

Briefing

Improving mandatory border workforce testing rates

Date due to MO: 5 July 2021 **Action required by:** N/A

Security level: IN CONFIDENCE **Health Report number:** HR20211401

To: Hon Chris Hipkins, Minister for COVID-19 Response

Contact for telephone discussion

Name	Position	Telephone
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Minister's office to complete:

- Approved Decline Noted
 Needs change Seen Overtaken by events
 See Minister's Notes Withdrawn

Comment:

Improving mandatory border workforce testing rates

Security level: IN CONFIDENCE **Date:** 5 July 2021

To: Hon Chris Hipkins, Minister for COVID-19 Response

Purpose of report

1. This report responds to your request for an update on how we can reduce the number of workers identified as overdue for a test required under the COVID-19 Public Health Response (Required Testing) Order 2020 (the RTO). This report outlines reasons underlying the reported testing rates and summarises current and planned actions to improve these rates.
2. This report discloses all relevant information.

Summary

3. Since the introduction of the RTO we have not seen full testing for affected persons (workers). Analysis of the data from the Border Workforce Testing Register (BWTR) indicates several reasons why workers are identified as overdue for a test. These include:
 - a. data integrity/quality issues
 - b. barriers to accessing testing centres
 - c. lack of awareness on behalf of Persons Conducting a Business Undertaking (PCBUs) and workers
 - d. non-compliance
 - e. unknown reasons.
4. The Ministry of Health (the Ministry) is currently taking action to address these issues by:
 - a. improving data quality to increase our understanding of the real rate of testing
 - b. enhancing our communications of the testing requirements for border workers
 - c. contacting those identified as overdue for a test, reminding them of their obligations
 - d. taking enforcement actions where appropriate
 - e. undertaking behavioural research to obtain a better picture of the reasons, attitudes and practises of workers who are to be tested.
5. In August 2021, we will provide you with further advice on options for improving testing rates and, if required, enhancing the Ministry's enforcement powers.

Recommendations

We recommend you:

- a) **Note** that the Ministry of Health is currently taking action to increase rates of testing under the COVID-19 Public Health Response (Required Testing) Order 2020 by improving data collection and quality, enhancing our communications of the testing requirements, directly contacting those identified as overdue for a test, and taking enforcement actions where appropriate. **Noted**
- b) **Note** that the Ministry of Health will explore other options to increase testing rates under the COVID-19 Public Health Response (Required Testing) Order 2020. **Noted**
- c) **Agree** that a further Health Report will be provided to you in August 2021 on options to improve testing rates and, if required, enhance the Ministry's enforcement powers. **Yes / No**



