



## Vaccination mandates – an update

On 23 March 2022 the Prime Minister announced on behalf of the Government that:

- Vaccination mandates for education, police, defence and hospitality/close contact businesses will cease at 11:59 pm on Monday 4 April 2022; but
- Mandates for health, aged care, corrections and border/MIQ workers remain in place.

The Government's announcement means that from Tuesday 5 April 2022 workers in education, police, defence and hospitality/close contact businesses will not be required to be vaccinated in order to perform their work.

Vaccination requirements in health, aged care, corrections and at the border remain.

These changes do not mean that previous decisions to terminate employees were unlawful, or that those employees will be reinstated to their jobs. If terminations were undertaken appropriately at the time, they will continue to apply.

The necessary amendments to the relevant Orders have not yet been made. We expect to see those in the coming weeks.

### What about private sector policies mandating vaccinations?

The announcement does not directly affect businesses that have implemented vaccination requirements through their own policies.

Policies requiring employees to be vaccinated may still be appropriate, providing that they were implemented in line with company risk assessments and after consultation.

The Government has given no indication that it will be dismantling the vaccination assessment tool that it set up to enable employers to determine whether vaccination requirements could be justified. It has indicated, however, that the Ministry of Business, Innovation and Employment (MBIE) is likely to update its advice to businesses regarding vaccination policies in the near future.

We recommend that employers who have introduced vaccination policies based on risk assessments now review those risk assessments and policies to determine whether they remain fit for purpose. What was reasonable when these were first implemented may no longer be reasonable now.

As part of such a review, businesses may want to consider (if they haven't already):

- Whether vaccination policies should require employees to have booster doses (given that two doses seems to be less effective against Omicron than for previous variants);
- Whether existing vaccination mandates should be removed or perhaps modified to enable as an alternative regular rapid antigen testing requirements.



## **Other changes**

The Government's announcement also featured the following updates:

### ***My Vaccine Passes***

From 11.59 pm on 4 April 2022, My Vaccine Passes will not be required in any setting under the traffic light system. They will, however, remain voluntary for individual businesses and, will be updated over time to include boosters.

Businesses which previously had to require My Vaccine Passes, such as gyms and hospitality, will now be able to open to unvaccinated persons unless they elect to continue requiring My Vaccine Passes for entry.

### ***Traffic Light System***

From 11.59 pm on Friday 25 March 2022, the traffic light system will be updated:

- Increase in indoor gathering limits to 200 at Red
- No outdoor gathering limits at Red
- Outdoor face mask requirements removed
- Additional face mask requirements for workers at indoor events under Orange, but face mask requirements otherwise remain unchanged

### ***QR Codes***

From 11.59 pm on Friday 25 March 2022, businesses are no longer required to provide QR codes and individuals are no longer required to scan in. Instead, it will be optional for individual businesses.

Please don't hesitate to contact us if you require further information or advice about these or any other issues.

*The Partners*  
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