

(MBIE, 2021d) .nz



COVID-19

New Zealand has moved to the traffic light system (COVID-19 Protection Framework). [See guidance](#) [\(/covid-19/covid-19-protection-framework/\)](#).

To find out the traffic light setting for your region, see [covid19.govt.nz](#).

Business Travel Documents will no longer be used once the Auckland border opens on 15 December. See [business travel information](#) [\(/covid-19/business-travel-across-alert-level-boundaries/\)](#).



My Vaccine Pass – work vaccination mandate

Vaccination has been mandated for workers at businesses that must use My Vaccine Passes to operate, or operate with fewer restrictions, at all levels of the COVID-19 Protection Framework.

It is important to note that this mandate applies regardless of whether the business chooses not to require My Vaccine Passes from their customers or clients.



Work covered by the mandate

This mandate applies to food and drink services (excluding businesses operating solely as takeaways), events, close proximity businesses and indoor exercise facilities like gyms.

Close proximity business includes but is not limited to barbers, beauty parlours, hairdressers, nail salons, non-medical massage, tattoo parlours, and close-contact in-home aid.

[COVID-19 Protection Framework \(traffic lights\)](#)

[\(/covid-19/covid-19-protection-framework/\)](https://covid-19/covid-19-protection-framework/)

The mandate also applies to on-site tertiary education at the Red level. The Ministry of Education has more detailed guidance available for the tertiary sector.

[Q&A: Vaccination requirements at tertiary education providers](#) — Education New Zealand

The mandate applies to all workers including employees, contractors, sub-contractors and volunteer workers. This includes both **customer-facing workers** (ie servers, hairdressers) and **non-customer facing workers** (ie chefs, cleaners). It also includes workers who access a site temporarily (ie performers or delivery drivers).

This mandate supports businesses to continue operating easily if there is a move between the Green, Orange and Red levels. Without this mandate, businesses would need to implement a vaccination requirement at short notice and allow unvaccinated workers time to be vaccinated.

We also expect this approach will reduce conflict between businesses and workers about whether an employer should require My Vaccine Passes or instead operate with greater restrictions.

Key vaccination requirement dates

To continue doing work in these areas, workers need to have had their first vaccination by 3 December 2021. New workers must have had one vaccination before they start.

These workers will need to be fully vaccinated by 17 January 2022 to continue doing that work.

Employers should encourage workers to get vaccinated as soon as possible, noting that recent changes to the Employment Relations Act 2000 require employers to give employees reasonable paid time off to be vaccinated.

If an employee intends to be vaccinated, but has not been able to get their first dose, businesses should consider alternatives like a short period of leave. Under recent changes to the Employment Relations Act 2000, employers must consider all alternatives that would preserve an employment relationship before giving notice of termination.

Record-keeping for work covered by the mandate

Vaccination records

If a business employs or engages someone who is covered by this mandate, they must keep and maintain a record with the following information:

- the person's full legal name

- date of birth
- contact number and email address
- their vaccination status, according to the table below.

Fully vaccinated workers	Unvaccinated or partially vaccinated workers
<ul style="list-style-type: none"> • Name of vaccine or combination of vaccines received • Both dates of vaccination 	<p>If they have only received one dose:</p> <ul style="list-style-type: none"> • Name of vaccine received • Date of first dose • Latest date* to receive second dose: 17 January 2022 <p>If they have not received a dose of vaccine:</p> <ul style="list-style-type: none"> • Latest date* to receive first dose: 3 December 2021 • Latest date* to receive second dose: 17 January 2022 <p>If they are exempt:</p> <ul style="list-style-type: none"> • Confirmation of this and a copy of the exemption or authorisation.

* These are the latest dates to receive a vaccination to continue working uninterrupted. A worker may get a first or second dose after either of these dates and be treated as vaccinated as long as they meet the dose threshold that applies at that time, but will not be able to work until they have done so. For example, a single dose is enough to do work covered by the mandate until 17 January 2022, but after then, two doses are needed. (eg a single dose after 17 January 2022 is not considered vaccinated).

Verifying a worker's vaccination information

You can ask workers to provide a copy of their My COVID Record, which will contain the name and date of the vaccine doses received. If the worker is exempt or holds an authorisation, you must ask workers to provide a copy.

