

Vaccination guidance for the sport and recreation sector



Overview

1. There are three parts to this guidance:

- **Part One – Vaccinations for workers** – this covers the implications of the government mandates for workers in the health and education sectors, as well as guidance for organisations with workers not covered by those mandates about how to develop their own vaccination policies:

i. **Section 1A – Government mandates for workers in the health and education sectors (pages 3-6)**

The government has mandated vaccinations for some roles and settings (including in the education and health sectors), but organisations and individuals will need to determine whether they fall within these mandates or not. This section provides more information about the implications of these mandates for the sport and recreation sector.

ii. **Section 1B – Developing a vaccination policy for staff in your own organisation, including the new vaccination assessment tool (pages 7-8)**

If a government mandate does not apply, you can choose to do a risk assessment to see if you can require work to be carried out by vaccinated workers, on health and safety grounds. There are two ways you can do this: a health and safety risk assessment using a method you consider fit-for-purpose for your business (including following existing industry guidance), or using the new vaccination assessment tool. These are set out below.

- **Part Two – Requirements for visitors to your facility and/or participants in your events (pages 9-10)**

Organisations are entitled to mandate vaccines for any third party who enters their facility (e.g. contractors, visitors, spectators), or enters an event that they are running (e.g. participants). They can do this by making vaccination a condition of entry – no risk assessment is required. There are, however, other factors you may wish to take into account and a process that you may wish to follow to develop your position.

- **Part Three – the Covid-19 Protection Framework (page 11)**

In December 2021, we transitioned from the alert level system to the new Covid-19 Protection Framework. A key feature of this framework is the use of My Vaccine Passes (MVPs) which are mandatory for certain activities/sectors. Where MVPs are mandatory or required, all workers must also be vaccinated.

2. More detailed information on each of these areas is provided in the following pages.
3. This guidance is designed to help organisations develop their policies in relation to vaccinations for visitors to their facilities, entrants to their events and for their own staff and volunteers. The guidance is not legal advice.
4. Organisations will need to consider their own position based on their individual context and may wish to seek further advice from public health, health and safety experts and independent legal advice if they require further support.

Where to go for more information

5. Further information can be found at the following websites:
 - [Unite Against COVID website](#), is the best source of advice about the Covid-19 Protection Framework and includes information about alert levels, mandatory vaccinations for workers, businesses, employers and employees.
 - [Ministry of Business, Innovation and Employment's website](#), which includes information for employers regarding their duties for mandatory vaccinations and how to store personal information in accordance with the Privacy Act 2020.
 - [Ministry of Education's website](#), which includes information for the education sector including a table outlining which roles the mandate applies to [COVID-19 update - 3 November \(mailchi.mp\)](#)
 - [WorkSafe's website](#) has useful information for organisations about the process to follow when deciding whether or not work should be done by vaccinated employees.
 - [Ministry of Business, Innovation and Employment's website](#), which includes information on the new vaccination assessment tool.
6. If you have further questions please submit them via our COVID-19 email address (Covid19response@sportnz.org.nz).

Section 1A – Government mandates for health and education sectors

7. The government has mandated COVID-19 vaccinations for employees in sectors where there is a heightened risk of contracting or transmitting COVID-19. The mandate for vaccinations is set out in the COVID-19 Public Health Response (Vaccinations) Order 2021 ([the Vaccination Order](#)), which is a legally binding health instruction that requires employees in particular sectors to be vaccinated to undertake 'certain work'.
8. On 1 May 2021, it became mandatory for a narrow group of border workers and Government officials working at the border or at an MIQ facility to be vaccinated against COVID-19. On 14 July 2021, the Vaccination Order was extended to include most border workers from 30 September 2021, including airports and ports. This mandate reflected that the majority of New Zealand's COVID-19 cases at that time were situated at the border and within MIQ facilities.
9. Following the outbreak of the Delta variant in August 2021, the government expanded the Vaccination Order to cover employees in the education, health and disability, and corrections sectors with effect from 6 November 2021 (corrections) and 15 November 2021 (for education and health and disability).
10. The mandates for certain workers in the education, and health and disabilities sectors are those that are most relevant for the sports and recreation sector. This expansion aims to:
 - protect people who work in schools and early learning services who have contact with children and students who cannot be vaccinated, and
 - protect people who conduct high-risk work in the health and disability sector who are more likely to have contact with the virus.
11. It is important to note that an employee's vaccination status should be collected and stored in accordance with the Privacy Act 2020 by the employer.

