



Update: Implementation of COVID-19 Public Health Response (Vaccinations) Amendment Order 2021

Security level: IN CONFIDENCE

Report number: BEB RPT 21-049

To: Hon Chris Hipkins
Minister for COVID-19 Response

KEY POINTS

1. Attached is this week's report regarding the implementation of the **COVID-19 Public Health Response (Vaccinations) Amendment Order 2021**.
2. The implementation programme is being delivered by a cross-agency Senior Officials Group, chaired by the Border Executive Board and including representatives from Ministry of Health; Ministry of Transport; Ministry of Business, Innovation and Employment; Department of Prime Minister and Cabinet; Public Service Commission; Ministry of Social Development; Civil Aviation Authority; and Maritime NZ.
3. This report provides you with detail on current and emerging issues related to the implementation of the amended Vaccination Order, and how these are being responded to by Government agencies and the border sector.
4. The data included in this report was extracted from the Border Worker Testing Register by the Ministry of Health on Wednesday 08 September.
5. The implementation programme continues to show as GREEN overall currently, however the number of issues under active management is anticipated to increase in the lead up to the 30 September deadline.

RECOMMENDATION:

a) That you note the contents of the attached report

Yes / No

s9(2)(a) OIA

PP Christine Stevenson
Comptroller of Customs / Chair
Border Executive Board

Date: 09 September 2021

Hon Chris Hipkins
Minister for COVID-19 Response

Date:

ENDS

Border Worker Vaccinations Order Amendment (BWVO Amendment): Implementation Report

Summary - Updates in bold

Overall programme status: GREEN

Date Prepared: 09 September 2021, 5.00pm

Prepared by: Morag Ingram, Border Executive Board, s9(2)(a) OIA

- Vaccination numbers across both public and private sector border workers continue to increase. Border workers continue to have priority access.
- As at 08 September, there were 11,998 workers listed as Active¹ on the Border Worker Testing Register (BWTR), of which 95% are recorded as having received at least one dose.
 - 10,630 (89%) are recorded as fully vaccinated; 687 (6%) are recorded as having received one dose; a remaining 681 (6%) are recorded as no dose.
 - MoH is working through data anomalies on vaccination status as they arise.
- In terms of the split of government and privately-employed workers:
 - 97% of all government workers who are active on the Border are recorded as being fully vaccinated; and 26 government workers are recorded as having received one dose. 65 active government border workers working at the air and/or maritime sector or MIQF, have been recorded as unvaccinated (no dose), however following detailed interrogation of individual records, only 12 workers' compliance status is under further investigation by the MoH Monitoring and Compliance team.
 - 85% of all privately employed workers who are active on the Border and covered by the amended Order are recorded as being fully vaccinated; with another 651 (8%) privately employed workers recorded as having received one dose; a remaining 616 (7%) are recorded as no dose.
- Detailed guidance relating to the amended Order published on 08 September. This is being treated as a 'live' document and will continue to be revised and updated following ongoing engagement and feedback from the border sector and PCBU/employers.
- No supply chain exemption applications have been received to date.
- The application to the High Court for a Judicial Review of the Order is due to be heard on 22 September. Crown Law is leading the response.

