



Memorandum

To ELT

Cc Meghan Pagey

From: Chris Shield

Re: Determining whether a vaccination pass should be required

Date: 30 November 2021

Introduction

On 3 December 2021 the Covid Protection Framework (CPF), or traffic light system, comes into effect. Vaccination passes are a principal enabler of this system.

Some venues, such as gyms, are required to restrict access to only vaccinated people; however, for many other venues, it is up to the operator of that venue to decide whether it wishes to restrict access to only vaccinated people. Councils operate many venues in addition to the already mandated gym facilities. Councils, like all other facility operators, are therefore also required to determine whether access to its venues should be limited to vaccinated people only. Specifically, for QLDC this includes:

1. Recreation Centres (decision has already been made for us – and communication has begun with staff on this)
2. Public venues (Queenstown memorial centre, Lake Wanaka Centre etc)
3. Libraries
4. Public facing reception areas
5. Council & other public meetings

Below are some comments and questions designed to facilitate decision making in this regard.

Underpinning principles

The absence of clarity, decision reversals, direction changes, incomplete/unclear guidelines and very limited timeframes are all characteristics of New Zealand's response to covid. Where these factors prevail, adhering to underlying principles gives confidence that decisions resulting from them are sound and justified. An example of an underlying principle in the covid context is the need to protect vulnerable members of the community such as under 12s (who cannot be vaccinated), elderly and immune compromised.

It is suggested that ELT allow the overarching intent of all interventions to protect the community influence it in determining which venues should require a vaccine pass.

Characteristics unique to QLDC

On 17 December people living in red zones are able to travel about the country. Queenstown Lakes will attract a disproportionate number of visitors as compared with other cities and

centres. While people cannot fly or board a Cook Strait ferry without a vaccination pass, QLDC might be minded to be more cautious than other centres given the expected greater influx of visitors.

Link to risk assessments

There are generally three reasons why the occupier of a role would need to be vaccinated:

1. Their role is front facing - they could be regularly exposed to COVID-19.
2. Their role interacts with vulnerable communities; an unvaccinated employee may infect them.
3. Their role is critical to the delivery of essential services; if they contract COVID, those essential services could be disrupted.

Conducting role assessments to determine whether a role should be occupied by a vaccinated person is an excellent indicator as to whether a facility in which an affected employee works should also be mandated for vaccination. The results of completed assessments are attached to this document to assist ELT with decision-making.

Where ELT determine that a facility is mandated for vaccination, this overrides risk assessments and staff would be required to be vaccinated to enter the facility.

Public relations

Some commentators have argued that many organisations publicly declaring they are vaccine mandated may be more motivated by public relations than preventing the spread of covid. In this regard, it is important to focus on the high-level principles underpinning the management of covid as the basis for determining whether a facility should be vaccine mandated.

Mitigating circumstances

Assuming it is determined that some facilities should only be accessed by vaccinated people, before confirming this, ELT should consider whether the risk can be adequately mitigated so as to avoid unnecessary exclusion of unvaccinated people.

In many instances, significant mitigating circumstances have already been taken. For example, Gorge Rd: screens are in place, mask wearing is required, walking routes are defined, social distancing is marked on the floor, and scanning at entry is also required. This may be adequate for this environment especially given that most visitors to reception stay less than 15 minutes.

Public venues

The public access many of our venues and facilities – Memorial Hall being one example. In many cases it is up to the groups using the facility to determine whether the event they are running requires a vaccination pass, though ELT may have a view that all such venues require vaccination.

Duty of care

It is tempting to consider a role or facility and conclude that the risk of exposure or spread of covid is no different than if the person was doing similar activities in a private capacity. However, both an employer and as a council, QLDC have a duty of care that does not exist

for an individual acting in a private capacity. The standard therefore is higher on a council when assessing risk so as the duty of care is fulfilled.

Mandate vaccination for all staff?

Several councils are consulting with staff regarding the requirement for all staff to be vaccinated. Critiques of this approach argue that only the role risk assessment process legitimises a requirement for vaccination of an employee. Additionally, it is not people that an organisation requires to be vaccinated, it is the work they do and the risk they are exposed to.

