

COVID-19 VACCINATION REQUIREMENT POLICY

Section	Health, Safety and Wellbeing
Contact	Director, Health, Safety and Wellbeing
Last Review	August 2023
Next Review	August 2026
Approval	SLT WH230522
Effective Date	20 May 2022

Objective:

Consistent with Government requirements and advice, Massey University's commitment to keeping people healthy and safe at work, and in line with the University's duty of care to take all reasonably practicable steps to eliminate (or minimise) harm to workers and other persons, the objective of this Policy is to minimise the risk of exposure to and transmission of the COVID-19 virus at Massey.

The previous version of this Policy required all Employees and Contractors (Workers), Students, Tenants and Visitors attending On-Campus or undertaking In-Person University Activities to be Fully Vaccinated for COVID-19. Following changes in Government requirements for vaccination passes and updated public health advice, the University has reviewed its risk assessment and this Policy. Going forward, the requirement to be Fully Vaccinated will only be applied where required by a Public Health Order, or where the requirement is supported by an activity-based risk assessment completed and approved by the appropriate SLT member and the Director of Health, Safety and Wellbeing.

This policy has been informed through our consultation process and by a risk assessment process that took into consideration both the public health risk of COVID-19 and the impacts of this risk as an occupational health threat. It may be further reviewed in response to changing circumstances, including changes in the public health advice or Orders.

Scope:

This Policy applies to all Employees and Contractors (Workers), Students, Tenants, and Visitors.

Policy:

1.1. Vaccination Requirement

- 1.1. For the most part there is no requirement for Workers, Students, Tenants, and Visitors to be Fully Vaccinated to attend On Campus or undertake In Person University Activities.
- 1.2. However, certain roles and activities must be undertaken by individuals who are Fully Vaccinated (or have a valid exemption). Specifically, an individual will be required to be Fully Vaccination (or have a valid exemption) where they –
 - (a) are an 'affected person' under the Public Health Response (Vaccinations) Order 2021 (or subsequent Public Health Orders); or
 - (b) undertake an Activity that has been identified by the University as 'higher risk' through an approved activity-based Risk Assessment (see further below).

1.3. Individuals who cannot provide evidence of vaccination or a valid exemption as required by this policy cannot undertake any higher risk Activities, or any work covered by the Public Health Response (Vaccinations) Order 2021 (or subsequent Public Health Order).

1.4. The previous version of this Policy required all individuals who attended On-Campus or participated in In-Person University Activities to be Fully Vaccinated by 14 February 2021 (or, if earlier, within the specified timeframe in the Public Health Response (Vaccinations) Order 2021). This will continue to be the case for individuals who are required to be vaccinated in accordance with paragraph 1.2 above.

2. Evidence of vaccination status (where vaccination is required)

2.1. All Employees and Contractors (Workers), Students or Visitors who are required to be Fully Vaccinated as part of this Policy will be required to provide evidence acceptable to the University of their vaccination status.

2.2. For employees and contractors of a Tenant, or an employer other than Massey University, the University may accept a written declaration from the Tenant, or other employer, confirming that all their employees and contractors who work On-Campus are Fully Vaccinated or exempted in line with this Policy.

2.3. In the event of a non-disclosure of vaccination status, the University will consider the individual to be unvaccinated for COVID-19 for the purposes of this Policy.

2.4. For positions that are covered by the COVID-19 Public Health Response (Vaccinations) Order 2021 (or subsequent Public Health Order), workers will be required to provide all relevant information as set out in the relevant Order.

3. Support for COVID-19 Vaccination

3.1. The University will take reasonable measures to support Employees who want to be Fully Vaccinated, or who choose or are required in the future to receive any booster doses of the COVID-19 vaccine.

3.2. The University requires managers and supervisors to make reasonable accommodations in supporting our Employees, Students, Contractors and Visitors to be Fully Vaccinated (including booster doses) where this is recommended). For Employees, this may involve managers and supervisors temporarily adjusting the Employees work, allowing remove working the day of an/or after an Employee receives a dose of a COVID-19 vaccine and permitted paid leave as required.

3.3. Where a person is immune compromised the University requires managers and supervisors to make all reasonably practicable accommodations in supporting their vulnerabilities and providing protection mitigations.

4. Engaging in good faith with affected Employees

4.1. The University commits to engaging in good faith with those Employees who may be affected by paragraph 1 of this Policy, and to follow a process whereby:

(a) All parties are treated with dignity and respect, and in accordance with the applicable employment agreement.