Issues

Action	Status	Responsible	Notes
Employment Relations	Under control	Hannah O'Donnell (MSD) Anna Cassie (PSC) Shane Kinley (MBIE)	<ul style="list-style-type: none"> • [IN CONFIDENCE] Two Ministry of Social Development (MSD) regional teams continue to offer support to the eight (8) staff in the s9(2)(ba)(ii) OIA to assist those who have not been vaccinated and unable to be redeployed by their current employer (four (4) in each region). MSD has offered support to impacted workers to look for and prepare for other work - MSD's support includes assistance to update CVs and find jobs that match their skills. As government employees, the staff have also been given the opportunity to be matched to other potential public sector roles in their region through the Public Service Commission's (PSC) Workforce Mobility Hub. • The recent Employment Relations Authority finding in favour of the employer following a challenge to the original Order was reported in media this week.
Prioritisation and delivery of Border Worker vaccinations	Under control	Taylor Sanders (MoH)	<p>No substantive update. All comments remain relevant.</p> <ul style="list-style-type: none"> • Prioritisation of border workers continues with onsite vaccinations at Ports and access to a wide range of community vaccination clinics regionally. • Onsite vaccination plans at Ports continue at Auckland, Tauranga, Tairāwhiti, Hawkes Bay, Capital and Coast and Christchurch DHBs. • Furthermore, due to extra priority vaccination capacity being opened up for essential workers, port workers have even more choices about clinic locations they can access, such as drive-through vaccination sites. For example, both Auckland and Canterbury DHBs have now established drive-through vaccination sites that are able to be accessed by Group 1 border workers as well as essential service workers.
Maritime workers	Some Issues	Sharyn Forsyth (Maritime NZ) Allison Cossar (MoH)	<ul style="list-style-type: none"> • Vaccination rates for workers at ports continue to show steady improvement • Further targeted effort was undertaken with new PCBUs this week and additional engagement is being considered with PCBUs that have the largest numbers of unvaccinated workers, s9(2)(ba)(ii) OIA • Maritime NZ is aware of small groups of workers who continue to express their stance against mandatory vaccinations.

¹ Active workers are defined as those who have worked at a port/border in the last 14 days.

			<ul style="list-style-type: none"> Additional feedback has been received from the sector and industry on the published Order Guidance document, with continuing interest in the definition of 'on or around ships', and the inclusion of mooring lines as 'affected items'. This is being collated and will be considered as part of a further revision to the VO guidance. On receipt of the guidance, the sector now consider that additional workers will be requiring vaccination.
Reporting	Under control	Priti Patel (MoH) Jo Pugh (MoH)	<ul style="list-style-type: none"> No substantive update. All comments remain relevant. MoH is progressing work on developing a new BW vaccinations dashboard aligned to the BWTR dashboard with requirements gathered and wireframes being developed. MoH is also continuing to develop a Vaccination compliance flag to identify when workers are complying to the Order or not. Under the Order, PCBUs are required to manually request access to their employees' vaccination status on BWTR. This is the subject of ongoing communication to PCBUs by the BWTR team in MOH and through sector engagement. Regularised reporting is now available and shared on request to the Minister's Office, and in this document.
Alignment of BWTR data with other reporting systems in MOH and MIQ	Some issues	Jo Pugh (MoH) Matt Gibbs (MIQ)	<ul style="list-style-type: none"> No substantive update. All comments remain relevant. Ongoing manual workaround is required to resolve data vaccination records between the CIR and BWTR as they are identified. Ongoing manual work is required to 'cleanse' data between MIQ and BTWR employee data records. This is the subject of a regular manual process between the MIQ and MoH teams, with both teams confident this process captures the errors as and when identified. However, this does result in the data in BWTR not being as up-to-date as MIQ PCBUs and stakeholders expect. Data errors are the result of a number of reasons, including human error at time of data entry (for example by the PCBU, or by the vaccinator in the field); individuals having duplicate NHI numbers, of duplicates in the BWTR caused by staff working at multiple organisations. MoH expects corrections to flow through in the system over the coming weeks, however this will be an ongoing issue that will need active management. An Active employee in the BWTR is defined as someone who has worked within the last 14 days. However, the figures do not include inactive border workers and individuals who have self-identified as border workers at time of vaccination, but who have not been registered in the BWTR, which may account for differences in reporting. Additionally, numbers of active workers in the BWTR continue to vary as the workforce changes. This reflects the ever-changing size, complexity and composition of the border workforce – including the continuing rotation and turnover of staff within the workforce. This means the data needs to be considered as a 'snapshot' taken at a point in time. MoH and Maritime NZ are aware that some PCBUs have interpreted the Required Testing Order more widely than is strictly required, in order to ensure that their workers are prompted to be tested. This has now resulted in these workers, who may not be in scope of the amended Vaccination Order, contributing to unvaccinated numbers reported from the BWTR.
Supply Chain Exemption	Under control	Shelley Tucker (MOT)	<ul style="list-style-type: none"> No applications under the Supply Chain Exemption have been received as at 07 September 2021.
Identifying in-scope Border Workers	Some issues	Matt Gibbs (MIQ) Sharyn Forsyth (Maritime NZ) Shelley Tucker (MOT)	<p>MIQ</p> <ul style="list-style-type: none"> No substantive update. Comment remains relevant. MIQ has engaged multiple times with PCBUs via hotel GMs, to support proactive identification of additional workers under the amended Order. Reminder communications will be sent to PCBUs in early September. <p>Maritime sector</p> <ul style="list-style-type: none"> Ongoing sector engagement to support education and awareness of contractors/sub-contractors of port companies, in particular small employers/PCBUs (<10 employees) newly in-scope of the amended Order. Maritime NZ has compiled a list of possible contractors (c400) who may board ships. Engagement via email and webinar is continuing. Multiple joint meetings are being held with representatives from across the sector, including with the port companies, stevedoring companies, unions and associations. Cross agency approach to work through any barriers to vaccination of their workforces, or process questions related to unvaccinated workers, for example, stevedore companies have been provided with regional MSD contacts to support workers choosing not to get vaccinated in finding other employment opportunities.

