



Guidance for winegrowers on the new traffic light system

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Introduction

We have set out guidance below on how to plan for your operations at each level of the COVID Protection Framework (also known as the traffic light system).

These guidelines provide advice to vineyards, wineries and wine hospitality businesses on the kinds of measures NZW considers members ought to have in place, to comply with the legal requirements of the:

- [COVID-19 Public Health Response \(Protection Framework\) Order 2021](#);
- [COVID-19 Public Health Response Act 2020](#); and
- [Employment Relations Act 2000](#).

Other relevant legislation is available on [New Zealand Legislation](#).

This information represents NZW's best understanding of the situation. As you know, the COVID-19 situation can change very quickly, and we will endeavour to keep this document updated as frequently as possible. Where we are waiting on clarification on a particular point, or where there is uncertainty, this will be noted in the guidance. Updates in the latest version will be **highlighted in yellow**.

You can always find the latest version of this document, and any other COVID-19 guidance from NZW, on our Practical Advice page [here](#).

This guidance is focused on business operations. The latest information for individuals and households is available at www.covid19.govt.nz

Over time, restrictions will vary between regions, so take note of any particular requirements within your region.

Government approach to the Omicron outbreak:

This guidance has been updated following recent government announcements and the release of information regarding the management of the Omicron outbreak including the management of positive cases and close contacts. However, there are still a number of unknowns. NZW is continuing to engage with government officials and is actively monitoring official information sources. Further updates and guidance specific to industry will be provided as soon as we are able.

Information about the recently announced pathways for close contacts to return to work under Phases 2 and 3 is available below and is highlighted in yellow for ease.

General requirements for all businesses under the traffic light system

When operating in the traffic light system, we recommend that members carefully consider the risks posed by COVID-19 and design systems for their operations and for their workers which eliminate or minimise those risks.

The system is based on three different levels of restrictions: **green**, **orange** and **red**. Lockdowns are also possible under the traffic light system, but we expect they will be less frequently used and more localised.

All three traffic light colours operate on the basis that COVID-19 is in the community. This reflects the shift away from the elimination strategy.

At any level of the traffic light system, businesses should stick to the following principles:

- **Play it safe:** Many of the basic COVID-19 prevention measures carry over from the earlier Alert Level system. This includes contact tracing/QR code scanning and face coverings on domestic flights, which are required at all traffic light colours.
- **Businesses must operate safely:** Your business must operate safely and eliminate transmission risks where possible. This includes your workers, suppliers, customers and anyone else who you may interact with. Your workers should feel safe coming to work. MPI expects that businesses will maintain or create practices that meet or exceed Ministry of Health guidelines.
- **Traceability:** In the event that any workers, suppliers or customers of your business were diagnosed with COVID-19 (or are a suspected case), you should be able to quickly and accurately trace the contact they have had with your business. Each workplace is required to display a QR Code for the Government endorsed NZ COVID Tracer app and have other systems in place to allow people to contact trace (e.g., a manual register).

NZW has created a printable table summarising how the traffic light system applies to winegrowers (snapshot shown at right). The latest version is available on our [practical advice page](#).

This guidance refers to the term 'hospitality businesses', which is the term that the Government has referred to in its guidance so far. We expect this will capture winery cafes, restaurants and cellar doors; however, this is not yet confirmed. However, we expect that cellar doors may be able to operate as a purely retail space and follow the retail requirements (instead of the hospitality requirements).

TRAFFIC LIGHT SETTING		BUSINESS TYPE	
	VINEYARDS AND WINERIES	WINE HOSPITALITY BUSINESSES (cellar doors, cafes, restaurants) <small>(We expect that cellar doors offering tastings will fall within the definition of hospitality businesses. If a cellar door is not offering tastings (or it is a purely retail shop) then our understanding is it could choose to apply the retail requirements.)</small>	
AT ALL TRAFFIC LIGHTS	COVID-19 is across New Zealand, and community transmission is occurring <small>(Record keeping/accounting is required (or the QR code system remains in place))</small> Face coverings will be mandatory on domestic flights		
GREEN	Can operate*	WITH VACCINE CERTIFICATES: No limits for hospitality and events.	WITHOUT VACCINE CERTIFICATES: Max of 100 people for hospitality with 1m distancing, seated and separated (similar to Alert Level 2)
ORANGE	Can operate*	Face coverings mandatory in more places, including retail, public transport. Retail can open, with capacity limits based on 1m distancing	
RED	Can operate, but working from home is encouraged where possible	WITH VACCINE CERTIFICATES: Max of 100 people for hospitality, 1m distancing, seated and separated (similar to Alert Level 2 currently)	WITHOUT VACCINE CERTIFICATES: Hospitality must be contactless only (eg click and collect/deliveries). Events cannot proceed (regardless of whether they are indoors or outdoors).

FIND OUT MORE AT <https://www.nzta.govt.nz/traffic-light/practical-advice/>

* Even if the traffic light setting allows your business to operate, your health and safety planning should also consider other COVID-19 protections, such as distancing, mask wearing, hand hygiene. Vineyards are likely to pose a lower transmission risk than wineries, because working indoors has more limited ventilation. By taking other precautions, this means that even if your business does have a positive case of COVID-19 there is a reduced risk of transmission.

Updated 22 November 2021

At all traffic lights:

- Record keeping and scanning are still required – this carries over from the previous Alert Level settings and ensures that prompt contact tracing can take place. More information on how this works is available in our previous Alert Level 2 guidance [here](#).
- Face coverings are mandatory on domestic flights. [Whether they are mandatory or encouraged in other settings will depend on the traffic light level.]

We expect vineyards and wineries will be able to operate at all traffic light levels; however, at **red light** working from home is encouraged where possible.

Borders between regions are determined separately from the traffic light system. There are currently no regional borders in place.

Three phases of Omicron Response

Note: all of New Zealand is currently in Phase 1

The Government has announced a three-phased approach to dealing with the Omicron outbreak in the community. The phases are designed to slow down and limit the spread of the Omicron variant. The phases focus on the management of positive cases and close and casual contacts, isolation

requirements and testing. As case numbers in the community grow both testing and isolation approaches will change in response.

The Ministry of Health have released [guidance](#) on the three phases of Omicron. Information is also available on the [Unite Against COVID-19](#) website.

To protect yourself at all phases people should:

- Get vaccinated and/or get your booster as soon as you are eligible;
- Wear a mask;
- Scan everywhere you go;
- Keep up healthy habits such as washing hands, physical distancing and staying home if you are sick.

Phase 1 - is a 'stamp it out' approach with the objective to keep cases as low as possible for as long as possible to allow people to be boosted and children vaccinated without Omicron being widespread.

Broadly, Phase 1 includes the same contact tracing, isolation and request that everyone who is symptomatic get a PCR test at a community testing station or at a primary health provider. If a person is required to isolate, they will receive health advice and, if needed, support to do so. At this phase – positive cases are required to isolate for 14 days and close contacts for 10 days.