Education sector

Who does the education mandate cover?

12. The mandate covers 'affected persons' in the affected education services, which are listed in Part 9 of Schedule 2 of the relevant Health Order. An 'affected person' means a person who belongs to a group (or whose work would cause them to belong to a group). This group is defined in the Health Order as:
 - 9.1 *Workers over the age of 12 years who carry out work at or for an affected education service (including as a volunteer or an unpaid worker) and who –*
 - a. *May have contact with children or students in the course of carrying out that work; or*
 - b. *Will be present at the affected education service at a time when children or students are also present.*
 - 9.2 *Providers of a home-based education and care service.*
13. An 'affected education service' means an early childhood service (excluding a playground), a registered school or a hostel.

14. At least one element (a or b) in 9.1 must be present for the mandate to apply. 9.1 and 9.2 includes home-based educators, and all those support people in our schools and early learning services such as teacher-aides, administration and maintenance staff and contractors.
15. Affected persons in the affected education services must have their **first dose by 15 November 2021**, and their **second dose by 1 January 2022**. Staff who are not fully vaccinated in the period leading up to 1 January 2022 will be required to undergo weekly COVID-19 testing, and they will not be able to continue in their role beyond 1 January 2022 unless they are fully vaccinated.
16. Only vaccinated staff and support staff in educational facilities can have contact with children and students in a school setting. Schools and kura must only allow those that are fully vaccinated to provide onsite services, which includes principals, teachers, relief teachers and casual staff, administration staff, caretakers and cleaners, contractors and other tradespeople, service managers, caregivers and other staff. The mandate also covers unpaid workers such as volunteers who are working for the school. Activities that take place outside of school hours at schools are also covered by the mandate if students are present and the relevant people (e.g. parents, workers, volunteers etc) are carrying out 'work' for the school (such as coaching a sports team - even on a voluntary basis).

How does the education mandate apply to the sports and recreation sector?

17. The mandate affects people who work in the sports and recreation sector in education settings. The vaccination requirements apply:
 - wherever in person schooling occurs, such as on the school or early learning service site. This means that any sport and recreation staff who visit schools during school time and may come into contact with students (e.g. Healthy Active Learning Advisers, Regional Sports Directors, an external provider coming onsite to take a PE class, paid or voluntary coaches of school sports teams etc) will be covered by the mandate.
 - outside of the school grounds if those involved are working for the school and will be in contact with students. 'Working for the school' includes unpaid and voluntary positions (e.g. as sports coaches, managers, referees) and this means that any parents or caregivers who carry out these roles for the school will need to be vaccinated.
 - to workers and volunteers at school camps, excursions, swimming pools, museums, or where other education outside the classroom (EOTC) programmes take place, if those involved in delivering the service are carrying out work for the school.
18. The vaccination requirements do not apply:
 - to those who are performing services remotely, or who are onsite only when children and students are not present (such as a contractor who is performing maintenance during the weekend or over a term break).
 - to those who are visiting a school or kura (e.g. to watch a sports game, for a learning conference or a parent, whānau and community evening) as they are not carrying out work for the school.
 - to services provided to school aged children outside of the school setting that are unrelated to the school - weekend sport for local clubs is not covered by the mandate.

- to employees or volunteers for (i) providers of EOTC; or (ii) on school excursions which are offsite (for example, at a swimming pool, library, school camp, museum, etc) – so long as those workers (paid or unpaid) are working for the EOTC or other organisation and not for the school or early learning service.

19. From Tuesday 16 November 2021, the obligation under the legislation rests with both:

- the staff member (including volunteers) – to not carry out certain work unless they are vaccinated; and
- the relevant organisation – to ensure that no work is carried out in breach of the legislation.

20. Staff members (including volunteers) who refuse to meet vaccination requirements cannot return to work onsite from Tuesday 16 November 2021 and will be committing an infringement offence if they do so. The relevant 'affected education service' would also commit an infringement offence if it allowed the individual to perform work in breach of the legislation.

21. A list of FAQs about who is and is not covered by the education vaccine mandate is included in Appendix 1.

Health and disability sector

Who does the health and disability mandate cover?

