



BRIEFING

Traffic Light Response Framework

Date:	14 October 2021	Priority:	Medium
Security classification:	In Confidence	Tracking number:	2122-1360

Action sought		
	Action sought	Deadline
Hon Stuart Nash Minister for Economic and Regional Development	Note MBIE's suggested adjustments on the proposed COVID-19 Traffic Light response framework due to be discussed at Cabinet.	18 October 2021

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Dean Ford	General Manager, Economic Development and Transitions	s 9(2)(a)	✓
Isabella Crawford	Policy Advisor, Alert Level Businesses and Services	s 9(2)(a)	

The following departments/agencies have been consulted
n/a

- Minister's office to complete:**
- | | |
|---|--|
| <input checked="" type="checkbox"/> Approved | <input type="checkbox"/> Declined |
| <input type="checkbox"/> Noted | <input type="checkbox"/> Needs change |
| <input type="checkbox"/> Seen | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn |

Comments

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Purpose

Cabinet will be considering a COVID-19 Traffic Light Response framework for a highly vaccinated population to replace the current alert level framework on Monday 18 October. This paper sets out MBIE's suggested amendments to simplify the proposals for business.

Recommended actions

The Ministry of Business, Innovation and Employment recommends that you:

- a **Note** that the Traffic Light Response framework for a highly vaccinated New Zealand is being finalised, and is likely to be discussed at Cabinet on 18 and/or 26 October. *Noted*
- b **Note** MBIE suggests the following adjustments to the framework to simplify the rules for business:

Draft proposal	MBIE suggestion
Option to restrict boundary travel	Boundary travel restrictions should be based on vaccination, rather than the current permitted categories system
Combination of number limits and CVC requirements in customer facing/public spaces	Option for these business to be either CVC required; or to limit customers to meet social distancing requirements
Various different rules across events, retail and public facilities, hospitality and gatherings	Set consistent rules across different public spaces for simplicity and to avoid definitional issues

Noted

Dean Ford
**General Manager, Economic Development
and Transitions**
Labour, Science and Enterprise, MBIE

14 / 10 / 2021

Hon Stuart Nash
**Minister for Economic and Regional
Development**

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Background

1. The Traffic Light Response framework is part of a set of new measures being considered for a highly vaccinated, future New Zealand, which leans into the uptake of CVCs (Covid Vaccination Certificates).
2. Other measures also being considered alongside this framework include short stay MIQ, self-isolation, RAT (Rapid Antigen Testing), and international reconnection measures.
3. The draft Traffic Light Response framework is being finalised over the next week and a half, with the Prime Minister proposing to return to Cabinet on 26 October to seek agreement to the final proposal.
4. This briefing provides you with an outline of the Traffic Light Response framework, and MBIE's suggested adjustments. MBIE has also provided this advice to DPMC. Our suggestions are based on MBIE's experience in implementing the rules for business under a range of alert level settings.

The Traffic Light Response Framework

5. MBIE has received an early draft of the Traffic Light Response framework. It features three levels:
 - a. Green (Prepare): a baseline level similar to pre-pandemic normal life, but with widespread surveillance testing;
 - b. Amber (Control): an increased set of measures that we would rely on to control moderate spread, and;
 - c. Red (Reduce): a stronger set of measures, pitched at about Level 2.5 of our present framework, to more actively reduce transmission when necessary.
6. As in previous COVID-19 control settings, these specific levels are also accompanied by overarching rules that apply across all Traffic Light levels:
 - a. Record keeping for contact tracing is mandatory for most businesses and services, whether this is QR code scanning or signing into a register;
 - b. Face coverings should be worn in public spaces (noting that this is only legally required at higher Traffic Light levels), and;
 - c. CVCs are mandatory for workers who engage with groups with low vaccination rates (such as teachers and health workers).
7. Broad requirements for different settings under the 'colours' of the Traffic Light Response framework are set out below, subject to the overarching rules.

