

DHB Employee Frequently Asked Questions

On 11 October 2021 the Government announced that workers in the health and disability sector will be required to be fully vaccinated against COVID-19 on or before 1 December 2021, and must have received their first vaccination on or before 30 October 2021. The mandatory vaccine requirement is expected to be implemented by way of an amendment to the COVID-19 Public Health Response (Vaccinations) Order 2021 (“the Order”), which currently mandates vaccinations for border and MIQ workers in New Zealand.

While the final details of the Order have not been released, we have prepared a list of Frequently Asked Questions to explain how the Order may affect you. Please note that the wording of the final Order may change the information set out below, however given the tight timeframes we wanted to engage with staff and union partners as early as possible.

How will the Order work?

The Order will likely require that affected persons who fall within its coverage must be vaccinated against COVID-19 by specified dates. It will be an offence for an affected person to continue to carry out work without being vaccinated after the stated dates, and an offence for an employer to allow an affected person to undertake that work.

Who is an affected person?

The final wording of the Order has not yet been released; however, our understanding is that it will apply to roles that:

- are directly involved in providing healthcare; or
- carry out work where a health service is being provided; or
- are in frequent contact or work in close proximity to workers providing a health service.

Based on the above wording, it is the view of the DHBs that the Order would apply to almost every worker employed by DHBs. However, we will consult with any worker who queries whether their role is covered by the Order.

What does this mean for me?

All workers employed by the DHBs and covered by the Order are required to be vaccinated by those dates, and will not be legally be allowed to undertake work if they have not been.

How does the Order apply to people who have accepted, but not yet commenced employment?

People who are intending to work within a DHB and are covered by the Order will be required to have at least one vaccination before their commencement date if this is after 30 October 2021, and two vaccinations if this is after 1 December 2021.

Will contractors and volunteers be required to be vaccinated?

We will need to see the final wording of the Order, however we expect that any person coming in to the DHBs to carry out work, whether that is as an employee, a contractor or a volunteer, will be required to be vaccinated in order to perform that role.

Will the Order affect visitors to the DHBs?

We do not expect that visitors and guests to the DHBs will be covered by the Order, however each DHB will have their own visitor policy relating to visitors to the premises.

How can I get proof of vaccination status?

You can get proof of vaccination status by logging in to: <https://www.identity.health.nz/>

What if I do not want to disclose my vaccination status?

We would prefer to have open conversations with all of our staff around their vaccination status and any concerns that they may have regarding the vaccine. This is to ensure that the DHBs can comply with the Order, and provide for the health and safety of our staff and patients.

However, the Order will allow us to access that information directly from the Ministry of Health COVID-19 vaccination register.

Can I get a medical exemption?

The medical evidence to date suggests that there are only very rare circumstances a person will be medically unable to receive the Pfizer vaccine. This is because the Pfizer vaccine is not a live vaccine. The medical advice we have received is that the vaccine is safe for people who:

- Are pregnant or breast feeding;
- Have pre-existing health conditions;
- Are on treatments that weaken the immune system (such as cancer and HIV treatments); and
- Have had severe reactions to other vaccines in the past.

While an exemption process is yet to be determined, it will likely require the opinion of a suitably qualified health practitioner who, after consultation with you, will provide advice as to whether it would be unsafe for you to be vaccinated.

Are there other alternatives to being vaccinated? E.g. additional PPE and regular surveillance testing.

The Order will likely require that no affected person may carry out their role unless they are vaccinated. We anticipate that there will be no exceptions (other than medically exempt – see above) to being vaccinated, so steps such as additional PPE, social distancing, surveillance testing, and other measures will be in addition to and will not be available as alternatives to being vaccinated. The most likely outcome is that if you are an affected person and are not vaccinated, you will not be allowed to perform your role.

What if I have previously contracted Covid-19 and have achieved natural immunity? Will the DHB accept antibody testing as proof of this?

The Order does not distinguish between people who have previously had Covid-19 and those who have not. It requires that everyone covered by it is vaccinated.

What if I can do my job from home - will I be covered?

We cannot make any decisions until the final Order has been seen, but each situation will be assessed on a case by case basis. However, we do not anticipate that many roles will be able to be performed from home permanently, nor is this a model that DHBs will likely want to adopt. Further, most flexible working arrangements require the employee to be available to come on site from time to time.

What will happen if I do not get the first dose by the date in the Order?

The Order is likely to be explicit that no affected person can perform their role from the dates specified if they are not vaccinated. We may explore other options, including paid special leave or annual holidays, if you are intending to receive your vaccination shortly after the dates set out in the Order and are unable to receive it by the deadline.

What if my preference is to wait for a different (non RNA) vaccine to become available?

