

## Mandatory vaccination...what we know so far!

### The new vaccination mandate changes the equation for many workers

By Shazreen Hussain

*Some workers are already in sync, but either way, expect tensions and frustration to intensify!*

Large parts of two workforces critical to preventing the spread of Covid-19 will be required to be vaccinated. New Zealand's education and health and disability sector have done an incredible job throughout this pandemic to keep everyone safe. Yet, vaccination remains our strongest tool to help prevent the spread of the delta variant. This means we need as many workers as possible to be vaccinated to allow businesses to respond to the pandemic and deliver essential services with as little interruption as possible.



Whilst most workers in these sectors are already fully or partially vaccinated, the Cabinet has mandated the vaccination of workers in the health and disability sector by 1 December 2021, and school staff by 1 January 2022. It certainly has not been an easy decision for the Government, but it is critical for people working with vulnerable communities to take this extra step. The COVID-19 Public Health Response (Vaccinations) Order 2021 (**Order**) will be subsequently updated to reflect the changes.

### So, what does this mean for the health and disability sector?

Well, the Government cannot leave anything to chance and so has mandated vaccination for high-risk workers in the health and disability sector. These workers include general practitioners, community health nurses, pharmacists, paramedics, midwives, and all health care workers in sites where vulnerable patients are treated. Likewise, certain providers of non-regulated healthcare work, such as aged residential



care, home, and community support services, kaupapa Māori health providers, and Non-Government Organisations that provide health services are also included.

Any health and disability workers who fall under these categories must receive their first dose of the vaccine by 30 October and their second dose by 1 December 2021.

Further details about the criteria for this amended Order will be released soon.

### What about the education sector?

The Order applies to all staff in schools and early learning services that have contact with children including teacher-aides, home-based educators, administration and maintenance staff, and contractors.

From 1 January 2022, schools and early learning services, and providers will be required to maintain a vaccination register for their employees and support people. All school staff need to have their first dose by 15 November 2021. Secondary schools and kura (Māori language immersion schools) will additionally be required to maintain a vaccination register for students. Students who do not provide vaccination evidence will be considered unvaccinated.



All school staff in Auckland and other Alert Level 3 areas must return a negative COVID-19 test result before they can return to work onsite. Workers who are not fully vaccinated in the period leading up to 1 January 2022 will also be required to undergo weekly COVID-19 testing.

In addition to this, the Minister for COVID-19 Response, Chris Hipkins, also signaled that *“work is continuing on whether*

*mandatory vaccinations will be required in the tertiary education sector”.*

### Covid 19 Delta outbreak: teachers quit over mandated vaccinations

According to the head of the Principals' Federation, some teachers have already handed in their resignations after being told they will have to get the Covid-19 vaccine to continue working. Perry Rush President of the Principals' Federation said he had heard of a teacher and a teacher aide quitting on 12 October 2021 after the vaccination mandate was announced on 11 October 2021, by Covid-19 Response Minister Chris Hipkins. Rush said principals needed clear guidance from the Ministry about what to tell staff who didn't want the vaccine.

Even if teachers could take their classes virtually, so much of their duties involved in-person interaction, from staff training to sports coaching, he said. Rush said he was astonished to see the mandate come in “without a clear understanding of the implications of the decision”. Sector leaders would join the Ministry in a working group to “put shoulder to the wheel”, but Rush said it would be a challenging piece of work, with limited opportunities for unvaccinated workers.



In addition to this, the doors of two early childhood centres in Waikato could close if teachers don't uphold the Government's mandate and get vaccinated, says one business owner. Five teachers across a preschool in Ōtorohanga and Hopscotch Childcare do not want to get vaccinated, owner Charlotte Clapcott told *Stuff* on 12 October 2021. “They would rather resign than get the vaccination ... and I'm not going to force them, I respect their decision,” Clapcott said.

Clapcott who is double vaccinated and pro-vaccination herself supports her employees regardless of their choice. “I feel it's a breach of human rights, and it's forcing someone out of a job,” Clapcott said. “If push comes to shove, I have no choice but to let these people go. I can't keep them if they don't get

# COVID TODAY

vaccinated.” That choice will leave her short-staffed and as a consequence, her business of 16 years, could potentially close for good. Clapcott said it took six months to fill one vacancy and the business has an eight-month waiting list for enrolments for children. At present, she is unsure what will happen to the 120 children, as other centres are fully booked out in the town.