22. The mandate covers 'affected persons' in the health and disability sector, which are listed in Part 7 of Schedule 2 of the relevant Health Order:

7.1 Health practitioners

7.2 Workers who carry out work where health services are provided to members of the public by 1 or more health practitioners and whose role involves being within 2 metres or less of a health practitioner or a member of the public for a period of 15 minutes or more

7.3 Workers who are employed or engaged by certified providers and carry out work at the premises at which health care services are provided

7.4 Care and support workers

23. The vaccination requirements apply to the following health and disability sector workers:

- regulated professions currently registered under the Health Practitioners Competence Assurance Act 2003 (HPCA)
- non-regulated healthcare work, such as:
 - aged residential care
 - home and community support services
 - kaupapa Māori health providers
 - Pacific Health Providers
 - non-government organisations who provide health services.
- roles undertaken by people who:

- i. are in frequent contact, face-to-face contact, or are in close proximity to healthcare workers providing a health service;
- ii. work where a health service is being provided; and
- iii. do not necessarily provide a health service, but their role requires frequent contact/engagement with those providing health services and is considered tied to a role within a healthcare setting.

24. Affected persons in the health and disability sector must have their **first dose by 15 November 2021**, and their **second dose by 1 January 2022**.

How does the health and disability mandate apply to the sports and recreation sector?

25. It is likely that the health and disability mandate is mostly relevant for health and disability employees in High Performance Sport New Zealand, National Sports Organisations and Regional Sports Organisations who are regulated under the HPCA. For clarity, this includes:

- chiropractors
- dentists, clinical dental technicians, and dental technicians
- dieticians
- medical laboratory technologists, medical radiation technologists, and podiatrists
- medical practitioners
- nurses
- midwives
- occupational therapists
- optometrists and dispensing opticians
- pharmacists
- physiotherapists, and
- psychologists.

26. Other health staff that may be covered by this mandate could include Green Prescription practitioners, strength and conditioning coaches and bio-mechanists. We recommend that any health-related workers in the sport and recreation sector seek guidance from their national representative body or Registration Board as to whether they are covered by the mandate. Unregulated health and disability workers should get clarity from their employer as to whether they are covered by the mandate.

Section 1B – Developing a vaccination policy for staff in your own organisation

27. An important part of any vaccination policy is how you will educate and support your staff to get vaccinated. If you have not already done so, you should consider practical ways to support your staff to get vaccinated. This may include sharing information about the vaccine, and helping to ensure your staff can get access to vaccination such as help with transport to appointments if required and allowing staff time off work to get vaccinated (this will become a legal requirement soon¹). More information and resources about how you can support your staff can be found [here](#).
28. If a government mandate does not apply to your organisation (likely to be the current position for most sport and recreation organisations) then you may wish to consider developing a vaccination policy for your organisation that sets out your expectations about whether your staff and employees are vaccinated or not.
29. If a government mandate does not apply, then you can choose to do a risk assessment to see if you can require work to be carried out by vaccinated workers, on health and safety grounds. There are two ways you can do this: a health and safety risk assessment using a method you consider fit-for-purpose for your business (including following existing industry guidance), or using the new vaccination assessment tool.

Health and safety risk assessment

30. Employers can require other work to be done by a vaccinated employee, if a risk assessment identifies this is necessary for work health and safety purposes. That may be the case where the nature of the work itself raises the risk of COVID-19 infection and transmission above the risk faced outside work.
31. Before the government introduced the vaccination assessment tool, Worksafe developed guidance for businesses and services on conducting a health and safety risk assessment. Employers can still decide to use this method in order to assess whether a vaccine requirement for staff is appropriate. This guidance is available on the Worksafe website here: <https://www.worksafe.govt.nz/managing-health-and-safety/novel-coronavirus-covid/how-to-decide-what-work-requires-a-vaccinated-employee/>.
32. If you adopt a policy of mandatory vaccination for your staff then this could also specify that any volunteers working for your organisation would only be able to continue in their voluntary roles if they were vaccinated. Similarly, if you choose to make vaccination a condition of entry to your facility or event (see Part Two) then any volunteers within your organisation would only be able to attend and work at the event if they were vaccinated.