Dr Ashley Bloomfield

Te Tumu Whakarae mō te Hauora
Director-General of Health

Date: 05/07/2021

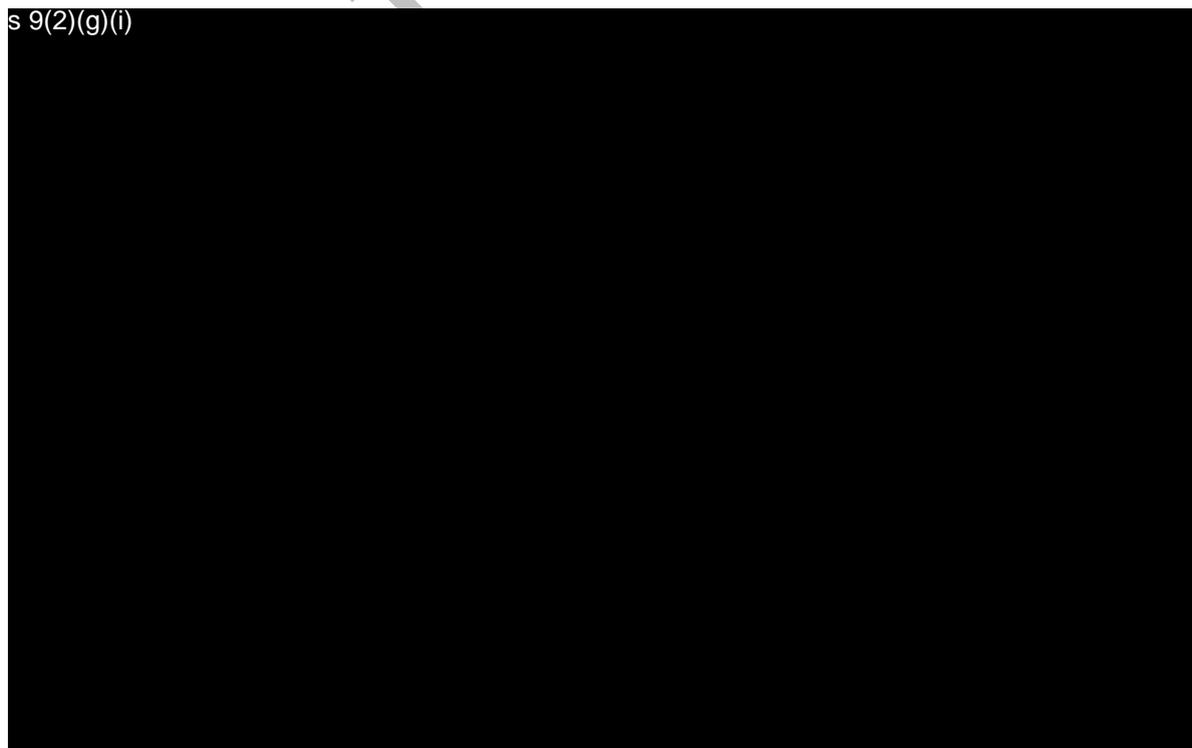


Hon Chris Hipkins

Minister for COVID-19 Response

Date: 16/7/2021

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Improving mandatory border workforce testing rates

Background

1. The COVID-19 Public Health Response (Required Testing) Order 2020 (RTO) has been in place since 29 August 2020. The purpose of the Order is to prevent and limit the risk of the outbreak or spread of COVID-19, by ensuring specified workers are tested for COVID-19 on a regular basis.
2. On 27 April 2021, the RTO was amended to expand the groups of workers subject to mandatory testing. It also made it mandatory for relevant Person Conducting a Business or Undertaking (PCBU)s to use the Border Workforce Testing Register (BWTR) to keep a record of their employees who are subject to the RTO. The BWTR is managed and monitored by the Ministry of Health (the Ministry).
3. There were 2,454 workers showing as overdue for a test in the BWTR on 30 June 2021. The Ministry notes, however, that there are issues with the quality of this data (see paragraphs 11-14 below) that we are working to resolve. Of the 2,454 workers showing as overdue:
 - a. 1,049 workers are 11+ days overdue (377 who had worked in the previous 7 days)
 - b. 428 workers are between 4-10 days overdue (270 who had worked in the previous 7 days)
 - c. 977 workers are less than 4 days overdue (545 who had worked in the previous 7 days).

Reasons workers are showing as overdue for a test in the BWTR

4. Analysis of the data from the BWTR indicates the main issues workers are showing as overdue are:
 - a. data integrity issues that are creating an incomplete picture of testing rates
 - b. operational and workplace realities
 - c. a deliberate decision not to get tested.
5. Research is underway to improve our understanding of why some workers are not getting tested as required.
6. The table below provides an overview of identified problems and work underway to improve testing rates. This is followed by a more detailed explanation of each issue.