Currently the only MedSafe approved vaccine in New Zealand is the Pfizer vaccine. If MedSafe subsequently approves an alternative vaccine, and that vaccine is operationally available in New Zealand, the DHB may consider whether it is practicable to place you on annual leave or leave without pay to enable you to receive this vaccine. This will be subject to the vaccine meeting the requirements of the Order and any relevant Ministry of Health advice.

If I do not wish to be vaccinated, will the DHB redeploy me to a new role?

If you are not vaccinated by the dates in the Order, the DHB will consider redeployment options for you. However, given the broad coverage of the Order, it is unlikely that many roles will exist within the DHB that you may be redeployed to that will not also require you to be vaccinated. Each situation will be assessed on a case-by-case basis and the provisions of your employment agreement will be adhered to.

What will happen to me if I do not receive the vaccine and there are no suitable redeployment options?

You can present other options to the DHB such as using accumulated leave for a period or retiring from your role and receiving any retirement entitlements which might apply to you, taking parental leave early or leave without pay while you assess the situation. The DHB will consider all proposals in good faith but might not be able to agree to such proposals.

After working through a fair process with you, if no suitable redeployment alternatives or other options are agreed then you will be given notice of termination of employment subject to the provisions of your employment agreement.

Employees who are stood down will receive paid special leave whilst we work through the above steps, provided they cooperate in ensuring the process is conducted in an efficient and timely manner. It is our expectation that these processes will be completed within a maximum period of two weeks. Continued payment of special leave will be reviewed at that point.

If my employment is terminated, what are my entitlements?

If, following a fair process, your employment is terminated, you will receive notice of termination in accordance with your employment agreement, and any outstanding holiday pay entitlements.

If you are entitled to a retirement gratuity and you are retiring, you can apply for any retirement gratuity you may be entitled to.

What happens if I am on some form of leave when the required vaccination dates occur?

We will expect employees who are returning from leave (which may be parental leave, ACC, annual leave etc) to have at least one vaccination before they return if this is after 30 October 2021 and two vaccinations if this is after 1 December 2021. Where this means that an employee will be unable to return on their previously expected return date, we will discuss the options, including extending the leave period or granting annual leave.

In the case of employees who are about to take parental leave and would prefer not to take the vaccine until after the baby is born, we will consider the available options, including the early commencement of the leave period. This will not affect your eligibility to top-ups or maternity grants to which you may be entitled under your collective agreement.

Am I able to return to the DHB in the future?

If you are vaccinated in accordance with the Order and meet any other requirements then you can apply for other roles and will be considered in a fair way. However, any worker whose employment ends due to not complying with the Order, cannot return until the notice period or the in lieu of notice period has ended.

What happens if I am a casual worker?

Casual employees who have not been vaccinated in accordance with the Order will be removed from the DHB's database and will not be offered further work until they comply with the Order.

If I am feeling hesitant about taking the vaccine, what can I do?

We appreciate that some people will have questions and will want to seek reassurance that taking the vaccine is safe. If you would like support please:

Call your GP or local medical centre

Talk to a trusted advisor

Talk to your Lead Maternity Carer

Contact your EAP provided (details available on local DHB intranet)

If I feel unwell after being vaccinated, can I take paid special leave?

In most instances people who take the vaccine suffer only mild side effects. If, however, you feel unwell, you will be able to take paid special leave which will not be debited from your sick leave entitlements.

Will I be able to be vaccinated during work time?

We will facilitate access to vaccination for all employees during work time, and will provide release time for this to occur.

For those who cannot be vaccinated during worktime due to shift patterns or access to vaccine facilities, staff will be paid for any reasonable time they needed to get vaccinated in their own time.

What if I have had one dose but not a second?

The process outlined in this FAQ document will apply to employees who have not received one dose on or before 30 October and also to those who have not received two doses on or before 1 December.

What are the next steps?

We expect to receive the Order in the next few days, which will determine which roles fall within the definition of "affected persons" who require vaccinations. Following this, we will begin a process of establishing who we consider is covered by the Order and will work with those employees and their unions to determine:

1. Their vaccination status;
2. Whether they have received the vaccine, or the reason they have not received it;
3. Whether they intend to receive the vaccine by the required date;
4. What options are available should they be unable to perform their role.

I have questions. Who can I ask?

There are many people you can approach, depending on the nature of your questions:

- Speak to your GP if you have any questions about the vaccine or COVID-19;
- Speak to HR or your manager if you have questions about what the Order may mean for your employment;
- Speak to your union delegate/organiser about support they may be able to provide you.

Finally, we understand these are uncertain times. The Employee Assistance Programme (EAP) is a free, confidential, counselling service accessible to all staff to provide them with guidance and support. You may call them anytime on 0800 735 343.