

COVID-19 Vaccination Guidelines for Employers



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What we will cover

- Commonly asked questions
- Approaches to vaccination in your workplace
- The legal considerations
- Managing COVID in the future

5 Common Questions

- Can I require my existing staff to be vaccinated?
- Can I require applicants for roles to be vaccinated?
- What can I do, practically, if either refuse?
- What's the risk to me as an employer if I don't require staff to be vaccinated?
- What can I do if someone refuses to come to work because someone hasn't been vaccinated?

Shaping your Workplace Vaccination Strategy



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Different Approaches

- Your Options:
 - Compulsory?
 - Strongly Encourage?
 - Support?
 - No Stance?

Shaping Workplace Strategy

- Considerations
 - Level of Risk
 - Type of Work
 - Employees and Customers
 - Workplace Culture
 - Message you want to send

Shaping Workplace Strategy

- Good Faith
 - Policy
 - Consultation



The Legal Considerations



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Employment Law Perspective

- “Lawful and Reasonable” Instruction
 - Employment Agreements
 - Policies

Human Rights and Privacy Perspectives

- Bill of Rights Act 1990
 - right to refuse to undergo medical treatment
 - freedom from discrimination
- Human Rights Act 1993
 - unlawful discrimination
 - exceptions
- Privacy Act 2020
 - Is collection relevant to intended role?
 - Privacy principles on collecting, handling and using personal information 

Health and Safety Perspective

- Health and Safety at Work Act 2015
 - PCBUs - eliminate or minimise risks to health and safety, so far as reasonably practicable
 - Workers must:
 - take reasonable care of own health and safety
 - comply with reasonable instructions
 - cooperate with reasonable health and safety policies or procedure

Managing COVID in the future



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New Zealand's COVID Future

- 2021:
 - Keep COVID-19 out
 - Vaccinate
- Beyond Elimination:
 - Eased boarder restrictions will be reduced
 - 'Pockets' of COVID



Plans are nothing; planning is everything

— Dwight D. Eisenhower, former U.S. President

- What would your business look like with COVID pockets?
- Complete a full risk assessment
- Do you have roles that should be performed by vaccinated people?
- What support will you provide to workers?
- Do you need new IEAs/Policies or Procedures?
- What risk mitigation strategies can you take?
- Be open and communicative with staff

- How Copeland Ashcroft Law can help
 - Health and safety risk assessment of workplace or role
 - A vaccination strategy/policy
 - Consultation with staff and unions
 - Vaccination clause in IEA

Questions?



Who are we?

Copeland Ashcroft Law services clients nationwide. Partners Janet Copeland and Kate Ashcroft together with the firm's team of lawyers can assist with all **employment, health and safety and immigration** matters including:

- Employment law compliance
- Employment agreements, contractors and policies
- Disciplinary and performance management processes
- Restructuring and redundancy
- Investigations
- Health and safety
- Privacy, official information and human rights
- Immigration



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