

UCOL COVID-19 Vaccination Policy

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1. Purpose

- 1.1. UCOL is committed to ensuring that the harm that may be caused by COVID-19 to UCOL ākonga, kaimahi, manuhiri and our Te Tiriti partners that engage in UCOL activities, is minimised. As part of this commitment, UCOL is implementing this Policy which aligns to the Government’s public health response to COVID-19.
- 1.2. This Policy establishes and communicates UCOL’s position on vaccination against COVID-19 for UCOL kaimahi, ākonga, contractors, manuhiri and Te Tiriti partners to its campuses.

2. Statement on Te Tiriti o Waitangi

- 2.1. UCOL is committed to giving effect to Te Tiriti o Waitangi in all our activities – governance, management and operations, as we deliver equity and inclusion for and with Māori. Given the disproportionate impact of COVID-19 for Māori, UCOL is acutely aware of the additional risk and therefore impact for kaimahi Māori, akōnga Māori, whānau, hapū, iwi and Māori communities throughout our region. In this regard, UCOL acknowledges that the vaccination Policy needs to be supported by an approach, information, support and resources designed with and for Māori.

3. Scope

- 3.1. This Policy applies to people in governance roles, kaimahi (for the purposes of this Policy this includes employees, contracted staff, contractors, volunteer workers and people gaining work experience) and ākonga/students of UCOL (currently enrolled and prospective) and manuhiri/visitors to workplaces managed by UCOL.
- 3.2. This Policy does not apply to secondary school students who are involved in secondary-tertiary provision at a UCOL site, as per the Ministry of Education guidelines in the Covid-19 Protection Framework.

- 3.3. For the purpose of this Policy any individual who has been provided with a temporary medical exemption from the Ministry of Health will be considered vaccinated.
- 3.4. This Policy will be reviewed as Government mandates and direction are released and will be updated when deemed necessary by the Board of Directors guided by the Chief Executive.
- 3.5. This Policy should be read in conjunction with UCOL policies and procedures listed under Section 11.

4. Responsibility

- 4.1. The UCOL Board has responsibility as Officers under the Health and Safety at Work Act 2015 to ensure, so far as reasonably practicable, the health and safety of UCOL's kaimahi and ākonga are not put at risk from the activities carried out by and within UCOL.
- 4.2. The Chief Executive has overall responsibility for the application and management of this Policy.

5. Overview

- 5.1. UCOL want to continue the extension of manaakitanga and duty of care to all ākonga, kaimahi, manuhiri and our Te Tiriti partners that engage in UCOL activities. UCOL is committed to doing everything practicable to enable a safe working and learning environment for our wider UCOL community.
- 5.2. As part of this commitment, UCOL 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 (taking into account the infectious nature of this virus and the potential for asymptomatic transmission).
- 5.3. UCOL, 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.
- 5.4. This Policy gives effect to, and builds on, the position statement of Te Pūkenga (as approved by its Council on 10 December 2021). The purpose of that statement was to provide subsidiaries with guidance on COVID-19 vaccination requirements in relation to certain kaimahi, ākonga, contractors, visitors and Te Tiriti partners pending the completion of risk assessments by those subsidiaries.

6. Principles

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

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

- 6.2. We want to take a risk-based approach that strikes the balance between inclusion and equity for ākonga and our health and safety obligations for all.
- 6.3. 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.
- 6.4. We encourage and support pro-active measures by subsidiaries and early interventions where a high risk of transmission exists.
- 6.5. We will take a partnership approach to strongly encourage everyone in Aotearoa New Zealand to be fully vaccinated.
- 6.6. We understand and respect that some people may decide not to receive the vaccine for their own reasons. Any policy in relation to vaccination must, therefore, be capable of responding to this situation to the extent possible.
- 6.7. 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.
- 6.8. We accept that any policy needs to be flexible enough to adapt to the rapidly changing COVID-19 environment in Aotearoa New Zealand.

