

Advice to unvaccinated members

Before making the decision to refuse the vaccination, we strongly encourage you to seek medical advice and to consider the impact this decision could have on you and your family/whanau.

If you believe you are unlikely to get vaccinated contact your PPTA field officer for advice.

Whilst your employer cannot force you to be vaccinated, in most cases (see **exemptions** below) if you have not been vaccinated with at least one dose of the COVID-19 vaccine you will not be able to work on-site 16 November 2021.

Prior to then your employer should be discussing with you the requirements on them and on you, and providing advice and encouragement to vaccinate. If needed they must provide you with paid time off during the day to get your vaccination.

If you cannot do your ordinary onsite job your employer will have to exclude you from the workplace from 16 November onwards.

If it is not agreed that you can continue working from home, you will be placed on either paid or unpaid leave at your employer's discretion. It is likely that at that point your employer will start a process with you that could result in the loss of your employment.

If you are placed on unpaid leave you are not required to do any school-related work. You would be obliged to continue to remain in contact with your employer. Note that an extended periods of unpaid leave will reduce your holiday pay entitlement at the end of the school year.

The employer is obliged to follow a fair process. Your field officer can give you advice and support you in this process. You should engage with your employer in good faith in this process and follow the advice of your field officer.

There are options you can discuss with your employer, for example:

- Off-site duties on an ongoing basis e.g. online teaching
- Off-site duties for a period of time e.g. online work or marking/assessment
- Taking already scheduled paid or unpaid leave e.g. study leave, maternity leave or sabbatical leave
- An agreed period of unpaid leave
- Ordinary sick leave (if there is a medical reason)
- Disregarded sick leave (if you have a medical exemption)
- A period of school-funded paid leave (for example, to maintain your employment until an alternative vaccine is available).

You may have other options they wish to discuss with the employer, they may have some to suggest to you.

In a school which currently has a surplus staffing situation you might volunteer for identification or your position might be identified through the CAPNA process. Your vaccination status would not be a determinant in identifying your position through CAPNA.

If you have a medical exemption medical retirement may be an option.

The employer must consider any proposals you have and work with you to find solutions to keep you in employment, but those solutions must be practicable for the employer and that includes the provision of education to the students, their health and safety obligations and their obligations under the PHO.

If there is no viable option, then the employer may elect to terminate your position with two months notice (or agree to an equivalent payment in lieu).

If the employer followed a fair process in good faith and had a genuine reason for ending your employment because of the requirements of the PHO then it would be unlikely that a personal grievance would be successful. Your field officer would advise you on whether there were grounds to challenge the outcome.

The PHO anticipates that people may change their mind before 1 January and does not prevent you from changing your mind after that if you are still in employment. At any time in this process, including up until the end of the notice period if the employer agrees, you could decide to get vaccinated and return to face-to-face teaching at the school. If your notice period has expired and your employment ends at the school and you subsequently get vaccinated the employer is not obliged to reinstate you but you could apply for suitable teaching positions.

Exemptions

Exemption from vaccination is only for medical reasons. THE PHO overrides the Bill of Rights for other reasons. If you cannot be vaccinated with the COVID-19 vaccine for medical reasons (current public health advice indicates that this will be rare) ensure that you get an official exemption, your school will need a copy of this. The employer will then have to consider how to safely have you on site and if that is not possible place you on disregarded sick leave. Medical retirement may be an option.

You should talk to your Field Officer about long term implications for your ongoing employment.