

COVID-19 vaccines and the workplace

New laws have come into effect relating to COVID-19 vaccine requirements and the workplace, under the COVID-19 Protection Framework (the traffic light system).

Government vaccination mandate for work under the COVID-19 Protection Framework

The Government has mandated that work in specific sectors or business types must be done by vaccinated people. This includes employees at businesses that must use My Vaccine Passes to operate, or operate with fewer restrictions, at all levels of the traffic light system.

For more information visit: covid19.govt.nz/myvaccinepass

This mandate applies to food and drink services (excluding businesses operating solely as takeaways), events, close proximity businesses and indoor exercise facilities like gyms.

The mandate applies regardless of whether the business chooses to require My Vaccine Passes from their customers or clients.

For full details of work where the Government has made vaccination mandatory, visit: covid19.govt.nz/mandatory-vaccinations

Businesses can also require vaccination of workers based on a COVID-19 risk assessment

Even if the work is not subject to a Government vaccination mandate, a business may still require that certain work must only be done by vaccinated workers, based on the risk of getting or spreading COVID-19 to others.

For more information on how to do a risk assessment, visit the WorkSafe website: www.worksafe.govt.nz

A new vaccination assessment tool will be available from mid-December, to help businesses make decisions about vaccination requirements in the workplace. The tool will be optional for businesses to use, and the tool will not override any risk assessments that have already been done.

For more information, visit: www.business.govt.nz/covid-19/vaccination-assessment-tool

Paid time off is available for employees to get vaccinated

Employers must, by law, give reasonable paid time off from work for their employees to get their COVID-19 vaccinations.

How much time off and when to take it needs to be discussed in “good faith” between employers and employees, based on individual circumstances. Factors to consider include: location of the nearest vaccination centre, availability of appointment times, transport options, travel time, and the monitoring time after vaccination. There is more information on good faith obligations below.

If there are other practical barriers to workers getting vaccinated, employers should help to address these where possible. Some workers may have health concerns or other reasons for needing support.



New 4 weeks' minimum paid notice period for termination of employment

If an employment agreement is terminated due to vaccination requirements for their work, the employer must, by law, provide a minimum of 4 weeks' paid notice to the employee affected.

The minimum notice period applies to any employee, whether they are covered by a Government vaccination mandate, or if the employer has decided to require vaccination for example after doing their own risk assessment).

If an employee has a notice period longer than 4 weeks in their employment agreement, the longer period continues to apply. The termination notice is cancelled if an employee gets vaccinated during their notice period, unless this would unreasonably disrupt the employer's business. For example, where a business has already hired a replacement employee, and there's no other work available within the business.

There are good faith processes to follow. Termination (ending) of an employment agreement should only be considered if no suitable alternative arrangements have been found.

For more information, visit: www.employment.govt.nz/terminate-employment-agreement-covid-19

Employment law and good faith obligations continue to apply

Employment law and "good faith" obligations between employers and employees continue to apply. Good faith includes not acting in a misleading or deceptive way and being responsive and communicative. This applies to situations involving (but not limited to):

- › Changes in work arrangements or duties
- › Taking leave
- › Restructures or redundancies
- › Changing employment agreements
- › Changing workplace policies.

For more information, visit: www.employment.govt.nz/workplace-change-process-outline

For employees and employers who may need help with potential disputes, Early Resolution is a free, phone-based service from MBIE for employees and employers, to help resolve workplace issues early, quickly, and informally, before they become more serious or need a more formal process.

For more information, visit: www.employment.govt.nz/earlyresolution

More information

For more information on COVID-19 vaccinations and the workplace, visit: www.employment.govt.nz/vaccines

For general information about COVID-19 and the workplace, visit: www.employment.govt.nz/covid19

For general queries, call Employment New Zealand on **0800 20 90 20** toll-free.

If your main language is other than English, we have interpreters available to assist in more than 180 languages. To speak with an interpreter:

- › Call after 9am
- › Ask for Ezispeak
- › Tell us which language you speak.

Disclaimer:

The information in this factsheet is current as at 7 December 2021, and may be subject to future changes and updates. For the latest information, please visit www.employment.govt.nz

