

# Covid-19 Vaccination Policy

## Approval Details

QMS Section:	1 - Governance	Policy Number	1.17
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Date of Next Review	December 2023	Policy Manager	Chief Executive

*Controlled document - refer to the online QMS for latest version*

## 1. Audience and Scope

This policy applies to the governance body (Tai Poutini Polytechnic Board of Directors), the employer (Chief Executive), kaimahi (staff) (including employees, contracted staff, contractors, volunteer workers and people gaining work experience) and ākonga (students) of Tai Poutini Polytechnic Limited (TPPL) (currently enrolled and prospective) and visitors to workplaces managed by Tai Poutini Polytechnic Limited.

This policy does not apply to secondary school students who are involved in secondary-tertiary provision at a Tai Poutini Polytechnic Limited site, as per the Ministry of Education guidelines in the Covid-19 Protection Framework.

This Policy will be reviewed as Government mandates and direction are released and will be updated when deemed necessary by the Tai Poutini Polytechnic Limited Board of Directors guided by the Chief Executive.

## 2. Overview

- 2.1 Tai Poutini Polytechnic Limited is committed to doing everything practicable to enable a safe working and learning environment for ākonga, kaimahi and visitors.
- 2.2 As part of this commitment, Tai Poutini Polytechnic Limited is adopting this policy to support the public health response to Covid-19 and to manage the risk of Covid-19 being contracted by those within our places of work (considering the infectious nature of this virus and the potential for asymptomatic transmission).
- 2.3 Tai Poutini Polytechnic Limited, as a PCBU (Person Conducting a Business or Undertaking), has a primary duty of care under the Health and Safety at Work Act 2015, and must ensure the health and safety of ākonga, kaimahi and visitors to its places of work. While risk controls, such as physical distancing, hand sanitising and the wearing of face coverings, are important to prevent transmission of the virus, the Government position, based on scientific evidence, is that vaccines are the most effective control.
- 2.4 This policy gives effect to, and builds on, the position statement of Te Pūkenga. The purpose of that statement was to provide subsidiaries with certainty on Covid-19 vaccination requirements in relation to certain kaimahi and ākonga pending the completion of risk assessments by those subsidiaries.

## 3. Purpose

The purpose of this policy is to establish and communicate the position of Tai Poutini Polytechnic Limited on vaccination against Covid-19 for Tai Poutini Polytechnic Limited kaimahi, ākonga and visitors to its premises.

## 4. Principles

This policy is based on principles set by Te Pūkenga, namely:

- 4.1 We want to provide immediate certainty to kaimahi and ākonga of Te Pūkenga regarding our vaccination expectations.

- 4.2 We want to take a risk-based approach that appropriately strikes the balance between inclusion and equity for ākonga and our health and safety obligations for all.
- 4.3 We accept that a risk-based approach may lead to different positions by subsidiaries in exceptional circumstances in order to meet the needs of their communities, iwi aspirations and the requirements of any Covid-19 laws and regulations.
- 4.4 We encourage and support pro-active measures by subsidiaries and early interventions where a high risk of transmission exists.
- 4.5 We will take a partnership approach to strongly encourage everyone in Aotearoa to be fully vaccinated.
- 4.6 We will collect and retain only the personal information needed to satisfy the intent of this statement (and underlying positions taken) and will do so in accordance with the Privacy Act 2020.
- 4.7 We accept that any policy needs to be flexible enough to adapt to the rapidly changing Covid-19 environment in New Zealand.

## **5. COVID-19 Vaccination Policy Context**

- 5.1 The legislative and regulatory environment relating to Covid-19 is evolving rapidly and so there is uncertainty. This policy has been prepared in that context.
- 5.2 Of relevance to the tertiary sector are:
  - a. the Covid-19 Public Health Response (Vaccinations) Order 2021 (**Vaccination Order**) made under Covid-19 Public Health Response Act 2020;
  - b. the risk assessment guidance produced by WorkSafe;
  - c. the vaccination assessment tool introduced by regulations under the Covid-19 Public Health Response Act 2020;
  - d. such further directives that may be issued by the Government.
- 5.3 This policy is supported by risk assessments, where such are required.
- 5.4 Risk assessments have been based on the need for kaimahi and ākonga to have confidence they can attend premises as safely as practicable.
- 5.5 The practical reality is that:
  - a. kaimahi and ākonga co-exist in an environment where there are learning spaces, retail spaces and hospitality spaces; and
  - b. dividing campuses and/or programme delivery into groups that are vaccinated or unvaccinated is not feasible; and
  - c. the premises are such that members of the public can have access to property and in some cases, to buildings.

