

Tā Te Pūkenga tauākī e pā ana ki te kano ārai mate KŌWHEORI-19 |

Te Pūkenga Position Statement regarding COVID-19 Vaccination

Te Tāhuhu Kōrero | Background

This statement explains the current position of Te Pūkenga on vaccination¹ against COVID-19 and provides detail on particular circumstances affecting kaimahi and ākonga.

This statement is valid as on 10 December 2021 and will be regularly reviewed and updated as more information comes to hand and further decisions are made by Te Pūkenga network following completion of ongoing risk assessments and with regard to Government mandates and direction.

All references to Te Pūkenga are references to Te Pūkenga and each of its subsidiaries.

Pūtake | Purpose

To provide certainty as to the expectations of Council in relation to keeping our ākonga, kaimahi and others visiting our facilities safe.

Ngā Mātāpono | Principles

1. We want to provide immediate certainty to kaimahi and ākonga of Te Pūkenga regarding our vaccination expectations.
2. We want to take a risk-based approach that appropriately strikes the balance between inclusion and equity for ākonga and our health and safety obligations for all.
3. We accept that a risk-based approach may lead to different positions in exceptional circumstances by subsidiaries in order to meet the needs of their communities, iwi aspirations and the requirements of any Covid-19 laws and regulations.
4. We encourage and support pro-active measures by subsidiaries and early interventions where a high risk of transmission exists.
5. We will take a partnership approach to strongly encourage everyone in Aotearoa to be fully vaccinated.
6. 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.
7. We accept that any policy needs to be flexible enough to adapt to the rapidly changing COVID-19 environment in New Zealand.

¹ Vaccinated means fully vaccinated as that term evolves. Currently, it requires 2 shots but as time progresses it will be extended to include a booster shot.

Tā Te Pūkenga tauākī mō te whai rongoā hei ārai i te KŌWHEORI-19 | Te Pūkenga position on vaccination against COVID-19

The Ministry of Health advises that vaccination is the most effective means of combatting transmission of COVID-19 and reducing harm.

Except where required by legislation introduced to support the traffic light system, a policy requiring vaccination will not be adopted by a Te Pūkenga entity unless or until it has completed a health and safety risk assessment and engaged with stakeholders, including staff, unions and learners. The policy will be approved by both the relevant Subsidiary Board and by Council² before being adopted.

Until a policy is adopted, the position³ is that:

1. the environment in which tertiary education is delivered is such that the default position of Te Pūkenga is to support a requirement for only those who are vaccinated to be onsite unless a risk assessment undertaken by a subsidiary determines otherwise; and
2. the wellbeing of kaimahi and ākonga is at the heart of this position paper. Where a risk assessment is required, it will be premised on the need for kaimahi and ākonga to have confidence they can attend campus as safely as possible and minimise (to the extent this is possible) contracting and transmitting back to their whānau or friends on their return to their communities; and
3. all affected persons⁴ who fall within scope of the COVID-19 Public Health Response (Vaccinations) Order 2021 (the **Vaccination Order**), traffic light system (or any further directive that may be issued by the Government) must comply with the Government's requirements and be fully vaccinated within the stipulated timeframes. There is no requirement for a risk assessment in these circumstances, but consultation is encouraged to understand the impact on the affected kaimahi and ākonga and any options for alternative study or redeployment; and
4. to the extent that placement providers, employers or other third parties have carried out a risk assessment that requires any Te Pūkenga kaimahi and ākonga to be fully vaccinated in order to attend a placement (or otherwise attend that third party's premises), Te Pūkenga must respect this decision and will require kaimahi and ākonga who wish to engage with those third parties to be fully vaccinated; and
5. a requirement for vaccination for current kaimahi and ākonga, who are not covered by the Vaccination Order (or such other legislation as requires vaccination), will be based on a risk assessment and will be made following engagement with affected workers, unions and relevant other stakeholders; and
6. in relation to kaimahi recruitment, where a risk assessment supports a requirement of vaccination, a Te Pūkenga entity can require vaccination as a pre-requisite for that role; and
7. in relation to prospective ākonga seeking to enrol in courses that require a placement in a sector that falls within scope of the Vaccination Order, such other legislation as requires vaccination, or at a third party where it can be reasonably foreseen that

² Council has delegated the authority to approve subsidiary vaccination policies to the Chair and Deputy Chair of Council after the policies have been endorsed by Council's Wellbeing and Safety Committee.