Phase 2 is expected when cases in the community rise above 1,000 per day. The objective of this phase is to slow the spread and protect vulnerable communities. The approach to contact tracing and isolation will adjust to focus primarily on identifying those who are at greater risk of severe illness from Omicron, while protecting the critical workforce required to keep the country going.

In Phase 2, the isolation period for positive cases will reduce to 10 days and 7 days for close contacts. Testing of symptomatic people and close contacts will be done by PCR testing. If a close contact is vaccinated and asymptomatic they may be able to continue to work as a Bubble of One if they are not customer facing and follow strict health protocols or through the Close Contact Exemption Scheme. More details about these return to work pathways is set out in *Close contacts and returning to work at Phases 2 and 3*.

Phase 3 will be triggered when cases in the community become even more widespread (i.e., thousands of cases per day). At this phase, most people will be supported to self-manage and isolate at home. Health and social services will focus on those that need the most help.

The isolation requirements for positive cases and close contacts are the same as for Phase 2. However, we understand that the definition of close contact will change to household and household like contacts only. This means that only the highest risk contacts will need to isolate. Rapid antigen testing for diagnosing COVID-19 and a self-service tool to enable the identification of close contacts will be important to respond to the high number of cases. As with Phase 2, if a close contact is vaccinated and asymptomatic they may be able to continue to work as a Bubble of One if they are not customer facing and follow strict health protocols or through the Close Contact Exemption Scheme. More details about these return to work pathways is set out in *Close contacts and returning to work at Phases 2 and 3*.

Vaccination and Employment

Key points:

- **Hospitality (excluding businesses operating solely as takeaways) and events** must now be fully vaccinated (with two doses). These businesses do not need to undertake a further risk assessment.
- Vaccination will be required for **all workers (employees and independent contractors) at businesses that are required to use My Vaccine Pass (ie vaccination certificates) to operate, or operate with fewer restrictions, at all traffic light levels.**
- Where vaccination is not required, employers must undertake proper good faith employment processes with workers and determine this through a **risk assessment process**, either with the current process or with a new process that will be available in mid-December.
- A **simplified vaccination risk assessment tool** is now available, to assist employers with their decision to require vaccination for different types of work, if they haven't already undertaken an assessment.
- Non-vaccinated employees doing work that requires vaccination (either mandated or an employer requirement) must be given **at least four weeks' notice** (or the contractual notice period if that is longer), and employers must pay it (even if the employee does not or cannot work).
- Employers are required to provide **paid time off** for employees to get vaccinated.

Vaccine mandates in hospitality

Vaccination is required for all workers (employees and independent contractors) at businesses that are required to use My Vaccine Pass (i.e., vaccination certificates) to operate, or operate with fewer restrictions, at all traffic light levels. This requirement took effect from Friday 3 December 2021.

The Public Health Response (Vaccinations) Order includes hospitality (referred to as food and drink business or service) and events. This includes:

- winery cafes / restaurants;
- large events (indoor/outdoor) e.g., weddings, festivals, Christmas parties; and
- cellar doors that have a tasting/hospitality component.

The Government has recently clarified its guidance and advised that **businesses operating solely as takeaways are not** subject to the My Vaccine Pass mandate.

Further guidance about the My Vaccine Pass mandate can be found [here](#).

Workers covered by the mandate are required to be fully vaccinated to continue doing that work. This mandate for workers applies regardless of whether the business chooses to use vaccine certificates for customers/attendees.

The mandates apply by *business activity*. We understand that businesses often undertake more than one activity on site (e.g., a cellar door attached to a winery). Where this is the case you may be in a situation where you have some workers that are required to be vaccinated by mandate (those in your hospitality business) and others that are not (e.g., vineyard workers). The Order does not enable businesses to apply the Government mandate over its entire business simply because part of its business is subject to a mandate.

If only *part* of your business is covered by a mandate, you should carefully consider where to draw a line for your business. If the mandate will not extend to particular staff, then you should consider how a risk assessment would work for those people. For example, how much interaction would your non-cellar door staff have with members of the public (e.g., in shared spaces/facilities), do your non-mandated staff move through parts of the premises that are mandated to get to their place of work? Are you able to limit interaction between staff (including in shared spaces) in those different parts of the business with different risk profiles?

If workers move between activities (e.g., working in the winery as well as working at the cellar door) then our understanding is those workers will need to be vaccinated in accordance with the hospitality vaccine mandate.

Boosters

On 23 January 2022, the COVID-19 Public Health (Vaccinations) Amendment Order 2022 came into force. This requires certain groups of workers covered by the COVID-19 Public Health Response (Vaccinations) Order 2021 to receive a booster to be considered to be fully vaccinated (eg MIQ workers).

The requirement for a booster does **not** currently apply to events and hospitality. However, this may change in the future as the omicron outbreak progresses. We will keep a close eye on any new developments and update this guidance as necessary.

In the meantime, businesses should encourage their staff to get their boosters as soon as they become eligible.

The Government has recently accelerated the COVID-19 booster roll-out – from 4 February 2022 individuals are now eligible for a booster 3 months after receiving their second primary dose.

Vaccination risk assessment (WorkSafe guidance)

Where vaccinations are not mandated, businesses can still require that certain work must be done by vaccinated workers where a **risk assessment** identifies this is necessary from a health and safety perspective (i.e., there is a high risk of contracting and transmitting COVID-19 to others). This applies to work done by all workers, whether employees or independent contractors.

[WorkSafe](#) has detailed guidance on this risk assessment process. Detailed information about this risk assessment process was also previously set out in the [Bell Gully webinar](#) hosted by NZW (member login required). [Employment New Zealand](#) also has helpful guidance regarding vaccinations in the workplace.

If it is decided that certain work can only be done by vaccinated workers, businesses should set a reasonable timeframe for workers to decide if they will be vaccinated. If an employee cannot work

during this time, special paid leave should be considered, especially in the short term while employers and employees discuss what happens next.

Below are some points you may wish to consider as part of your risk assessment:

1. **Identify risk factors** – think about a typical day/week, as well as seasonal-specific tasks:
 - **How many people does the worker come into contact with? Does this include members of the public?** Business activities that involve wine tours may have increased contact with the public, as will cellar doors that are in close proximity to or within a winery building. The more people the worker comes into contact with, the greater the risk.
 - **How proximate is the worker to other people?** Vineyard work is likely to be spaced out (1-2m or more) and in an outdoor space – this would be lower risk. Close contact in an indoor environment will be higher risk.
 - **How long is the worker in proximity to others for?** If only brief contact this will be lower risk, lengthy contact will be higher.
2. **Identify the risk rating alongside each risk factor** (e.g., higher or lower)
3. **Consider other controls available to minimise risk** (e.g., mask wearing, physical distancing, bubbles, separating out different parts of your premises into defined areas)
4. **Assess the results of your risk factor discussion and the impact of any extra controls you will implement**
 - If your risk ratings tend towards high risk and are not able to be reduced by other controls you and your workers should consider whether vaccination is required.
 - If the risk ratings tend towards low risk, you may decide the role does not require vaccination.