## **6. Covid-19 Vaccination Policy**

- 6.1 Only kaimahi, ākongā, visitors and contractors, who are vaccinated (and can provide evidence of such), are permitted onsite; this being to the premises of Tai Poutini Polytechnic Limited.
- 6.2 Non-disclosure of vaccination status will be reasonably deemed to mean not vaccinated.
- 6.3 The Chief Executive may approve a variation to policy 6.1 when an approved risk assessment identifies a low risk to kaimahi, ākongā and visitors.
- 6.4 For kaimahi and ākongā, who do not need to come onsite, vaccination is required:
  - 6.4.1 if part of their role or learning requires that they attend the premises of a placement provider or other third party who requires visitors to be vaccinated.
  - 6.4.2 if their programme of study falls within scope of the Vaccination Order (or such other legislation as requires vaccination).
  - 6.4.3 if a risk assessment otherwise supports vaccination. (Note: This requirement applies in relation to current and future kaimahi and ākongā).
- 6.5 Records of vaccination status will be held in accordance with the Privacy Act 2020 and any applicable Government directives.

### **Affected kaimahi**

- 6.6 For any kaimahi, who is unvaccinated, Tai Poutini Polytechnic Limited will:
  - 6.6.1 engage in a review process that gives all parties full understanding of the other parties' considerations and concerns;
  - 6.6.2 support the kaimahi to get vaccinated if vaccination is the agreed option;
  - 6.6.3 genuinely consider redeployment, if available, when vaccination remains unacceptable to the kaimahi but necessary for Tai Poutini Polytechnic Limited;
  - 6.6.4 provide paid notice where redeployment is not possible.
- 6.7 For any kaimahi who is unvaccinated, Tai Poutini Polytechnic Limited may serve paid notice if redeployment is neither viable for Tai Poutini Polytechnic Limited or agreeable to the kaimahi. The kaimahi will be given reasonable opportunity to challenge the decision and present a feasible alternative.

### **Enrolled ākongā**

- 6.8 Circumstances will vary for each ākongā unable to complete their course due to this policy or because of a requirement of a third-party placement provider. Accordingly, it is not possible, nor appropriate, to present a definitive policy to cover each circumstance.
- 6.9 Decisions will be made by the Chief Executive having regard to:
  - 6.9.1 the options that can realistically be offered to an ākongā in that scenario;

- 6.9.2 the relevant programme in which an ākongā is enrolled;
  - 6.9.3 the stage an ākongā is at and the possibility of that ākongā being able to successfully enter the workplace if they continue to pursue that programme of study;
  - 6.9.4 the current terms and conditions of enrolment relating to an ākongā.
- 6.10 When determining whether an exception can be made, the following criteria must be referenced:
- 6.10.1 can an exemption be safely granted?
  - 6.10.2 will an exemption contravene or undermine any legislative mandates?
  - 6.10.3 can affected ākongā transfer into online learning (bearing in mind that limited resources do not enable dual modes of delivery once there is a return onsite)?
  - 6.10.4 is continuation in the particular course of learning practical or in the best interests of the ākongā in light of the limitations on future employment options in that field?
  - 6.10.5 what options have been discussed?
- 6.11 Where an opportunity to transfer to another programme is feasible, Tai Poutini Polytechnic Limited will transfer the fees paid (or payable) in the semester of transfer towards that programme. Any deficit will be payable by the learner. Any excess will be held as a credit.
- 6.12 In relation to requests for refunds, the default position is that refunds will be assessed in accordance with the Policy on Student Fees Policy. Should the request be based on exceptional circumstances, the position is that a choice not to be vaccinated is not an exceptional circumstance as it is a matter within the control of the ākongā.

## 7. Links to Other Documents

### Related Policies

- 1.10 - TPP Policy on Student Fees
- 1.14 - TPP Policy on Health and Safety

## 8. Reference Legislation

- Privacy Act 2020 (Section 22, Information Privacy Principle 1)
- Education and Training Act 2020
- COVID-19 Public Health Response Act 2020
- Health and Safety at Work Act 2015 (primary duties of PCBUs)
- Human Rights Act 1993 (Sections 21, 22, 29, 38, 39(2)(b) and (2A)(b), 40, ) 41(2) and (3), 57, 60 (2) and (3))
- New Zealand Bill of Rights Act 1990 (sections 5, 11)
- Employment Relations Act 2000
- Public Service Act 2020 (Section 95(a))

## 9. Associated Documents

- Te Pūkenga Position Statement on Vaccinations
- [COVID-19 Protection Framework](#)
- COVID-19 Public Health Response (Vaccinations)

- [Guidance produced by the Ministry of Education](#)
- [Guidance produced by WorkSafe](#)
- [Vaccines and the workplace » Employment New Zealand](#)
- [COVID-19 Workforce Vaccinations Guidance | Te Kawa Mataaho Public Service Commission](#)

**Amendment History**

Version	Effective date	Created/reviewed by	Reason for review/comment
1.0			