³ This position statement does not limit the entitlement of a subsidiary to require vaccination in any other circumstances where this is supported by a risk-based assessment.

⁴ Affected person means a person who belongs to a group (or whose work would cause them to belong to a group) specified in a table or schedule of a relevant COVID-19 Public Health Response Order.

proof of vaccination will be required, vaccination can be a pre-requisite to enrolment; and

8. where kaimahi and / or ākonga who fall within scope of the Vaccination Order (or such other legislation as requires vaccination) share the same space as kaimahi and / or ākonga who do not (for example, in the same building), and other measures are not considered effective to prevent transmission, then it is open to a Te Pūkenga entity to require vaccination for all kaimahi and ākonga in that space; and
9. it is acknowledged that this position paper is released before there is clarity on the requirements of a vaccination certificate policy. Each Te Pūkenga entity is entitled to take such measures as are suitable for its campus to ensure that any requirements for vaccination certificates or other proof of vaccination are obtained (with all such information being held in accordance with the Privacy Act 2020).

Ngā mahi hei aromatawai i te whatitata | What risk assessments need to be undertaken

Risk assessments will be led by each subsidiary with reference to this position statement, the process guidelines and risk assessment template circulated by Te Pūkenga.

Across the network, our workplaces include our teaching and learning spaces (such as dance studios, kitchens, workshops, laboratories, salons, greenhouses, building sites, classes, tutorials, meetings, noho marae, exams and assessments), student accommodation, libraries, cafes, student services, meeting areas, fitness centres, counselling and health services, and offices and administration areas.

We acknowledge that certain subsidiaries have carried out a risk assessment in relation to certain matters (such as the provision of student accommodation) and have proactively introduced a requirement of mandatory vaccination. We support this pro-active approach.

The primary obligation of each Te Pūkenga entity is to comply with its obligations under the Health and Safety at Work Act 2015 (HSWA). This requires it to ensure the health and safety of those on its premises so far as reasonably practicable.

Template risk assessments are being shared across the network to help ensure consistency in application. Relevant considerations when carrying out a risk assessment across the roles of staff and learners include:

1. The need to put learners at the centre of what it does, and how any decisions regarding vaccination will impact on learners, and the communities that they come from; we need to keep our learners (particularly those from vulnerable communities) as safe as possible
2. Whether staff could perform their roles without being onsite i.e. by solely engaging with others online rather than face to face – the practicality of this from a business model perspective is a significant factor
3. Its obligations under the Te Pūkenga Charter including the obligation to offer a mix of education and training in each region, including face to face learning
4. The extent to which learners outside scope of the Vaccination Order may come into close proximity and / or share spaces with learners who do and the impact of that on the efficacy of the Vaccination Order
5. Whether physical distancing can be consistently and effectively observed in the circumstances being assessed

6. The level of interaction with the community, for instance, a large number of people in one area at one time may present challenges to identify close contacts if a person were to contract COVID-19
7. Requirements on staff / learner to engage with those considered at high risk of severe illness or death from COVID-19, for example, people who are unvaccinated, immune-compromised, with underlying health issues, elderly, and so on
8. Where the role is carried out in New Zealand, for instance, roles carried out in Tāmaki Makaurau may be considered to be higher risk at this time
9. The diversity of the applied learning education provision across the network

Ngā kaimahi me ngā ākonga e pāngia ana | Affected Staff and Learners

Te Pūkenga acknowledges that there will be learners and staff who are affected by the impact of a vaccination requirement, but there will also be those affected by the illness itself. Te Pūkenga is working through a network position that will apply to all those whose work / studies are affected as a consequence of this.



Murray W Strong
Chair -Te Pūkenga Council
10 December 2021



Kim Ngārimu
Deputy Chair - Te Pūkenga Council
10 December 2021