

# COVID TODAY

Latest news and bulletin updates

## Super Saturday (or was it) and traffic lights!!

### Weekend Update – Super Saturday House Party and Aucklanders coming together for a ‘Picnic Protest’!

By Sabrina Sachs



It is safe to say that New Zealand had a big day on Saturday. The country came together on Super Saturday and a record breaking 130,002 individuals got vaccinated, easily rising above the target of 100,000.

While some chose to get vaccinated, as many as 2000 Aucklanders attended an anti-lockdown ‘picnic protest’ organised by the ‘Freedom and Rights Coalition’.

Others in Auckland had a big night, with many waking up on Sunday to news of a large house party being held on Auckland’s North Shore, videos of which were circulated across social media.

Delta is clearly taking its toll, and New Zealanders do not have the appetite for a protracted lockdown. We can only hope that vaccination numbers continue to rise, and the Government provides us with clear guidance on the way forward.

### 10 Taranaki midwives to lose their jobs after refusing vaccination!

#### Mandatory vaccination

Education and health staff – including teachers, GPs, pharmacists, nurses – need to be **fully vaccinated** soon or face losing their jobs.

#### Deadlines

**December 1**  
High-risk health and disability staff



**January 1**  
School and ECE staff in contact with students

Herald Network graphic

The effects of the mandate being extended to the healthcare and education sectors are now coming to light. The Government has stated that midwives have until 30 October

2021 receive their first vaccination, and 1 December 2021 to be fully vaccinated.

Out of 63 registered midwives in the Taranaki region, 10 are refusing to get vaccinated in line with the mandate. Accordingly, their employment is set to be terminated as 30 October draws nearer.

One of the midwives has stated that she is not anti-vax but is prochoice. She will not however, reveal her reasons for refusing vaccination. The midwife also expressed the hope that the Government would “think about things and push things back a bit.” However, this is not looking likely.

The effect of this on the Taranaki District Health Board (TDHB) will no doubt be difficult as the TDHB will now need to find alternative midwives for the women who were under their care.

Unfortunately for these mid-wives, the Employment Relations Authority (the Authority) has already made very clear that the termination of unvaccinated employees in line with the mandate will be upheld so long as a robust and thorough process is followed, which includes first considering alterations to the role if possible, and redeployment.

With those in the education sector also needing to receive their first dose by 15 November 2021, there is no doubt that the mandate will continue to be challenged. It does however seem certain that for the unvaccinated, success in retaining their roles will be limited.

### Traffic Light System: The Experts Weigh in



Recently the Government released a draft “Traffic Light System” which has been earmarked to replace the Alert Levels that have been the hallmark of New Zealand’s COVID-19 experience.

**Operation:** the Traffic Light System operates by having each colour represent risk.



As one would expect, the ‘green light’ indicates a situation where there is limited spread of COVID-19, and where there is no widespread risk of transmission, or there was limited and isolated instances of community transmission. There would be no travel restrictions, face coverings would be highly recommended but not mandated, QR scanning would remain in place, and evidence of vaccination might be required to attend large events.

If community transmission was to become more widespread, the ‘orange light’ would come into effect. At the ‘orange light’, face masks would become mandatory, and workplaces and retail stores could remain open with limits on capacity.

The ‘red light’ would come into effect if the spread of COVID-19 poses a threat to the health-care system and could result in hospitals and other healthcare providers being overrun. At the ‘red light’, travel could be limited between regions and limits would be placed on private gatherings. Schools and retail stores would remain open, but as with the ‘orange light’ capacity limits could be put in place. Hospitality businesses could also remain open but would potentially only be able to operate table service and serve only vaccinated customers.

#### Alert levels by another name?

Many have noted that the Traffic Light System seems to be very similar to the Alert Level system already in place, with the ‘green light’ mirroring level one settings with some additions accounting for the introduction of vaccines, and the ‘amber light’ being largely similar to Level 2. The ‘red light’ on the other hand is very similar to an Alert Level 2.5.

