



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
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COVID-19 Protection Framework Post-Omicron-Peak

Changes to the traffic lights, record-keeping, and vaccination requirements

Accurate as at 31 March – content subject to the updated Protection Framework
Order due for 4 April

Latest info always available on:

business.govt.nz

covid19.govt.nz

employment.govt.nz

worksafe.govt.nz



Reasons for the shift

- Cases and hospitalisations are peaking through March
- Highly vaccinated population and COVID-19 is increasingly widespread, building even higher levels of population immunity
- The COVID-19 Protection Framework was designed in the context of Delta
- Restrictive public health measures can come with a heavy toll

Maintaining protections

- Minimise transmission
- Prepare for future incursions
- We are keeping the most effective public health measures in place – face masks, capacity limits, testing, isolation – and can flex our response depending on the risk

These measures have seen us through the outbreak with comparatively low hospitalisations so far, we can now reap the benefits

What will change and why?

Capacity limits	<ul style="list-style-type: none">• Outdoor capacity limits removed• Indoor limits at Red increase to 200• No capacity limits at Orange or Green	<ul style="list-style-type: none">• Evidence that outdoors is less risky• Little public health impact but great for businesses
Face masks	<ul style="list-style-type: none">• Still required in same places at Red and Orange (indoors only)• Not required at Green	<ul style="list-style-type: none">• Face masks reduce risk and enable normal activities to resume safely• Green is guidance only level
Vaccination	<ul style="list-style-type: none">• Passes no longer a requirement for entry into venues• Rollback of mandates for workers• Systems still available for use	<ul style="list-style-type: none">• Always a temporary measure• Now have high vaccination rates
Record keeping	<ul style="list-style-type: none">• No longer a requirement to scan in or display a QR code	<ul style="list-style-type: none">• Useful when all cases were contact traced, including close and casual contacts. Now only household contacts isolate, and so tracing isn't used in most settings.• May be needed in the future (put your QR posters in a drawer)



Indoor – Outdoor Rules

Indoors

- Enclosed by a ceiling and walls, or similar (limited flow of fresh air).
- Examples: gyms, nightclubs, restaurants, and halls.
- Red: capacity limit of 200, facemasks generally required

Outdoors

- Places that have good ventilation, with free flowing, fresh air coming into the space.
- Space has no roof, less than four walls, or because walls don't go all the way up and still allow a significant amount of air flow.
- Red: no capacity limit, no facemask requirements

Mixed venues

- Retail capacity limits apply to the indoor places in which people:
 - travel directly through to get to an outdoor space; and/or
 - need to go so they can purchase things; and/or
 - need to go to use the bathroom.
- Otherwise indoor capacity limits apply to indoor spaces.
 - examples: entertainment or dining indoors



Food and beverage: 25 Mar – 4 Apr

Red

If My Vaccine Pass verification is used.

- Indoors:
 - up to 200 customers or based on 1m distancing per defined space
 - customers must be seated and separated (table service for on-licence)
 - Face masks are required when not eating/drinking
- Outdoors:
 - no capacity limit, facemasks, or seating requirements
- Must sight each customer's My Vaccine Pass, and verify a reasonable number.
- Workers must be vaccinated

If My Vaccine Pass verification is not used.

- May operate as takeaway service only
- Capacity limit based on 1m distancing per defined space
- Face masks mandatory

Food and beverage: From 5 Apr

Green	Orange	Red
<ul style="list-style-type: none">• Your business can operate without restrictions.	<ul style="list-style-type: none">• Your business can operate without number limits.• Indoors:<ul style="list-style-type: none">• Facemasks are required when not eating/drinking• For indoor, unseated activities over 500 people, recommend capacity limit based on 1m distancing	<ul style="list-style-type: none">• Indoors:<ul style="list-style-type: none">• up to 200 customers or based on 1m distancing per defined space• customers must be seated and separated (table service for on-licence)• Face masks are required when not eating/drinking• Outdoors:<ul style="list-style-type: none">• no capacity limit, facemasks, or seating requirements



Events and group activities: 25 Mar – 4 Apr

Red

If My Vaccine Pass verification is used

- Indoors:
 - up to 200 customers or based on 1m distancing per defined space
 - customers must be seated and separated if eating
 - Facemasks are required for workers (except performers/presenters/safety) and attendees
- Outdoors:
 - no capacity limit, facemasks, or seating requirements
- Must sight each customer's My Vaccine Pass, and verify a reasonable number.

If My Vaccine Pass verification is not used

- Events/group activities are not allowed
- Businesses may host gatherings
 - up to 25 people
 - customers must be seated and separated if eating
 - Facemasks are required at indoor gatherings (except performers/presenters/safety)



Events and Group Activities: From 5 Apr

Green

- Your business can operate without restrictions.

