

Auckland Council Contractor COVID-19 Vaccination Policy

Policy Summary

Auckland Council requires contracted people who provide services on behalf of council, and who have significant interaction with council staff or members of the public, to be fully vaccinated against COVID-19.

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Policy Statement

Auckland Council engages people, either as individuals or via contracted companies (Contractors), to provide services on behalf of council. The Auckland Council Contractor COVID-19 Vaccination Policy (Policy) requires that contractors be fully vaccinated against COVID-19 if they do any work under the direct control and influence of council or if they interact with council staff or others as representatives of council (outside their own offices, premises, and sites). Contractors will only be able to access council-controlled indoor sites where they are fully vaccinated and provide proof of vaccination status.

Depending on the contractor's risk assessment, vaccination may also be required when contractors are undertaking works in Council-controlled Outdoor Sites / Non council-controlled sites where there is an undetermined or varied level of interaction with the public / council staff.

Background

Auckland Council (council) recognises that vaccination against COVID-19 plays a critical role in protecting people from harm and is essential for the operational continuity of our organisation. Vaccinations will help us minimise disruptions to the services we provide to the community and reduce the risk of spread in circumstances where our employees have contact and interact with each other and/or large volumes of people, some of them vulnerable, on a regular basis.

Auckland Council's staff vaccination policy (Our approach to COVID-19 vaccination - Our Charter Guide (Staff Policy)) requires Council employees who work outside the home to be vaccinated in order to perform their role. The policy also extends to anyone else (including contractors) that provides services to us in an Auckland Council workplace where they are required to interact with our people or others as a part of the role". Those subject to the policy must be fully vaccinated by 17 January 2022

Auckland Council has also introduced an interim customer position requiring vaccination passes for entry into council facilities. A separate elected member policy requires that vaccination certificates are a condition of entry into Auckland Council offices and meeting spaces for elected members and members of the public attending council meetings.

Auckland Council also engages people, either as individuals or via contractors, to provide services on its behalf, in places not traditionally defined as an Auckland Council workplace. Under the Health and Safety at Work Act 2015, where those services require individuals to interact with council staff or members of the public, Auckland Council as the primary Person Conducting a Business or Undertaking (PCBU) has a duty to ensure those individuals are protected as if they were employees. To avoid doubt, anyone paid by Auckland Council to undertake work is considered a Contractor under this Policy, this includes work undertaken via Grants and Funding Agreements.

Definitions

Control of Sites are defined as follows:

Council-controlled Indoor Sites: Sites inside buildings or with otherwise restricted airflow where Auckland Council maintains control and responsibility for activities, within that site. Examples include, council administration buildings (owned or leased areas), libraries, community centres, council-owned arts and community centres that are operated by partners. Access to these sites are vaccination certificate controlled.

Council-controlled Outdoor Sites: Sites outside buildings or with unrestricted airflow where Auckland Council maintains control and responsibility for activities. Examples include, but are not limited to, parks and roadsides.

Non-council-controlled Sites: Sites where contractors or other third parties are responsible for site activities. Examples include active construction sites (either indoor or outdoor) where the contractor has responsibility or control of the site, or leased

buildings where the entire building is under an occupancy lease and there are no shared spaces with council staff.

Vaccination status

For the purposes of this Policy, council defines Fully Vaccinated as: by way of a vaccination certificate (or other equivalent proof of vaccination). If you have an exemption, you will need to provide the exemption certificate (or other equivalent proof of exemption). Note council reserves the right to not permit exemption holders from certain sites.

Excluded from this Policy:

Any people or activities that are covered by other Auckland Council vaccination policies including the Staff Policy, Customer Vaccination Policy, Elected Member Guidelines or any commercial tenants of council buildings.

Vaccination Requirements

Council has identified categories of contracted services, with differing risk profiles in terms of the required interaction with council staff and/or members of the public.

The following service categories require vaccination certificates

(Categories Requiring Vaccination):

1. Undertaking any sort of interaction with council staff or the public inside Council-controlled Indoor Sites.
2. Undertaking any work under the direct control and influence of council e.g. supervised by council staff directing how works or services are being performed.
3. Undertaking works or services on behalf of council and interacting with the public with the appearance of being council staff (ie where a member of the public might reasonably consider the contractor to be an Auckland Council staff member).

The following service categories *may* require vaccination certificates, depending on a risk assessment by the Contractor.