The main distinction would be that Level 3 and Level 4 are cut out of the equation. This if anything, might mark the final nail in the coffin of the elimination strategy, and lockdowns themselves. However, as noted, at this stage the Traffic Light System is still very much in the draft phase and is very much open to being changed and could very possibly never be implemented.

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## The Response

Unfortunately, for the Government, the proposal was not met with a positive response. Amongst the feedback was that this Traffic Light System was not fit for purpose and does not meet the need of New Zealanders in a time where we are still months away from the majority of the population being vaccinated.

Experts also questioned whether the new Traffic Light System would be flexible and whether it was appropriate to move to a less nuanced system when the Alert Level system has served us well, and its rules and limits already well understood by the population. Others criticized the fact that the new traffic light system has seemingly done away with lockdowns, questioning whether this was appropriate given the ability of the virus to rapidly mutate and evolve.

Unfortunately, in this Monday's Alert Level announcement, the Government failed to give any further details on the new Traffic Light System, announcing that vaccine targets and further information would only be announced this Friday 22 October 2021. The extension of Level 3 for another two weeks did indicate that at this stage - Alert Levels and lockdowns are not going anywhere anytime soon.

## Is it time for an Auckland circuit breaker?

With no marked decrease in case-numbers, there does not seem to be any defined end in sight for Auckland's lockdown.

Auckland is very close to reaching its 90% vaccination milestone, but Director-General Ashley Bloomfield has indicated that Auckland's border restrictions will remain in place until the remainder of the country also reaches this milestone.

COVID-19 modeller Shaun Hendy has warned that Auckland risks months longer in lockdown without an urgent 'circuit breaker.'



This circuit breaker would likely consist of Auckland going into Level 4 yet again for a period, something Bloomfield has indicated is being actively considered (despite Deputy Prime-Minister Grant Robertson's doubts that another move to Level 4 would have any effect.)

Understandably, many are feeling very confused by the Government's stance (or lack thereof) and this week's Monday announcement showed Level 3 is here to stay for now.

The likelihood of a circuit breaker is therefore low (at least for now), and

hospitality and retail businesses can breathe a small sigh of relief.



## MediaWorks, PwC, and Russell McVeagh take stance on vaccine mandate

MediaWorks has announced that it will only be allowing staff, guests and visitors into its offices if they are fully vaccinated. This will be coming into effect from December.

Law firm Russell McVeagh has followed suit, banning any individual from entering its offices who has not received both doses of the COVID-19 vaccination from 1 November.

Russell McVeagh Chief Executive Jo Avenell defended the decision stating that "many people are concerned about unvaccinated people being in our office and a number of people live with or come into contact with people who are considered vulnerable". Consultancy firm PwC has also issued a similar policy, while Vodafone has stated that they are awaiting further guidance from the Government surrounding the risks and possibilities around making vaccines mandatory.



It is no doubt that the announcement of the latest vaccination orders pertaining to the education and health sectors has strongly influenced and aided in these decisions, alongside the Government's shift from an elimination focus to harm reduction vaccination focus.

Other businesses will very likely be watching and waiting to see how these moves pan out. Many employers feel caught in a bind - they risk legal challenges such as personal grievances from employees if they make the vaccine mandatory, but at the same time might be in breach of their health and safety obligations if they fail to take steps regarding vaccination.

Unfortunately for those businesses who remain unsure of their options, the Government has released very little in the way of guidance and the risk is very real - particularly for small to medium sized businesses who might not be in a position to be bold and take the first steps.

At this stage getting professional advice is essential, and as a first step employers should consider conducting educational campaigns to boost vaccination numbers, and if possible - supporting staff to get vaccinated.

At the end of the day many might want to watch and learn from the experiences of MediaWorks and Russell McVeagh before taking more definitive action themselves.



## 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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