# **Can I Make My Employees Get Vaccinated?**

That appears to be the question of the day. We are getting asked this often. The question is always accompanied by – my client won’t let us on site unless we are vaccinated, my customers are saying they won’t use us unless we are fully vaccinated, the newspaper reports that The Warehouse is proposing compulsory vaccination.

The answer is very complicated. Covid-19 is challenging enough from a health and safety perspective, but many of the issues need to be managed under HR. The health and safety decisions employers make now may have massive repercussions under HR legislation.

WorkSafe New Zealand have released advice on “How to decide what work requires a vaccinated employee”. This is found at the following link <https://www.worksafe.govt.nz/managing-health-and-safety/novel-coronavirus-covid/how-to-decide-what-work-requires-a-vaccinated-employee/> This is for work that is not covered under the COVID-19 Public Health Response Orders.

The main points from this guidance are:

* Undertake a risk assessment to identify if an employee should be vaccinated for work health and safety purposes – where the nature of the work itself raises the risk of Covid-19 infection and transmission above the risk faced outside work.
* Follow Employment New Zealand guidance. <https://www.employment.govt.nz/leave-and-holidays/other-types-of-leave/coronavirus-workplace/covid-19-vaccination-and-employment/>
* Focus on the role, not the individual.
* Complete the risk assessment with employees and their representatives.

WorkSafe NZ have developed the following to assist with the assessment:

1. **Risk factors to consider**

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| **Risk Factor** | **Risk** | **Your Workplace** |
| How many people does the employee carrying out that work come into contact with? | Lower risk – very few  Higher risk – many |  |
| How easy will it be to identify the people who the employee comes into contact with? | Lower risk – Easy to identify, such as co-workers  Higher risk – Difficult to identify, such as unknown members of public |  |
| How close is the employee carrying out the tasks in proximity to other people? | Lower risk 2 metres or more in an outdoor space  Higher risk – Close physical contact in an indoor environment |  |
| How long does the work require the employee to be in that proximity to other people? | Lower risk – Brief contact  Higher risk – Lengthy contact |  |
| Does the work involve regular interaction with people considered at higher risk of severe illness from COVID-19, such as people with underlying health conditions? | Lower risk – Little to none  Higher risk – Whole time |  |
| What is the risk of COVID-19 infection and transmission in the work environment when compared to the risk outside work? | Lower risk – Equal to outside work  Higher risk – Higher than outside work |  |
| Will the work continue to involve regular interaction with unknown people if the region is at a higher alert level? | Lower risk – No  Higher risk – Yes |  |

1. **Consider other controls**

Identify any further infectious disease controls you and your employees could implement. The Ministry of Health has provided detailed information <https://www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-information-specific-audiences/guidelines-businesses-and-services>

Examples of other controls include:

* Limiting access to the site – restricting numbers, staggering shifts, visits, etc.
* Contactless service.
* Use of the Covid-19 QR scanning or other registration of people’s presence.
* Wearing face coverings.
* Gloves.
* Sanitiser or hand washing.
* Regular cleaning of the environment, especially the common touch points.

1. **Assess the results**

Assess the results of your risk factor discussion and the impact of any extra controls you will implement.

If your risk ratings tend towards higher risk and you are not able to reduce that risk by implementing more controls, you and your employees should consider whether the work should be performed by a vaccinated employee.

If the risk is low and shows that transmission is not higher than the risk from outside work, you may decide not to require the role to be undertaken by a vaccinated employee.

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| **Number of Lower Risks** | **Number of Higher Risks** | **Extra Controls** | **Vaccination Required**  **Yes / No** |
|  |  |  |  |

You should still encourage your employees to get vaccinated. You can do this by encouraging discussion, providing access to legitimate information, allowing employees time off to be vaccinated and recognising that some people may have reactions and need time off, etc.