

Ko Ngā Tikanga Mate Korona COVID-19 Vaccination Policy

Audience and scope

Wintec is committed to ensuring that the harm that may be caused by COVID-19 to Wintec ākonga, kaimahi, manuhiri and our Te Tiriti partners that engage in Wintec activities, is minimised. As part of this commitment, Wintec is implementing this policy which aligns to the Government’s public health response to COVID-19.

This policy applies to people in governance roles, kaimahi (including employees, contracted staff, contractors, volunteer workers and people gaining work experience), ākonga/students and visitors to workplaces managed by Wintec.

This policy *does not* apply to secondary school students who are involved in secondary-tertiary provision at a Wintec site, as per the Ministry of Education guidelines in the Covid 19- Protection Framework.

For the purpose of this policy any individual who has been provided with an exemption for COVID 19 vaccination from the Ministry of Health will be considered vaccinated.

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.

Approval details

Version number	2	Issue date	13/12/2021
Approval authority	Wintec Board	Date of approval	13/12/2021
Procedure Owner (has authority to make minor amendments)	CEO	Policy Manager	Health, Safety and Wellbeing Director
Contact person	Health, Safety and Wellbeing Director	Date of next review	01/06/2022

Version History

Version	Effective date	Created/reviewed by	Reason for review/comment
1.0			
2.0	07/12/2021	Steering group	Staff/student consultation undertaken.

Ngā Tikanga Mate Korona

COVID-19 Vaccination Policy

1. Ko Te Tirohanga Whānui - Overview

- 1.1. Wintec want to continue the extension of manaakitanga and duty of care to all ākonga, kaimahi, manuhiri and our Te Tiriti partners that engage in Wintec activities. Wintec is committed to doing everything practicable to enable a safe working and learning environment for our wider Wintec community.
- 1.2. As part of this commitment, Wintec 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).
- 1.3. Wintec 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 the Ministry of Health advice, that vaccination is the most effective control.
- 1.4. 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.
- 1.5. The default position is that unless otherwise exempted ākonga, kaimahi, manuhiri and our Te Tiriti partners that engage in Wintec activities will be required to be vaccinated.
- 1.6. In practice this means ākonga, kaimahi, visitors, board members and contractors will need to have their first vaccination by Monday, 10 January 2022, and their second vaccination by Monday 14, February 2022.
- 1.7. It is noted that some programmes of learning may require kaimahi or akōnga to attend prior to 10 January 2022. In these situations first vaccination must occur before you attend the start of the programme/course, and the second vaccination deadline of Monday 14 February 2022 applies.

2. Ko Te Aronga Nui - Purpose

The purpose of this policy is to establish and communicate the position of Wintec on vaccination against COVID-19 for Wintec kaimahi, ākonga, contractors, visitors and Te Tiriti partners.

3. Ko Te Tiriti o Waitangi Statement on Te Tiriti o Waitangi

Wintec 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, Wintec 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, Wintec acknowledges that the vaccination policy needs to be supported by an approach, information, support, and resources designed with and for Māori.

4. Ko Ngā Mātāpono - Principles

This policy is based on principles set by Te Pūkenga namely:

- a) We want to provide certainty to kaimahi and ākongā regarding our vaccination expectations.
- b) We want to take a risk-based approach that strikes the balance between inclusion and equity for ākongā and our health and safety obligations for all.
- c) On an exceptions basis we accept that a risk-based approach may lead to different positions by subsidiaries to meet the needs of their communities, iwi aspirations and the requirements of any Covid-19 laws and regulations.
- d) We encourage and support proactive measures by subsidiaries and early interventions where a high risk of transmission exists.
- e) We will take a partnership approach to strongly encourage everyone in Aotearoa to be fully vaccinated, subject to medical advice.
- f) 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.
- g) 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.
- h) We accept that any policy needs to be flexible enough to adapt to the rapidly changing COVID-19 environment. This policy will be reviewed as the public health response changes but at intervals not greater than six months.

5. Ko Te Horopaki mō Te Mate Korona - COVID-19 Vaccination Policy Context

5.1 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.

5.2 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
- c) the vaccination assessment tool introduced by regulations under the COVID-19 Public Health Response Act 2020

d) such further directives that may be issued by the Government.

