

Te Pūkenga WBL COVID-19 Vaccination Policy

Audience and scope

This policy applies to kaimahi (including employees, contracted staff, contractors, volunteer workers and people gaining work experience) of Te Pūkenga Work Based Learning Limited (WBL), a subsidiary of Te Pūkenga and visitors to workplaces managed by WBL.

This policy does not apply to secondary school students who are involved in secondary-tertiary provision at a WBL site, as per the Ministry of Education guidelines in the COVID-19 Protection Framework.

This policy will be reviewed as Government mandates and direction are released and will be updated when deemed necessary by the Board of Directors guided by the Chief Executive.

Approval details

Version number	1	Issue date	15 December 2021
Version history	1	<i>Reason for amendment/s</i>	
Approval authority	WBL Board	Date of approval	13 December 2021
Procedure sponsor (has authority to make minor amendments)	WBL Head of P&C	Procedure owner	WBL Head of P&C
Contact person	WBL Head of P&C	Date of next review	TBC

Amendment history

Version	Effective date	Created/reviewed by	Reason for review/comment
1.0	15 December 2021	WBL Board	Approval

COVID-19 Vaccination Policy

1. Overview

- 1.1. WBL is committed to doing everything practicable to enable a safe working and learning environment for kaimahi and visitors.
- 1.2. As part of this commitment, WBL is adopting this policy to support the public health response to COVID-19 and to manage the risk of COVID-19 being contracted by those within our places of work (considering the infectious nature of this virus and the potential for asymptomatic transmission).
- 1.3. WBL as a PCBU (Person Conducting a Business or Undertaking), has a primary duty of care under the Health and Safety at Work Act 2015, and must ensure the health and safety of ākonga, kaimahi and visitors to its places of work. While risk controls, such as physical distancing, hand sanitising and the wearing of face coverings, are important to prevent transmission of the virus, the Government position, based on scientific evidence, is that vaccines are the most effective control.
- 1.4. This policy gives effect to, and builds on, the proposed position statement of Te Pūkenga (as approved by its Council on 10 December 2021). The purpose of that statement was to provide subsidiaries with certainty on COVID-19 vaccination requirements in relation to certain kaimahi and ākonga pending the completion of risk assessments by those subsidiaries.

2. Purpose

The purpose of this policy is to establish and communicate the position of WBL on vaccination against COVID-19 for WBL kaimahi and visitors to its premises.

3. Principles

This policy is based on the draft principles set by Te Pūkenga, namely:

- 3.1. We want to provide immediate certainty to kaimahi of Te Pūkenga regarding our vaccination expectations.
- 3.2. We want to take a risk-based approach that appropriately strikes the balance between inclusion and equity for ākonga and our health and safety obligations for all.
- 3.3. We accept that a risk-based approach may lead to different positions by subsidiaries in exceptional circumstances in order to meet the needs of their communities, iwi aspirations and the requirements of any Covid-19 laws and regulations.
- 3.4. We encourage and support pro-active measures by subsidiaries and early interventions where a high risk of transmission exists.
- 3.5. We will take a partnership approach to strongly encourage everyone in Aotearoa to be fully vaccinated.
- 3.6. We will collect and retain only the personal information needed to satisfy the intent of this statement (and underlying positions taken) and will do so in accordance with the Privacy Act 2020.
- 3.7. We accept that any policy needs to be flexible enough to adapt to the rapidly changing COVID-19 environment in New Zealand.

4. COVID-19 Vaccination Policy Context

- 4.1 The legislative and regulatory environment relating to COVID-19 is evolving rapidly and so there is uncertainty. This policy has been prepared in that context.
- 4.2 Of relevance to the tertiary sector are:
 - a) the COVID-19 Public Health Response (Vaccinations) Order 2021 (**Vaccination Order**) made under COVID-19 Public Health Response Act 2020
 - b) the risk assessment guidance produced by WorkSafe
 - c) the vaccination assessment tool introduced by regulations under the COVID-19 Public Health Response Act 2020
 - d) such further directives that may be issued by the Government.
- 4.3 This policy is supported by risk assessments, where such are required.
- 4.4 Risk assessments have been based on the need for kaimahi to have confidence they can attend premises as safely as practicable.
- 4.5 The practical reality is that:
 - a) kaimahi interact with employers and learners who are subject to the policies, practices and public health control requirements that apply to their workplace and are not under the control of WBL;
 - b) customer-facing roles share office environments with other kaimahi

5. COVID-19 Vaccination Policy

- 5.1. Only kaimahi, visitors and contractors, who are vaccinated (and can provide evidence of such), are permitted onsite; this being to the premises of WBL.
- 5.2. Only kaimahi who are vaccinated (and can provide evidence as such) can carry out onsite work based learning interactions with ākonga and employers.
- 5.3. For kaimahi, who are not required to come in to a WBL premise or complete onsite visits, vaccination is required:
 - a) if part of their role requires that they attend the premises of a customer or third party
 - b) if a risk assessment otherwise supports vaccination. (Note: This requirement applies in relation to current and future kaimahi)
- 5.4. Non-disclosure of vaccination status will be reasonably deemed to mean not vaccinated.
- 5.5. Records of vaccination status will be held in accordance with the Privacy Act 2020 and any applicable Government directives.

Affected kaimahi

- 5.6. For any kaimahi, who is unvaccinated as at 1 February 2022, WBL will:
- a) engage in a review process that gives all parties full understanding of the other parties' considerations and concerns
 - b) support the kaimahi to get vaccinated if vaccination is the agreed option
 - c) genuinely consider redeployment, if available, when vaccination remains unacceptable to the kaimahi but necessary for WBL
 - d) provide paid notice where redeployment is not possible.
- 5.7. For any kaimahi, who is unvaccinated, the WBL may serve paid notice if redeployment is neither viable for the WBL or agreeable to the kaimahi. The kaimahi will be given reasonable opportunity to challenge the decision and present a feasible alternative.

6. Reference Legislation

- Privacy Act 2020 (Section 22, Information Privacy Principle 1)
- Education and Training Act 2020
- COVID-19 Public Health Response Act 2020
- Health and Safety at Work Act 2015 (primary duties of PCBUs)
- Human Rights Act 1993 (Sections 21, 22, 29, 38, 39(2)(b) and (2A)(b), 40,) 41(2) and (3), 57, 60 (2) and (3))
- New Zealand Bill of Rights Act 1990 (sections 5, 11)
- Employment Relations Act 2000
- Public Service Act 2020 (Section 95(a))

7. Associated Documents

- Te Pūkenga Position Statement on Vaccinations
- [COVID-19 Protection Framework](#)
- COVID-19 Public Health Response (Vaccinations)
- [Guidance produced by the Ministry of Education](#)
- [Guidance produced by WorkSafe](#)
- [Vaccines and the workplace » Employment New Zealand](#)
- [COVID-19 Workforce Vaccinations Guidance | Te Kawa Mataaho Public Service Commission](#)