

COVID-19 VACCINATION

- **Application: All support services that require face-to-face**
- **All Employees should be fully vaccinated**
- **All Contractors should be fully vaccinated**
- **Clients should be fully vaccinated or operate within Covid-19 restrictions**
- **Remote support remains an option**

1| CONTEXT

We issue this Practice Note particularly mindful of the fact that the Boards of our Membership Organisations (MMO) have the ultimate responsibility for the health and safety of their employees and a duty of care for the wellbeing of the clients they serve.

This practice note applies to all support services that involve face-to-face contact between MMO staff and their clients including peer support, counselling, social work whether conducted one-on-one or group basis.

The Trustees of Male Survivors Aotearoa (MSA) have a responsibility to ensure that our national policies are consistent with our core purpose - "enabling the wellbeing of survivors of sexual violence" and provide best-practice guidance for our MMO's, who are required to comply with our national policies and guidelines, including our practice notes.

In the context of the Covid-19 pandemic, we have a particular focus on the collective obligations of MSA and MMO's to protect our Trustees, staff (employees, contractors, consultants, and volunteers), and our clients from health risks in the workplace (Health and Safety at Work Act 2015), which includes mitigating risk of communicable diseases such as Covid-19.

The policy changes and directions communicated in this Practice Note 20.1 (PN/20.1) reflect the view of our Trustees that, together with our MMO's, we all have a duty of care in respect of assuring the health and safety of our people and the clients they serve, which also aligns with our statutory obligations under the NZ Health and Safety legislation.

This PN/20.1 also reflects the advice and recommendations of the NZ Director General of Public Health for all front line 'health workers' and derives from a widely held clinical view that people vaccinated against Covid-19 are less likely to suffer serious illness and also, less likely to transmit the virus to others.

Front-line workers in this context includes MMO employees, consultants, contractors, students, volunteers, and any other people who provide support services that require face-to-face contact with MMO clients and/or their whanua or significant others.

2| VACCINATION STATUS

Current advice requires that workers who fall under the front-line worker category above, must receive their first dose of the COVID-19 vaccine by 15th November 2021 and their second dose by 1st January 2022.

Confirmation of COVID-19 Vaccination status should be required for all front-line workers and can be obtained in the form of a letter from the Ministry of Health, which can be applied for through My Covid Record, Ministry of Health website.

<https://customervoice.microsoft.com/Pages/ResponsePage.aspx?id=JMfOlyBt0Uuf6dxER-3R-p4xlLeWi8ZlqFpxwSrxY19UMIZDRTBBTjA2M1BER0ZXV1JBMURMUENLNy4u>

Alternatively, front-line workers can evidence their vaccination status by presenting the Covid-19 record information from their My Health Account.

Exemptions under Public Health Response (Vaccination) Order 2021

Exemption from vaccination can only be accepted after examination and:

- a suitably qualified health practitioner considers that the vaccination is clinically contradicted for the person, and
- a suitably qualified health practitioner provides written confirmation of that assessment

In order for this exemption to be applicable to a front-line worker, the MMO requires the approval of the Minister for Covid-19. That approval will require the MMO to demonstrate that failure to remove the worker from their role would result in a significant disruption to an essential health service. It seems most unlikely that any MMO would gain this approval.

Note: A front-line worker cannot exempt themselves.

3| GOVERNANCE

In order to implement the necessary changes in employment and contracting policies and any other workplace protocols and processes, it is important that the Governing body of the MMO issue an appropriate policy statement that frames the Covid-19 Vaccination requirements as a resolution of the Board.

The information in the CONTEXT section of this PN/21.1 may provide guidance for such a policy statement.

4| EMPLOYEES

MMO's are obliged to have employment policies that generally align with (do not conflict with) the MSA employment policy

MSA have altered the national Employment Policy so that it enables the employee's manager to require them to be vaccinated against Covid-19.

The following clause has been added to the Employment Policy:

Infectious Diseases

If your role involves face-to-face contact with our trustees, staff (employees, contractors and/or consultants) or our clients, for health and safety reasons, your manager may require you to take specific action to protect yourself and others from contracting or transmitting a particular infectious disease.

Such action will be consistent with the recommendation and/or advice provided by the New Zealand Director General of Health and may involve isolation, observing social distancing, wearing protective apparel, or becoming vaccinated against a particular infectious disease.

MMO's, who change their current employment policy to include the clause above will need to obtain the consent of current employees to the change. Obviously, any new employees will be obliged to confirm to the policy applicable at the time of their employment.

It is our view that front-line employees who do not agree to the policy change and/or do not want to be vaccinated, and who cannot be reassigned to a non-frontline role, may need to resign from their role.

MMO's should seek appropriate advice when engaging with front line employees who do not wish to be vaccinated

A copy of the **MSA Employment Policy** can be found [here](#)

4| CONTRACTORS

MSA offers a standard Contract for the Provision of Services as a guideline for MMO's who engage contractors, typically for the provision of counselling and other support services.

It is recommended that MMO contractor engagement policies generally align with (do not conflict with) the MSA policy - Contract for the Provision of Services

MSA have altered the national Contract for the Provision of Services so that it enables the manager to require contractors to be vaccinated against Covid-19.