If the risk assessment shows that the role does not require vaccination you can still encourage vaccination in the workplace.

[Simplified vaccination assessment tool \(now in force\)](#)

The new simplified assessment tool businesses can use to decide whether work must be done by vaccinated workers and/or workers that have undergone a medical examination or testing for COVID-19 came into force on 15 December 2021.

This new risk assessment tool is **optional** for businesses to use. Importantly, businesses can still use other health and safety risk assessment processes if they choose, and the new risk assessment tool will not override any risk assessments that have already been undertaken. It is up to the business to decide which risk assessment process it wants to use, and it is our understanding that the **choice** of assessment will not be able to be challenged (although the process/substance of the assessment may be).

Details about the simplified vaccination assessment tool can be found [here](#). Briefly, it consists of four factors (set out below). You will need to answer 'yes' to at least three factors before it is reasonable to require vaccination for workers who carry out that work.

When applying the tool to a particular role, you need to think about all of the tasks involved in that role, including those that aren't performed on a daily basis.

Businesses must engage with workers and their representatives when applying the vaccination assessment tool. The Government has indicated that given how clear and specific the factors in the tool are, businesses who apply the tool in accordance with the regulations should have confidence that their decision is justifiable.

Usual employment law and processes continue to apply. Employers should take care to be fair and reasonable in their employment decisions and work in good faith with employees and unions before deciding on any employment outcomes.

Employees will be able to bring a personal grievance if they feel they have been unjustifiably dismissed or disadvantaged as a result of a decision their employer has made about vaccination.

Factor	Lower Risk	Higher Risk
Does the worker work in an indoor space that is less than 100m ² ?	No	Yes
Is it unreasonable for the worker to maintain 1m physical distancing from other people?	No	Yes
Is the worker in close proximity ¹ to any other person for more than 15 minutes?	No	Yes
Does the worker provide services to people who are vulnerable ² to COVID-19?	No	Yes

Based on the above risk factors, our interpretation is that it may be difficult for some winegrowers to be able to mandate vaccinations using this tool, as it is unlikely that three high risk indicators will be satisfied. For example:

- Workers in vineyards and wineries do not provide services to people vulnerable to COVID-19.
- Vineyard workers typically work outside and are most likely able to physically distance so will fall into the lower risk category for the first and second factors.
- Winery workers may work in large buildings above 100m² indoor space.

However, the situation may be different for each business, and you should follow the risk assessment process regardless.

¹ 'Close proximity' is defined as being within 1m of another person when carrying out work.

² 'Vulnerable people' means people who are: under the minimum age to be vaccinated; medically exempt from being vaccinated; or at higher risk of severe illness from COVID-19. Further information about those who are at higher risk of severe illness from COVID-19 can be found [here](#).

Medical Exemptions

Medical exemptions are rare. The [Ministry of Health](#) has indicated that there are limited situations where vaccination is not recommended for an individual. A person wishing to apply for an exemption can do so through their GP and this is subject to approval by the Ministry. Exemptions may last for up to six months and may be reapplied for if necessary.

If a person is granted an exemption by the Ministry of Health, then that person can continue to work in a role where vaccination has been mandated. They can also obtain a My Vaccine Pass to show that they meet the legal requirements.

Vaccination paid leave requirements

Employees are entitled to reasonable paid time off from work to receive their COVID-19 vaccination. More information can be found [here](#).

Termination rules including paid 4 weeks' notice period

[New legislation](#) sets out rules for the dismissal of staff who do not get vaccinated when required to do so. The new rules came into effect on 26 November 2021 and apply to employees covered by Government vaccination mandates and any other employees who have been told by their employers to vaccinate following a risk assessment process. More information can be found [here](#).

In summary:

- Employees must be given reasonable written notice specifying a date by which they must be vaccinated.
- Before terminating, employers must ensure that all other reasonable alternatives have been exhausted (e.g., finding other work within the business that does not require vaccination).
- Employers must offer at least 4 weeks' paid notice (or the notice period in their contract if this is longer), and they must pay it (even if the employee does not or cannot work).
- If the employee gets vaccinated before the notice expires or becomes authorised to do work without vaccination under a COVID-19 Order (e.g., because they got an exemption) the notice is automatically cancelled, unless that would unreasonably disrupt the employer's business (e.g., where a business has hired a replacement employee and there is no other work available in the business).
- Employees will still be able to bring a personal grievance in relation to termination.
- Parties can also mutually agree to end the employment relationship before the end of the relevant notice period, but they will still need to pay out the employee for the notice period.

Other aspects of employment law continue to apply.

Mandatory vaccination record required for mandated work

Detailed guidance in relation to the record requirements for mandated work can be found [here](#).

Where a COVID-19 Order mandates vaccination for specified work a business **must** keep records of each affected workers vaccination status. Businesses must also update records as soon as practicable if a worker provides updated information (e.g., that they have subsequently been vaccinated, exempted or authorised). Failure to do so is an infringement offence and carries a substantial fine.

For the avoidance of doubt, this does not apply to any roles where you have decided to mandate vaccination following a risk assessment.

For the purposes of developing and maintaining a record, businesses:

- Can ask for information, either electronically or in writing, that confirms the worker has been vaccinated or is exempt.
- Must inspect the documents provided and take such copies or images, or extracts needed to verify compliance.
- A worker who doesn't provide the requested information is treated as unvaccinated and can't be allowed to do 'specified' work (work for which vaccination is required).

A business must keep and maintain a record of the following information for each worker (employees and independent contractors) covered by the mandate:

- Full name and date of birth;
- Contact information (telephone and email address);
- Whether the person is vaccinated and if so, the name of the COVID-19 vaccine or vaccines they have received and the date or dates on which they received a dose of the vaccine or vaccines;
- If the person is not vaccinated because they have received a first, but not second dose, of a COVID-19 vaccine, the latest date by which they must have the second dose of a COVID-19 vaccine to be vaccinated.
- If a person is not vaccinated because they have not received any doses of a COVID-19 vaccine, the latest date by which they must have their first and second doses to be vaccinated.
- If the person is not vaccinated and is relying on an exemption under the legislation – confirmation of that fact; and a copy of the exemption.

The record must be in writing or kept in a form or in a manner that allows the information to be easily accessed and converted into written form.

You shouldn't collect more information than is required and you should make it clear to the worker why the information is being collected and what it is being used for (e.g., to ensure the business is meeting its statutory obligations), and what will happen if the information isn't provided. The information should also be up to date e.g., adding dose dates as they occur.

Each worker must provide the business with (or give access to) the information specified above as soon as practicable and must ensure that the information is updated as soon as practicable after it changes.

Individuals can access information about their COVID-19 vaccination record (including the name of and date they received their vaccinations) from their My Covid Record account on the Ministry of Health website.

A business must not allow workers to do work for which vaccination is required unless satisfied they are vaccinated. Workers must also comply with the requirement not to do work for which they must be vaccinated unless they are vaccinated. For businesses and workers alike, failure to comply with these requirements is an infringement offence.

