

## **Wider context:**

Since the outbreak of the Delta strain of COVID-19 in Auckland in August, and the subsequent lockdown of our region, Auckland Council has been carefully considering the role of vaccinations among its workforce, elected members, customers and contractors.

In developing policies and positions for its workforce, customers and contractors, as well as guidelines for elected members in our buildings and meeting spaces, the health and safety of all Aucklanders and reducing the risk of COVID-19 has been our top priority.

This continues to be the case now that Auckland has moved to the Government's COVID-19 Protection Framework, which has seen the reopening of more council services and facilities to Aucklanders.

To help guide our proposed approach and decisions, the council carried out robust risk assessments, sought legal advice, looked at the requirements of the COVID-19 Protection Framework, and those roles covered by the Vaccination Order.

So far, this work has been met with widespread support from those we have engaged with and sought feedback from.

Vaccinations provide the best means of protecting people from COVID-19 and we will continue to support and encourage everyone in Tāmaki Makaurau to get vaccinated in order to protect themselves, their friends, their whānau and their communities.

## **Auckland Council staff, volunteers and contractors**

A survey carried out in October 2021 in relation to COVID-19 vaccination showed that 91 per cent of staff had either had one dose and intended to have their second, or were already fully vaccinated, while a further 2.1 per cent indicated they intended to be vaccinated.

On 29 November 2021, following a two-week consultation with its workforce, the Auckland Council Executive Leadership Team made decisions in relation to an approach to COVID-19 vaccinations for Auckland Council staff, volunteers and contractors who work in our facilities, offices, or out in the field.

- The final risk assessment of the risk associated with COVID-19 infection for any of Auckland Council's staff, and on the risk that our staff may pose to members of the community was approved.
- "Our approach to COVID-19 vaccination" (as a Guide under Auckland Council's Our Charter | Tā tātou kawenata – which sets out expectations and bottom lines in relation to staff conduct) was adopted. It sets out that from 3 December 2021, the majority of the council's workforce will need to be vaccinated against COVID-19 in order to safely carry out their roles. This covers everyone who works in our offices, facilities or out in the community, including advisory panel members, commissioners, contractors who work in our workplaces and many of our volunteers. Those covered by the Guide have until 17 January 2022 to be fully vaccinated against COVID-19.
- A supplementary decision was made that any visitors to Auckland Council corporate office workspaces are required to provide evidence of their vaccine pass before entry.

A formal advice report was provided to the Executive Leadership Team to assist with their decision making. That report contains a significant amount of confidential and legally privileged advice.

A summary of the considerations in that report and which were taken into account by the Executive Leadership Team follows:

- That vaccinations provide the best means of protecting our people, their whanau and our communities from becoming infected or seriously ill from COVID-19.
- The COVID-19 outbreak situation in Auckland, central government decisions and requirements and official public health advice.
- During 1 to 12 November 2021 fulltime, part time and casual staff, volunteers doing work for council and contractors in our workplaces were consulted. This included an all staff survey, question and answer sessions with relevant experts, information being provided via the council internal website, online wānanga with Māori experts, and engagement with unions and health and safety representations. Submissions were received from 4233 staff and 202 volunteers and groups during consultation and there was strong support (83% of those who responded) for the proposed approach. The summary of feedback and analysis of that feedback informed the decisions made.
- The nature of our workforce, and that in carrying out their roles, our people regularly interact across both customer and non-customer facing venues. We are a collaborative and highly interconnected workforce, and we cannot easily separate parts of our organisation from one another. While working from home is an important part of our flexible working policy, all council roles require us to work in our council workplaces and spaces balanced with opportunities to work from home. It is our view that, with very limited exceptions, no role can be permanently carried out from home. Our staff also frequently interact with customers and visitors, including people that may be at higher risk from the virus (including children under 12 and vulnerable adults).
- The risk assessment which identified an inherent risk range (i.e. before vaccinations) of between 'high' and 'critical'. Current public health controls can reduce this risk to high, however without utilising vaccinations to reduce the potential consequences associated with COVID-19 there is no way to further reduce that level of risk. Without a vaccination requirement for at least some roles, there is a risk that Auckland Council is not complying with its obligations under the Health, Safety and Work Act 2015.
- The council's obligations under the Health and Safety at Work Act 2015, Employment Relations Act 2000, Privacy Act 1993, New Zealand Bill of Rights Act and Human Rights Act 1991 were carefully considered and balanced in accordance with the confidential and legally privileged legal advice provided. Having considered the impact that the Guide would have on individual rights, the final decisions are considered to be a rational and reasonable response given the objective of the proposal was to limit the infection and spread of COVID-19 within Council's workplaces. Any adverse impacts are considered to be justified in light of the importance of the objective.
- The role of COVID-19 testing was considered as part of our overall controls and assessed as to whether it might be a substitute for vaccination, or otherwise provide a level of protection from the virus. As a health monitoring tool, it is not preventative in nature, beyond the ability to remove a source of infection from the workplace. It is of some limited assistance (given that

PCR tests are slow to process and rapid antigen testing is not always accurate) in reducing the likelihood of further exposure for more staff or customers (including vulnerable customers) and assisting with business continuity.

- It is an unfortunate reality that some people may choose to leave the organisation as a result of this policy. While this is something we absolutely don't want to see, the council must prioritise the health and safety of its entire workforce and members of the community, and will continue to encourage and support those who have not yet been vaccinated against COVID-19. Ongoing information and advice will be made available to staff from independent medical experts and public health sources. The Guide includes a reasonable timeframe for people to consider it, seek advice and if they decide to proceed, get vaccinated.
- Alternative options such as having no additional vaccination requirements from what is already required under the COVID-19 Public Health Response (Vaccinations) Order 2021, or only requiring front line roles to be fully vaccinated were also considered. While alternative options may have had less impact on New Zealand Bill of Rights Act rights of those who do not want to be vaccinated, they were not recommended or agreed because they could have meant that Auckland Council was not complying with our obligations under the Health, Safety and Work Act 2015. Given the feedback we received from our staff on the approach during consultation, these alternative options would also have risked staff not having confidence to return to our workplaces.

The risk assessment of the risk associated with COVID-19 infection for any of Auckland Council's staff, and on the risk that our staff may pose to members of the community is provided with this summary. Expert public health advice was provided, considered and included in this risk assessment.

#### **Elected members, appointed members and members of the public attending democratic meetings in person**

- Enabling our councillors and local board members to perform their democratic and representative roles, while maintaining their health and safety as well as that of staff and members of the public is integral to our recommended approach.
- Our risk assessment reinforced that vaccination against COVID-19 is the best way to lower the risk of transmission and protect people from the virus. It concluded that without vaccinations, the risk to the health and safety of our staff, elected members, appointed members and the public is high. This is not an acceptable position in the context of Our Charter, and our commitment to look after our kaimahi's safety and wellbeing.
- From 15 December 2021, only those elected and appointed members who are fully vaccinated will be allowed to enter our offices and meetings spaces.
- Support will be provided to ensure unvaccinated elected and appointed members can continue to perform their roles remotely.
- Members of the public who would like to attend or participate in democratic meetings in person but do not provide My Vaccine Pass certification will also not be able to enter into our offices and meeting spaces. They will instead be supported to participate and provide input into democratic meetings online via audio visual link.
- This guidance will be reviewed in three months following adoption on the 15 December 2021.