



Headquarters NZDF
Defence House
34 Bowen Street
Wellington 6011
NEW ZEALAND

20 December 2021

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CDF DIRECTIVE 32/2021

VACCINE MANDATE – MEMBERS OF THE CIVIL STAFF

Authority

1. Issued by the Chief of Defence Force pursuant to the COVID-19 Public Health Response (Specified Work Vaccinations) Order 2021.

Applicability

2. This Directive constitutes a General Order to members of the Armed Forces, and instruction to members of the Civil Staff.
3. Non-compliance with this Directive may result in disciplinary action being taken in accordance with the NZDF Code of Conduct.

Purpose

4. The purpose of this Directive is to provide direction to all members of the Civil Staff, regarding the requirement for members of the NZDF to be vaccinated in accordance with the COVID-19 Public Health Response (Specified Work Vaccinations) Order 2021.

Context

5. The Government of NZ has mandated the vaccination of groups of affected persons as stated in the COVID-19 Public Health Response (Specified Work Vaccinations) Order 2021.
6. The COVID-19 Public Health Response (Specified Work Vaccinations) Order 2021 is made under the COVID-19 Public Health Response Act 2020 (the “Act”) and came into force at 11.59 pm on 15 December 2021. It extends the classes of specified work to include members of the NZDF¹.

Situation

7. All members of the NZDF are deemed to be “affected workers” under the Act and the Order. The Act authorises a Person Conducting a Business or Undertaking (PCBU) to request an affected worker to provide information that verifies their vaccination

¹ COVID-19 Public Health Response (Specified Work Vaccinations) Order 2021, Schedule 2.

status². If an affected worker fails to comply with this requirement then the PCBU may treat the affected worker as unvaccinated or otherwise not permitted to perform their work³.

8. COVID-19 Public Health Response (Specified Work Vaccinations) Order 2021 mandates:
 - a. that all members of the NZDF are to have received their first COVID-19 vaccination before 11.59 pm, 16 Jan 22 and their second COVID-19 vaccination before 11.59 pm, 28 Feb 22, and
 - b. the maintenance of a vaccination record by the NZDF, containing:
 - (1) the name and vaccination status of each member of the NZDF;
 - (2) the name of the COVID-19 vaccine or vaccines that the member has received; and
 - (3) the date or dates on which the member received a COVID-19 vaccination.
9. The NZDF recognises only those vaccinations approved or provisionally approved by Medsafe⁴.

Implementation

10. **Timeline.** The implementation timeframe for members of the Civil Staff (excluding members on unpaid leave) employed in New Zealand is:
 - a. **No later than 24 Dec 21.** All members receive an email communication informing them about the Order and its implications. Unvaccinated employees and those with an unknown vaccination status will be contacted in the New Year by their commander or manager, to discuss next steps.
 - b. **17 Jan 22.** Members of the Civil Staff who have not received the first dose of an approved COVID-19 vaccination are to be stood down from duty.
 - c. **31 Jan 22.** Termination action is to be initiated for any member of the Civil Staff who does not have their first vaccination, by 1 Feb 22 - this is the first day of the one month notice period.
 - d. **1 Mar 22.** The last day of employment in the NZDF for members of the Civil Staff who were not vaccinated with both their first and second vaccinations by 28 Feb 22.

Termination of non-vaccinated members of the Civil Staff

11. Members of the Civil Staff on unpaid leave who elect not to receive both their first and second COVID-19 vaccinations by the end date of their unpaid leave, will have their employment terminated from the NZDF.

² See Health and Safety at Work Act 2015 ss. 45(c) and 45(d): workers are required to comply with reasonable instructions given by the PCBU to comply with Act and to cooperate with any reasonable policy of the PCBU relating to the health and safety of the workplace notified to workers.

³ Section 17E of the COVID-19 Public Health Response Act.

⁴ Full approval under section 20 of the Medicines Act 1981, or provisional approval under section 23.

12. Any member who elects to not be vaccinated with the COVID-19 vaccinations, or fails to provide the NZDF with information which verifies their vaccination status, is likely to have their employment in the NZDF terminated. This is because it is not possible to redeploy unvaccinated persons to other positions in the NZDF.

Responsibilities

13. Notwithstanding DFO 16 chapter 2, section 1, for the purposes of dealing with termination decisions relating to this directive, LTCOL/manager equivalents are delegated approval authority for the termination of members of the Civil Staff for failure to comply with COVID-19 Public Health Response (Specified Work Vaccinations) Order 2021.
14. CPO is responsible for the co-ordination and implementation of this Order.