Nonetheless, ELT might want to secure advice based on its specific risk factors that could require all staff to be vaccinated. Such risk factors include:

- The high mobility of our staff between already mandated vaccination venues (gyms) and the fact that WRC and QEC serve multiple functions supporting staff activities.
- The fact that many of our functions operate in in high-risk environments: inspectors in schools etc.
- The unique place of Queenstown and Wanaka as tourism magnates

Equally, mandating vaccination is a blunt instrument with potentially serious consequences for affected employees. It does not take into account the potential for mitigating circumstances.

Relevant minutes from the 1/12/2021 ELT meeting

Vaccination Requirements

Chris Shield joined the meeting to discuss the introduction of the COVID-19 Protection Framework (CPF) and seek direction from ELT on whether to mandate the use of My Vaccine Passes in our Council facilities. Key points noted –

- The results of the staff vaccination survey are promising, with over 90% vaccinated as per the responses received so far.
- Queenstown Lakes is a tourist destination, and this may influence the decision made.
- Consider the mitigating factors already in place in our venues and offices, and our duty of care towards staff and those using our facilities.

Sport and Recreation Centres

- Government decision that all staff working in gyms must be vaccinated.
- As spaces are shared, those entering our recreation facilities should therefore be fully vaccinated and have a My Vaccine Pass (apart from those with exceptions/not required to be vaccinated eg children).

Decision

My Vaccine Pass required for entry.

Refer to Attachment A within the ELT Meeting folder.

From: Chris Shield <Chris.Shield@qldc.govt.nz>
Sent: Thursday, 2 December 2021 9:19 AM
To: Meghan Pagey <meghan.pagey@qldc.govt.nz>
Cc: Thunes Cloete <thunes.cloete@qldc.govt.nz>
Subject: Arrowtown Pool and Frankton Golf to be included in the vaccination pass requirement

Hi Meghan,

Decisions made yesterday at ELT confirmed that facilities within Sport and Rec plus libraries should only be accessed by vaccinated patrons and staff. While the Arrowtown Pool and Frankton Golf were not separately referenced in that discussion, there is no doubt they were not excluded.

The underpinning rationale leading ELT to determine that Sport and Rec, and Libraries should require vaccination passes for entry was in response to health and safety of patrons and staff. It was noted that libraries and Sport and Rec conduct activities that involve patrons to interact in close proximity to one another – maintaining social distancing is simply not possible. Therefore, the chance of covid transmission is somewhat enhanced.

That underpinning rationale was set in the context of QLDC's duty of care to both its patrons, the wider community, and its staff. Accordingly, where QLDC saw potential for increased transmission of covid, it is obligated to take steps to mitigate that – requiring a covid pass is a responsible, logical, and reasonable mitigation.

ELT's considerations in reaching its decision repeatedly recognised that under 12s – who cannot yet be vaccinated – are high users of sport and rec and library facilities. Their presence in these facilities combined with QLDC's duty of care further affirmed the rationale of requiring a vaccination pass in these facilities. Under 12's are also frequent users of the Frankton Golf and Arrowtown Pool so it would be a somewhat inconsistent application of the overarching rationale as outlined above to exclude these facilities from the covid pass requirement.

As noted above, while not specifically mentioned, Frankton Golf and the Arrowtown pool are included in the requirement for the vaccination pass as both activities involve patrons intermingling in relatively close proximity. While in both instances, there is some mitigation because both facilities are outdoors, it should be noted that the Arrowtown Pool has a changing facility, and by definition, people are interacting in very close proximity in that setting. Likewise with Frankton Golf – while not having a changing a facility, again by definition as a physical activity, it brings patrons into close proximity and vulnerable under 12's frequent that facility and when doing so are often in a coaching setting which again compromises social distancing.

For these reasons, Frankton Golf and Arrowtown Pool were included in the wider decision regarding covid pass requirements for all of Sport and Rec.

Regards
Chris

Chris Shield | Human Resource Manager | Human Resources
Queenstown Lakes District Council
DD: +64 3 441 1779 | P: +64 3 441 0499 | M: +64 27 517 7945
E: chris.shield@qldc.govt.nz