Table 1: Identified problems and actions underway to improve testing rates

Issue type	Problems	Work underway to address
Data integrity	Duplication of NHI numbers	Now continuously matching NHI numbers of newly onboarded workers to ensure their test results can be retrieved; mismatched numbers triaged and merging of duplicates by ESR requested. Working with MBIE to resolve in respect to MIQF workers
	PCBUs not keeping accurate records of worker attendance	Information on non-compliant workers now monitored daily
	Waikato ransomware attack leading to delays	One off situation. Test confirmations manually uploaded to worker profiles in the interim
	Delays between sample being taken and test result uploaded into BWTR	Close-to real-time uploading of testing data at the point of testing, utilising mobile e-Ordering
Operational and workplace realities	Workers not being tested when off duty	Educate workers on how to get tested away from work, including where to go and reassurance about this being free
	Workers not being tested after final day of work	Clear process to contact PCBUs to ensure workers are complying as part of offboarding process
	Testing facilities not open when workers available	DHBs making testing centres available at the start and end of night shifts
	PCBUs & individuals unaware of testing requirements	Significant increase in PCBUs and individuals contacted by Health and MBIE between May-June 2021 New targeted information and educational campaign for individuals and PCBUs
Non-compliance	Workers complaining about invasiveness of PCR testing	Saliva testing prototype underway. DHBs encouraged to offer oropharyngeal test as an alternative
	Workers not willing to be tested	Sent directive letters to 30 non-compliant individuals. Infringements being considered for 6 individuals
Unknown reasons for not being tested	For some, unclear why failing to meet testing requirements	Rapid knowledge, attitudes and practices (KAP) survey and focus groups to understand barriers and improve education campaigns

Data integrity

7. There are system issues that have an impact on the quality of testing data being entered into the BWTR. The BWTR is reliant on PCBUs keeping an accurate record of their workers' attendance and laboratories uploading testing results in a timely manner. Other identified system issues include:
- a. the recent ransomware attack on the Waikato DHB delayed the uploading of test confirmations from that DHB's laboratory. This has resulted in Waikato based workers showing as non-compliant even when they have been tested.
 - b. incorrect input of data into the BWTR, for example workers recorded as working at the border when they were not, and individuals with multiple NHI numbers, which require manual reconciliation of data records within the BWTR
 - c. it can take up to 72 hours between the sample being taken and the test result being uploaded into the BWTR by the testing laboratory.

Case study: Air and maritime border 7-day testing cycle

On 17 June 2021, there were 700 workers at the air and maritime borders who were on a 7-day testing cycle. Of those workers, 21 were indicated to be at least 4 days overdue. However, of these:

- Five workers were based in the Waikato region where the IT systems outage prevented testing status' to be recorded in the BWTR.
- Three workers verbally confirmed recent tests, but due to a longer than usual time lag in the lab processing, the tests were not recorded within the testing cycle (testing data is not entered into the BWTR until a result is processed).
- Two workers were in Australia. The BWTR cannot record test data from outside of New Zealand. However, one of the workers was tested in Australia twice, and the other had been encouraged to get tested.
- Two workers were not correctly NHI matched due to a duplication in NHI numbers. We are working with the NHI team to resolve this issue.
- One worker was incorrectly recorded as attending border work on a date when they were not at work.
- Eight workers were contacted about their testing status. However, four of those workers had no contact details recorded in the BWTR. (This is an issue that the Ministry is addressing separately with the employer). All eight workers were subsequently tested in the following seven days.

Improving data quality

8. The Ministry is implementing a range of initiatives to ensure that the data is accurate and up to date. A planned fix to the BWTR, due to be implemented in the first week of July, will provide real-time input of an interim test status into the BWTR once the sample is received at a laboratory. We expect that this will provide a timelier indication of non-compliance enabling earlier contact with non-compliant workers to remind them of their testing obligation. We are also:
- a. working with the Ministry of Business, Innovation and Employment (MBIE) to resolve NHI-duplication issues in respect to managed isolation and quarantine (MIQ) facility workers
 - b. implementing required changes to meet saliva testing requirements

- c. continuously matching NHI numbers of newly onboarded workers to ensure their test results can be retrieved
 - d. introducing a close-to real-time uploading of testing data at the point of testing, utilising mobile e-Ordering. This will include the saliva testing prototype.
9. The Ministry will continue to work with PCBUs and other users of the BWTR to improve data quality and resolve issues with the BWTR infrastructure.