Vaccination status is personal information

Collecting, storing and sharing information about a person's vaccination status must be done in accordance with the Privacy Act and the COVID-19 Public Health Response Act 2020.

Information about whether an identifiable individual (e.g., a particular worker) is vaccinated or has complied with the COVID-19 Public Health Response Act or a COVID-19 order may be disclosed only to demonstrate compliance, for enforcement or Health Act purposes. Misuse of personal information is an offence and attracts a maximum fine of \$12,000 or a 6 month prison term for an individual, of \$15,000 for anyone else.

We are expecting further guidance to be issued regarding making statements about vaccination rates in unmandated workplaces. It is our current understanding that businesses are still able to share aggregated data about vaccination in the workplace that does not identify particular people. Further, for parts of your business covered by a mandate i.e., hospitality you can promote that your staff are fully vaccinated in compliance with the Act.

Businesses must take reasonable steps to ensure that this information is collected lawfully, that workers understand how this information will be used and why it is being collected.

Detailed guidance as to how information about a person's vaccination status should be treated and the circumstances in which you can ask someone to disclose (or provide evidence of) their status can be found [here](#). Generally:

- If certain work cannot be done by an unvaccinated worker, a business can ask a worker about the worker's vaccination status.
- If a worker does not disclose (or provide evidence) of their status, the business may assume the worker is not vaccinated for the purpose of managing health and safety risks (businesses should inform workers of this assumption).
- Employees cannot be redeployed or disadvantaged for refusing to disclose their status unless particular work cannot be done by unvaccinated employees.
- Businesses can only ask candidates for a job if they are vaccinated when this is justified by the requirements of the role (e.g., if certain work cannot be done by an unvaccinated worker).

In addition to the above requirements, we understand that a number of businesses have also conducted voluntary vaccination surveys of their workers, as part of their health and safety planning (e.g., to get a wider picture of vaccination levels within the workforce). If conducting a voluntary survey, you must still follow the requirements of the Privacy Act.

[Interaction between vaccinations and employment agreements/workplace policies](#)

[Amending existing employment agreements](#): Employers and employees can negotiate variations to existing employment agreements to include COVID-19 vaccination as a term of employment, if it is reasonable for the role (e.g., required for health and safety reasons).

[Requiring vaccination for new employees](#): Vaccination can be required as a term of new employment agreements if it is reasonable for the role.

[Updating workplace policies](#): Normal employment law applies – employers must engage with workers, unions and other representatives when creating or varying policies. Any changes must not result in inconsistency with employment agreements.

[Right to stop unsafe work](#): Workers have the right to stop work or refuse to carry out work if they consider that doing the work would expose them, or anyone else, to a serious risk to health or safety from an immediate or upcoming hazard. Generally, unless vaccination is needed for health and safety reasons, work is unlikely to be unsafe solely because it is done around unvaccinated workers.

When a worker is self-isolating or sick with COVID-19

If a worker is sick with COVID-19 or required to self-isolate under Ministry of Health guidelines, the first consideration for an employer should be to look after their people and protect public health. You should not knowingly allow workers to come to a workplace when they are sick with COVID-19 or required to self-isolate under public health guidelines. If you do, this is likely a breach of your duties under the Health and Safety at Work Act.

If a worker is sick or self-isolating, you may be able to apply for the COVID-19 Leave Support Scheme to support your employees. More details on the Leave Support Scheme including who may qualify and how to apply can be found [here](#) or on NZW's Business Support webpage [here](#).

You should also think about other ways you can support the wellbeing of your employees if they become sick with COVID-19 or are required to self-isolate. This could be by:

- offering an Employee Assistance Program for affected staff;
- checking in (if appropriate) to make sure they are ok; and
- providing information about what wellbeing support services may be available (e.g., directing them to the COVID Welfare Line 0800 number when it is available).

Other health and safety planning

NZW has updated its guidance for health and safety planning during COVID-19 in response to the Omicron outbreak, available [here](#). **This includes additional guidance in relation to the assessment of close contacts.**

We strongly recommend that all businesses update their safety plans following the return to the red traffic light setting across the country. Businesses should implement the most stringent (but practical and achievable) control measures to stop the spread of COVID-19 and minimise the number of workers that could be characterised as close contacts if a case was to occur at your business.

In addition to your health and safety planning, it may be useful to create a business continuity plan to ensure your business can continue to operate with as little disruption as possible if you, an employee, or a family member contracts COVID-19. This may be particularly relevant for smaller businesses, as the impact of a small number of cases may be significant.

We have specially adapted a checklist for winegrowers from one originally developed by Federated Farmers, intended to help you to create a business continuity plan if you have to leave your business. The checklist can be found [here](#). This is not a replacement for your health and safety plan but may be a helpful additional tool to manage the impact of COVID-19 on your business.

Mandates for site visitors/other third parties

Businesses may also decide to require My Vaccine Passes from others on site who are not your workers (e.g., visitors to your site such as courier drivers, suppliers coming onto your site).

In this situation, our understanding is that a business is not legally required to give reasons or have completed a risk assessment, as long as it is not breaching the Human Rights Act prohibition on unlawful discrimination. However, a high level justification or a form of risk assessment justifying such a mandate is recommended.

You should talk to your suppliers and others who come on site to make sure everyone is aware of this requirement if you choose to go down this route.

How to plan for Vintage 2022, including an outbreak in your business

The Ministry of Health has published [guidance for workplaces](#) that have a case of COVID-19 including this [step-by-step guide](#). We strongly encourage all businesses to review this information.

As COVID-19 becomes endemic in the community, businesses can assist by having response plans ready and being able to work efficiently with public health officials.

If there is a case affecting your business, you should expect to hear from public health officials. If you don't hear from them and you are expecting to (e.g., because a worker has told you they have tested positive), you can also contact them directly.

You should consider whether you may wish to take immediate steps in the meantime. For example, if a worker in a team of four tests positive, you may wish to stand down the rest of the team immediately. [Don't forget your privacy obligations to the employee who has tested positive – you could just say that there has been a positive case and direct staff to go home, without providing further details].

Importantly, we understand that the focus of public health officials will be on **identifying contacts and ensuring that people self-isolate and get tested as required. We do not expect them to direct businesses to close.** If you have other staff who were not affected by the outbreak (e.g., you are satisfied they have had no contact with the affected case), then you should be able to continue operating (or may only have to close for a short period, to clean the premises and identify contacts).

You may wish to consider the steps set out below in your health and safety planning (discussed above):

- Maintain good cleaning practices (discussed further below)
- Communicating relevant information about COVID-19 with staff and customers as required
- Running contact tracing practice runs, to help you figure out who may be a close contact in the event of an outbreak
- Promoting and facilitating COVID-19 testing for staff
- Supporting staff who need to self-isolate or stay at home and making this support known
- Encouraging staff to enrol at a GP practice [this is important, as we understand that GPs will play a role in supporting positive cases in the community, which will be easier to set up if a person is already enrolled and has a GP who is familiar with their medical history]
- Implementing different work 'bubbles' so that, if required, one 'bubble' can be stood down while the other continues to work
- Maximising ventilation and airflow in areas where people work
- Staggering breaks so that all staff are not in the break area at once
- Encouraging staff to take their breaks outside where possible, for example, by setting up tea and coffee areas outside
- Implementing other COVID-19 measures such as physical distancing, mask wearing and sanitiser use

We want to hear from you: If you have some practical examples of steps your business has taken that you have found useful, please send these to covidresponse@nzwine.com and we may include them in future guidance.