Orange

- Your business can operate without number limits.
- Indoors:
 - Facemasks are required for workers only (except performers/presenters/safety)
 - For indoor, unseated events over 500 people, recommend capacity limit based on 1m distancing
- Outdoors:
 - no capacity limit, facemasks, or seating requirements

Red

- Indoors:
 - up to 200 customers or based on 1m distancing per defined space
 - customers must be seated and separated if eating
 - Facemasks are required for workers and attendees (except performers/presenters/safety)
- Outdoors:
 - no capacity limit, facemasks, or seating requirements



Accommodation

Green	Orange	Red
<ul style="list-style-type: none">• Your business can operate.• Shared facilities can operate as normal• Any food and beverage service, or events need to follow those rules.	<ul style="list-style-type: none">• Your business can operate.• Shared facilities can operate as normal• Any food and beverage service, or events need to follow those rules	<ul style="list-style-type: none">• Your business can operate.• Shared facilities can operate as normal• Any food and beverage service, or events need to follow those rules

Outdoor community gatherings: 25 Mar – 4 Apr

	Red
<p>If My Vaccine Pass verification is used.</p> <p>For events where My Vaccine Pass requirements can be implemented, such as a fair:</p>	<ul style="list-style-type: none">• No capacity limits• Face masks not required.• Must sight each customer's My Vaccine Pass, and verify a reasonable number.
<p>If My Vaccine Pass verification is not used.</p> <p>For outdoor community events with uncontrolled access, such as a public parade:</p>	<ul style="list-style-type: none">• Restricted to 25 attendees per defined space (ie 2m gap between groups).• Face masks not required.



Outdoor community gatherings: from 5 Apr

Green	Orange	Red
<ul style="list-style-type: none">• No restrictions	<ul style="list-style-type: none">• No restrictions	<ul style="list-style-type: none">• No restrictions



General retail rules

- General retail stores
- Banks and other customer-facing financial services,
- Greengrocers, butcheries, bakeries, takeaway food businesses

Green	Orange	Red
<ul style="list-style-type: none">• Retail may open without number limits.• Face coverings encouraged	<ul style="list-style-type: none">• Retail may open without number limits.• Face coverings are mandatory	<ul style="list-style-type: none">• Retail may open with capacity limits based on 1m distancing• Face coverings are mandatory

- Supermarkets, Dairies/convenience stores, Petrol stations, Pharmacies MAY NOT ask customers for My Vaccine Passes

Close proximity services: 25 Mar – 4 Apr

- Services requiring worker and customer to be within 1 metre of each other, and where service generally lasts 15 minutes or more
- Includes but is not limited to barbers, beauty parlours, hairdressers, nail salons, non-medical massage, tattoo parlours

Red

If My Vaccine Pass verification is used.

- Your business can operate with health measures in place.
- Face masks are required.
- You must sight all customers' My Vaccine Passes, and verify a reasonable number

If My Vaccine Pass verification is not used.

Your business can't operate.

Close proximity services: from 5 April

Green	Orange	Red
<ul style="list-style-type: none">• Your business can operate.• Face masks are encouraged	<ul style="list-style-type: none">• Your business can operate.• Face masks are required	<ul style="list-style-type: none">• Your business can operate.• Face masks are required



Public Facilities: 25 Mar – 4 Apr

	Red
There are no My Vaccine Pass requirements.	<ul style="list-style-type: none">• Indoors:<ul style="list-style-type: none">• Capacity limits based on 1m distancing.• Face masks are required (except for at swimming pools).• Outdoors:<ul style="list-style-type: none">• no capacity limit, or face mask requirements• Any food and beverage service, or event needs to follow those rules.



Public facilities: from 5 Apr

Green	Orange	Red
<ul style="list-style-type: none">• No restrictions	<ul style="list-style-type: none">• No capacity limit.• Face masks are required indoors (except for at swimming pools).• Any food and beverage service, or events need to follow those rules.	<ul style="list-style-type: none">• Indoors:<ul style="list-style-type: none">• Capacity limits based on 1m distancing.• Face masks are required (except for at swimming pools).• Outdoors:<ul style="list-style-type: none">• no capacity limit, or face mask requirements• Any food and beverage service, or events need to follow those rules.



Workplaces

- Workplace rules are broad. If the more specific settings more accurately describe your workplace, then those restrictions apply
- Workplaces include where work takes place off-site, or in private homes

Green	Orange	Red
<ul style="list-style-type: none">• Workplaces can open (including any in-home services).• Face masks encouraged.	<ul style="list-style-type: none">• Workplaces can open (including any in-home services).• Face masks encouraged.	<ul style="list-style-type: none">• Workplaces can open (including any in-home services).• Working from home may be appropriate for some staff.• Face masks encouraged.

