

# Guidance on creating a Vaccination Policy

14 September 2021

*Forum members have been asking questions about the need for a Vaccination Policy or guidelines for workers following the August and September 2021 lockdown in New Zealand. Some organisations have already started work on a new policy, updated other related policies, or have already rolled such a policy. Many have not started.*

*This guidance is based on the experiences of members to date as well as international research. It does not profess to be complete; instead, it details issues members should consider when creating a Vaccination Policy.*

*While you should consider legal and HR advice on these issues, your leadership and judgement is critical to ensuring the overall outcome is achieved – a healthy workforce, who are confident in work being a safe place to be, and the business being up and running.*

## Creating a Vaccination Policy – Issues to Consider

1. **What is the purpose of the Policy?** Some questions to consider before you start are:
  - a. Why are you developing such a Policy – what do you want it to achieve?
  - b. Do you need to have a Policy because the [Health Orders](#) capture you, your clients expect you to have one, or do your employees need clarity? *See Appendix 1 for some examples.*
2. **Who should it cover (scope)?** For example, should the Policy cover all employees or just those at the most significant risk (e.g., customer-facing employees)? Will the Policy cover visitors, volunteers, contractors, and at what sites/locations (locally and internationally), etc.? Also, consider the issue with current employees versus new employees as you may take a different approach to each group.
3. **The responsibilities of employees and your managers.** What do you expect your employees and managers to do to comply with the Policy? For example, the employee may be responsible for notifying their manager of any exemption or any compliance issues.
4. **Policy issues to consider.** The following are some of the Policy issues you may want to consider:
  - a. **Mandatory Vaccinations.** If there are roles that require mandatory vaccinations, this should be detailed. These may be deemed mandatory due to the law (e.g., Health Orders), your employment agreement, or based on a risk assessment (see [WorkSafe NZ Covid risk assessment](#)).
  - b. **Vaccination Leave.** Most leading organisations are providing leave for employees to get vaccinated, for example, up to a half-day paid leave for each vaccination. Some professional services businesses have created a special “vaccination code” for their billable units, and other firms are leaving it to management discretion. Consideration is needed for how will you handle any side effects someone may receive after being vaccinated (e.g., additional leave?).
  - c. **Exemptions.** How do you want to manage exemptions for employees who cannot receive the vaccination for health reasons or for religious reasons? Consider if you require a formal process (e.g., letters from doctors) or if it will be at the discretion of

management. Some Australian businesses have [limited exemptions to “medical grounds”](#).

- d. **Record Keeping.** You will need to consider recording keeping requirements. Some will be driven by the need to comply with the health orders, but whatever you devise will also need to consider the Privacy Act. Some organisations have unless notified, assumed employees are unvaccinated for the purposes of their health and safety risk assessments.
- e. **Expenses.** Do you wish to cover any out-of-pocket expenses for employees to get vaccinated, for example, taxi fares, childcare, etc.?
- f. **Incentives.** Some companies offer incentives, rewards, or giveaways, e.g., a \$100 payment to encourage employees to get vaccinated. Is this something that fits with your culture and would help promote the purpose of your Policy?
- g. **Consequences.** You will also want to consider the impacts of people not complying with the Policy and the impacts, for example, re-deployment or dismissal. This is a contentious issue, and legal advice should be sought to ensure you can manage the consequence as outlined in your Policy.
- h. **Vaccination Details.** You may consider adding in details of the vaccinations to be used under your Policy, for example, *“the vaccinations will be the Pfizer/BioNTech COVID-19 vaccination or any other vaccination subsequently approved by the Ministry of Health”*.
- i. **Information.** You may want to add in a section of links and where employees can get more information, for example, the Government Covid-19 website (<https://covid19.govt.nz/>)
- j. **Third-Party Requirements.** There may be circumstances where third parties, such as clients, government departments, and suppliers, may direct or require your employees and contractors to provide proof of vaccination as a condition of entry to a location or workplace. You may want to consider how you manage such requirements, including immediate timeframes for full implementation given the still variable rate of vaccination around New Zealand, i.e., some organisations are unable to get their workforce vaccinated yet due to vaccine booking times.