Operational and workplace realities

10. Our initial follow-up with workers who are identified as overdue for a test has indicated that the realities of their work patterns has an impact on when they get tested. Most workers preferred to be tested during work hours but may not always have access to convenient testing facilities. Workers have indicated that they are reluctant to be tested outside of rostered work hours, on days they are on leave, or sick.
11. There are some PCBUs and individuals who are unaware of their testing obligations. As part of the off-boarding process, a worker must have their final 7 or 14-day test. 509 (51%) of the workers indicating 11+ days overdue for a test (as at 30 June 2021) have not worked within the previous 28 days. This indicates that PCBUs may not be reminding their staff of their obligation to get a final test or may be unaware of the requirement.

Improving testing access

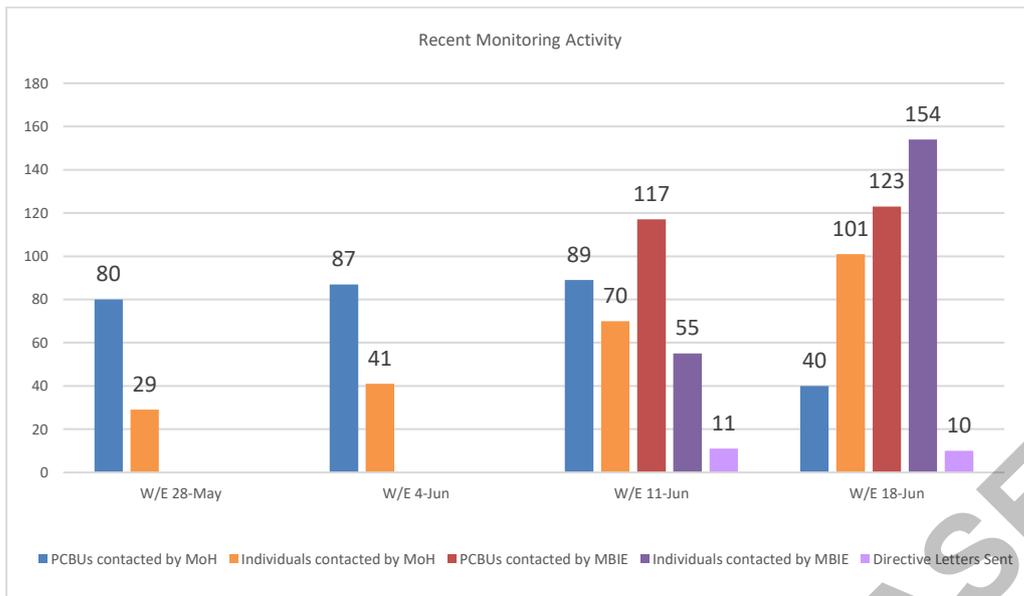
12. To improve testing access for those on nightshift, DHBs have made testing centres available at the start and end of night shifts. Workers also have the option to be tested at a local GP or community testing centre.

Enhancing our communication

13. There has been significant communication to workers and PCBUs about the mandatory requirements.
14. The COVID-19 testing operating communications team sends a fortnightly newsletter to PCBUs, keeping them informed of activity, providing reminders, and asking for their help in assisting our efforts. This will include a reminder to PCBUs to ensure that workers are complying with their off-boarding testing requirements.

Directly contacting those who are not getting tested

15. The Ministry has a dedicated team responsible for monitoring compliance of PCBUs and workers and contacting those identified as overdue for a test. If workers are overdue for testing the Ministry contacts the relevant PCBUs to discuss whether there are any data input errors and to remind them of their obligations as a PCBU. Overdue workers are followed up until they become compliant or enforcement action is taken. The team also provides support to PCBUs to ensure data integrity is maintained.
16. Graph 1 illustrates the numbers of workers and PCBUs that have been contacted in the last month. MBIE and the Ministry are reaching out more to PCBUs and individual workers to make it clear that compliance with the testing regime is expected and the matter will be escalated further if a good reason for non-compliance is not forthcoming.