(b) All parties have an opportunity to understand either other position and concerns.

(c) The University supports Employees to become Fully Vaccinated, where during the process an Employee expresses that they wish to become Fully Vaccination; and

- (d) All reasonable alternative options, such as suitable changes to duties, or redeployment will be considered before an employee's employment is proposed to be ended.

5. Affected Enrolled students

- 5.1. The University is committed to providing a comprehensive range of programmes able to be completed by distance/online.
- 5.2. Where a student is enrolled in a programme of study that requires them to be Fully Vaccinated in accordance with this Policy and they remain unvaccinated, the University will endeavour to work with the student to support their continuation of study.
- 5.3. Where there are no reasonable alternative learning options available or the student has not adequately verified their vaccination status, then the affected Student may be withdrawn from their programme of study as a last resort.
- 5.4. Withdrawals from programmes will be managed so far as practicable before the start date of the programme, and any fees paid by the student will be managed in accordance with the Student Fees Refund Policy.

6. Activity-based Risk Assessment

- 6.1. The University recognises that there may be some Activities that are higher risk and are required to be undertaken by Fully Vaccinated individuals, where supported by an activity-based risk assessment.
- 6.2. Heads of Schools, Departments and Institutes are responsible for preparing activity-based risk assessments within their work area, where they consider an Activity might be 'higher risk'. Activities will only be considered higher risk where the risk of exposure to COVID-19 is greater than would be reasonably expected in the community.
- 6.3. Heads of Schools, Departments and Institutes should use the following guidelines and form for preparing their risk assessment in Guideline to Seek Approval for COVID-19 Vaccination Requirement. Further information about preparing risk assessments can be found in the Review of Covid-19 Risk Assessment April 2022. The Occupational Health, Safety and Wellbeing team can provide assistance and specialist support as required.
- 6.4. The Head of School, Department or Institute is responsible for engaging with Workers and Students as appropriate.
- 6.5. Following engagement with Workers and Students, the risk assessment must be submitted to the appropriate SLT member and the Director of Occupational Health, Safety and Wellbeing for consideration and approval. The SLT member and Director of Occupational Health, Safety and Wellbeing may approve or decline the risk assessment or suggest amendments to the risk assessment or further engagement with Workers and Students prior to approval.
- 6.6. Activity-based risk assessments supplement the University's COVID-19 risk assessment which can be found in the Review of Covid-19 Risk Assessment April 2022.
- 6.7. When the University is carrying out COVID-19 risk assessments, the University will consider public health guidance and engage with Workers and Students as appropriate.

7. Exemptions where Vaccination is Required

- 7.1. Where a person is required to be Fully Vaccinated in accordance with the COVID-19 Public Health (Vaccinations) Order 2021 (or subsequent Public Health Order), exemptions can only be granted in accordance with the applicable Order.

7.2. For all other individuals who are required to be Fully Vaccinated in accordance with paragraph 1.2(b) of this Policy:

- (a) The University may provide exemptions in limited circumstances and on a case-by-case basis.
- (b) The University will consider any request for an exemption on its merits, including the nature of the In-Person University Activity, the risk to the person and others, the risk of transmission, and the University's ability to make reasonable accommodations, without unreasonable disruption.
- (c) Where the University is satisfied that reasonable accommodations can be made, without unreasonable disruption, and the risk to health and safety can be appropriately managed, an exemption may be granted.
- (d) Guidelines for requesting an exemption can be found in the [Guideline to Seek Approval for COVID-19 Vaccination Requirement](#).
- (e) Any exemption must be approved by the relevant SLT member and the Director Occupational Health, Safety and Wellbeing.

8. Privacy

8.1. Vaccination information collected for the purposes of this policy will be held securely and processed in accordance with relevant laws and the university's Privacy Statement.

8.2. Vaccination information may be shared confidentially, on a need-to-know basis either internally, or externally with other agencies if that is authorised by public health orders or related legislation. Vaccination information will not otherwise be shared with anyone else, except with the individuals consent or as permitted by law.

9. Additional Health and Safety Control Measures

9.1. The University will continue to ensure that additional control measures to prevent infection and transmission of COVID-19 remain in place, in line with the Government's COVID-19 Protection Framework (or any future variation). This may include use of face coverings, physical distancing, remote working, and infection control measures such as hand washing and hand sanitising.

Definitions:

Approved Vaccine means any COVID-19 vaccine that has been approved for use in New Zealand by MedSafe or is specified Schedule 3 of the COVID-19 Public Health (Vaccinations) Order 2021.

Contractor means any PCBU (Person Conducting a Business or Undertaking) that has a 'contract for services' with Massey University (including individual contractors).

Fully Vaccinated means having obtained the number of doses of an Approved Vaccine as recommended by the Ministry of Health. Currently, a two-dose schedule is recommended for most people as their primary course, including and recommended boosters. For individuals who are 'affected persons' under the COVID-19 Public Health (Vaccinations) Order 2021, Fully Vaccinated also means having any required booster doses within the specified timeframe.

In-Person University Activities or Activities means the Student or Worker participates in or undertakes University activities such as teaching, learning, research or other professional or work-related duties in-person either on-campus or at third-party sites or locations. This also includes physical attendance at university events such as graduation or open days. This includes (but may not be limited to): work-placements, work integrated learning, zero credit courses where in-person work experience/attendance at a workplace is required, research field work, field trips, research interviews, where conducted in-person, meetings in-person off campus, in-person attendance at conferences, workshops or courses, and work-related travel.

On-Campus means any land or property forming a Massey University campus or otherwise used or occupied by the university for the purposes of undertaking education, research or other university activities. Examples include the following Massey occupied locations:

- University owned and operated student accommodation
- University farms and orchards
- Symonds Street, Auckland
- Albany Village, Auckland
- Ōteahā Rohe, Auckland
- Corinthian Drive, Auckland
- Hokowhitu, Manawātū
- Aviation Centre, Milson, Palmerston North
- University-owned or leased transport such as fleet vehicles, buses and boats

On-Campus excludes premises outside New Zealand, and certain locations that are vaccine pass prohibited locations such as health and disability services, licensed early childhood education services, primary or secondary schools and public transport.

Student means any enrolled student at Massey University.

Tenant means any person or company who leases space or property On-Campus (including employees of those Tenants accessing On-Campus sites) but excludes residential tenants who have a Residential Tenancy Agreement.

Visitor means any other person including guests, honoraries, alumni, event attendees, spectators, volunteers, research participants and members of the public who attend On-Campus.

Employee means all employees (permanent, fixed term or casual), or secondees of Massey University.

Audience:

Each policy should identify who the audience is in terms of staff, students and external bodies within the university community.

Relevant legislation:

State the relevant legislation this policy must comply with or is referenced to.

Legal compliance:

Health and Safety at Work Act 2015

The Health and Safety at Work Act requires Massey University as a Person Conducting a Business or Undertaking (PCBU) to ensure, so far as is reasonably practicable, the health and safety of workers it engages, influences or directs and that the health and safety of other persons is not put at risk from work carried out as part of the conduct of its business or undertaking. The Act also requires Massey University to comply with various other duties of care and to consult, co-operate and co-ordinate activities with all other PCBUs who have duties in relation to the same matter.

COVID-19 Public Health Response Act 2020

Provides a legal framework for dealing with the COVID-19 pandemic in New Zealand. The Act allows the Minister of Health (or the Director-General of Health in specified circumstances) to make orders under Section 11 to give effect to the public health response to the COVID-19 in New Zealand. The Act provides for a Person Conducting a Business or Undertaking (a PCBU) to assess that workers are vaccinated and undergo medical examination or testing for COVID-19; Allows for the storage and disclosure of personal information on the condition that it is used for ascertaining that a person has been vaccinated, issued with a COVID-19 vaccination certificate, or is complying with the COVID-19 Public Health Response Act; Recognises the My Vaccine Pass as COVID-19 vaccination certificates.

Education (Pastoral Care of Tertiary and International Students) Code of Practice 2021

The Code exists to support education objectives for domestic and international learners, recognising that the community expects providers to support wellbeing, and providers need flexibility to respond to their learners' needs in different ways. The Code acknowledges the importance of supporting learner wellbeing and safety in education, and the value New Zealanders place on wellbeing and safety.

Privacy Act 2020

Collection, use and disclosure of personal information, and access to and correction of personal information and the use of unique identifiers, must comply with the principles of the Privacy Act 2020.

Employment Relations Act

The Employment Relations Act 2000 requires Massey University to abide by the criteria set out in this Act and further comply with Part 1, Good faith employment relations, to ensure that the parties to the employment relationship deal with each other in good faith and are open and communicative. It also sets out certain rights and obligations that apply in the context of COVID-19 vaccination (Schedule 3A).

Related procedures / documents:

[Massey University Collective and Individual Employment Agreements](#)

[Massey University Policy on Staff Conduct](#)

Document Management Control:

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