

Traffic Light System in Place from Today

Freedom Day (of sorts) has arrived in Auckland after over 100 days in lockdown, and heralds the start of the Traffic Light System. This is the new COVID-19 Protection Framework, replacing the former COVID-19 Alert Level System.

In this update, we outline some of the key aspects of the Framework applying to businesses as from today. The Framework is over 100 pages of law and anything but simple – but below is a summary which we hope provides some clarity.

Note that the Framework contains the rules for operating a business – it does not contain the rules applying to mandatory vaccinations, which we addressed in our most recent update.

COVID-19 Protection Framework

The quick guide to the Framework can be found here: <http://www.pco.govt.nz/quick-guide-protection-framework-order/>

While there are a large number of rules which underpin this quick guide, from our review, it is essentially a good starting place for any business or individual.

The rules for each setting – Red, Orange, and Green – are set out in Schedules to the Framework. Only Red and Orange are currently in force in New Zealand.

New phrases we will have to get used to are “CVC” and “non-CVC” rules. Confusingly, these are the rules relating to using COVID-19 Vaccination Certificates, but it is essentially using the “My Vaccine Pass”. CVC refers to the same thing.

Basically, these CVC rules apply where a “regulated business” chooses to use CVC rules to open to the public, or where it essentially remains contactless by using non-CVC rules. A business can move between the two. These “regulated businesses” are: food and drink businesses (e.g. cafes and restaurants); close-proximity businesses (e.g. hairdressers); gyms; and tertiary education facilities. Some businesses cannot use CVC rules – effectively essential businesses like supermarkets and pharmacies – meaning unvaccinated people are allowed to come onto their premises.

For all other businesses in the economy – like offices – there is nothing preventing them from applying the CVC rules to require only vaccinated people to come onto their premises. It is effectively a choice.

Red

At the Red setting, Schedule 7 of the Framework applies which can be found here: <https://www.legislation.govt.nz/regulation/public/2021/0386/latest/LMS602390.html>

At all times, there are recordkeeping/scanning requirements, as well as mask requirements:

- Businesses are now very familiar with requirements to display QR codes, and having alternative contact record systems. Businesses must have systems to ensure that each person who enters a workplace (other than workers) scans the QR code or provides a contact record.
- Masks are required in specified premises, listed in the Schedule. This includes retail businesses, and for workers at a food and drink or close-proximity business when working with customers and clients.

If a regulated business chooses to use CVC rules, then:

- It can open to the public, but there are still physical distancing rules, and capacity limits (generally 100 people).
- It must display its CVC status.
- It must check a person's My Vaccine Pass, and make sure it is valid. Only CVC compliant people – i.e. vaccinated people – can enter such premises.
- Importantly, for these regulated businesses using CVC rules then the workers in those businesses are required to be vaccinated. As noted above, these businesses include food and drink businesses and close-proximity businesses. We addressed how these new vaccination rules work in our most recent update.

If a business does not use CVC rules, then it essentially has to operate in a contactless fashion.

Orange

At the Orange setting, Schedule 6 of the Framework applies which can be found here: <https://www.legislation.govt.nz/regulation/public/2021/0386/latest/LMS570864.html>

At all times, there are recordkeeping/scanning requirements, as well as mask requirements, on the same basis as Red above.

If a regulated business chooses to use CVC rules, then:

- It can open to the public without capacity limits, but there are still physical distancing rules.
- It must display its CVC status.
- It must check a person's My Vaccine Pass, and make sure it is valid. Again, only CVC compliant people can enter such premises.
- Again, workers in the same sort of regulated businesses referred to at Red above are required to be vaccinated.

Again, if a business does not use CVC rules, then it still essentially has to operate in a contactless fashion.

This is only intended to be a general summary, and it is impossible to cover all of the specific rules. If you need specific advice on how the Framework applies to your business, we would be happy to assist.

The Partners

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