	Red	Amber	Green
Workplace	WFH is encouraged	BAU	BAU
Hospitality	CVC required and number limits	CVC required or number limits	BAU
Events	CVC required and number limits	CVC required or number limits	BAU (CVCs for large events)
Gatherings	Strictly Limited	CVC required or number limits	BAU (CVCs for large gatherings)
Public Facilities	Number limits	Number limits	BAU
Retail	Number limits	Number limits	BAU
Regional Travel	Possible Restrictions	BAU	BAU

8. MBIE broadly supports the proposed Traffic Light Response framework, in particular the wide use of CVCs. Many members of the business community have informed us that they support mandatory CVCs for workers and customers.
9. At this stage, employers can only require vaccination for work where this is authorised by a COVID-19 Order or for health and safety reasons. In other circumstances, there is significant uncertainty about whether it would be justifiable to require workers to be vaccinated to do certain work under current legislative settings. Officials are currently preparing advice on this.

Recommended adjustments to the Traffic Light Response framework

10. The following table sets out MBIE's suggested adjustments (highlighted in green)

	Red	Amber	Green
Workplace	WFH is encouraged	BAU	BAU
Hospitality	CVC required or 2m distancing with customers seated	CVC required or 1m distancing	BAU
Events	CVC required or 2m distancing	CVC required or 1m distancing	BAU (CVCs for large events)
Gatherings	CVC required or 2m distancing	CVC required or 1m distancing	BAU (CVCs for large gatherings)
Public Facilities	CVC required or 2m distancing	CVC required or 1m distancing	BAU
Retail	CVC required or 2m distancing	CVC required or 1m distancing	BAU
Regional Travel	CVC required	BAU	BAU

11. MBIE has run several test cases through an early draft of the framework, based on the pinch points encountered during high alert levels in 2020 and 2021. For an outline of these test cases, see **Annex 1**. These highlight some of the challenges in having a variety of rules.

Require CVCs for boundary travel at Red

12. MBIE recommends moving away from permitted categories for boundary travel under the traffic light framework; and replace it with CVC requirements. This would mitigate the risk of spread, and simplify boundary management. It is consistent with workplaces being open at Red, and would also provide greater certainty for business that their staff will be able to work at all levels.

Replace hard number limits with distancing requirements

13. Requirements for 2m distancing at the Red level and 1m distancing at the Amber level, rather than hard number limits, would help to:
 - a. Ensure that the number of people is appropriate for the space (noting that this is something that many businesses, particularly retail, have already been doing at higher alert levels) and;
 - b. Link Traffic Light requirements closely to the risk of COVID-19 transmission.
14. To support implementation, guidance will be provided for businesses on how to calculate capacity of their premises for meeting distancing requirements.

Standardise restrictions across gatherings, events, retail and public facilities

15. MBIE has found that business owners, the public, and even enforcement agencies can at times find it difficult to differentiate between gatherings, events, and hospitality in particular. This makes it difficult to apply the right restrictions, can create uncertainty, and is at times difficult to justify variations. For example, compare a conference, a wedding, and a fundraiser at a theatre. Everyone who is there is known/can be traced, food and alcohol are served, the event happens within a single space for a lengthy period, and people mingle.
16. Standardising restrictions across settings will avoid confusion, be practical to implement, reduce the risk that people will misinterpret restrictions, and is therefore also likely to enhance social licence.
17. There are two cases where slight differentiation between settings may be useful:
 - a. Additional restrictions for hospitality/licenced venues serving alcohol, such as requiring seating, may be useful to help businesses enforce safe distancing, and;
 - b. While we recommend that restrictions are standardised across gatherings where possible, we recognise that some variation may be necessary, given that restrictions at social gatherings are slightly more difficult to enforce than in business settings.

Allow businesses and services to opt for CVCs or distancing at Red and Amber

18. By allowing businesses and services to choose between the CVCs or distancing, they can more easily achieve public health outcomes in a way that best serves their customers.
19. In some locations excluding unvaccinated people from e.g. community events or retail may further disadvantage some vulnerable communities (and possibly result in disenfranchisement and less vaccination).