Coordination and Administration

15. CPO Administration Instruction 06/2021 provides direction regarding the application of this directive.

Cancellation

16. This Directive is cancelled with effect 31 Dec 22.



KR SHORT
Air Marshal
Chief of Defence Force

Enclosure

1. CPO Administration Instruction 06/2021 dated 17 Dec 21

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CPO ADMINISTRATIVE INSTRUCTION 06/2021 IMPLEMENTATION OF VACCINE MANDATE – MEMBERS OF THE CIVIL STAFF

Authority

1. Administrative Instruction 06/2021 is issued by CPO.

Applicability

2. This Administrative Instruction is a General Order to members of the Armed Forces, and instruction to members of the Civil Staff.
3. This Administrative Instruction applies to all members of the NZDF.

Purpose

4. The purpose of this administrative instruction is to implement CDF Directive 32/2021.
5. Any member of the Civil Staff who elects not to be vaccinated with an approved COVID-19 Vaccination by the specified dates are to be subject to an employment termination process given there are no redeployment opportunities within NZDF for unvaccinated members of the Civil Staff.

Responsibilities

6. CPO is responsible for the implementation of CDF Directive 32/2021 and CPO Administrative Instruction 06/2021.
7. AC DHR is responsible for:
 - a. co-ordinating the implementation of CDF Directive 32/2021; and
 - b. providing guidance and direction regarding the administrative processes to be applied to manage the termination process of members of the Civil Staff who are not vaccinated.

Implementation time frame

8. The implementation timeframe for members of the Civil Staff employed in New Zealand is:
 - a. **No later than 24 Dec 21.** All members receive an email communication informing them about the Order and its implications.

(Unvaccinated employees and those with an unknown vaccination status will be contacted in the New Year by their commander or manager, to discuss next steps).

- b. **17 Jan 22.** Members of the Civil Staff who have not received the first dose of an approved COVID-19 vaccination are to be stood down from duty.
 - c. **31 Jan 22.** Termination action is to be initiated for any member of the Civil Staff who does not have their first vaccination. If, after giving unvaccinated members of the Civil Staff an opportunity to be heard, it is clear there is no reasonable alternative to dismissal, any termination notice should be issued by 1 Feb 22. This will mean that 2 February is the first day of the one month notice period.

The written notification is to be signed by the manager above the immediate manager, but no lower than LTCol(E) – CDF has delegated this authority to LTCol(E) in the CDF directive 32/2021. The process in the Guide to commanders/managers is to be followed in order to meet employment obligations.
 - d. **1 Mar 22.** The last day of employment in the NZDF for members of the Civil Staff who were not vaccinated with both their first and second vaccinations by 28 Feb 22.
9. The implementation timeframe for members on unpaid leave who elects not to receive both their first and second COVID-19 vaccinations by the end date of their unpaid leave, will have their employment terminated from the NZDF.

Administration

10. The provisions of the employment agreement applicable to the member of the Civil Staff are to be applied to all members being terminated. In addition the following administrative processes are also to be applied:
- a. **Notification to members.**
 - (1) Written notification of the Order to be vaccinated is to be provided to all members of the Civil Staff who are not vaccinated with both their first and second vaccinations, no later than 24 Dec 21 notifying them of the dates by which they must be vaccinated, and the consequences which may follow a failure to receive both vaccinations by the required dates.
 - (2) Dir HRSD, DHR, will provide the content of the written notifications.
 - (3) In order to ensure that CDF's message and direction are consistent, no changes may be made to the written notification provided, however, a Service salutation and closure can be applied.
 - b. **Stand-down period.** With effect from 17 Jan 22, all members of the Civil Staff who are not vaccinated with their first vaccination are to be placed on COVID-19 Leave. Members on COVID-19 Leave are not to continue working remotely or flexibly and they must not attend their place of work.

- c. **Vaccination exemption.** If a member applies for a vaccination exemption,¹ the termination process is to proceed. The termination process is to stop only if the Director-General of Health, Ministry of Health, grants a vaccination exemption. If this occurs, a health and safety risk assessment must be undertaken and an analysis under s. 29 of the Human Rights Act must be undertaken to ascertain whether with reasonable accommodation the member can continue to be employed.
- d. **Member advises their intention to be vaccinated.** If an unvaccinated member advises that they intend to be vaccinated, the termination process is to proceed. The termination process is to stop only when confirmation has been received, from the member, that they have received both the first and second COVID-19 vaccinations.

Points of contact

- 11. Any queries or request for clarification are to be directed to local HR Advisors.

Cancellation

- 12. This administrative instruction is cancelled on 31 Dec 22.



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¹ COVID-19 Public Health Response (Vaccinations) Order 2021, section 9B.