Once you have extracted the relevant information from a document provided by the worker (eg a copy of their My COVID Record), the information provided by the worker must be returned immediately, or securely disposed of if agreed.

You shouldn't collect more information than is required. You should also make it clear to the worker why the information is being collected and what it will be used for (eg to ensure the business is meeting its statutory obligations under a COVID-19 Order), and what will happen if the information isn't provided. The information should also be kept up to date, eg adding dose dates as they occur.

To confirm workers are fully vaccinated, businesses can check the allowable vaccines which are specified in the Order.

[COVID-19 Public Health Response \(Vaccinations\) Order 2021](#) — New Zealand Legislation

Record collection and storage

Collecting, storing, and sharing information about someone's vaccination status must be done in accordance with the law. You should be aware of your obligations in the Privacy Act

including ensuring there are reasonable safeguards in place to prevent the loss, misuse, or disclosure of personal information.

Once collected, the information must be kept safe and secure for instance on a secure information system (ie password-controlled). Access to this information should be limited to those who need to know it:

- Workers if they ask to see their own record or update or make a correction to their information.
- Authorised enforcement officers under the COVID-19 Public Health Response Act if requested by them.

Businesses should not keep personal information for longer than required. Information should be deleted when the Order no longer applies, or when the COVID-19 Public Health Response Act is repealed.

Information can be kept electronically or on paper (but back them up if they're electronic) and should be in English. As a business you have flexibility over what form records take, but they must be easily accessible and able to be printed.

The information must only be used to demonstrate compliance with the Order and should not be used or disclosed for any other purpose unless permitted by legislation.

Workers are responsible for updating vaccination information

Workers must provide the business they are employed or engaged by (or give them access to) the relevant information the business must record.

It is also the worker's responsibility to ensure that the information is updated as soon as practicable after any changes.

Process for unvaccinated employees

If any workers are not vaccinated by the required dates, employers will need to consider whether there are any alternatives to allow the employee to keep working (for example, rearranging work or duties, or working remotely).

If all alternatives that would preserve the employment relationship have been exhausted, recent changes to the Employment Relations Act 2000 require employers to give employees at least four weeks' paid notice of termination. If an employee has a longer notice period in their employment agreement, the longer period will apply.

Employees can get vaccinated during this four-week period and retain their employment, unless this would unreasonably disrupt the employer's business.

[COVID-19 Vaccination and employment](#) ¹³ — Employment New Zealand

Exemptions or authorisations

In very exceptional circumstances, the Government may grant exemptions or authorisations to allow a non-vaccinated worker to do work covered by this mandate. Specifically:

- The Director-General of Health may grant exemptions on medical grounds.
- The Chief Executive of MBIE may authorise a worker who is not vaccinated to carry out work that is unanticipated, necessary, time-critical and cannot be done by a vaccinated worker, and that is needed to prevent the ceasing of operations.
- The Minister for COVID-19 Response may grant exemptions for a specified period of time to prevent significant disruption to essential services.

[Read more about requesting authorisation for an unvaccinated worker](#)
[\(/covid-19/unvaccinated-worker-authorisation/\)](#)

Businesses where only some work is covered by the mandate

Some businesses may have only part of their operations covered by this mandate.

For example, a hotel with a restaurant would have its restaurant workers covered by the mandate, but not any workers who do not work in the restaurant.

Businesses need to consider what parts of their workforce work in settings covered by the mandate, because they will have legal obligations to ensure that work is only done by vaccinated workers. For all other workers, they can do a health and safety risk assessment or apply the vaccination assessment tool to determine whether vaccination is required.

[Vaccination assessment tool](#)
[\(/covid-19/vaccination-assessment-tool/\)](#)

While gatherings can operate with fewer restrictions if they require all attendees to show their My Vaccine Pass, workers at gatherings are not covered by this mandate.

This means workers at gatherings will be treated the same as all other people at gatherings. If the organiser of a gathering has chosen not to require My Vaccine Passes from attendees and operate with more restrictions, workers do not need to be vaccinated by law.

However, the organiser of a gathering may separately decide to require workers to be vaccinated, for example for health and safety reasons. If the organiser is considered a “person conducting a business or undertaking” under the Health and Safety at Work Act 2015, they need to meet their health and safety obligations.