Vaccination assessment tool

33. The vaccination assessment tool is a simple process for organisations to follow to assess the health and safety risks associated with their particular workforce to support their consideration of whether an organisation can require its employees to be vaccinated. The tool can be applied to

¹ <https://covid19.govt.nz/alert-levels-and-updates/latest-updates/government-backs-business-to-vaccinate-workforces/>

anyone who is a 'worker' under the Health and Safety at Work Act, which includes contractors, and any volunteer workers who are considered 'volunteers'.

34. If you had already done a health and safety risk assessment before the new vaccination assessment tool was introduced, you do not need to do a new assessment using the vaccination assessment tool.
35. The MBIE website has more information about this new vaccination assessment tool, including information on dealing with third parties, challenges to the assessment outcomes, enforcement, and how to apply the factors in the tool. See here: <https://www.business.govt.nz/covid-19/vaccination-assessment-tool> .

Part Two – Requirements for visitors to your facility and/or participants in your events

36. Under current legislative settings, organisations can legally require that visitors to their facilities and/or participants in events that they run, must be vaccinated and have a valid My Vaccine Pass. This requirement can be made a condition of entry to the facility or event and the organisation does not need to complete a health and safety risk assessment prior to mandating vaccination as a condition of entry.
37. We support the government’s desire to ensure that as many people as possible get vaccinated and would encourage sport and recreation organisations to also support this approach. We are however mindful that some may consider that introducing mandatory vaccination for visitors/entrants could create an additional barrier to participation. We acknowledge that this may be a greater concern in some sports and recreation activities than others depending on the demographic breakdown of participants, but would also note the role that vaccination can play in helping us all get back to participating in the sport and recreation activities that we love as soon as possible.
38. Your organisation can legally require visitors to your facilities and/or participants in your events to be vaccinated. Many businesses, including council-owned facilities are requiring vaccination passes for entry under the traffic light system as it allows them to operate with less restrictions. Some types of businesses (such as gyms) require vaccination passes to operate in any capacity in Orange or Red, and to operate without restrictions in Green. There are some considerations that you may wish to take into account before deciding whether to introduce a mandatory vaccination policy for visitors to your facilities and/or participants in your events. These factors should be considered as part of the broader health and safety planning that you would be expected to carry out in preparation for hosting any visitors or events. These considerations include:
- **The COVID-19 Protection Framework** - Organisations will need to consider the greater certainty that a mandatory vaccination policy will provide about an event being able to go ahead under the Covid-19 Protection Framework when considering whether or not to introduce a mandatory vaccination requirement (see Part Three for further information).
 - **The role your organisation can play in promoting the vaccine** – we know sport and recreation organisations have great connections into our communities across Aotearoa. Between us, the sport and recreation sector collectively includes participants and volunteers from all walks of life, backgrounds and ethnicities. We also know that being fully vaccinated is the quickest way to get sport and recreation activities up and running again. Consider the role your organisation might be able to play in supporting others in your community to get vaccinated. Each organisation will have to make its own decision based on a consideration of its own particular circumstances but we would encourage you to do all you can to support as many people as possible to get vaccinated. The Unite against Covid-19 website has many resources relating to the Covid-19 vaccine <https://covid19.govt.nz/covid-19-vaccines/> including resources to help those who may be reluctant or hesitant about the vaccine.
 - **Ensuring you avoid discrimination on the basis of religion or disability.** New Zealand law gives New Zealanders the right to freedom from discrimination on a number of grounds. The two grounds of discrimination that could apply to a mandatory vaccination policy are

discrimination on the basis of religion or disability:

- i. **Religious grounds** – an individual would have to demonstrate that their religious belief prevented them from receiving the vaccine.
- ii. **Disability grounds** – There are likely to be a very small number of people in New Zealand who are unable to receive the Covid-19 vaccine because of a health condition (expected to be approximately 100 or so individuals across New Zealand). The Ministry of Health is expected to provide further guidance on this issue shortly.

If you decide to make vaccination a condition of entry you may wish to address any concerns relating to the above grounds by providing a way (via email or phone number) for anyone who has concerns about the mandatory vaccination requirement to make contact with you before entering your facility or event. You will then be able to discuss specific situations should they arise. More information about the interface between human rights and the vaccination is available here <https://www.hrc.co.nz/resources/human-rights-relation-covid-19/>. It may be prudent to undertake a health and safety assessment to address any such allegation (on the basis that health and safety may provide a defence to any such claim).