Locations of interest

In the event of a positive case, your business may be published on the Ministry of Health website as a location of interest. However, it is possible that only the relevant part of a site could become a

location of interest depending on the staff measures in place (e.g., if you have a case in your winery but not in your vineyard). When dealing with public health officials, a business could make the case that, for example, only one part of a business had close contacts and that only that part should be a location of interest. This will depend on your safety plan.

Cleaning protocols

Depending on the time since the exposure (generally 24 hours or less), businesses should ensure any spaces a COVID-19 case has spent significant time are thoroughly cleaned and disinfected before they are used.

Cleaning requirements will also vary based on the extent of exposure, but generally:

- Any surfaces that are frequently touched (e.g., door handles, light switches, countertops) should be prioritised for cleaning.
- Any hospital grade detergent/disinfectant products are suitable for cleaning.

Improving air quality through increasing the supply of fresh air into rooms can also help reduce the transmission of COVID-19. Keeping doors and windows open and regularly maintaining air conditioning and ventilation systems will increase air flow.

The Ministry of Health's cleaning advice is available [here](#).

Self-isolation

Currently, everyone who tests positive for COVID-19, everyone who lives with them, and close contacts need to self-isolate until they are told they no longer need to do so by a public health official.

Classification of Close Contacts

We understand that public health officials will take a case-by-case approach to determining close contacts even if two people are in the same business. For example, we understand that they will not automatically determine that an entire workplace constitutes close contacts, they will discuss with the business how staff interacted with each other, the length of exposure to the case, the size of the space and the airflow or ventilation at the business and the use of masks or other PPE, before making a decision.

Guidance about the assessment of contacts and the factors taken into consideration when determining the classification of a contact is available in the Ministry of Health's [step-by-step guide](#).

Please also refer to NZW's [Health and Safety Planning Guidance](#) for information as to measures that can be taken to minimise the risk of workers being considered to be close contacts (discussed above).

More information on how the Ministry of Health will manage contact tracing, types of contacts (including the current definition of close and casual contacts) and positive cases is available [here](#).

The Ministry of Health currently defines a close contact as a person that has:

- Been close (within 1.5m) to a positive case for more than 15 minutes **and** the case was not wearing a mask or wearing it properly; **OR**
- Had direct contact with respiratory secretions or saliva from a case (e.g., kissing, shared a cigarette, vape or drink bottle, or if the person coughed or sneezed directly on you); **OR**

- Spent time in an indoor space for more than 1 hour with a case **and** at least one of the following:
 - The case was singing, shouting, smoking, vaping, exercising, or dancing
 - The case was not wearing a mask or wasn't wearing it properly
 - The indoor space was poorly ventilated (e.g., there were no windows or doors open)
 - The indoor space was smaller than 100m² (about three double garages).

All household members of a case are Close Contacts.

The Government has indicated that the definition of close contact will change between the three phases. A definition of 'close contact' for Phases 2 and 3 has not been provided. However, we understand that the intention is that in Phases 2 and 3 only the most high-risk contacts will need to self-isolate (e.g., household contacts or household-like contacts). We will update this guidance as soon as additional information on this is made available.

Isolation periods

As part of the response to Omicron, the Ministry of Health has revised the isolation requirements for cases and close contacts. This change is to help address the increased infectiousness of Omicron.

Confirmed cases

Under Phase 1 of the Omicron response, the isolation period for **all** COVID-19 cases in the community has been increased to **at least 14 days** including 72 hours symptom-free. This isolation period applies regardless of vaccination status. Cases will be released from isolation by health officials.

Under Phases 2 and 3 of the Omicron response, the isolation period for cases will reduce to at least 10 days (self-release after 10 days if asymptomatic for 72 hours).

Household members will need to isolate for at least 10 days *after* the positive case has been released as a case. This means they may need to be in isolation for longer than the person who tests positive.

Close contacts

Under phase 1 of the Omicron response, the isolation period for close contacts has been revised to at least **10 days** from last exposure, with testing immediately and on day 5 and day 8 after last exposure. If symptoms develop, an additional test should be sought immediately. This isolation period applies regardless of vaccination status.

Household members of a Close Contact are also advised to stay at home until the Close Contact returns a negative day 5 test result. If the Close Contact develops symptoms after the day 5 negative test, their household members are advised to stay home again until the Close Contact receives an additional negative test.

Under Phases 2 and 3 of the Omicron response, the isolation period for cases will reduce to 7 days. At Phase 2 a test is required on day 5. Testing is only required at Phase 3 if symptoms develop.

More information about contacts and self-isolation can be found [here](#).

Rapid antigen testing

A rapid antigen test (**RAT**) can be self-administered with a nasal or throat swab, or a saliva sample that goes into a chemical solution, which gets put onto an indicator device. The solution will change colour depending on a positive or negative result.

The tests are less sensitive than polymerase chain reaction (**PCR**) tests, which will continue to be used as the primary diagnostic test at phase 1 and phase 2 of the Omicron response. Anyone who has a positive RAT will need to get a PCR test to confirm the result. RATs provide results quickly (often in less than 15 minutes) and will soon be easily accessible. While workers can continue to be tested under PCR arrangements, RATs are an option for businesses in their response to COVID-19 and can be used as screening tests in workplaces.

As part of the Omicron response, the Government has been purchasing large quantities of RATs and we understand they may be difficult to find. We recently became aware that [Amtech](#) had some tests available, with no minimum order numbers. RATs will also be freely available to people subject to the Close Contacts Exemption Scheme. More information is available in *Close contacts and returning to work at Phases 2 and 3*.

Asymptomatic unvaccinated travellers can get a RAT from a pharmacy and take the test under the supervision of pharmacy staff.

More information can be found [here](#).

Remember that testing employees in most instances requires their consent – see below.

What if employees refuse to be tested?

Testing is mandatory for some types of work; however, these do not apply to winegrowers.

Otherwise, an employer cannot usually require an employee to have a COVID-19 test. However, an employer does have obligations under the Health and Safety at Work Act 2015 to ensure, as far as is reasonably practicable, the health and safety of employees. This means an employer can introduce extra safety measures for the current pandemic, but in doing so they cannot change the terms and conditions of an employment agreement without discussing the changes with an employee in good faith and getting their agreement to it.

Close contacts and returning to work at Phases 2 and 3

The Government has announced that there will be two pathways for close contacts to return to work during their self-isolation period. More details about these pathways are set out below and is available [here](#).

Both of these pathways take effect at Phases 2 and 3 of the Omicron response. The timing of a move to Phase 2 is uncertain. However, the Government has indicated that a move to Phase 2 can be expected where there are approximately 1,000 cases per day.