Communications

20. MBIE is already in discussions with DPMC on communicating the traffic light framework once it has been announced.

21. There are some components of the framework we will be working with DPMC on, in particular:
- a. We recommend calling the rules that apply at all Traffic Light levels the 'Golden Rules', given the success that has been seen with this term as a communications tool to date.
 - b. Messaging for employers about only asking staff for actions that are within the rules, including clarity on CVCs (and exemptions), and limiting boundary travel (the latter is likely to be supported also by the recommendation to work from home at Red)
 - c. Enhanced guidance for businesses on what constitutes a 'defined space', to support the operation of different rules in different spaces. As the delta variant is an aerosol, some of the previous practices, such as low level partitions, are no longer sufficient.

Next steps

22. We suggest you raise these points at Cabinet on 18 October 2021, so that they can be incorporated into the framework before the Prime Minister seeks agreement to the new framework at Cabinet on 26 October.

Annexes

Annex 1: Test cases

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Annex One: Test Cases

Below is a non-exhaustive list of scenarios estimated as likely to occur at some point during the implementation of the Traffic Light Response framework, based on MBIE experiences during Alert Level Periods. The two columns detail how the framework would be applied under Red and/or Amber levels.

	As set out in current draft	With MBIE's proposed adjustments
Wedding – a gathering	The overarching rules apply to workers.	The Golden Rules apply to workers.
	Red – Strictly limited numbers Amber – CVC or limited numbers apply.	The venue must ensure that all others attending are able to produce CVC, or social distancing (1m for Amber, 2m for Red) must be maintained.
Tangi – a gathering	The overarching rules apply to workers.	The Golden Rules apply to workers.
	Red – Strictly limited numbers Amber – CVC or limited numbers apply.	The venue must ensure that all others attending are able to produce CVC, or social distancing (1m for Amber, 2m for Red) must be maintained.
Community events e.g. a Fun run, A&P show, church fundraiser – an event or a gathering	The overarching rules apply to workers.	The Golden Rules apply to workers.
	Event: CVC and/or number limits apply. Gathering: Red - Strictly limited; Amber - CVC or limited numbers apply	The venue must ensure that all others attending are able to produce CVC, or social distancing (1m for Amber, 2m for Red) must be maintained.
Farmers' Markets – retail or event	The overarching rules apply to workers.	The Golden Rules apply to workers.
	Retail: number limits apply; or Event: CVC and/or number limits.	The venue must ensure that all others attending are able to produce CVC, or social distancing (1m for Amber, 2m for Red) must be maintained.
	The overarching rules apply to workers (includes jockeys, trainers, etc).	The Golden Rules apply to workers (includes jockeys, trainers, etc).

Horse racing – event or workplace	Event: CVC and/or number limits apply. Workplace: BAU (can't work from home)	The venue must ensure that all others (spectators) attending are able to produce CVC, or social distancing (1m for Amber, 2m for Red) must be maintained
Pet grooming - workplace	The overarching rules apply to groomers and other workers.	The Golden Rules apply to groomers and other workers.
Pacific Festival – event or a gathering	The overarching rules apply to workers.	The Golden Rules apply to workers.
	Event: CVC and/or number limits apply. Gathering: Red - Strictly limited; Amber - CVC or limited numbers apply	The venue must ensure that all others attending are able to produce CVC, or social distancing (1m for Amber, 2m for Red) must be maintained.
Delivery/courier services – operates as a workplace	Delivery must follow the overarching rules.	Delivery must follow the Golden Rules.
In-home services – operates as a workplace	Operate under the overarching rules.	Operate under the Golden Rules.
In-business services – operates as a workplace	Operate under the overarching rules.	Operate under the Golden Rules
Boat races, or other outdoor competitive events – event or a gathering	The overarching rules apply to workers.	The Golden Rules apply to workers.
	Event: CVC and/or number limits apply. Gathering: Red - Strictly limited; Amber - CVC or limited numbers apply	The event host must ensure that all those attending (spectators and amateur participants) are able to produce CVC, or social distancing (1m for Amber, 2m for Red) must be maintained.
Close contact services– retail	The overarching rules apply to workers.	The Golden Rules apply to workers.
	Number limits are required.	Customers must produce CVC, or social distancing (1m for Amber, 2m for Red) must be maintained. .

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