



Cabinet

Minute of Decision

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Requiring High Risk Work in the Health and Disability Sector to be Undertaken by Vaccinated Workers

Portfolios **COVID-19 Response / Health**

On 11 October 2021, Cabinet:

- 1 **noted** the strong public health rationale for requiring specified high risk healthcare roles to be performed by vaccinated individuals due to the risk that these individuals may be exposed to, infected by, and transmit COVID-19 during the course of their work;
- 2 **agreed** that the scope of the proposed Order apply to all high risk work in the health and disability sector undertaken by healthcare workers providing a health service, which are those persons whose work or roles are in:
 - 2.1 regulated professions currently registered under the Health Practitioners Competence Assurance Regulations;
 - 2.2 Aged Residential Care Facilities (ARC);
 - 2.3 Home and Community Care Services (HCSS);
 - 2.4 Kaupapa Māori Health Providers, Pacific Health Providers and Non-Governmental Organisations who provide health services;
 - 2.5 roles undertaken by persons who are considered to be an “affected person”;
 - 2.6 roles where the worker is considered to “have contact with” (frequent contact, face to face and less than 2 metres social distancing) or in close proximity to healthcare workers providing a health service;
 - 2.7 roles where place of work or location is in a healthcare setting where the health service is being provided;
 - 2.8 roles not necessarily providing a health service but require frequent contact/engagement with those providing health services and considered to be tied to a high-risk role within a healthcare setting;
- 3 **agreed** to amend the existing exemptions to the requirements in the Order to provide for:
 - 3.1 an additional definition to allow a patient who is also the employer of a healthcare worker/caregiver to have a similar relevant authorisation as a chief executive of a person conducting a business or undertaking (PCBU);

- 3.2 an exemption for family members who are carers;
- 3.3 an exemption where there is potential to create significant disruption to the effective operation of the health and disability system or where failure to provide the service could create harm as a result;

4 **noted** that the Minister for COVID-19 Response must be satisfied that the Order does not limit, or is a justified limit on, the rights and freedoms in the New Zealand Bill of Rights Act 1990 (NZBORA), as part of issuing the Order;

s 9(2)(h)

- 6 **noted** that stakeholder engagement has been ongoing with key stakeholders in the health and disability sector, including unions, during the development of the policy;
- 7 **noted** that implementation will include guidance, communications and ongoing engagement with key stakeholders in the health and disability sector;
- 8 **noted** that the paper under CAB-21-SUB-0413 works on the basis that all healthcare workers working in high risk roles would have received the first dose of the COVID-19 vaccination by 30 October 2021 and a second dose by 1 December 2021;
- 9 **invited** the Minister for COVID-19 Response to issue drafting instructions to the Parliamentary Counsel Office to amend the Order to give effect to paragraphs 2 and 3 above;
- 10 **authorised** the Minister for COVID-19 Response to make minor and technical decisions during the drafting of the Order that are consistent with the intent of the proposals in the paper under CAB-21-SUB-0413.

Michael Webster
Secretary of the Cabinet