Graph 1: Number of workers and PCBUS contacted

Non-compliance

17. The Ministry has only encountered a handful of workers who are refusing to be tested. This includes those who are reluctant to get tested due to the discomfort of repeated nasopharyngeal testing.

Saliva Testing Prototype

18. A saliva testing prototype is underway in Canterbury offering participants the option of regular saliva testing and reduced nasopharyngeal swabs. This prototype is likely to be extended to port workers in other parts of the country in the coming weeks. The Ministry's Saliva Testing Clinical Governance Group has agreed that, for the purposes of the saliva testing prototype, where a border worker has opted for saliva testing, nasopharyngeal testing can be replaced with saliva testing every day the individual is at work.

Taking enforcement action

19. As part of the escalation process for non-compliance, as at 24 June 2021, 23 letters have been sent to non-compliant individuals pursuant to section 21(b) of the COVID-19 Public Health Response Act 2020. These letters direct the recipient to immediately report for, and undergo, testing at a community testing centre, or other healthcare facility.

Case study: non-compliance

A stevedore who has attended work regularly since 3 February 2021, and is on a 14-day testing cycle, has **no history of any test results** in the BWTR.

The Ministry of Health has spoken to the individual, who has confirmed that they refuse to be tested. Having contacted the worker several times, the Ministry issued the worker with a directive letter on Monday 14 June 2021 giving them 5 days to get a test. The Ministry is in the process of preparing an infringement notice for this individual.

20. While failure to get tested in itself is not subject to a period of imprisonment (as it is an infringement offence only), intentionally failing to comply with a direction given by an enforcement officer can lead to imprisonment for a term not exceeding six months. Infringement notices are being considered for six people.

Research into reasons for not getting tested

21. While the Ministry has identified some reasons workers are failing to meet their testing obligation, as part of its work to get a better understanding, our COVID-19 Behavioural Insights¹, Science and Insights team is conducting a rapid knowledge, attitudes and practices (KAP) survey. This survey will run focus groups of border workers to identify some of the issues regarding adherence and compliance. The purpose of this work will be to understand behavioural barriers to adherence in order to inform health education and additional solutions.
22. The initial focus of the behavioural insights work may be on port workers given the challenges faced with this group of workers and testing. For those who are not being tested, further investigation is required to understand if the issues lie in:
- not enough education for border workers/PCBUs of why it matters
 - ensuring misinformation and any other barriers to adherence are addressed
 - response following each of the escalated enforcement steps (phone calls, direction letter etc), or
 - not having strong enough compliance and enforcement measures, or
 - either WorkSafe or the Ministry not using the available measures effectively enough to deter compliance.

Equity

23. The impacts of COVID-19 are felt differentially across New Zealand communities. Māori and Pacific communities and those living with disabilities, in lower socio-economic groups and crowded or institutional settings bear a greater portion of both health and economic impacts and risks. The mandatory border worker testing regime has been a key part of the response to prevent the outbreak or spread of COVID-19 to the community, particularly those communities with many workers in border settings.
24. Any changes to the mandatory testing requirements need to be preceded by engagement with Māori, Pacific and wider groups mandating and supporting workers covered by the Order and unions to ensure issues, risks and concerns are captured and addressed through implementation arrangements.

¹ Behavioural Insights is an applied science field, which includes research techniques that may measure behaviours and constantly guide the programme implementation to achieve best results. Utilising the vast range of qualitative and quantitative tools, this type of research can produce help to identify problems within operations, test feasible solutions, and evaluate and document learnings.

Next steps

25. The Ministry is currently providing your office with weekly reporting on testing and vaccination rates, and enforcement activities.
26. We expect the steps outlined above will improve testing rates and provide a clearer picture of whether existing measures are sufficient to achieve full testing compliance.
27. We will update you in August 2021 on further options to improve testing rates. This may include:
 - a. introducing better / more targeted information or educational measures for PCBUs and individuals based on the behavioural operational research findings
 - b. advice on further changes to the RTO that may be required to improve testing rates and enhance the Ministry's enforcement powers.

ENDS.

PROACTIVELY RELEASED