

11 April 2022

**Request for Official Information responded to under the Local Government and Official Information and Meetings Act 1987 (LGOIMA) – reference: OIR 2122-215**

I refer to your information request we received on 16 March 2022 for the following:

*I am wishing to understand the process that KCDC has gone through with the decision to mandate staff due to their vaccination status. It concerns me that KCDC may be considering termination of valuable staff. The cost of this for Kāpiti residents will be huge, not just financially but also due to loss of skills, productivity, institutional knowledge, workplace culture and continuity. I wish to ensure that KCDC are following due process with risk assessments and duty of care as an employer to avoid costly personal grievance cases. I would also be interested to know that KCDC are taking into consideration the changing covid landscape.*

- 1. *Could you please state how KCDC defines ‘fully vaccinated’ in relation to their staff. Will this definition be reviewed over time?***

The Council is guided by advice from Government in relation to its vaccination approach and accordingly uses the same definition of “fully vaccinated” as used by the Director-General of Health and adopts any changes that he makes to that definition.

- 2. *How many KCDC employees have been affected by the vaccine mandates?***

- *How many from each department?***
- *How many from each grade?***

From 25 January 2022 all Council staff are required to be fully vaccinated. We did not differentiate between our Groups (you refer to departments) nor grades allocated to roles as the Covid-19 Vaccination Policy applies across the organisation. In December 2021 there were 401 employees consulted on the Council’s new Covid-19 Vaccination Policy.

- 3. *Was a health and safety risk assessment performed for each individual staff member?***

The Risk Assessment was not performed for each individual staff member at a personalised level. The risk assessment was done based on roles and associated risks.

- ***Has the process been uniformly applied across all roles?***

Yes.

- ***When were these assessments completed?***

The organisational wide risk assessment was completed in December 2021.

**4. *What duty of care assessment has KCDC conducted in relation to their affected staff? Please provide a copy of this report.***

A duty of care assessment report does not exist. The Council takes its responsibility for providing a healthy and safe working environment very seriously. The Council has considered its obligations as an employer and has taken into consideration the information provided by the Ministry of Health and the New Zealand Government in regard to managing Covid-19.

Following the consultation process with staff the Council came to the decision that vaccination is the best way to protect against the risk of Covid-19 infections and transmission in the workplace and as such has put in place its Covid-19 Vaccination Policy.

The Chief Executive and Senior Leadership Team will continue to review the Policy going forward. Any review will consider what is happening with Covid-19, how current events and case numbers are impacting us in the context of our organisation and our community. Those staff who have not complied with the requirements of the Covid-19 Vaccination Policy are engaged in individual employment processes and the Council's concern and care regarding wellbeing of its staff is central to any such processes.

**5. *Have any affected staff had their employment terminated or are close to being terminated?***

The Council does not comment publicly on employment matters.

- ***Did each person have an individual risk assessment completed prior to their termination?***

Risk assessments were carried out by role, not on a personalised individual basis.

**6. *The Public Service Commission has recommended government departments pause staff terminations after the High Court deemed police and defence force staff mandates were deemed unlawful. In light of this, has KCDC sought legal advice about their own mandating process?***

The Council is aware of its legal obligations and has sought legal advice.

- ***Has KCDC put their termination process on hold?***

The Council does not comment publicly on employment matters.

**7. *Other than terminated/near terminated staff, what is the review process for other staff in regards to their future employment with KCDC?***

The COVID-19 Vaccination Policy requires all staff to comply with its requirements.

- ***How many staff are in this situation?***

The Council does not comment publicly on employment matters.

8. ***How is the council planning to equitably reintegrate affected staff back into the workplace given the emotional and mental harm this policy has caused all parties?***

The Council does not comment publicly on employment matters.

Yours sincerely



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Te Kaihautū mo te Hunga Mahi