Pathway 1: Bubble of One

If your worker is a close contact of a positive case of COVID-19, they can continue to work during their self-isolation period if they are:

- Vaccinated;
- Asymptomatic;
- Not customer facing; and
- Able to maintain an individual “bubble of one” while at work (whether indoors or outdoors).

Under this option workers will not be required to undertake rapid antigen testing to return to work and businesses are not required to register. ‘Bubbles of One’ are available to all businesses and there is no limit on the number of ‘bubbles of one’ you can have at your business.

To maintain a Bubble of One at work the worker must:

- **Work in an indoor or outdoor space with no other person present** in that space (defined as an indoor space that has direct airflow with other spaces, or an outdoor space that is separated by at least 2 metres from other outdoor spaces)
- **Use a medical mask³ at all times** (including before entry to the workplace) and change these as needed during the day.
- **Comply with any other infection prevention and control protocols at work** (ie your health and safety measures).
- **Travel solo to, from and around work** or between jobs (public transport must not be used)
- **Eat alone** in a well-ventilated space, outdoors where possible.
- Use a **dedicated bathroom** (if this is not possible, no others should be present in the bathroom while the worker is using it).
- Ensure that if symptoms develop the worker leaves the workplace and gets a test immediately (as per the [public health advice](#) for close contacts with symptoms).
- Continue participating in regular workplace surveillance testing (if applicable).

Outside of work, the worker must self-isolate as required by the [Ministry of Health](#). Generally, this means the worker cannot go anywhere other than work or home and are undertaking testing as required. If at any point the worker receives a positive test or become symptomatic they must return to isolation and get a PCR test, meaning they will be unable to attend the workplace.

We consider this pathway will be most easily available for vineyard workers, truck, tractor and harvest drivers etc, given the majority of work is undertaken outdoors and it is likely that 2 metre physical distancing from others working outdoors can be maintained.

Pathway 2: Close Contact Exemption Scheme

This option is only available to “critical sectors”, including food production (which will include grape and wine production and packaging).

This option enables workers at registered critical services who are close contacts of a positive COVID-19 case to continue to work during their self-isolation period as long as they are:

- Vaccinated;
- Asymptomatic; and
- Return a negative rapid antigen test (RAT) prior to each day/shift they are at work during the isolation period. Workers must record their results in My Covid Record as well as advise their employer of their test results before attending work.

While the worker is at the workplace the following safety protocols must be adhered to:

- **Daily symptom check and daily RAT test** before entering the workplace;
- **Use a medical mask³ at all times** (put on before entry to the workplace) and change these as needed during the day.
- **Comply with any other infection prevention and control protocols at work** (ie your health and safety measures).
- **Travel solo to, from and around work** or between jobs where possible.

³ For example, a type IIR/Level 2 mask or above. This includes the blue medical masks that are commonly available.

- Ensure **good ventilation** when in small spaces and **masks must be worn by everyone present.**
- When mask is removed (e.g., for eating or drinking) physical distancing must be maintained. The worker should **eat alone** in a well-ventilated space, outdoors where possible.
- Continue regular workplace surveillance testing (if applicable).

Outside of work, the worker must still self-isolate as required by the [Ministry of Health](#). Generally, this means the worker cannot go anywhere other than work or home and they must still undertake testing as required. If at any point the worker receives a positive test or become symptomatic they must return to isolation and get a PCR test, meaning they will be unable to attend the workplace.

How to register your business

Businesses that wish to utilise this scheme **must register themselves** on the Close Contact Exemption Scheme Critical Services Register through Business Connect. You can access the portal [here](#). Registrations can be made by the business owner, managers or an individual nominated by one of those people on behalf of the business.

We understand that registration will be automatically approved, but MPI will also be reviewing registrations.

NZW has published additional guidance to assist with the registration process - available [here](#)

Access to RATs under the Close Contact Exemption Scheme

Businesses can either supply RATs to their workers (if available) themselves **or** workers / businesses will be able to order free RATs from the Ministry of Health as part of this scheme.

The Ministry of Health has indicated that more details on how to order RATs will be provided soon. We understand that a link to access a Rapid Antigen Test Order Form will be available on the Ministry of Health website. You must complete the webform to get an order number. If you cannot access the form you can call 0800 222 478 and follow the prompts.

Workers will be able to collect free RATs from a Ministry of Health collection site (locations will be listed on Healthpoint).

When collecting RATs, workers will need to present:

- A copy of the letter the business received from the Critical Services Register confirming registration (Critical Services Register Letter).
- A Critical Workers Authorisation Letter prepared by the business. **NZW will provide a template letter for businesses to use, which will be available [here](#). These will look similar to the essential worker letters used in previous lockdowns.** Your letter must include:
 - a declaration that the business and worker are critical, with reasons;
 - an outline of the protocols the worker will follow to mitigate transmission risks; and
 - the business's unique identifier from the Critical Services Register Letter.
- Personal ID (e.g., Drivers Licence).
- Vaccine Pass
- Text message confirming the worker is a close contact.
- The RAT order number.
- The worker's workplace identification (if they have one).

Additional information about access to and the use of RATs is available [here](#), including specific Ministry of Health RATs guidance for critical workers which sets out the process for collecting and undertaking RATs as part of this scheme. We recommend you review that guidance if your business is utilising this pathway.

Additional details about the scheme and the process is available [here](#).

My Vaccine Passes

Hospitality businesses (winery cellar doors, cafes and restaurants) can operate at all traffic light levels, but *how* they can operate will depend on whether they require a vaccine pass. More information is available under the section on hospitality, events and gatherings below.

If you decide to use the passes (and operate your business accordingly), there are a number of requirements you will need to follow (e.g., sighting the passes of all customers). These are set out below, along with some additional guidance.

Whatever approach you take, we recommend that you take steps to notify people in advance about your position. This could include having this information on your website.

You could also take a **combined approach**: You can switch between operating under My Vaccine Pass is required/not required, *as long as your premises are cleaned between groups*. For example, a conference venue can host a conference for a small group of people under the unvaccinated rules, clean, and they can then do a larger gathering for vaccinated. If you take this combined approach, you must clearly communicate what settings you are operating under and display any required signage.

There have been media reports of hospitality businesses attempting to operate outside of the My Vaccine Pass requirements by holding ‘events’ or ‘gatherings’ at their business for a portion of the day. The Government has provided guidance that such an approach is not permitted under the rules. Businesses are only able to host events or gatherings when someone has hired the space for “exclusive use” and that person is not the person that manages the premises.

Notify people when they book: If you require My Vaccine Passes on entry, consider incorporating this into your booking system. For example, if you take bookings online, see if you can add a tick box where people must confirm they agree to the requirement before booking. If your staff take bookings by phone, have a script they can follow explaining the requirements and what they mean.

