



BORDER EXECUTIVE BOARD

REPORT

19 February 2021

BEB RPT 21/002

Minister for COVID-19 Response

**Minister of Health
Attorney-General
Minister for Biosecurity
Minister of Immigration
Minister of Transport
Minister of Customs
Associate Minister of Health**

IMPLEMENTING THE COVID-19 VACCINE ROLLOUT TO BORDER WORKERS

Key points

- On 15 February 2021, Cabinet agreed a strategic and multi-faceted approach to maximise uptake of COVID-19 vaccines by border and Managed Isolation and Quarantine (MIQ) workforces, including reasonable application of levers under employment legislation.
- This paper provides an update on how public service border agencies are working to maximise uptake of the vaccine by border and MIQ workforces within current employment legislation.
- Public service border agencies are working alongside the Ministry of Health, Crown Law Office and the Public Service Commission to implement the vaccination strategy and maximise uptake.
- The approach to maximise vaccination of workers is based on an educate/expect/support approach. This includes provision of information and guidance, making it as easy as possible to receive the vaccination, and providing clear messages about expectations.
- Despite these steps, for a variety of reasons, it may be that some workers choose not to initially receive the vaccine.
- Allowing a sufficient period of time for workers (such as eight weeks) to receive the vaccine will enable workers to become more comfortable with vaccination and would maximise the outcomes being sought from the programme. Public service agencies will continue to work with any individuals who are not vaccinated within current employment settings.

- Further work is being done on the other options that Cabinet asked officials to progress. This includes:
 - Whether the current leave support schemes for COVID-19 could be modified to provide paid time off in case of adverse reactions to COVID-19 vaccination, led by the Ministry of Business, Innovation and Employment (MBIE); and
 - The legal framework that could be used to prevent non-vaccinated workers from working in Tier 1A roles.
- Cabinet noted that additional levers can be considered in the future if the vaccine uptake in border and MIQ workforces is not having the desired results. It is anticipated that the first two to three weeks of vaccination rollout will indicate whether additional levers could be required.

Executive summary

- 1 This report summarises the work of public service border agencies, who have identified a number of issues to be worked through regarding the uptake of the COVID-19 vaccine.
- 2 Public service border chief executives expect their staff working at the front line to be immunised. Enquiries with staff and unions suggest that border workers are embracing the rollout of the COVID-19 vaccine. This report outlines the approach being taken to maximise vaccination uptake (within the current employment legislation framework), and the proposed approach towards hesitant employees.
- 3 This report includes guidance for border workers and public service agencies on the uptake of the vaccine.

Recommendations

- 4 I recommend that you:
 - 1 **note** the public service border chief executives' expectation that all public service Tier 1A border workers will be vaccinated
Noted Please Discuss
 2. **note** the steps outlined in this report intended to maximise the uptake of the COVID-19 vaccination
Noted Please Discuss
 3. **note** that while initial indications from staff and union representatives are for a high level of support for vaccination, we expect some staff will be "vaccine hesitant" at least initially
Noted Please Discuss
 4. **note** the nature of the levers to be used for non-vaccinated staff will vary according to the circumstances of each employer
Noted Please Discuss

5. **note** that public service border agencies will regularly update Ministers on vaccination uptake, and the adequacy of the levers available under current employment legislation

Noted Please Discuss

6. **agree** that public service agencies use an eight week period to use existing employment legislation levers to maximise uptake of the vaccination amongst public service workers, and to work with those workers who may initially not be vaccinated

Agree Disagree/Please Discuss

7. **note** that after the initial three week roll out of the first dose of the vaccine, officials anticipate being able to assess whether additional levers (beyond current employment legislation) may be required to maximise uptake

Noted Please Discuss

8. **refer** this report to the Minister of Health, Attorney-General, Minister for Biosecurity, Minister of Immigration, Minister of Transport, Minister of Customs and Associate Minister of Health for their information.

Noted Please Discuss



Christine Stevenson
Chair, Border Executive Board



Minister for COVID-19 Response

Primary contacts:	David Soper, Chief Legal Advisor, NZ Customs Service	s 9(2)(a) OIA
	Jacinda Funnell, Deputy Chief Executive People and Capability, NZ Customs Service	s 9(2)(a) OIA

Minister's feedback on quality of briefing:	1	2	3	4	5
1 = Was not satisfactory 2 = Fell short of my expectations in some respects 3 = Met my expectations 4 = Met and sometimes exceeded my expectations 5 = Greatly exceeded my expectations					

