

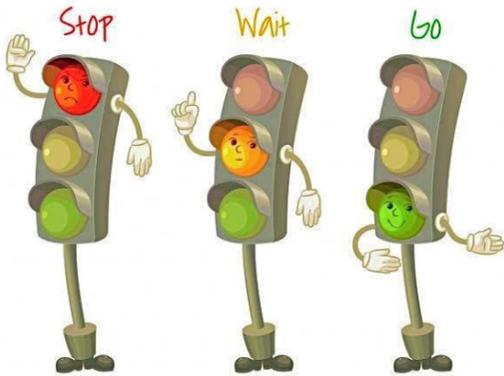
COVID TODAY

Latest news and bulletin updates

So what is this new 'Traffic Light Framework'....?

Stop, Wait, Go! The New Traffic-Light System for Aotearoa

By Shazreen Hussain



Ok, so we're a little bit optimistic. The New Zealand Government has released details of a much-needed traffic-light system to lead Kiwis out of lockdowns.

Last week the Government announced the COVID-19 Protective Framework which introduces a new way of managing COVID-19 in the country. The new COVID-19 Protective Framework will have three levels - **red**, **orange**, and **green**. The three steps of level 3 will remain in place until 90 per cent of the country's eligible population is double jabbed (i.e., 90% of New Zealanders 12 years or older have received two doses of the Pfizer vaccine).

The Vaccination Certificate

At present, what we know about the COVID-19 Protective Framework is that there will be a focus on vaccinations because at all levels businesses, retail and public facilities will be able to remain open for vaccinated people.

Under the 'traffic light' system, the need for businesses to require a Vaccination Certificate from customers will be optional. And businesses who choose not to require Vaccination Certificates from customers will be required to operate within **stricter** limitations than they otherwise would.

The Government has announced that where customers need to show a Vaccination Certificate to enter a workplace, then the staff of that workplace must also be vaccinated.

In addition to this, new employment laws will be passed as a priority which will set out a health and safety risk assessment which must be carried out in businesses, this is said

to be a guidance. This new process won't override risk assessments that businesses have already undertake to date pursuant to existing health and safety guidelines.

If employees are terminated for refusing the vaccine under the new framework, a minimum 4 week notice period must be given; this will act as a 'countdown' and if employees receive the vaccine within this notice period, they must no longer be terminated and instead re-offered their position.

This change will only apply to employees who do not have a notice period, or whose notice periods are shorter than four weeks. Most employees will have notice periods in their employment agreement.

Minister for Workplace Relations and Safety, Michael Wood said the ability for people to access unemployment benefit or to seek support in finding new employment is not and will not be affected by their vaccination status.

Some of the key points to remember:

🔑 Employers will be required to keep records of their employee's vaccination status in accordance with the Privacy Act 2020.

🔑 Worksafe NZ have received increased funding to take a larger role in educating and enforcing workplace vaccinations.

🔑 Other aspects of employment law will remain the same - employers must still act in good faith.

🔑 Employers to be required to provide paid time off for workers to get vaccinated.

🔑 Vaccine certificates would not be used in places like supermarkets, or to access health services.

🔑 Taxis and rideshare services are not covered by Covid-19 vaccine certificates so currently a vaccination mandate does not apply to drivers.

🔑 Vaccine certificates will be piloted during November 2021 and will be in place before Auckland moves into the new framework.

It is anticipated that we will see further details and updated legislation over the coming weeks.

Navigating through the Traffic Light Framework

Where we can go at **Red**

- Public facilities – open with up to 100 people, based on 1 metre distancing.
- Retail – open with capacity limits based on 1 metre distancing.
- Workplaces – working from home encouraged.
- ECEs, schools, and kura are open with public health measures.
- Specified outdoor community events – allowed with capacity limits.
- Regional boundary restrictions may apply.



Places where vaccination certificates are required

Places will be able to open with up to 100 people, based on 1 metre physical distancing if a vaccination certificate is presented and these are:

- Hospitality
- gatherings (for example weddings, places of worship, marae)
- Indoor and outdoor events; and
- gyms.

These places will be able to open with other requirements (yet to be determined):

- close contact businesses with public health requirements in place
- tertiary education – vaccines required for onsite delivery, with capacity based on 1 metre distancing.

Places where vaccination certificates are not required

If a business does not request proof of vaccine, restrictions will apply.