How to check passes: If vaccine passes are required, customers **must** show a My Vaccine Pass **before** they enter business premises, this includes showing ID for verification if asked. Businesses operating under My Vaccine Pass rules **must check** all customers’ My Vaccine Pass unless they are under 12 years and 3 months. Businesses must also **verify a reasonable number** of My Vaccine Passes. You can check a customer’s pass by sighting the pass, but in order to verify the pass you need to scan the QR code on the pass using a verifier app (see below for more information). The Government has indicated that it will be releasing guidance shortly as to what will be considered a “reasonable number”. We understand a quota for spot checking will not be required. We will update this guidance once we know more.

Where to check/verify passes: It is recommended you check passes at the point of entry to your business or as soon as practicable afterwards (i.e., at the counter of a cellar door). You need to avoid people walking around your business without being checked.

A My Vaccine Pass is an official record of a person’s COVID-19 vaccination status. Customers may present their My Vaccine Pass electronically (eg on a mobile app such as the wallet function on an iPhone) or a printed hard copy. Purple vaccination cards or a vaccination confirmation letter is not a valid form of proof of vaccination status. We note that a person that has a valid medical exemption is able to obtain a My Vaccine Pass to show they meet the legal requirements for vaccination. A medical exemption therefore does not excuse a person from presenting a My Vaccine Pass when required.

A My Vaccine Pass includes the person’s name, date of birth, QR code and date of expiry. Examples of a My Vaccine Pass (hardcopy and electronic) are shown below.



International travel vaccination certificate: The Ministry of Health also issues vaccination certificates for the purposes of international travel. These look very different to a My Vaccine Pass issued for domestic use. International vaccination certificates cannot be verified by a verifier app and are not valid for the purposes of the My Vaccine Pass requirements.

Managing non-compliant customers: We know that there are people who are firmly opposed to vaccination and vaccination mandates. It will be important to prepare (and support) your staff for any difficult customers / situations that may arise. You could do this by:

- Ensuring that your staff are aware of the rules.
- Provide staff with wording to use for customers who will not comply. For example “[name of business] requires customers to present proof of vaccination before entry is permitted. You can do this by providing us with your My Vaccine Pass. If you are not willing to provide proof of vaccination or you are not vaccinated you will be required to leave the premises”

- Design protocols with your workers that make it clear when workers should walk away or decide not to continue to engage with a person. You should also consider what behaviour may necessitate calling the police (eg if a person is threatening your staff or others or will not leave the premises when requested).

Signage: Businesses **must** display posters or signage indicating to customers that entry is contingent on having a My Vaccine Pass. You can download posters created by the Government [here](#) or one NZW has designed [here](#).

Verifying the pass is the right person: You can verify the identity of the My Vaccine Pass user by matching with photo ID (eg driver's licence). Verification of identity is strongly recommended, but not legally required. For alcohol licensing purposes, it should be easy to incorporate this into your usual ID checking processes if you choose to do this.

More information about checking My Vaccine Passes is available [here](#).

Using the NZ Pass Verifier App:

In order to verify the validity of a My Vaccine Pass you must use a verifier app.

Detailed information about how to download and use the NZ Pass Verifier App is available [here](#). This includes video instructions showing how to download and use the app.

The NZ Pass Verifier App is a free Ministry of Health app for businesses to scan and verify their customers' My Vaccine Pass. The app can be downloaded from the Apple or Google Play app stores and can be downloaded onto multiple smart phones or tablets.

Businesses can download the app and use it to scan the QR code on the My Vaccine Pass presented by the customer. You can scan passes using the app without an internet connection but the device you are using should be connected to the internet on a regular basis to ensure the app can verify all My Vaccine Passes.

A valid scanned pass will show the person's name and date of birth (as shown on the My Vaccine Pass) along with a green tick and the word 'valid'.

If the NZ Vaccine Pass is not valid, the app will tell you why this might be (for example the pass has expired or the QR code can't be verified).

From a privacy perspective, the app does not collect or store any data about the customer for the business, so you are not collecting any personal information through its use.

It is possible for businesses to build their own verifier apps e.g., to integrate the QR code scanner into existing smartphone apps or ticketing operations. Technical information including formal specification for the QR code is available from the [Ministry of Health](#) and you can email integration@health.govt.nz.

Hospitality, events and gatherings

This guidance refers to the term 'hospitality businesses', which is the term that the Government has referred to in its guidance so far. The Order refers to hospitality businesses as 'food and drink business or services'. It is now confirmed that this includes winery cafes, restaurants and cellar doors. In addition, cellar doors may be able to choose to operate as a purely retail space and follow the retail requirements (instead of the hospitality requirements).

Where there are number limits (e.g., at **red light** with My Vaccine Pass), these apply to a **defined space or to the premises**. A defined space is:

- an indoor area that has no direct airflow to another indoor area that is being used; or
- an outdoor area that is separated from other outdoor areas by 2 metres.

A premises can have more than one defined space. If you are setting up multiple defined spaces in your premises, you must have processes to ensure that people using each space (other than workers) do not mix closer than 2 metres with other persons using, entering or leaving the premises. This means that people from different defined areas cannot mix in common spaces such as entrances, exits and toilets.

In practice, this means that if you have a restaurant and a cellar door that have separate entrances, bathrooms etc you can host a gathering of up to 100 people (plus staff) in the restaurant, without that restricting the numbers you can host in the cellar door.

Number limits apply to attendees only, not to your workers.

Other tips for hospitality, events and gatherings in the traffic light system:

- **Safe consumption of alcohol:** As is required by your licence, you need to ensure customers consume alcohol safely. Note that intoxicated customers may be less willing or able to comply with the other restrictions (e.g., physical distancing).
- **Payment:** We recommend that payment should be taken at the table (i.e., you go to the customer, rather than them coming to you). This could be done via a mobile EFTPOS machine. While you can take cash, it is not recommended, and if you do choose to take cash you should consider how you will reduce the risks associated with this.
- **Reducing touchpoints:** Consider how you can minimise the number of surfaces that customers need to touch. As well as things like payWave, this could include using laminated tasting notes or menus, that can be easily sanitised.
- **Spittoons:** Spittoons are a particular risk for cellar doors or other facilities offering wine tastings. You should of course continue to provide spittoons as part of your host responsibility obligations; however, we recommend that spittoons should be washed between each group and should not be shared between different groups.

Mask wearing at red

The Government has announced stricter mask requirements under the red traffic light setting in response to the omicron outbreak. These requirements apply to hospitality businesses, events and gatherings (as well as close proximity businesses) and come into effect from **11.59pm on 3 February 2022**. The requirements are:

- Workers who are subject to a vaccination mandate are required to wear a **medical grade mask** when working in public facing roles. For example, a type IIR/Level 2 mask or above. This includes the blue medical masks that are commonly available. This means that staff working in public facing roles in cellar doors, winery restaurants / cafes and at events need to wear medical grade masks. If not in a public facing role, medical grade masks are not required but those workers are still required to wear a mask.
- Those attending a food and drink business, close proximity business, and events and gatherings must wear a mask unless eating, drinking or exercising. Attendees at a gathering

where they have exclusive use of the venue (e.g., weddings) do not need to wear a face mask.