## What does the sector say?

The chief adviser to the Office of Early Childhood Education Sarah Alexander said the delta variant had given the New Zealand Government no other choice. Dr. Ashley Bloomfield in the press conference on 12 October 2021, said it is estimated there are less than 100 people who are unable to get the Pfizer vaccine for health reasons.



A recent High Court decision found in favour of the Government when a Customs border worker lost her job by failing to have the Covid-19 vaccine. Perry Rush President of the Principals’ Federation said that case indicated it was likely teaching staff who refused to get vaccinated would have their jobs terminated. Most of the teachers in the sector are in favour of the mandate, saying it is a teachers’ job to model safe behaviour for students.

NZ Educational Institute (NZEI) and teachers’ unions the Post-Primary Teachers’ Association (PPTA) will work with teachers who refuse to get the vaccine. The president of the main education union NZEI Liam Rutherford said the union supported the mandate. “This is the best way to protect the sector, and we support the fact that high-risk professions need to roll up their sleeves,” Rutherford said. As for those teachers who do not want the vaccine, Rutherford said some steps can be taken before someone gets fired.

The union has a duty to its members to keep as many teachers in employment as possible, by making sure they have access to fair and reasonable employment processes. Rutherford said it could mean teachers get shifted away from working directly with children, such as distant learning.

PPTA president Melanie Webber said the union was seeking legal advice on behalf of its members but understood the vaccine mandate was based on the Customs case.



Webber said it was “very hard” to work out how many teachers would refuse the vaccine. There would be some teachers who say no to the vaccine and quit teaching – a “limited number”, Webber predicted, but sufficient to have an impact on an already stretched labour force. “We do have a major teacher shortage in New Zealand,” she said.

## Some guidance for Early Learning staff working under Alert Level 3

- Staff currently working onsite must return a negative COVID-19 test result before **26 October 2021**.
- Staff who are not currently onsite must return a negative COVID-19 test result before commencing work onsite.
- Staff who are not fully vaccinated must undergo weekly COVID-19 testing until fully vaccinated OR when the region moves out of Alert Level 3.

*Can my employment be terminated if I do not have my first vaccination by 15th November 2021?*



Initiating a termination process at this stage would be hasty. So, an employer will need to explore alternatives such as remote working, taking annual leave, sick leave, or unpaid leave. If a staff member has no intention of being vaccinated, the employer may then start a consultation process to consider redeployment opportunities.

*Can my employment be terminated if I am not fully vaccinated by 1 January 2022?*

Termination is expected to be by way of capacity and staff should be given notice of their termination. Staff must be made aware of the legal requirement to be vaccinated, along with the timelines and consequences for not taking the vaccination.

Vaccine information - here is what you need to know

- Summer is just 8 weeks away and the Government needs everyone to book their first vaccine appointment now so they can get 2 doses and enjoy a classic Kiwi summer. If you have not been vaccinated yet, vaccine clinics will be open all over the country on [Saturday 16 October – Super Saturday](#).
- From the end of November 2021, proof of your COVID-19 vaccination will be available through a scannable QR code that can be emailed to you and stored on your smartphone. Until the end of November, if you need official proof of COVID-19 vaccination you can [request your vaccination records from the Ministry of Health](#).
- As part of the COVID Vaccination Healthline, call centre support is now available for disabled people to support them to get their vaccines. To contact the team, call the free COVID Vaccination Healthline on 0800 28 29 26 (8am–8pm Monday to Friday) and push ‘2’.
- There have been a massive number of community vaccination events held over the weekend, with more to come for Super Saturday. Local events will be advertised, but if you’re not sure what is happening in your area, check with your doctor or your local [District Health Board](#).

## Resources

- Ministry of Social Development ([www.msd.govt.nz](http://www.msd.govt.nz))
- Work and Income ([www.workandincome.govt.nz](http://www.workandincome.govt.nz))
- Inland Revenue ([www.ird.govt.nz](http://www.ird.govt.nz))
- Covid-19 Official Site ([www.covid19.govt.nz](http://www.covid19.govt.nz))
- Employment NZ ([www.employment.govt.nz](http://www.employment.govt.nz))

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