



COVERSHEET

Minister	Hon Michael Wood	Portfolio	Workplace Relations and Safety
Title of Cabinet paper	Worker vaccination mandates – COVID-19 Protection Framework and COVID-19 Vaccination Certificates – religious services and marae gatherings	Date to be published	1 April 2022

List of documents that have been proactively released

Date	Title	Author
November 2021	<i>Worker vaccination mandates – COVID-19 Protection Framework and COVID-19 Vaccination Certificates – religious services and marae gatherings</i>	<i>Office of the Minister for Workplace Relations and Safety</i>
24 November 2021	<i>Worker vaccination mandates – COVID-19 Protection Framework and COVID-19 Vaccination Certificates – religious services and marae gatherings</i> SWC-21-MIN-0199	<i>Cabinet Office</i>

Information redacted

NO

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Worker vaccination mandates – COVID-19 Protection Framework and COVID-19 Vaccination Certificates - religious services and marae gatherings

This item seeks to confirm the type of businesses and services where worker vaccination mandates should apply under the COVID-19 Protection Framework (CPF), with a particular focus on the approach to ‘religious services and marae gatherings’.

1. COVID-19 Protection Framework

Under the CPF, the following businesses and services must use CVCs to operate, or operate with fewer restrictions: hospitality, close proximity businesses, gyms, tertiary education (at Red level only), events, gatherings.

The definitions for events and gatherings under the CPF are wide:

Definition of an ‘event’

An activity organised by a business or service that is held:

- At commercial or private indoor or outdoor premises or held at hired publicly owned premises; or in an outdoor area where a worker provides services to a group of customers or clients; and
- entry is controlled; and
- includes normal operations at cinemas, theatres, stadiums, concert venues, conference venues, casinos, and private galleries (and other similar businesses or services).

What might be covered in a faith-based or marae setting?

- Weddings, funerals, tangi, baptism.
- Cultural events in a church or marae - music concert, art exhibition.

What types of workers might be covered in a faith-based or marae setting?

- Staff at an event hosted at a marae or a church.

Definition of a ‘gathering’

People who are intermingling in a group including:

- a gathering to undertake voluntary or not-for-profit sporting, recreational, social, or cultural activities (eg community club activities, a faith-based gathering, a gathering held in a defined space or premises of a workplace)
- but excluding a gathering for the purpose of a business or service (eg retail, gyms).

What might be covered in a faith-based or marae setting?

- Church service, Sunday school.
- Faith-based support groups.

What types of workers might be covered in a faith-based or marae setting?

- Clergy - if their activities fall within the definition of work under the Health and Safety at Work Act.
- Workers serving food at a powhiri.

2. Previous Cabinet decisions

- On **26 October**, Cabinet agreed to mandate vaccination for work in any settings where a CVC may be required. This was to ensure work in these settings is only done by vaccinated workers [CAB-21-MIN-0436 refers].
- Cabinet requested that I consider whether the mandate should be expressed in a way so it does not apply in situations under Green where a business decides to not use CVCs [CAB-21-MIN-0436 refers].
- On **11 November** MBIE provided advice on mandating vaccination for workers at the Green Level. I confirmed that mandates will apply to workers in sectors covered by CVC requirements, including at the Green Level.
- On **22 November** I notified Cabinet of the decision made on mandating vaccination for workers at the Green Level – in Appendix 1 of the Cabinet paper ‘*Requiring COVID-19 vaccination for work through Government mandates and employer decisions*’. [CAB-21-MIN-0495].

3. Confirming Cabinet’s view on whether vaccination should be mandated for workers at faith-based or marae events and gatherings

- Today I am seeking to test if Ministers are comfortable with a vaccination mandate applying to workers where a CVC may be required, regardless of whether they choose to use CVCs, including workers at events and gatherings (which includes faith-based and marae events and gatherings).

Stakeholder views

- All the faith based organisations that officials consulted were highly supportive of vaccination generally and almost all intend to operate with vaccinations required for congregations or other visitors, often noting that operating with restrictions would impose significant impacts on them due to the relatively small size of many religious and faith-based venues.
- Almost all organisations signalled that their employees (where present) and volunteers were vaccinated, so a requirement for workers to be vaccinated for events or gatherings to occur would not present any issues.
- While there was a gap in feedback from Māori stakeholders, the feedback we did receive indicated there was some support from Māori for certainty over where vaccination should be required for particular work and the processes for determining this and some support for broader vaccination mandates (noting many Māori businesses are small-medium sized businesses providing services, where clients may be requiring vaccination). However, concerns were also raised about the impacts on Māori businesses if they are not able to operate fully due to having unvaccinated workers.
- **I recommend that Cabinet’s decision to require workers to be vaccinated at the Red and Orange levels of the CPF where a CVC may be required should stand** (this means about 30% of the workforce would be subject to vaccination mandates).
- **If Cabinet wants to revisit the decision to require workers to be vaccinated at Green where CVCs may be required**, and instead decide that workers must be vaccinated only if other people at Green are required to show a CVC, this has the following implications:
 - if a region is at Green, but may move up to Orange/Red at short notice, workers who are not vaccinated will not be able to keep working at the higher level
 - at Green, if a service wants to flip between requiring vaccine passes and not requiring vaccine passes (eg as some religious leaders suggested they might do occasionally), their workers will all be vaccinated and my not be able to continue working.
- **If Cabinet wants to exclude faith-based groups and marae from the worker vaccination mandate under the CPF**, this has the following implications and requires further work:
 - ‘faith-based groups’ would need to be defined
 - public health advice would be required as current advice supports worker vaccination under the CPF where others should be vaccinated
 - there will be drafting implications and a risk that this change would not be able to come into force at the same time that the legislation and orders in place for the CPF and CVCs come into force