			<p>Aviation sector</p> <ul style="list-style-type: none"> Engagement activity planning has progressed to reach the same group of PCBUs, contractors and sub-contractors for airport companies. Dr Siouxsie Wiles is meeting with three groups of aviation stakeholders in virtual meetings this week. PCBU feedback to date was of very good attendance, with lots of questions and positive comments about the quality of the content. Multiple stakeholders have sought assistance with the intended meaning of the term “layover” as used in the Order. A Crown Law opinion has now been sought by MoT. <p>Essential workers</p> <ul style="list-style-type: none"> No substantive update. Comment remains relevant. While those in the new ‘Essential Worker’ category are unlikely to be in-scope of the amended Order, there is some interest from third parties in using the existing Border workforce infrastructure. The implications for the BWTR’s compliance and reporting will need to be worked through.
Monitoring and compliance	Under control	Jo Pugh (MoH) Matt Gibbs (MIQ)	<ul style="list-style-type: none"> As at 08 September, 98% of all government workers who are active on the Border are recorded as being fully vaccinated, with 26 government workers recorded as having received one dose. As at 08 September, of the government workers covered by the <u>amended Vaccination Order</u> (which came into effect on 26 August), there are 67 workers recorded on the BWTR as having no dose. Following a manual review of these workers’ records in the COVID Immunisation Register (CIR), as well as direct outreach and engagement with PCBUs and individual workers: <ul style="list-style-type: none"> 51 have in fact had 1 or 2 doses 12 are subject to ongoing investigation as follows: <ul style="list-style-type: none"> workers from a DHB who are recorded as having attended MIQFs recently when not vaccinated; work is underway between MoH Monitoring and Compliance team and MBIE to review workers from a s9(2)(ba)(ii) who are recorded as having attended an affected airport since 26 August when not vaccinated. MoH Monitoring and Compliance team is working with the PCBU to understand the situation with these workers, including whether the work undertaken was in fact border-facing or has been mis-classified and incorrectly entered in to the BWTR. <5 are in fact inactive, have not worked since 26 August, or are not covered by the Order.

Table 1a Vaccination rates of active workers by workforce group							Table 1b Vaccination % of active workers by workforce group				Table 1c Vaccination % of active workers by government workers or privately employed workers			
Workforce type	No dose		One dose		2 doses		Workforce type	No dose	One dose	2 doses	Type of PCBU	No dose	One dose	2 doses
	Govt	Private	Govt	Private	Govt	Private								
Aircrew		s9(2)(ba)(ii) OIA					Aircrew	≤5%	≤5%	95%	Government	≤5%	≤5%	97%
Airport	18	120	11	90	978	1,471	Airport	≤5%	≤5%	91%	Private employers	7%	8%	85%
MIQF	43	84	15	126	2,129	3,413	MIQF	≤5%	≤5%	96%				
Port	≤10	404		432	58	1,865	Port	15%	16%	70%				
Other		13		≤10	232	11	Other	≤5%	≤5%	92%				
Unknown		≤10			17	26	Unknown	≤5%	0%	95%				
Total	65	616	26	661	3,414	7,216	Total	7%	6%	88%				