(Categories Sometimes Requiring Vaccination):

4. Undertaking works in Council-controlled Outdoor Sites where there is an undetermined or varied level of interaction with the public or with council staff
5. Undertaking work in Non-council-controlled Sites where there is an undetermined or varied level of interaction with the public or with council staff.

Council does not require vaccination certificates for the following service categories:

(Categories Not Requiring Vaccination):

6. Undertaking work in Non-council-controlled Sites such as their own offices/premises/sites.
7. Undertaking works other than as defined above, where there is minimal to no interaction with council staff or public, and no entry into Council-controlled Indoor Sites

For the avoidance of doubt, the following service categories require proof of vaccination (included in the Staff Policy):

- Undertaking works inside Council-controlled indoor sites (e.g. cleaners, building maintenance staff)
- Entering Council-controlled indoor sites to interact with council staff (e.g. professional services consultants)

Risk Assessment

If a Contractor does not wish to or cannot provide proof of vaccination, they must complete risk assessments (see Appendix 2) to show that their activities are low risk or can be made low risk via other public health measures (distancing, contactless pickup, outdoor-only activities, etc).

Contractors are required to complete a separate risk assessment for each of the identified service categories that may require vaccination certificates (service categories 4 and 5). A risk assessment must be done on each different service or activity if the Contractor provides multiple types of services to council.

Council's assessment of risk is summarised below, with a more complete risk assessment process identified in Appendix 2 of this Policy.

1. Undertaking any sort of interaction with the public inside council-controlled indoor sites.
2. Undertaking any work under the direct control and influence of council e.g. supervised by council staff directing how works or services are being performed.
3. Undertaking works or services on behalf of council and interacting with the public with the appearance of being council staff.
 - a. Risk levels are **high**, due to interaction with public or council staff, indoors

4. Undertaking works in Council-controlled Outdoor Sites where there is an undetermined or varied level of interaction with the public or with council staff
 - a. Risk levels **cannot be determined** by council, due to varying levels of interaction with public or council staff
5. Undertaking work in non-council-controlled Sites where there is an undetermined or varied level of interaction with the public or with council staff.
 - a. Risk levels **cannot be determined** by council due to lack of council's control of or knowledge of Sites
6. Undertaking work in Non-council-controlled Sites such as their own offices/premises/sites
7. Undertaking works other than as defined above, where there is minimal to no interaction with council staff or public, and no entry into Council-controlled Indoor Sites
 - a. **Low** risk to council staff and/or public

Administration

Each Contractor must provide a statement that all staff meet the requirements of this Policy. This statement will be kept on file within council's contract management system (Ariba). The Statement must be on file by 18 February 2022, or prior to any new works starting (if no active services are being performed prior to that date).

The statement does not need to name individual staff. A suggested format of this statement can be found in Appendix 1.

Contractors (including individuals if contracted as a sole trader) are required to confirm proof of vaccination of all of their staff that meet the definitions of Categories Requiring Vaccination in the statement.

Where applicable, Contractors are required to perform their own risk assessments for their staff meeting the definitions of Categories Sometimes Requiring Vaccination and must provide a summary of that risk assessment with their statement. The risk assessment should be guided by the key considerations outlined in the Risk Assessment section above, but also by the expertise of the Contractor in understanding their services. Where the risk assessment indicates a need for vaccination, those staff shall be treated for the purposes of this Policy as if they were in a Category Requiring Vaccination. Where the risk assessment does not indicate a need for vaccination, those staff shall be treated for the purposes of this Policy as if they were in a Category Not Requiring Vaccination. Note that a risk assessment must be done on each different service or activity if the Contractor provides multiple types of services to council.

To ensure consistency and up-to-date risk control, council may from time to time undertake its own assessment of risk, and compare the risk assessments of other PCBU's undertaking similar work. If those considerations differ significantly from the contractor's assessment, then the parties will work together to understand any differences and where necessary reach agreement. If agreement cannot be reached, then Council reserves the right to require the contractor to review and update their risk assessment and Vaccination Statement to align with council's assessment.

All contractors performing services in Categories Requiring Vaccination or Categories Sometimes Requiring Vaccination will require a vaccination certificate by 31 January 2022.

Council may request to see an individual's vaccination certificate on a case-by-case basis, or to audit contractors' systems. However, council will not maintain a register, and will not retain Personal Information about contractors' individual staff related to COVID-19 Vaccinations.