- Face coverings must now be an actual mask and attached to the head by loops around the ears or head. Scarves, bandannas or t-shirts are not acceptable.

We expect further guidance on the new mask requirements soon and will update this guidance accordingly.

As far as we are aware mask requirements at orange and green remain the same but we consider this is likely to change in the future.

You can find detailed information about face mask requirements (including how to wear a face mask safely) [here](#).

For hospitality businesses at each traffic light -

At red:

- **With My Vaccine Pass:** hospitality businesses can operate similarly to Alert Level 2. Namely, there is a cap of 100 people (plus staff) and there must be 1metre distancing between groups. [This means that you may not be able to physically distance and have 100 people.] We recommend that your displays (e.g., price lists at a cellar door) are easily visible from wherever your customers will be, so they are not tempted to wander around the premises to view them.

People must also be seated at a table at all times when on the premises, except in the following circumstances:

- entering or departing;
- using a toilet or bathroom; and
- paying.⁴

From 4 February 2022, Masks are required for customers whenever they are not eating or drinking.

- **Without My Vaccine Pass:** Only contactless operations (e.g., click and collect) are permitted. Essentially, this would require cellar doors to operate as retail only shops, and we expect cellar doors could instead apply the retail rules in that situation (see below).

Workers must wear masks regardless of whether My Vaccine Pass is used. From 4 February 2022 Medical grade masks must be worn by workers in public facing roles (e.g., wait staff)

At orange:

- **With My Vaccine Pass:** Your business can operate without any number limits.
- **Without My Vaccine Pass:** Only contactless operations (e.g., click and collect) are permitted. Essentially, this would require cellar doors to operate as retail only shops, and we expect cellar doors could instead apply the retail rules in that situation (see below).

⁴ Under previous Alert Level requirements, customers were also allowed to come to the counter to order or collect food and drink in some circumstances. We do not yet know if this will apply in the traffic light system.

Workers must wear face coverings regardless of whether My Vaccine Pass is used.

At green:

- **With My Vaccine Pass:** Your business can operate without any number limits.
- **Without My Vaccine Pass:** Your business can open with up to 100 people maximum (based on 1 metre distancing). The requirements are the same as for red with My Vaccine Pass.

Events and gatherings

Definitions:

- An 'event' includes an activity organised by a business or service that is held at commercial or private premises. This includes where you may hire out part of your business for a concert or conference (for example).
- A 'gathering' is people who are intermingling as a group, and includes social activities (e.g., weddings).

If you have an event facility people can hire where food and drink is provided for consumption, or if you host a private event (e.g., a concert/conference):

At red:

- **With My Vaccine Pass:** The requirements are the same as for hospitality above, except that only food and beverage service must be kept seated and separated.
- **Without My Vaccine Pass:** You can only host gatherings (e.g., a wedding), with a maximum of 25 people in a defined space.

In both situations, masks are:

- required for *workers* at food and drink business and services, including within events (they are strongly encouraged for workers at other events, excluding performers where it is impractical).
- required for workers at gatherings [workers in public facing roles (eg wait staff) must wear a medical grade mask from 4 February 2022].
- encouraged but not required for *attendees* until 4 February 2022. [They are required for attendees from 4 February 2022 unless eating or drinking]
- for gatherings, face masks are not required for attendees from 4 February 2022 where the group have the exclusive use of the venue (e.g., weddings).

At orange:

- **With My Vaccine Pass:** Your business can operate without any number limits.
- **Without My Vaccine Pass:** You can only host gatherings (e.g., a wedding), with a maximum of 50 people in a defined space.

Face coverings are required for *workers* at food and drink business and services, including within events (they are strongly encouraged for workers at other events, excluding performers where it is impractical). Attendees are encouraged to wear masks but not required.

At green:

- **With My Vaccine Pass:** Your business can operate without any number limits.

- **Without My Vaccine Pass:** Your business can open with up to 100 people maximum (based on 1 metre distancing). The requirements are the same as for hospitality at red light with My Vaccine Pass, except that only food and beverage service is required to be seated and separated.

Face coverings are encouraged.

Retail shops

You may wish to operate your cellar door as purely a retail business (not offering tastings and only selling wine to takeaway). Retail businesses are not required to use My Vaccine Passes but can choose to. However, under the traffic light system, the applicable restrictions are the same for those businesses whether or not they are used.

Under **red** and **orange** lights:

- Retail may open with capacity limits based on 1m distancing (not including workers). This means the maximum number of people who could occupy the space if each person was one metre apart – people do not need to do so.
- Masks/face coverings are **mandatory** for both staff and customers (unless a person is exempt).

Under **green** light:

- Retail may open without number limits.
- It appears that face coverings are not mandatory but are encouraged.

If your business offers mixed retail and hospitality operations (i.e., tastings), our understanding [now confirmed by MPI] is that you should follow the more stringent hospitality requirements discussed above.

Border re-opening

The Government has announced a five-step plan for phased re-opening of the border. Under this approach, **fully vaccinated** travellers will be able to enter New Zealand without going into managed isolation and quarantine (MIQ). Unvaccinated travellers will still be required to go through MIQ. Further information can be found [here](#).

While we note that the changes will not have a significant impact on labour availability for Vintage 2022, it does provide greater certainty for the future. As detailed below, for businesses that do have access to New Zealanders who are currently overseas, vaccinated individuals will be able to return to New Zealand **from Australia from 28 February**, and **other countries from 14 March**. They will not have to go through MIQ but will still be subject to a self-isolation period. The self-isolation period is currently 10 days although we understand this will reduce to 7 days when we move to Phase 2 of the Omicron Response.

Overview of Steps

Step	Timing	Travellers
1	From 11.59pm Sunday 27 February 2022	<ul style="list-style-type: none">• Fully vaccinated New Zealanders and other eligible travellers under current border settings (e.g., people with border exceptions) from Australia. Self-isolation is required on arrival.

2	From 11.59pm Sunday 13 March 2022	<ul style="list-style-type: none"> • Fully vaccinated New Zealander's and other eligible travellers under current border settings from the rest of the world. • Skilled workers earning at least 1.5 times median wage (NZD \$82,240 p/y or NZD \$40.50 p/h) for roles longer than 6 months. In addition, workers will no longer have to demonstrate that their skills aren't readily available in NZ. • Applications for Working Holiday Scheme Visas reopen (on a rolling basis – the staging and timing of individual schemes is to be confirmed)
3	From 11.59pm Tuesday 12 April 2022	<ul style="list-style-type: none"> • Temporary visa holders currently outside NZ who have a valid visa, if they still meet their visa requirements. • Further class exceptions for critical workforces that do not meet the 1.5 times the median wage test will be considered.
4	By July 2022	<ul style="list-style-type: none"> • Anyone from Australia • Visa-waiver travel • The Accredited Employer Work Visa will open, meaning the skilled and health worker border exception can be phased out.
5	October 2022	<ul style="list-style-type: none"> • The border fully reopens to visitors from anywhere in the world • All visa categories.