Comments	
<p>We are continuing to see an increase in privately-employed workers vaccinated, with unvaccinated workers now less than 700 nationwide, 3 weeks out from the deadline. The largest shift continues to be with port workers where over the last week we saw 57 more vaccinated.</p> <p>We expect to see some fluctuation in these numbers in the coming weeks as new PCBUs and workers come onto the BWTR.</p> <p>Note: to ensure no information can be identifiable, all data counts of ten (10) or less are recorded as ≤10.</p>	<p>Comments</p> <p>Port workers continue to be the largest proportion of unvaccinated workers in the BWTR, however we are seeing good shifts of number of workers getting vaccinated in this group.</p> <p>Note: to ensure no information can be identifiable, all percentage counts of five (5) or less are recorded as ≤5.</p>

Table 2 Summary status by PCBUs where unvaccinated active workers

Employer	Border Workforce Aircrew		Border Workforce Airport	Border Workforce MIQF		Border Workforce Port		Border Workforce Other		Unknown	
	No dose		No dose	No dose		No dose		No dose		No dose	
	Govt	Private	Private	Govt	Private	Govt	Private	Govt	Private	Govt	Private
s9(2)(ba)(ii) OIA			≤10								
			≤10								
			≤10								
							≤10				
							≤10				
			≤10								
			s9(2)(ba)								
			30								
			≤10								
			≤10								
			≤10								
							64				
							≤10				
							≤10				
							≤10				
			≤10								
							≤10				
							≤10				
									≤10		
			≤10								≤10
			≤10								
			≤10								
			≤10								
			≤10								
			≤10								
							≤10				
							≤10				
							≤10				
							59				
							≤10				
							82				
			≤10								
							19				
					42	59					

s9(2)(ba)(ii) OIA				≤10	≤10					
			11							
			≤10							
							≤10			
							≤10			
							≤10			
							≤10			
							≤10			≤10
							≤10			
			≤10							
			≤10							
			≤10							
							≤10			
							11			
							≤10			
							≤10			
							23			
								≤10		
			≤10							
							≤10			
							≤10			
							≤10			
			≤10							
		≤10								
			≤10							
						47				
							≤10			
		18								
		≤10								
		≤10								
						29				
Grand Total		s9(2)(ba)	120	43	63	≤10	404	13	≤10	

Comments

*See commentary on previous pages regarding data accuracy, particularly as it relates to the recorded government worker figures.

We continue to see an uplift of privately-employed workers getting vaccinated. 93% now have had at least one dose. We are continuing to prioritise engagement with PCBUs and sectors with larger groups of unvaccinated workers. We are expecting to see new PCBUs and workers come onto the BWTR each week.

Note: to ensure no information can be identifiable, all data counts of ten (10) or less are recorded as ≤10.

NOTE

Around 1% of workers have multiple DHBs leading to some double counting. This will be addressed in future reporting

Data extracted and count data as at 8:00am, 08 September. Vaccination status as at 9pm, 07 September. Active workers only.

No dose means either the worker has not had any doses, or they cannot be matched in the CIR for another reason.

An Active employee in the BWTR is defined as someone who has worked within the last 14 days. Data is sourced from the Border Worker Testing Register to reflect active border worker staff. These figures exclude inactive border workers and individuals who have self-identified as border workers at time of vaccination but have not been registered in the BWTR.

There may be instances of duplicates in the BWTR caused by border workers employed by multiple organisations.

Data quality is heavily dependent on uploads from PCBUs, and inaccurate details (such as full name or DoB) may mean matches with CIR are not possible.

Ongoing data maintenance and cleansing is being conducted by the PCBUs and new staff are added as they come online. As the data is cleansed and updated - including the addition and removal of staff as the workforce evolves - the numbers will continue to change.