5.3 This policy is supported by risk assessments where such are required.

5.4 All risk assessments have been premised on the need for kaimahi and ākonga to have confidence they can attend as safely as practicable.

5.5 The practical reality is that:

a) kaimahi and ākonga co-exist in an environment where there are learning spaces, retail spaces and hospitality spaces; and

b) Dividing campuses and/or programme delivery into groups that are vaccinated or unvaccinated is not feasible.

6. Ko Ngā Kaupapa Here - COVID-19 Vaccination Policy

6.1. Only kaimahi, ākonga, board members and visitors who are vaccinated (and can provide evidence of such) are permitted onsite. For the purpose of this policy vaccinated is determined as an individual having received two COVID 19 vaccinations. Wintec recognises that this definition may change over time to include booster injections or confirmation of COVID 19 antibodies.

6.2. Wintec will provide appropriate direction and support for all kaimahi, ākonga or visitors who request information or vaccination against COVID-19.

6.3. Non-disclosure of vaccination status will be reasonably deemed to mean not vaccinated.

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

6.5. The Chief Executive may approve a variation to clause 6.1 when an approved risk assessment identifies a low risk to all kaimahi, ākonga and visitors.

6.6. For kaimahi, ākonga, and contractors who do not need to come onsite or have no close contact with others, vaccination evidence is not required, however, if any of the following criteria apply then vaccination evidence may be required:

a) part of the role or learning requires that they attend the premises of a placement provider or other third party who requires visitors to be vaccinated;

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

- c) part of the role or learning requires you to engage in an activity that a risk assessment suggests that vaccination is required, regardless of location.

6.7. Records of vaccination status will be held in accordance with the Privacy Act 2020 and any applicable Government directives.

Affected Kaimahi

6.8. Unvaccinated kaimahi will be required to engage in a process in good faith with Wintec that allows;

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

Enrolled ākongā

6.9. The circumstances of each ākongā unable to complete their course due to this policy, or a requirement of a third-party placement provider, will differ. Accordingly, it is not possible, nor appropriate, to present a definitive policy to cover all circumstances.

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

- a) the alternative options that can realistically be offered to ākongā in that scenario, giving consideration to additional mitigations.
- b) the relevant programme in which that ākongā is enrolled.
- c) the stage a ākongā is at and the possibility of that ākongā 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 that ākongā.

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

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

- c) whether affected ākongā can transfer into online learning (bearing in mind that limited resources do not enable dual modes of delivery)
 - 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?
- 6.12. Where there are no reasonable alternative learning options available, then the unvaccinated ākongā may be withdrawn from their programme of study.
- 6.13. Where an opportunity to transfer to another programme is feasible, Wintec will transfer the fees paid (or payable) towards that programme. Any deficit may be payable by the learner, at Wintec's discretion.
- 6.14. In relation to requests for refunds, the default position is that refunds will be assessed in accordance with the Refund Policy. 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.
- 6.15. As this policy relates to the provision of entitlements for activities undertaken and operated by Wintec, all other relevant Wintec 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.

7. Ko Ngā Kōrero Āwhina - Links to Other Documents

Staff Policies can be found here: [Policies, procedures and guidelines \(sharepoint.com\)](#).

Related policies could include:

- Accident and Incident Reporting
- Coordinated Incident Management
- Engagement, Participation and Representation
- People and Culture
- Privacy
- Risk Management
- Safety and Wellbeing

Student Policies can be found here: [Policies \(wintec.ac.nz\)](#)

Related policies could include:

- Code of Conduct for Students
- Withdrawals & Refunds, temporary policy amendments
- Privacy
- Academic Regulations

8. Ko Ngā Ture - Reference Legislation

- Privacy Act 2020 (Section 22, Information Privacy Principle 1)
- Education and Training Act 2020
- COVID-19 Public Health Response Act 2020
- Health and Safety at Work Act 2015 (primary duties of PCBUs)
- 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))

9. Ko Ngā Kōrero Tāpiri - Associated Documents

- Te Pūkenga Position Statement on Vaccinations
- [COVID-19 Protection Framework](#)
- COVID-19 Public Health Response (Vaccinations)
- Wintec COVID Risk Assessment Process
- [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](#)