The following **clause** has been added to the General Obligations section of the Contract:

GENERAL OBLIGATIONS

During the term of the Contract, the Contractor agrees to comply with all MSA policies, procedures, regulations and rules that are relevant to their role, as updated from time to time by MSA and including, but not limited to, the following polices:

- a. MSA Code of Conduct;
- b. MSA Code of Ethics;
- c. MSA Confidentiality Policy;
- d. MSA Informed Consent Policy;
- e. MSA Supervision Policy;
- f. MSA Health & Safety Policy, including any:
 - i. Health and safety directions issued by MSA to the Contractor.
 - ii. **Public health directions issued by MSA to the Contractor.**

With this alteration in place, the MMO can issue a Public Health Direction at any time and require the Consultant's compliance.

An example of a potential **Public Health Direction** is attached in Appendix A

A copy of the MSA **Contract for the Provision of Services** can be found [here](#) (TBU)

5| CLIENTS

It is important to acknowledge that just as our clients should expect a level of care that assures their wellbeing, MMO staff should expect a similar assurance from their clients.

We should not expect MMO frontline staff to work in situations that expose them to a significant risk of contracting Covid-19 from a client, especially where that risk is manageable.

In general, MMO's should require clients to be fully vaccinated and to present appropriate evidence to support their vaccination status.

Where a client is not vaccinated, and/or will not confirm or otherwise their vaccination status, they should be regarded as unvaccinated.

Despite some opinions to the contrary, it must be acceptable to ask clients to confirm their vaccination status. Otherwise, it is not possible for MMO's to manage the risks associated with assuring the health and safety of their frontline staff - i.e., to discharge their health and safety obligations. In our view it is not an unreasonable request to make, and the client is free to decline.

In general, MMO front line staff should not be expected to work with unvaccinated clients. In circumstances approved by the MMO, where they choose to do so, it should be clear that they do so at their own risk.

In situations where the MMO is enabling their front-line workers, with their consent, to work with unvaccinated clients, they must still observe their health and safety obligations to protect other clients and staff. In these situations, the MMO must ensure that all client interactions are managed in a manner that limits the risk of other workers and clients contracting Covid-19.

As a minimum the MMO must comply with best practice Covid-19 management protocols as advised and/or recommended by the NZ Director General of Health from time to time, and which currently require social distancing, wearing of face masks and space ventilation as far as practicable.

6| OPTIONS FOR THE UNVACCINATED

A reminder that this PN/21.1 is concerned with **face-to-face contact**. There is still a remote support option available for frontline workers and clients where vaccination is not a viable proposition due to certain health conditions or personal views about vaccination.

Please refer to our **Practice Note: Remote Support Guidance** [here](#).

We are conscious that not all our clients may have access to remote access technologies - computers, mobile phones or internet. Many of our MMO's will be able to provide a level of technology support, but we are aware that for some face-to-face contact may remain the only option. However, we should that achieving high vaccination rates in remote, and often technology constrained, communities is in the best interests of those communities.

APPENDIX A: PUBLIC HEALTH DIRECTION - EXAMPLE

MMO PUBLIC HEALTH DIRECTION

**Notice Issued to Contractors pursuant to General Obligations Clause 8.f of the MMO
Contract for the Provision of Services**

Subject: **Covid-19 Vaccination Requirement**

Date of Effect: **Date**

CONTRACTORS

Due to health and safety requirements, all persons contracted to provide services for and on behalf of the MMO that involve face to face contact with our Trustees, our staff (employees, contractors, consultants and/or volunteers) and/or our clients are required to be vaccinated against Covid-19 to a standard advised and/or recommended by the New Zealand Director of Public Health from time to time.

The MMO may require proof of vaccination to approve continuance of your current Contract for the Provision of Services.

Vaccination Standard: As at the date of this direction you are required to have at least one vaccination dose by November 15, 2021 and to be fully vaccinated (two doses) against Covid-19 by January 1, 2022.

CLIENTS

Contractors are not required to be in face-to-face contact with any of our clients who are not vaccinated against Covid-19 to a standard advised and/or recommended by the New Zealand Director of Public Health. Accordingly, Contractors may:

- Request our clients to provide proof of vaccination
- Refuse to provide services to any of our clients who cannot provide appropriate evidence of vaccination

Vaccination Standard: As at the date of this direction clients are required to have at least one vaccination dose by November 15, 2021 and to be fully vaccinated (two doses) against Covid-19 by January 1, 2022.

Where Contractors choose to provide services to our clients who cannot produce appropriate evidence of their vaccination status, they do so at their own risk. However, contractors choosing to work with our clients who are unvaccinated or cannot produce appropriate evidence of their vaccination status, must comply with all other currently operative Covid-19 restrictions as advised and/or recommended by the New Zealand Director of Public Health from time to time.

Operative Covid-19 Restrictions: As at the date of this direction, and Contractors working with clients who are unvaccinated or cannot produce appropriate evidence of their vaccination status must:

- Wear a face cover/mask
- Require the client to wear a face cover/mask
- Observe the current social distancing requirements
- Operate in an appropriately ventilated environment that enables appropriate separation from other contractors and their clients.