Review of this policy

We are aware that the Government's response to COVID-19 is constantly evolving, and we will regularly review this Policy to reflect this. We will undertake a full review of the Policy by no later than 30 June 2022, and every six months thereafter, or whenever council's Staff Policy is reviewed.

Appendix 1 – Contractor’s Vaccination Statement

Suggested form of Contractor’s statement regarding Vaccination Requirements

Date: (Type date here)
To: Auckland Council Procurement (Procurement@aucklandcouncil.govt.nz)
From: (Contracting company’s legal name)

Subject: COVID-19 Vaccination Requirements for (Name of Contract; *alternatively* All existing contracts as at Date)

In accordance with the Auckland Council Contractor COVID-19 Vaccination Policy, we confirm that we have sighted vaccination certificates for all staff of (Contracting company’s name) who fall under the following categories, as of the date of this memo.

Categories Requiring Vaccination (NOTE: delete any that are not applicable)

1. Undertaking any sort of interaction with council staff or the public inside council-controlled indoor sites.
2. Undertaking any work under the direct control and influence of council e.g. supervised by council staff directing how works or services are being performed.
3. Undertaking works or services on behalf of council and interacting with the public with the appearance of being council staff (ie where a member of the public might reasonably consider the contractor to be an Auckland Council staff member).

Categories Sometimes Requiring Vaccination (NOTE: delete any that are not applicable, i.e. not delivered via any contracts with Auckland Council. Where applicable, please provide short commentary on the type of service, and whether or not those staff will be required to be vaccinated. Summarised risk assessments for each category should be attached as appendices to this memo, and can follow the format of Appendix 2)

4. Undertaking works in Council-controlled Outdoor Sites where there is an undetermined or varied level of interaction with the public or with council staff
5. Undertaking work in Non-council-controlled Sites where there is an undetermined or varied level of interaction with the public or with council staff.

Or

We confirm that the works performed under this contract do not require proof of vaccination. (Where applicable, please provide short commentary on the type of service. Summarised risk assessment for any work undertaken outside the home should be attached as appendices to this memo, and can follow the format of Appendix 2)

Signature: (H&S representative, or other applicable senior leadership)

Appendix 2 – Risk Assessments

The details of risk ratings are included in this embedded excel sheet and summarised in the table below.



Microsoft Excel
Worksheet

	Undertaking any sort of interaction with the public where the contractor may be seen as Auckland Council staff.	Undertaking works in Council-controlled Outdoor Sites, where there is an undetermined or extremely varied level of interaction with the public or with council staff	Undertaking work in Non-council-controlled Sites.	Undertaking works other than as defined above, where there is minimal to no interaction with council staff or public, and no entry into Council-controlled Indoor Sites
How many people does the employee carrying out that work come into contact with?	High	Unknown	Unknown	Low
How easy will it be to identify the people who the employee comes into contact with?	High	Unknown	Unknown	Low
How close is the employee carrying out the tasks in proximity to other people?	Medium	Unknown	Unknown	Low
How long does the work require the employee to be in that proximity to other people?	Medium	Unknown	Unknown	Low
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?	Medium	Unknown	Unknown	Low
What is the risk of COVID-19 infection and transmission in the work environment when compared to the risk outside work?	High	Unknown	Unknown	Low
Will the work continue to involve regular interaction with unknown people if the region is at a higher alert level?	Low	Unknown	Unknown	Low
Overall Risk Rating	High	Cannot Be Determined by Council	Cannot Be Determined by Council	Low

Methodology:

1. Each Service Type is assessed as low, medium or high risk against each of 7 criteria as recommended by WorkSafe NZ.¹
2. The overall risk rating is then taken to be *Low*, *Medium*, *High*, or *Cannot Be Determined* with available information.
3. *Medium* and *High*-risk service types require proof of vaccination (Categories Requiring Vaccination)
4. Service types for which the risk rating *Cannot Be Determined* may require proof of vaccination, depending on a further and more targeted risk assessment by the Contractor (Categories Sometimes Requiring Vaccination)
5. *Low* risk service types do not require proof of vaccination for council work (Categories Not Requiring Vaccination)

¹ <https://www.worksafe.govt.nz/managing-health-and-safety/novel-coronavirus-covid/how-to-decide-what-work-requires-a-vaccinated-employee/>