

Mandatory Vaccination Order for Midwives

28 October 2021

On Monday 11 October 2021, the Government announced that it is extending mandatory vaccinations to workers in the health and disability sector. The resulting Order was published on 22 October and came into effect at 11.59pm pm on 25 October 2021. Midwives are health and disability workers under the Health Practitioners Competence Assurance Act 2003 (the Act) and are affected persons. **Therefore, the mandatory vaccination of high risk health care workers includes all midwives.**

The timeframe for midwives, who are currently practising, to obtain their vaccinations is:

- receive the first dose by 15 November 2021; and
- be fully vaccinated by 1 January 2022.

Health and disability workers are a valued and critical part of the pandemic response and have been prioritised for vaccination against COVID-19 since March 2021 (Ministry of Health, 2021). Some exemptions will be available for example for those who cannot be vaccinated for personal health reasons.

Midwives are required to follow the laws of New Zealand and it is their responsibility to comply with the Order. Any midwife who does not comply with either of the vaccination deadlines must not work in midwifery practice from the deadline. There are responsibilities on employers and persons conducting a business or undertaking (PCBU, Health and Safety at Work Act 2015) to ensure that affected persons are vaccinated and to obtain and maintain safe and confidential records of vaccination status. For LMC midwives, the Council understands that the Ministry of Health will be communicating with them about the process of proving vaccination status.

Council's Position

The Council expects midwives to adhere to the laws of New Zealand and, accordingly, to comply with the Order. Midwives who do not comply with the Order will not be able to work unless they have a medical exemption.

Midwives have an ethical and professional obligation to protect and promote the health of whānau, and vaccination has a crucial role to reduce the community risk of acquiring and transmitting COVID- 19. The Council's role is to protect the health and safety of the public by making sure midwives are fit and competent to practise their profession. Vaccination is one way that midwives protect whānau. Vaccination is a way of protecting midwifery colleagues who care for women/wāhine and whānau with COVID-19.

The Council expects that midwives will provide women/wāhine and whānau with evidence based advice and information about all vaccinations, not just the COVID-19 vaccination. While the Council actively supports midwives to enable informed decision making and respects the individual's right to have their own opinion, it is the Council's view that there is no place for anti-vaccination messages in professional practice, nor any promotion of anti-vaccination claims on social media or advertising by midwives.

The Council has acted, and will continue to act, if complaints are received about midwives promoting anti-vaccination information or misinformation. Actions taken can include educating the midwife; requiring them to undergo a competence review; or referral to a professional conduct committee to investigate, with the possible outcome being charges laid before the Disciplinary Tribunal.

Regulatory questions and answers (in this section, "vaccinated" means vaccinated against COVID -19)

1. Can I work after 15 November 2021 if I am not vaccinated and do not have a medical exemption?

No.

2. Do I need to advise the Council of my vaccination status?

No. The Council has no role in monitoring midwives' vaccination status and is not involved in directly investigating or enforcing compliance with this Order. Doing so is the responsibility of your employer and other agencies.

3. Can I start work again if I change my mind and seek a vaccination?

Yes, but you must comply with dose requirements and timeframes. You must also ensure you have a current practising certificate.

4. I hold a midwifery practising certificate but work in regulation/education/research/policy. Do I need to be vaccinated?

Yes, the Order has not differentiated around midwifery place of work or area of practice. It requires **all midwives** to be vaccinated.

5. How is the Midwifery Council involved in this Order

This Order has been put in place by the Government, not the Midwifery Council.

6. Will the Council cancel my APC or suspend me if I am not vaccinated at the required timeframes?

No, the Council has processes that it must follow before it suspends a midwife or cancels their APC. The Council understands that some midwives will delay the decision to vaccinate, the key thing is that these midwives do not practise midwifery while they are not vaccinated.

7. What action can the Council take if it is advised that an unvaccinated midwife continues to practise?

There are different options open to the Council if it is formally advised that a non-vaccinated midwife continues to practise. This can include taking action under section 69A of the Act to interim suspend a midwife's practising certificate pending prosecution or investigation if the Council is of the opinion that the midwife's conduct poses a risk of serious harm to the public. Each case will be assessed on an individual basis and a decision made before any action is taken and will be investigated in the same way as any other complaint or conviction that is referred to the Council.

8. If the Council does take action under section 69A of the Act what are the possible consequences?

The midwife may be referred to a professional conduct committee for investigation and it is possible that charges may be laid with the Disciplinary Tribunal.

9. The Order stipulates that a qualified health professional can write an exemption. Can I write an exemption for my own use?

No, midwives should not write exemptions for their own personal use. Midwives should seek an exemption from their own health care provider.

10. Can I write an exemption for wāhine and birthing people in my caseload?

At this time the Council's position is that writing a vaccination exemption is outside the midwifery scope of practice.

11. I am unvaccinated can I remain in practice if I wear PPE and get tested?

Only if you have a medical exemption that means you do not have to be vaccinated.

12. Do I need to tell the woman or birthing person my vaccination status?

No. But you need to tell your employer or the PCBU.

13. Can I refuse to care for a woman who is unvaccinated?

Midwives may not discriminate unfairly against wāhine, their whānau and colleagues. Midwives, therefore, cannot refuse to care for women who are unvaccinated. Regardless of the context, midwives should ensure that they use appropriate PPE.

14. I am unvaccinated, what happens if I am called in an emergency by a woman or birthing person?

The Council expects that all midwives who are not vaccinated will have made plans with their caseload for transfer of care to another midwife. If whānau call a non-vaccinated midwife in an emergency, then the Council will look at all the circumstances before deciding what action it will take.

15. Can I cancel my APC and work as a lay midwife?

No, Midwifery is a regulated profession in New Zealand. That means all registered midwives must hold a practising certificate in order to practise in Aotearoa New Zealand. The most common reason for referral to the Tribunal is practising without a practising certificate.

16. Can I cancel my registration and work as a doula or lay midwife?

No, midwifery is a regulated profession in New Zealand. Midwives who cancel their registration cannot provide care that sits within the midwifery scope of practice. