

## COVID-19 VACCINATION REQUIREMENT POLICY

<b>Section</b>	Health, Safety and Wellbeing
<b>Contact</b>	Director Health, Safety and Wellbeing
<b>Last Review</b>	N/A
<b>Next Review</b>	November 2022
<b>Approval</b>	SLT 22/02/09
<b>Effective Date</b>	14 February 2022

### Objective:

Consistent with 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, by requiring 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, unless exempted.

This requirement 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 and is consistent with Government requirements and advice.

### Scope:

This Policy applies to all Employees and Contractors (Workers), Students, Tenants and Visitors who attend On-Campus, or undertake In-Person University Activities.

### Policy:

#### 1.0 Requirement to be vaccinated

- 1.1 From 14 February 2022 it will be a requirement of attending On-Campus or participating in In-Person University Activities that an Employee or Contractor (Worker), Student, Tenant or Visitor must be Fully Vaccinated against COVID-19 unless that person is exempt from the University requirement as referred to in paragraph 6.1 below.
- 1.2 Individuals who cannot provide evidence of vaccination or a valid exemption as required by this Policy cannot attend On Campus or participate in In-Person University Activities.

#### 2.0 Evidence of vaccination status

- 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 The University will accept for this purpose a copy of the person's COVID-19 My Vaccine Pass. To confirm the validity of any My Vaccine Pass used as evidence of vaccination status under this Policy, the University may need to verify the pass and in addition may request photo ID to confirm the identity of the pass holder.
- 2.3 The University may from time to time determine that other evidence is acceptable.
- 2.4 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 and may be checked from time to time that their employees and contractors hold a valid vaccine pass.
- 2.5 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.
- 2.6 For Students enrolled in distance/online programmes and courses, who have no need to attend On-Campus and do not participate in any In-Person University Activities (for any reason), evidence of vaccination status is not required.
- 2.7 For Employees who are employed in positions where their work is undertaken entirely not On-Campus and there are no In-Person University Activities required, and where this arrangement has been formally approved by the relevant SLT member, evidence of vaccination status is not required.
- 2.8 For positions that are covered by the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (No 3), and the COVID-19 Public Health Response (Specified Work Vaccinations) Order 2021, Workers will be asked to provide all relevant information as set out in the mandates in addition to providing a copy of their My Vaccine Pass for validation.

### **3.0 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 or to receive booster doses where this is recommended or required in the future. This may involve adjusting work or allowing remote working the day of and/or after if it makes it easier to access vaccination centres and permitting paid leave.

### **4.0 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 1.1 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 each other's position and concerns.
  - c) support for vaccination will be provided by the University should the Employee seek to become Fully Vaccinated; and

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

## 5.0 Affected Enrolled Students

- 5.1 The University is committed to providing a comprehensive range of programmes able to be completed by distance/online, without an On-Campus or In-Person University Activities requirement.
- 5.2 Where an affected Student is partway through a programme of study that has an On-Campus or In-Person University Activity requirement and they remain unvaccinated and not exempt and therefore do not comply with paragraph 1.1 of this Policy, 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 – this is 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.

## 6.0 University Exemptions

- 6.1 The University will maintain an exemption record for Workers and Students which will be available for the duration of this Policy. The University does not formally issue its own exemptions but will recognise the following exemptions in limited circumstances. These include:
- a. A person has a valid Medical or other Exemption approved by the Director-General of Health and has been issued with a My Vaccine Pass.
  - b. A person is younger than 12 years of age.
  - c. A person attends On-Campus for the sole purpose of seeking health care from an accredited health care provider.
  - d. A person is required to attend On-Campus to respond to an **emergency** (as authorised by CMT Leader or their nominee).
  - e. A person is required to perform urgent and essential work On-Campus to protect the **health and safety** of Workers or members of the public, or to protect assets and infrastructure (as authorised by the DVC US or their nominee).
  - f. A person is accessing their secondary education or school learning On-Campus.

## 7.0 Privacy

- 7.1 The University respects the privacy of its Workers, Students, Visitors and Tenants and will ensure that vaccination information is treated as confidentially as possible and in accordance with relevant laws.
- 7.2 Vaccination information and proof of vaccination collected by the University will be securely stored.

7.3 The University will limit its use and disclosure of a person's vaccination status to what is reasonably necessary to prevent and manage COVID-19 transmission and infection risks On-Campus, and to ensure compliance with this Policy.

For more information about how we process and protect personal information, please refer to the University's [Privacy Statement](#)

## 8.0 Additional Health and Safety control measures

8.1 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 vaccination that has been approved for use in New Zealand by MedSafe, or is one of the accepted COVID-19 vaccines that will allow a person to get a My Vaccine Pass.

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

**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.

**In-Person University 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.

**Medical Exemption** means an exemption from the requirement to be vaccinated issued by the Director-General of Health.

**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, Manawatū
- 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.

## Relevant legislation:

Health and Safety at Work Act 2015  
COVID-19 Public Health Response Act 2020  
COVID-19 Public Health Response (Vaccinations) Order 2021  
Education (Pastoral Care of Tertiary and International Students) Code of Practice 2021  
Privacy Act 2020  
Employment Relations Act 2000

## 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 Employment Agreements](#)  
[Guidance on Flexible Working Arrangements](#)  
[Massey University Policy on Staff Conduct](#)

### **Document Management Control:**

Prepared by: DVC University Services  
Authorised by: Senior Leadership Team  
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