

# Vaccinations in the Workplace

## Introduction

With an increasing focus on infection control in the workplace, it is important that employers are aware of their employment and health and safety responsibilities in relation to vaccinations.

## Workplace vaccination obligations

Currently, there are no legislative or regulatory requirements for an employer to mandate vaccinations in the workplace.

Employers have a health and safety duty, as far as reasonably practicable, to reduce the risk of a hazard occurring in the workplace. Therefore, employers must consider what control measures can be implemented to reduce the likelihood of the spread of infectious diseases in the workplace (eg COVID-19, Influenza, Hepatitis). This may include implementing an immunisation program encouraging employees to get vaccinated.

### Check the below websites for information on infection control and vaccinations:

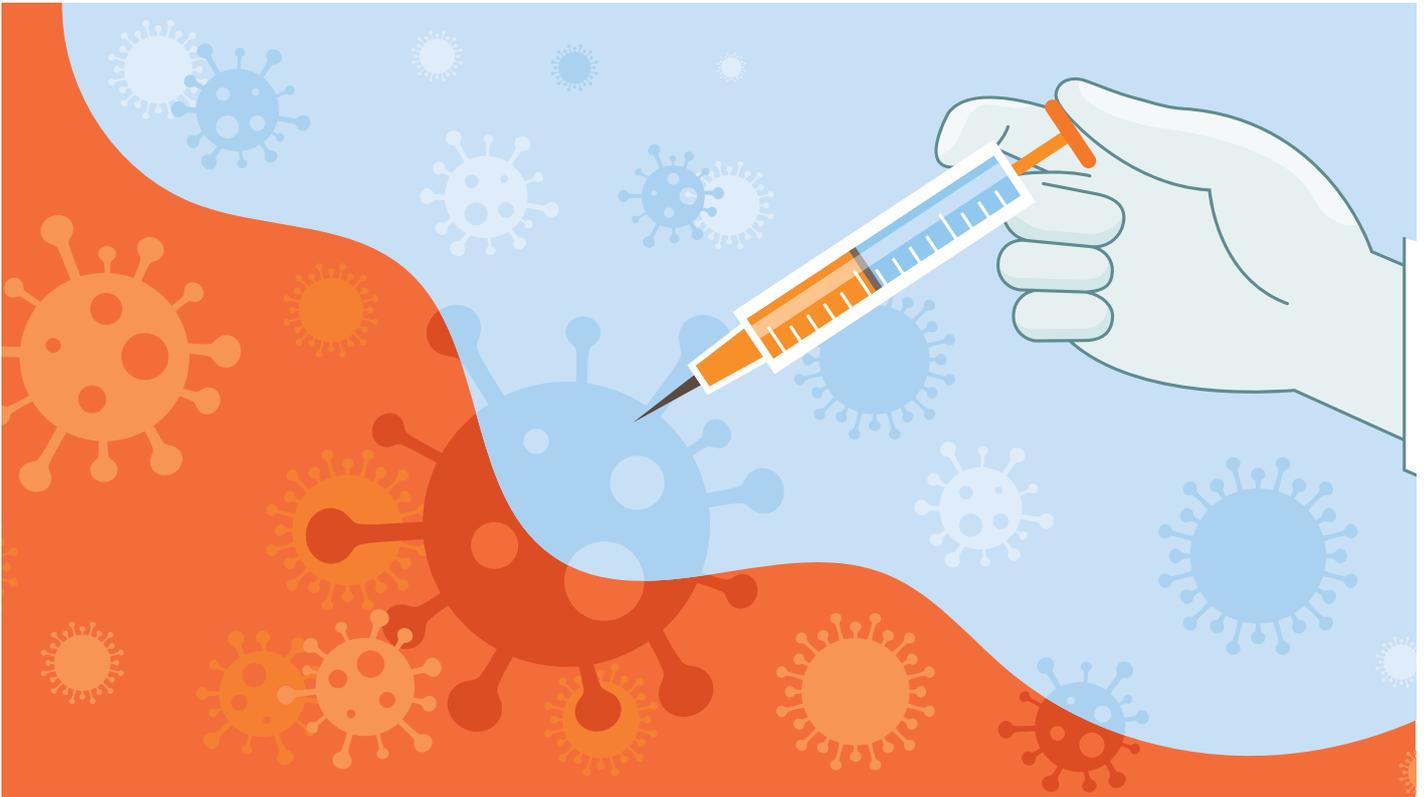
- [Ministry of Health](#)
- [Unite against COVID-19](#)
- [Beehive approval notice](#)
- [WorkSafe's general guidance on COVID-19](#)

## Meeting your obligations

Conduct a risk assessment in consultation with your workers to identify whether there is a risk of infection in the workplace and the likelihood of it occurring. Consider your business' operations and industry, public health advice and if there are legislative or regulatory guidance on control measures.

Controls measures can include:

- Encouraging workers to receive vaccinations, delivered through an immunisation program. This may be an effective control measure to reduce the likelihood of infection and its spread throughout the workplace, depending on the outcomes of your risk assessment. However, other control measures are still required to adequately meet your health and safety obligations.
- Control measures such as providing Personal Protective Equipment (**PPE**), practicing hand hygiene, etc. may be enough to meet your obligations without requiring employees to get a vaccination, depending on the outcome of your risk assessment.
- Consider implementing a detailed infection control policy which addresses vaccinations and an immunisation program.



- Where your risk assessment indicates that an immunisation program should be implemented but is unable to be delivered for any reason, additional control measures will need to be developed and implemented.
- Keep confidential records of those who have been vaccinated against particular diseases and other control measures implemented to reduce the risk of infection spread, subject to privacy obligations. **PRO TIP: Use your VaccTrak feature in BrightHR to keep records of employees who have been vaccinated.**

## Directing an employee to get vaccinated

Directing an employee to vaccinate is a grey area and depends on many factors. Generally speaking, without a law change an employer is not able to direct an employee to receive a vaccination due to the Bill of Rights Act 1990. This area, however, is subject to change with evolving legislation from the Government.

Employers can still encourage or recommend that their employees receive the vaccine.

If there is a high risk where an employee does not get vaccinated or will not confirm that they have been vaccinated, the employer should consult with the employee regarding alternatives to mitigate the risk. These alternatives may include (but are not limited to):

- A change in role or duties;
- A change in work location; and/or
- Additional controls, such as enhanced PPE or distancing and hygiene procedures.

## Cost of the vaccination

The vaccination is free of charge.

If you are asking your employees to receive the vaccine, this should occur during paid work hours. If you are recommending or encouraging the vaccine, while you do not need to provide paid time off, you may want to consider allowing paid time off to receive the vaccine as a form of encouragement.

## Making vaccinations a condition of employment

Making vaccinations a condition of employment can carry high risk of a discrimination claim and depends highly on the circumstances. Consider whether:

- the employee's duties cannot be safely undertaken without a vaccination; and
- if the condition is in line with Government guidelines for your industry.

You could be exposed to a successful claim if you do not engage a prospective employee because they have not been vaccinated on medical or religious grounds.

## More questions?

Call EmploySure for free initial advice on 0800 568 012.



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### BrightHR VaccTrak

EmploySure clients with access to BrightHR can now access the **VaccTrak** feature which allows employers to record when employees have received their COVID-19 vaccine and provide staff with information on the vaccination process through COVID-19 e-learning courses.

If you would like further information, please contact our **Bright team** on **0800 568 012**.