7. COVID-19 Vaccination Policy Context

- 7.1. 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.
- 7.2. 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 NZ;
 - c) the vaccination assessment tool to be introduced by regulations under the COVID-19 Public Health Response Act 2020;
 - d) the COVID-19 Public Health Response (Protection Framework) Order 2021 (“Traffic Light System”) made under the COVID-19 Public Health Response Act 2020; and
 - e) such further directives that may be issued by the Government.
- 7.3. This Policy is supported by risk assessments, where such are required.
- 7.4. Risk assessments have been based on the need for kaimahi and ākonga to have confidence they can attend premises as safely as practicable.

7.5. The practical reality is that:

- a) kaimahi and ākongā co-exist in an environment where there are learning spaces, bathrooms, and hospitality spaces (kitchens, cafes); 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.

8. COVID-19 Vaccination Policy

8.1. Only kaimahi, ākongā, Board members and visitors who are vaccinated (and can provide evidence of such), are permitted onsite; this being to the premises of UCOL. For the purpose of this Policy vaccinated is determined as an individual having received two COVID-19 vaccinations. UCOL recognises that this definition may change over time to include booster injections or confirmation of COVID-19 antibodies.

8.2. UCOL will provide appropriate direction and support for all kaimahi, ākongā or visitors who request information or vaccination against COVID-19.

8.3. This Policy is effective from the 1st February 2022.

8.3.1. By 1 February 2022 all kaimahi and ākongā must provide evidence that they have had at least one dose of a COVID-19 vaccine.

8.3.2. By 1 March 2022, all kaimahi and ākongā must provide evidence that they have received a second dose of a COVID-19 vaccine.

8.3.3. From 1 February 2022 all visitors on any UCOL premises must provide evidence that they have received two doses of a COVID-19 vaccine.

8.4. Kaimahi are entitled to reasonable paid time away from work to receive a COVID-19 vaccine. Where there are practical barriers to accessing vaccination, UCOL will help support kaimahi to address these.

8.5. Non-disclosure of vaccination status, or the provision of insufficient evidence, will be reasonably deemed to mean not vaccinated.

8.6. The Chief Executive may approve a variation to this Policy when an approved risk assessment identifies a low risk to kaimahi, ākongā, contractors and visitors.

8.7. For kaimahi and ākongā, who do not need to come onsite, vaccination is required:

- a) 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;
- b) if their programme of study falls within scope of the Vaccination Order (or such other legislation as requires vaccination);

- c) if a risk assessment otherwise supports vaccination (Note: This requirement applies in relation to current and future kaimahi and ākonga).

8.8. Vaccination information collected, used and stored under this Policy will be handled in accordance with the Privacy Act 2020 and any applicable Government directives. UCOL will not pass on information about a kaimahi or ākonga's vaccination status to others without their consent, or otherwise allowed by the Privacy Act 2020.

Affected Kaimahi

8.9. Unvaccinated kaimahi will be required to engage in a process in good faith with UCOL that allows:

- a) all parties to fully understand each other's position and concerns.
- b) if becoming vaccinated is agreed to by kaimahi, UCOL will support the kaimahi to get vaccinated.
- c) If vaccination is not agreed by the kaimahi, but necessary for UCOL, all reasonable options for resolution will be genuinely considered. This may include additional risks assessments, mitigations and/or redeployment options.
- d) If redeployment is neither viable for UCOL nor agreeable to the kaimahi, then UCOL have the right to terminate employment, and a paid notice period may be served by UCOL. The kaimahi will be given reasonable opportunity to provide feedback on the preliminary decision before a final decision is made.