BACKGROUND AND ANALYSIS

Maximising COVID-19 vaccine uptake in tier one

- 5 On Monday 15 February, Cabinet considered the paper *Maximising COVID-19 vaccine uptake in tier one*. The paper outlined the Government's approach to maximising the uptake of COVID-19 vaccines in the border and Managed Isolation and Quarantine (MIQ) workforces, who will be offered the vaccine first when supplies are limited (Tier 1A of the Sequencing Framework).
- 6 The paper also outlined the additional levers that may further increase vaccine uptake.
- 7 Cabinet agreed [CAB-21-MIN-0019] to a strategic and multi-faceted approach to maximise vaccination uptake by border and MIQ workers focussed on:
 - 7.1 Stakeholder engagement and communication
 - 7.2 Service design and work to maximise uptake; and
 - 7.3 Reasonable application of levers under employment legislation.
9. Cabinet also noted that border agencies are working together, and with employers, to encourage uptake of the vaccination without cost, and to set clear expectations of their workforces to be vaccinated.
10. To support vaccine uptake, Cabinet also agreed that officials progress further work on:
 - 9.1 Whether the current leave support schemes for COVID-19 could be modified to provide paid time off in case of adverse reactions to COVID-19 vaccination (Cabinet will be considering a paper on this on Monday 22 February); and
 - 9.2 The legal framework that could be used to prevent non-vaccinated workers from working in Tier 1A roles
- 10 This work is being progressed and will be reported to Ministers separately.
- 11 Public service border chief executives are working with the Ministry of Health to develop daily reporting on vaccine uptake of border workers. This data will be reviewed after two to three weeks of the vaccine being rolled out to inform whether harder levers are required if the vaccine uptake in border and MIQ workforces is not having the desired results.

The Ministry of Health has advised that the vaccine will reduce risk to public health

- 12 Ministry of Health advice has concluded that the vaccine will limit the severity of the COVID-19 disease and therefore the risk of onward transmission. Therefore, the Border Executive Board (the Board) has determined that the vaccination, in conjunction with other measures used at the border, will reduce the risk to New Zealand.
- 13 Those workers most at risk of contracting COVID-19, and therefore transmitting it to the wider community, are those at the border and in MIQ who interact with people arriving in New Zealand.
- 14 Utilising the existing legislative framework, including the Health and Safety at Work Act 2015 and the Bill of Rights Act 1990, the Border Executive Board has undertaken an initial health and safety risk assessment to confirm that tier 1A border workers employed

by agencies represented by the Border Executive Board will be offered the vaccine over the next three weeks. This assessment has determined that the cohort is those covered by the Testing Order.

- 15 The Board will advise public service border sector employers to strongly encourage its workers to take up the vaccination, and to consider alternatives for public service workers who are not vaccinated. It is important to note that many border workers are employed by either Crown Entities, private sector employers, or are contractors. While public service chief executives will work very closely with these employers to maximise uptake of the vaccine, ultimately public service chief executives have very few levers with respect to these employers and their workforces.
- 16 The Board will continue to review the risk assessment outlined above, as further information comes to hand about the efficacy of the vaccine in reducing the risk to public health. This risk assessment will be used by public service border agencies and it will also be provided to private sector employers, including those who contract to public service border agencies.

Agencies will use an “Educate, Expect, Support” approach to maximise the uptake of the vaccine

- 17 Officials are confident that many of these workers will be motivated to receive COVID-19 vaccines given the risk that the border and MIQ workforces face. There is also strong support from unions for vaccination.
- 18 Public service border agencies have developed an “Educate, Expect, Support” approach that focuses on educating all border workers (whether public service or not) on the importance of taking the vaccine and aims to address any concerns that workers have. Public service agencies expect their workers to consent to the vaccine to minimise the risk COVID-19 presents to themselves and their close contacts. This would also decrease the risk to all New Zealanders. If these workers are hesitant or initially don't agree to take the vaccine, agencies will support workers to address any key questions and concerns that might present barriers to vaccination.
- 19 Public service agencies will also be working with the contracted workforce to ensure that the overall approach to vaccination is aligned, while also acknowledging that employment arrangements will vary across these groups.
- 20 To maximise vaccine uptake, the following approach is being implemented.

Educate

- 21 *Educate* will ensure staff have quality and up to date information about vaccines and the vaccination programme. This information will be from the Ministry of Health on the benefits of vaccination to individuals and the community.
- 22 This stage of the approach will also remind staff of the need to continue to practice prevention control measures in line with Ministry of Health advice. This includes appropriate use of Personal Protective Equipment, practising good hygiene, maintaining physical distancing, keeping track of where workers have been, and staying home if workers are sick.

Expect

- 23 Public service chief executives will set a clear expectation that all Tier 1A border workers should be vaccinated, and this will be communicated to all border staff, whether or not they are public servants.

