

COVID-19 Vaccines: Employment Guidance

COVID-19 vaccines will play a critical role in protecting the health and wellbeing of people in New Zealand. Over time, this will enable our social, economic and cultural recovery. Workplaces are a crucial part of making access to vaccines as easy as possible.

The following information applies to all working relationships, including those between a firm and an independent contractor:

- To help [New Zealand's COVID-19 Immunisation Programme](#) succeed, we recommend employers **encourage and support** workers to get vaccinated. This could include:
 - Facilitating on-site vaccinations,
 - Allowing workers to get vaccinated during work hours without loss of pay, and
 - Providing workers with relevant and timely information from the Ministry of Health about vaccination and its benefits.
- Employers **should** engage early and constructively with workers and unions when considering vaccination issues at their workplace.
- Workers **do not** have to tell their employer if they have been vaccinated or why they are unable or choose not to be vaccinated. If workers have consented, the Ministry of Health can inform employers whether **Group 1 workers** have been vaccinated. Employers **can ask** workers if they have been vaccinated. If workers do not tell employers what their vaccination status is, employers **may** assume workers are unvaccinated, but **should** first inform workers of this assumption. Employers **must** protect personal information about vaccination status and **cannot** share it (including with other workers) without a worker's consent.
- Employers **cannot require** an individual to be vaccinated. However, employers **can require** a specific role be performed by a vaccinated person. Employers **must** have first done a **health and safety risk assessment** to support such a requirement, and **must** do this assessment in collaboration with workers, unions and other representatives.
- Employers and workers **can** access support from MBIE's [Early Resolution Service](#) to resolve employment problems early and informally.

The following information is specifically for employment relationships:

- All discussions between employers, workers and unions about COVID-19 vaccination **must** be done in **good faith**.
- We **encourage** employers to offer paid work time for employees to be vaccinated.
- Following a health and safety risk assessment, if a particular role requires vaccination:
 - Employers can **make changes** to an employee's duties for health and safety reasons, if an employee is not vaccinated. Any such process **must** be fair and reasonable, and carried out in good faith. Employers **must** avoid unfair disadvantage. Employers, in consultation with employees, **must** consider options, such as changing work arrangements, alternative duties or leave. If leave is used, this **must** be agreed, and we **encourage** this be paid. Employers and employees **may** agree to a negotiated end of employment, but individual dismissals are unlikely to be justifiable in almost all cases, based on current circumstances.
 - Employers and employees **can** negotiate variations to existing conditions of employment to require vaccination. Employers **can** also require vaccination as a condition for new employees, but this **must** be reasonable for the role. Employers **must** follow good faith processes under existing employment agreements (individual or collective) and contracts to make any changes to them.

This document will be updated as the COVID-19 Immunisation Programme gets underway. You can sign up to get notified when there is new guidance available on the [Employment New Zealand website](#).