- **The health and safety of people on your sites** – the risk of Covid-19 is an additional factor to consider in the health and safety planning that you would carry out for any event you were preparing to host. As part of this you will need to consider the health and safety of your own staff (including volunteers) as well as the health and safety of visitors and participants. Note that while you cannot require volunteers for your organisation to be vaccinated, you can decline to engage a volunteer who is not vaccinated. If you choose to make vaccination a condition of entry to your facility or event, then any volunteers within your organisation would only be able to attend and work at the event if they were vaccinated.
- **Compliance/enforcement** – you will need to consider what systems or processes you will need to have in place to enforce your policy (i.e. how you will check that visitors or participants are vaccinated if you make vaccination mandatory). Monitoring/enforcing compliance with a vaccination policy will be easier in some settings than in others (e.g. easier at indoor, controlled facilities, harder at outdoors, ‘uncontrolled’ facilities such as community sports fields, rowing venues, and running or cycling events). More information and support about expectations on sports in relation to the compliance and enforcement of mandatory vaccination policies will be provided as part of the Covid Protection Framework that is under development.

39. Although it is not required, organisations may wish to conduct a risk assessment for visitors before confirming their vaccination policy. This assessment could help to communicate the reasons behind the policy that is ultimately adopted, and could involve the same steps as the risk assessment for employees:

- Step 1 – conducting a health and safety risk assessment about the risk that unvaccinated visitors/entrants would pose
- Step 2 – identifying other controls and measures that could be used (such as physical distancing, mask wearing etc) and the extent to which these would reduce the risk posed by unvaccinated visitors/entrants

- Step 3 – considering the practical implications and consequences of an outbreak of Covid-19 at a facility/event.

40. The Worksafe [website](#) has more information about how to carry out this kind of risk assessment.

Part Three - COVID-19 Protection Framework

41. The [COVID-19 Protection Framework](#) (CPF) has replaced the Alert Level system as the new way to manage COVID-19 in New Zealand. There are three key settings:
 - Green is when there is some COVID-19 in the community
 - Orange will be used to control spread at low levels when COVID-19 is present in the community
 - Red will be used to actively bring case numbers down if needed.
42. A key part of the new framework is the ability for businesses to operate and events to go ahead – even when COVID-19 is still present in the community - if they require the use of My Vaccine Passes. Most businesses and services (excluding essential ones) can choose whether to require a valid MVP to enter the business or use the service. You must display in a prominent place at or near the entrance a sign that indicates if the premises are operating under MVP or non-MVP rules.
43. A person who does not have a valid MVP cannot enter a business or use a service that chooses to operate using MVPs (this excludes essential services like hospitals, supermarkets and pharmacies).
44. Under the new framework there are no limits on the number of attendees at green and orange levels events if MVPs are used (limits will apply for events held at green and orange levels if they include unvaccinated attendees or those with no verification of their vaccination status).
45. The specific guidance for sport and recreation under the framework can be found here: <https://sportnz.org.nz/covid-19-response/covid-19-protection-framework/>
46. Some organisations or types of activity (e.g. gyms, hospitality and events) are required to use MVPs if they wish to operate at particular levels (or operate with fewer restrictions). Where the use of a MVP is required for an organisation or activity to operate, then this requirement also applies to the organisation's own employees. For other organisations, the use of MVPs may be voluntary - but using MVPs will mean the ability to operate with greater certainty and fewer restrictions.

Appendix 1 - FAQs about the implications of the educational vaccine mandate for the sport and recreation sector

1. Does the Vaccination Order apply to the provision of external support to schools for PE/Sport/Play/Active Recreation?

Yes, the Vaccination Order will apply to the provision of external support to schools for PE/Sport/Play/Active Recreation. For example, a coach who leads a school football team will be subject to the Order. They will be covered whether they conduct trainings on school grounds or on public grounds, or during school hours or outside hours.

2. Does the Vaccination Order apply to providers of external support to schools, including paid and voluntary workers?

Yes, the Vaccination Order will apply to the personnel of providers of external support to schools provided they are working at the school (regardless of whether they are a paid or voluntary worker). There is no distinction between a paid or unpaid worker (as Part 9 states that it includes volunteers and unpaid workers).