- 24 A considerable number of border workers are either contractors or work for private sector employers. While the public service chief executives will convey this expectation to these employers and agencies will work closely with contractors and third parties, it is ultimately up to these employers to set the expectations for their own workforces.

Support

- 25 *Support* will ensure that vaccination is as easy as possible for workers, vaccines will be administered in the workplace where possible.
- 26 Employers will acknowledge that some staff may wish to gather further information before being vaccinated, so allowing staff sufficient time to make an informed decision will be important.
- 27 Public service agencies will support workers with paid leave. Similar to flu vaccinations, agencies would not expect direct employees to use their sick leave or annual leave to attend a vaccination appointment. If workers suffer adverse consequences or become unwell and unable to work following a vaccination, agencies will support them with special paid leave. For contracted suppliers that employ border staff, agencies will encourage them to take the same approach.

Guidance has been developed to support employers through these processes

- 28 A range of guidance has been developed for public service agencies, noting that each agency will still have to consider its own circumstances (e.g. health and safety risk assessments) and employment arrangements. Guidance includes:
- 28.1 Ministry of Business, Innovation and Employment guidance for employers on vaccination of employees (this guidance is in development and will be provided to Ministers once complete);
- 28.2 Public Service Commission guidance on public service approach to vaccination rollout (this guidance is in development and will be provided to Ministers once complete); and
- 28.3 Employment relations framework and process (attached as **Appendix A**)

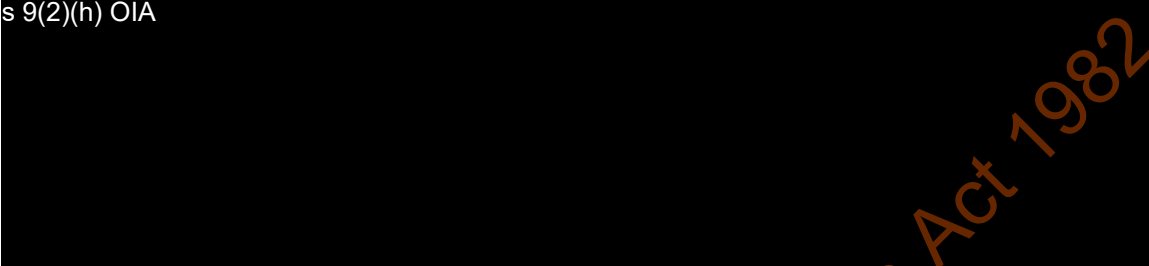
Notwithstanding the “educate, expect, support” approach we can expect a level of vaccination hesitancy amongst some workers, at least initially

- 29 Vaccination of border and MIQ workers is scheduled to begin on 20 February 2021. It is anticipated that the rollout of the first dose of the vaccine, can be completed within three weeks. **Appendix A** illustrates the vaccination process for all Tier 1A workers.
- 30 For those workers who are vaccine hesitant, this is likely to reflect a range of concerns, from not having enough time to absorb the educational material provided to them, to those wanting to take a “wait and see” approach to see what emerges amongst their co-workers who get vaccinated early. It could also be as simple as they were unable to attend the appointment.
- 31 To maximise the voluntary take up of the vaccine, we consider that allowing a sufficient period of time (for example eight weeks) for workers to receive the vaccination will support informed choices, and build confidence about the vaccine, and therefore maximise the outcomes being sought from the programme. It will also take into account the reality of operational cycles that mean some staff don't spend all of their working time in high-risk workplaces or in roles covered by the testing order.


Alternative employment options can be applied for employees who are not vaccinated

32 There will likely be some staff who are not vaccinated following the *educate, expect and support* approach. In these instances, following a position-based health and safety risk assessment, if the employee is not able to continue to work in a Tier 1 position (i.e. there are no alternative measures available to mitigate non-vaccination) then alternative employment options will be applied.


33 s 9(2)(h) OIA




34 s 9(2)(g)(i) OIA



35 s 9(2)(g)(i) OIA



36 s 9(2)(h) OIA



Crown entities, contracted and private sector staff

37 For those staff that public service agencies do not directly employ, employers will need to use their existing levers under employment legislation in the first instance. Where public service agencies have a contractual relationship with the employer, we will work with them to support any potential redeployment. Agencies will also explore stronger contractual levers with the contracted parties, including requirements that new border workforce staff must be vaccinated.

Public service agencies will regularly update Ministers on vaccination uptake, and the adequacy of the levers available under current employment legislation

38 While we expect a high level of support for vaccination amongst border sector workers, there is some uncertainty about the level of uptake and in which parts of the sector (if any) that issues may arise. For this reason, public service chief executives are working with the Ministry of Health to develop detailed reporting arrangements for the uptake of the vaccine across both the sector as a whole, but also in individual workplaces/employers. Daily updates will be provided to Ministers on the progress of the vaccination programme, what and where any emerging issues are, and how chief executives are approaching such issues.