Work health and safety risk assessment

- Employers are encouraged to complete a risk assessment or review their existing risk assessment as New Zealand progresses through the current COVID-19 outbreak (in light of current MoH public health advice)
- A risk assessment:
 - could conclude that alternative controls are more appropriate than requiring vaccination to perform specified work. In this case the employer should implement the alternative controls. If a vaccination requirement was in place, it should be rescinded.
 - may identify work can only be undertaken by a vaccinated employee for work health and safety purposes, i.e. where the risk of contracting and transmitting COVID-19 at work is higher than in the community.
- When completing or reviewing a risk assessment, an employer must complete it with employees and their representatives.
- It must only be based on health and safety at work. If an employer wants an employee to be vaccinated for other reasons, such as to meet third party entry requirements, that is an employment matter.
- Full guidance is available at [WorkSafe.govt.nz](https://www.worksafe.govt.nz) and [Employment.govt.nz](https://www.employment.govt.nz)

Public health guidance on factors to consider

- Businesses should consider several public health factors in their work health and safety risk assessment process. These will help determine whether the risk in the workplace is higher than that in the community:
 - Is there a greater risk of the worker being exposed to new variants at work than they would be in the community?
 - Does the worker regularly, as part of their work, interact with people who are at greater risk of severe illness should they contract COVID-19? [About COVID-19 symptoms and spread | Ministry of Health NZ](#)
 - Does the worker regularly interact with people who are less likely to be vaccinated against COVID-19?
 - Does the worker work in a confined indoor space (of less than 100m²) and involve close and sustained interactions with others (i.e. closer than 1m distance, for periods of more than 15 continuous minutes)?



Common queries covered by the guidance

- What should an employer do:
 - if a government vaccination mandate no longer applies to their workplace?
 - if they have an employer vaccination requirement already in place?
 - if they have created an employer-vaccination requirement, but it hasn't come into force yet?
 - when hiring staff in the future?
 - if they are changing or removing vaccination requirements in their workplace?
- Can someone who lost their job due to a previous vaccination requirement get their job back?
- Can someone on leave because of a requirement that they be vaccinated go back to work?
- Can an employee still lose their job if they are unvaccinated, and the employer requires vaccination for their job?
- Full guidance is available at [Employment.govt.nz](https://www.employment.govt.nz)

Continued use of MVPs by businesses

- Most businesses can limit access to their premise to vaccinated people only, including requiring My Vaccine Passes.
- Businesses can do this as long as:
 - it doesn't breach any contractual restrictions, such as a lease
 - it doesn't breach any law, such as the COVID-19 Protection Framework (which prohibits use of MVP for certain places like supermarkets or school activities) or the Human Rights Act.
- Access conditions are a business decision, and do not need further justification. Businesses may choose to share their reasons for requiring vaccination.
- Businesses do not have to undertake a health and safety risk assessment or point to a public health basis for the access conditions that they set. If a business had based access conditions on these grounds, they may want to review those conditions to reflect updated public health advice.
- The exception to this is for workers or employees.

Face mask requirements at Orange and Red



- Businesses are responsible for:
 - Ensuring their workers comply with relevant face mask rules while at work
 - Mitigating risks where workers cannot wear face masks for legitimate reasons
- Businesses are not responsible for ensuring members of the public comply with face mask rules
 - Businesses may opt to request customers wear face masks (this is a business choice)
 - MBIE and WorkSafe's view is that businesses confronting individuals for not wearing a face covering can create conflict and put workers at risk of abuse and aggression
- Businesses can and should continue to address instances of bad behaviour
 - Businesses should use existing systems and processes for dealing with dangerous, aggressive, or intoxicated customers/clients



Other issues

- Business continuity planning remains important
 - Winter flu season
 - COVID – omicron tail, future outbreaks (isolation and/or illness)
 - Leave balances
 - Other events
- Employment law continues to apply
 - Sick leave entitlements
 - Workers must isolate in accordance with COVID restrictions
 - Returning to work
 - Cases can return after 7 days and no symptoms
 - Not required to have a negative test to return to work
 - unless that is business policy - business will need to provide test (potential for positive result even after no longer infectious)
 - Household contacts will need a negative test on day 7 to return to work

What's next?

- Key dates:
 - 11.59pm 4 April most vaccine mandate and all My Vaccine Pass requirements removed
 - 4 April Cabinet will review the traffic light colour
- Guidance
 - available now on covid19.govt.nz
 - New red settings advice on business.govt.nz now
 - Guidance for workplaces on developing their own health and safety policies this week
 - Guidance on new CPF settings (orange, green, vaccination) on business.govt.nz by 5 April