Enrolled Ākonga

8.10. Circumstances will vary for each ākonga 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 all circumstances.

8.11. For any ākonga who is unvaccinated UCOL will in good faith engage in a process that allows both the ākonga and UCOL to fully understand each other's position and concerns. The process will consider:

- a) the alternative options that can realistically be offered to the ākonga in that scenario, giving consideration to additional mitigations;
- b) the relevant programme in which an ākonga is enrolled;
- c) the stage an ākonga is at and the possibility of that ākonga being able to successfully enter the workplace if they continue to pursue that programme of study;
- d) the current terms and conditions of enrolment relating to an ākonga.

8.12. When determining whether an exception can be made, the following criteria must be referenced:

- a) can an exemption be safely granted?
- b) will an exemption contravene or undermine any legislative mandates?

- c) can affected ākongā transfer into online learning (bearing in mind that limited resources may not enable dual modes of delivery once there is a return onsite)?
- d) 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?
- e) what options have been discussed?

8.13. Where an opportunity to transfer to another programme is feasible, UCOL will transfer the fees paid (or payable) towards that programme. Any deficit will be payable by the learner. Any excess will be held as a credit.

8.14. In relation to requests for refunds, the default position is that refunds will be assessed in accordance with UCOL's Student Fee Refund Procedure and applicable StudyLink requirements. 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.

8.15. As this Policy relates to the provision of entitlements for activities undertaken and operated by UCOL, all other relevant UCOL policies should be read as subject to the requirements of this Policy. If there is a contradiction between the terms of such policies and this Policy, the terms of this Policy will prevail.

9. Exceptions to Policy

9.1. This Policy vaccination requirement does not apply to:

- a) Temporary Medical Exemptions: Individuals who have obtained a temporary medical exemption through the Ministry of Health.
- a) On-campus settings where vaccine passes cannot be required for access: Vaccine passes cannot be required for ākongā needing to access UCOL health and disability services.
- b) Secondary-tertiary provision at tertiary sites: School ākongā are exempt from My Vaccine Pass requirements when accessing their secondary learning in tertiary settings. However, secondary school ākongā on a tertiary campus for other reasons (e.g. open days or outreach events) are not exempt from vaccine pass requirements and should follow the Policy set by UCOL.

9.2. UCOL acknowledges that some kaimahi, ākongā and visitors hold a different position to that of the Ministry of Health, choosing not to be vaccinated against the effects of COVID-19. In this regard, UCOL will consider its position and where it is determined that the risk of the spread of COVID-19 is low, an unvaccinated kaimahi, ākongā or visitor may be provided an exception to this Policy. Such decisions will be at the sole discretion of UCOL. UCOL values of Whanaungatanga, Toitūtanga, Kotahitanga and Manaakitanga will underpin the engagement process with kaimahi and ākongā about their position and concerns on vaccination.

10. Relevant Legislation

- Privacy Act 2020 (Section 22, Information Privacy Principles)
- Education and Training Act 2020
- COVID-19 Public Health Response Act 2020
- Health and Safety at Work Act 2015 (primary duties of PCBU)
- 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))

11. Related Documentation

- [UCOL Health and Safety Policy](#)
- [UCOL Student Fee Refund Procedure](#)
- [UCOL International Student Fees and Refunds Procedure](#)
- [UCOL Admission and Enrolment Policy](#)
- [UCOL Admission and Enrolment Procedure](#)
- [UCOL Academic Statute](#)
- [UCOL Tuition Fees, Course Costs and Other Charges Policy and Procedure](#)
- [UCOL Flexible Working Arrangement and Working Remotely Policy](#)
- [UCOL Student Financial Support Policy](#)
- [UCOL Student Financial Support Procedure](#)
- UCOL Collective Employment Agreements
- UCOL Individual Employment Agreements
- Te Pūkenga Position Statement on Vaccinations
- [UCOL Enrolment Guide and Form for Domestic Students](#)
- [UCOL Enrolment Form and Terms and Conditions for International Students](#)
- [COVID-19 Public Health Response \(Protection Framework\) Order 2021](#)
- [COVID-19 Public Health Response \(Vaccinations\) Order 2021](#)
- [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](#)