~~IN CONFIDENCE~~

- 39 This reporting will identify whether there is likely to be a need for enhanced measures, including Cabinet's request for legal options that could be used to prevent non-vaccinated workers from working in Tier 1A roles.

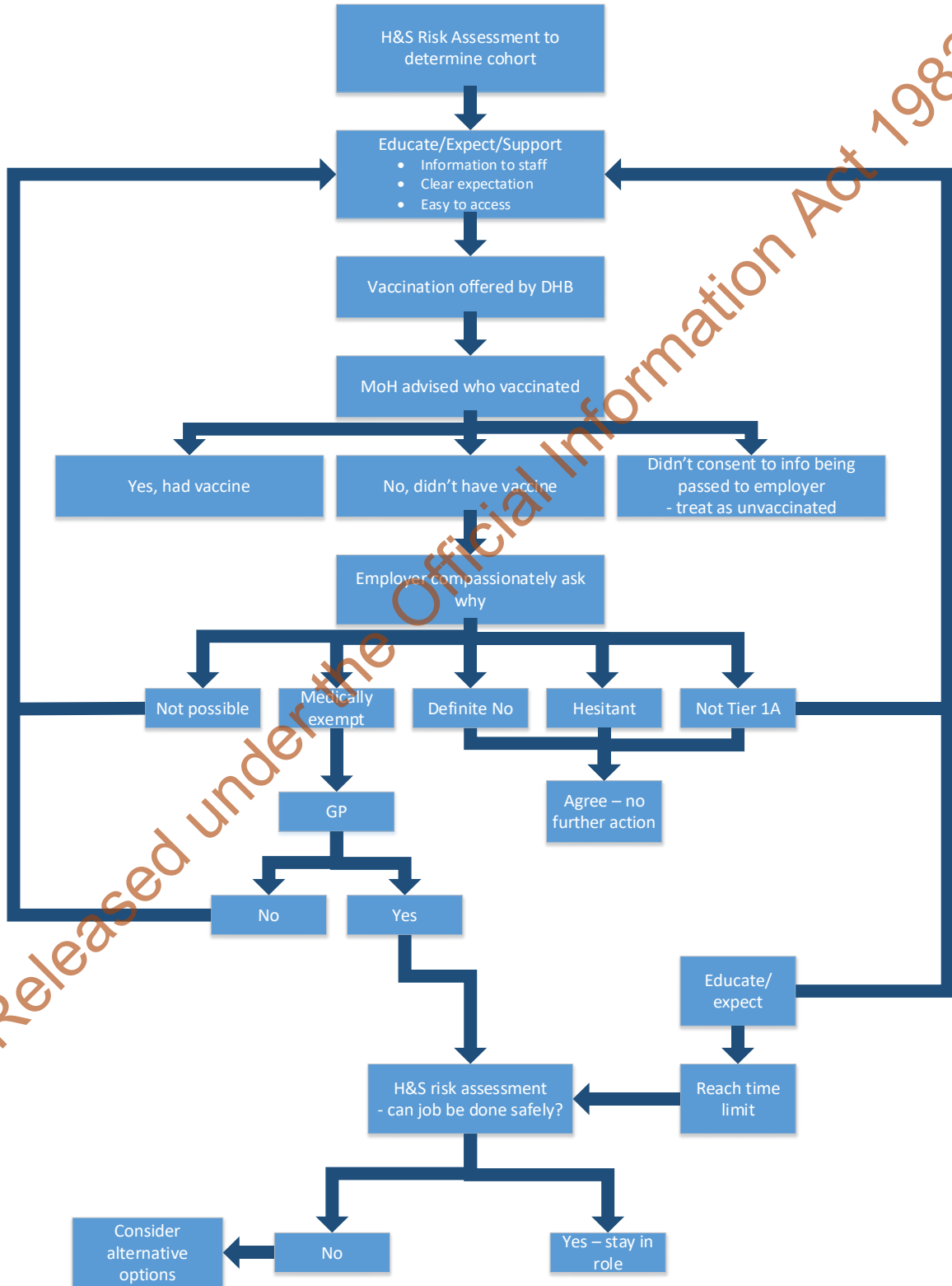
ENDS

Released under the Official Information Act 1982

~~IN CONFIDENCE~~

Appendix A - Vaccination process for all employers of Tier 1A workers

Vaccination process for all employers of Tier 1 Workers



Released under the Official Information Act 1982