3. Does the Vaccination Order apply to kura kaupapa schools and English-medium schools? What about private schools?

Yes, the Vaccination Order will apply equally to kura kaupapa schools and English-medium schools, as well as private, State and State integrated schools.

4. Does the Vaccination Order apply to me if I work onsite at a school when children or students are not present (i.e. during the school holidays)?

The Vaccination Order does not apply to those performing remote services or who are only onsite when children and students are not present. However, the Vaccination Order will include people who are present at the education service at a time when children or students are also present, such as HAL Advisors that work primarily with school leadership and teachers onsite or event managers that operate from school offices.

5. Does the Vaccination Order also apply to any secondary school students supporting school sport or active recreation (either at secondary or primary schools), i.e. they will be treated as per other external personnel?

The Vaccination Order will apply to secondary school students (over the age of 12 years) supporting school sport or active recreation at primary or secondary schools, who have contact with children or students when carrying out this work, or who will be at the school at the same time as children or students.

6. Does the Vaccination Order apply more widely than just personnel operating during school hours, and/or on school facilities (i.e. will the requirement apply, for example, where a school team is participating outside school/school hours and/or away from the school site)?

The Vaccination Order applies more widely to personnel beyond just school hours or school facilities, such as when a school team participates outside of school/outside of school hours or away from the school site. This is because they are carrying out work *for* an affected education service and may have contact with children or students while doing this. The Vaccination Order will cover voluntary and paid coaches and managers who are not school employees because they “carry out work at or for an affected

education service”.

7. Can a staff member choose not to be vaccinated, but to undergo regular testing instead?

No. All staff members who do work covered by the Public Health Order must have received their first dose of the COVID-19 vaccine by 15 November 2021 and be fully vaccinated no later than 1 January 2022.

8. Does the Vaccination Order apply to people working in a place that school children visit for EOTC (i.e. a receptionist at a swimming pool)?

The Ministry of Education has confirmed that the Vaccination Order applies where schooling occurs, wherever it occurs, such as EOTC, school camps, swimming pools, museums and other places where education takes place. It will apply to those working for the school at such places, but not anyone working for a different provider/organisation at the same location (e.g. a lifeguard at a public pool). It would only cover external EOTC instructors if they are directly working for the school.

9. Does the Vaccination Order cover our sporting event for school-aged children that is held outside of school grounds?

If the event providers are not working for the school (i.e. an RSO delivering an annual regional championship or a regional weekend sports event), their employees are not covered by the Vaccination Order. It will also not cover people who can complete work for this event remotely (i.e. a remote event manager who will not attend the event).

10. Does the Vaccination Order cover people visiting a school or kura for a learning conference or community sport evening?

No, it does not apply as the Order only applies to workers and volunteers, not those simply visiting a site. It will, however, apply to visitors to a school who are working at the school while students are present.

11. Do I have to be vaccinated to watch my child play sport at school?

No, because you are not carrying out work for the school if you are just watching your child play. However, if you are carrying out a role (voluntary or paid) for the school in relation to your child’s sports team, such as a coach, manager or referee, then you will need to be vaccinated.

12. Does the Vaccination Order apply to students participating in school events over the age of 12?

No, the Vaccination Order does not apply to students that are participating in school events.

13. Who should collect and store the vaccination information about people covered by the Vaccination Order?

An employee’s vaccination status should be collected and stored in accordance with the Privacy Act 2020 by the employer. If you are the employer of somebody providing a contracted service to the school, then you will be responsible for collecting this information. Both the school and other relevant employer/party engaging services are required to ensure that all relevant staff members are vaccinated, noting the privacy requirements associated with staff members’ vaccination statuses. This includes external parties running sport/recreational activities for school students that are caught by the Vaccination Order (i.e. they are providing services to the school). Employers are not required by the Order to record the vaccination status of workers employed by another agency, but they may wish to for their own health and safety processes.

Digital COVID-19 Vaccination Certificates are expected to be available through the Ministry of Health's My COVID Record by late November 2021. These Vaccination Certificates will be required as proof of vaccination when they become available.

14. Can I share the vaccination status of my staff with external parties?

Schools cannot share their staff members' vaccination statuses with others without their permission. Employers will need to consider how to confirm or assure external parties (such as event delivery agencies) that all the relevant school employees (paid or unpaid) that have contact with children or students have been vaccinated.