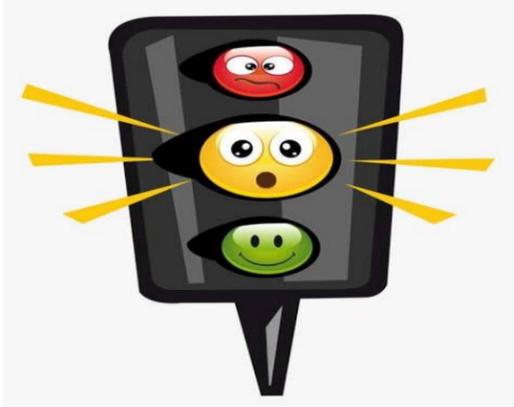
- Hospitality – contactless only.
- Gatherings (for example weddings, places

of worship, marae) – up to 10 people.

- Tertiary education – distance learning only.

These places will not be able to operate without a vaccine certificate requirement:

- events (indoor and outdoor)
- close contact businesses (for example hairdressers)
- gyms.



Where we can go at Orange

- Public facilities will be open with capacity limits based on 1 metre distancing.
- Retail will be open with capacity limits based on 1 metre distancing.
- Education facilities will be open with public health measures in place.
- Workplaces.
- Specified outdoor community events.
- Regional boundary restrictions will **not** apply.

There will be no limits if vaccination certificates are used at:

- hospitality
- gatherings (for example weddings, places of worship, marae)
- events (indoor/outdoor)
- close contact businesses (for example hairdressers)
- gyms.

If a business does not request proof of vaccine, restrictions will apply.

- Hospitality – contactless only.
- Gatherings (for example weddings, places of worship, marae) – up to 50 people, based on 1 metre distancing.

These places will not be able to operate without a vaccine certificate requirement:

- events (indoor/outdoor)
- gyms
- close contact businesses (for example hairdressers).

Where we can go at Green

- Workplaces.
- ECEs, schools, kura and tertiary providers.

- Specified outdoor community events.
- Regional boundary restrictions will **not** apply.

There will be no limits if vaccination certificates are used for:

- hospitality
- gatherings (for example weddings, places of worship, marae)
- events (indoor/outdoor)
- close contact businesses (for example, hairdressers)
- gyms.



If a business does not request proof of vaccine, restrictions will apply.

- Hospitality – up to 100 people, based on 1 metre physical distancing, seated, and separated.
- Gatherings (for example weddings, places of worship, marae) – up to 100 people, based on 1 metre physical distancing.
- Events (indoor/outdoor) – up to 100 people, based on 1 metre physical distancing, seated, and separated.
- Close contact businesses – face coverings for staff, 1 metre distancing between customers.
- Gyms – up to 100 people, based on 1 metre physical distancing.

On another note!

Will some firefighters leave over the vaccine mandate?

New Zealand emergency services are yet to find out whether vaccinations will become mandatory for their employees. But unions are concerned a vaccine mandate will force some staff to leave.



Chief executive Bill Butzbach of United Fire Brigades' Association said union members were "split on this issue".

Butzbach said, "they have their personal choice, which we respect." He said, firefighters can leave if the vaccine is mandated however, the size of the

matter is unknown unless everyone is surveyed. "It's not good or bad, it's indicative of the split in society around this matter ... my concern would be how we support members to work their way through this with support and advice."

Chef Peter Gordon welcomes vaccine mandate...



A famous restaurateur is welcoming the vaccine mandate for restaurant employees.

Under the traffic light framework, workers will have to be jabbed at any business that requires vaccine certificates, this includes hospitality, gyms, hairdressers, and close proximity businesses. This would require about 40-percent of the labour force to be vaccinated.

The owner of Auckland's Homeland Restaurant celebrity chef Peter Gordon said it takes the obligation off businesses to navigate the legal ordeal of mandates. In support of the mandate Gordon said he does not want to be a business that is unexpectedly in the Courts to fight an employee because of an unclear mandate. He said the mandate is beneficial for the industry and he supports it.

On a separate note...

Applications for the sixth COVID-19 Wage Subsidy August 2021, known as Wage Subsidy August 2021 #6, are open for two weeks between 9am, 29 October and 11.59pm, 11 November 2021.

Applications for Wage Subsidy #5 are now closed. It was available between 9am, 15 October 2021 and 11.59pm, Thursday 28 October 2021

Resources

- Ministry of Social Development (www.msd.govt.nz)
- Ministry of Health (www.health.govt.nz)
- Inland Revenue (www.ird.govt.nz)
- Covid-19 Official Site (www.covid19.govt.nz)
- Employment NZ (www.employment.govt.nz)



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