration of what adjustments are required to enable continuation of work
COVID -19 Leave guidance	Outlining leave provisions that apply in different scenarios (requires updating to incorporate Traffic Light framework as well as changes reflected in updated Te Kawa Mataaho (Public Service Commission) Guidance)
Recruitment policy/guide	Outlining requirement for new recruits (requires updating to reflect vaccination requirements)