

WorkSafe's guidance for employers on workplace vaccination requirements

WorkSafe has issued its guidance for employers regarding vaccination requirements in the workplace. Read on for what this may mean for your business.

In light of the vaccine mandates being narrowed on 4 April, WorkSafe have advised that employers should complete a risk assessment or review their current risk assessment. This should not be carried out with an end goal in mind.

WorkSafe's guidance suggests that **requiring vaccination in the workplace should only be permitted if it is deemed that an employee is at higher risk of catching and spreading Covid-19 while at work, than they would otherwise be in the community.**

The **key things** employers need to do to get this right are:

- Follow public health guidance when carrying out a risk assessment, and
- Engage effectively with workers and their representatives, and
- Regularly review the risk assessment as the situation changes.

Undertaking or reviewing a risk assessment

When undertaking or reviewing a risk assessment, employers need to think about how things have changed in their business alongside any new public health advice from the Ministry of Health about Covid-19 and its variants.

Employers need to ensure they are working alongside employees and their representatives when undertaking or reviewing a risk assessment. The focus needs to be

on the work, not the individual who does the work, and based on health and safety.

Public health advice

When carrying out the risk assessment, employers need to follow public health guidance. This includes considering:

- Omicron is now the main variant in the community.
- It spreads more easily than earlier variants, but is generally less severe – particularly those who are vaccinated and especially those who have received a booster dose.
- The public health justification for requiring vaccination is stronger when the risk of contracting and transmitting Covid-19 at work is higher than it is in the community.

Factors employers must consider:

- Is there a greater risk of the worker being exposed to new variants at work than they would be in the community?
- Does the worker regularly, as part of their work, interact with people who are at greater risk of severe illness should they contract Covid-19?
- Does the worker regularly interact with people who are less likely to be vaccinated against Covid-19?
- Does the worker work in a confined indoor space (of less than 100m²) and involve close and sustained interactions with others (i.e. closer than 1m distance, for periods of more than 15 continuous minutes)?

WorkSafe's position

The factors above should be employers starting point, but they may also consider other risk factors that are

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relevant. Employers need to consider what is reasonably practicable.

WorkSafe's advice is that "*employers should first consider the controls that are least intrusive to employees*". However the overriding obligation is to ensure, so far as is reasonably practicable, the health and safety of workers.

WorkSafe advises that controls that should be considered before requiring vaccination are:

- Other public health measures such as supporting workers to stay at home when sick, requiring mask use in some indoor settings, improving ventilation in the workplace, physical distancing, testing and basic hygiene practices
- Reorganising work, for example working from home, requiring certain tasks be undertaken by workers who are already vaccinated, moving to providing some services virtually, rearranging the work environment and the way that it is used so that physical distancing is possible and extended close contact with other people is minimized.

"WorkSafe considers that few workplaces will be able to justify an employer vaccination requirement for health and safety or public health reasons".

However, this does not mean it will never be justified. We recommend employers revisit their risk assessments alongside the public health guidance while engaging effectively with its workers. Specifically, consider the public health factors and if there are any other public health measures that could be implemented.

Hon Michael Wood said "employers are still able to maintain vaccination requirements where they continue to be supported by a workplace health and safety risk assessment, but the reason will now need to be specified to their role and set of circumstances".

Want to know more?

If you have any questions about WorkSafe's guidance, please contact our specialist [Employment Team](#).