## Implementing your Policy

1. **Engaging the workforce and ensuring wider company policy alignment is crucial to get right.** The content of the Policy and what it contains will impact the process. Issues to consider when implementing a Vaccination Policy may include:
  - Think about your **consultation requirements** and how you get feedback. For example, will you engage all your people, your Health and Safety Committees, union or worker representatives?
  - Don't miss **flow-on effects** to your other Company Policies, for example, your Health and Safety Policy, Privacy Policy, Discrimination Policy, etc.
  - As advised, you may wish to seek legal advice on the draft Policy to ensure it complies with all other legislation (e.g., Health Orders, Privacy, Employment).

**2. Education.** How are you promoting the benefits of vaccinations across your workforce?

Member experiences suggest a multi-front approach:

- Promotion of official advice
- Information or briefings
- Staff sessions (virtual and in-person) with medical experts to bust myths and answer any employees' questions or concerns
- Encouraging workers to use EAP as an independent and safe place to work through questions
- Thinking about how digestible and shareable information is with workers' families.

**3. Approaches to dealing with vaccine-hesitant workers.** There is a range of reasons people are hesitant to get this vaccine. Consequently, it is critical to understand those specific concerns to ensure the appropriate response. Feedback from your EAP provider, your frontline managers, worker representatives and unions can help inform your understanding of the concerns in your organisation.

Some members found this [5-part approach](#) useful on how to engage a hesitant person:

1. Understand the reasons for hesitancy
2. Tailor the response to those concerns
3. Think about *who* does the engagement – the messenger makes a difference
4. Appeal to the greater good
5. Set boundaries if no change – i.e., risk-based mandatory roles or tasks, re-deployment options.

**4. Make it as easy as possible for your people to get vaccinated.** Some organisations have arranged on-site vaccinations as part of the Ministry of Health process, whilst others have utilised a GP or Chemist network to enable employees to book a vaccination. Providing childcare support and transport help are other examples of removing barriers to people getting vaccinated. Other members have proactively supported employees with how to use the [Book My Vaccine](#) website.

## Other Issues to consider

**Where you believe vaccinated workers is a critical and mandatory requirement for a particular job or task – make sure you undertake a deliberate risk assessment to support your Policy.** [WorkSafe has specific guidance](#) on this risk assessment process.

**Consider the overall employment-related issues** – such as leave types and entitlements. [The Government's Employment website has some guidance.](#) In addition, think about what your employment agreements should contain. For example:

- Do you need a specific **clause about Business Disruption** and the impacts of a Pandemic?
- Do you need a clause about being **vaccinated to be employed** (a pre-employment requirement)? Such clauses are becoming more common, and many have already inserted such clauses into the agreement (new and current) and have updated career sites to ensure all people applying for

work are fully aware of this requirement. Note that this is a fast-evolving part of the law, so some advice is prudent.

## **Conclusion**

We accept that this is not a straightforward issue and one that is regularly changing. Therefore, this guidance will be updated as we see changes or when we hear more. We encourage members to share their thinking and policies with us where possible, so we can update this guidance and support for all members.

## **Appendix 1 - Policy Purpose Examples**

These are examples of the 'purpose' of a Vaccination Policy from some members. This would sit at the front of a policy.

- We recognise that vaccination against COVID-19 represents a significant opportunity to assist in bringing the spread and impact of the disease under control. The COVID-19 vaccines will help protect people by either preventing or reducing symptoms of COVID-19 in the person who has received the vaccine. For this reason, we strongly encourage our employees and contractors to receive the vaccine as part of the national COVID-19 vaccination program, if they can do so, as it becomes available. We recognise that the science and knowledge around vaccines is still emerging, and these guidelines may need to be updated as developments occur.
- Consistent with commitment to keeping people healthy and safe at work and our duty to provide and maintain a workplace that is free of recognised hazards, the purpose of this Policy is to minimise exposure to and transmission of the COVID-19 virus in the workplace by providing occupational protection to employees and thereby preventing exposure to employee families and members of the community.
- This Policy aims to provide our Employees and customers with consistency of protection against COVID-19 in Company Premises and other environments required for work. It is a reasonable additional control for our Employees against exposure to COVID-19 and limiting transmission from our Employees to others. Vaccination is our best possible protection against the adverse impacts of COVID-19, including the potentially serious health impacts; on operational continuity and our business; disruptions to the service we provide to the community; and its spread in circumstances where our Employees have contact and interact with each other and/or large volumes of people, some of them vulnerable, on a regular basis.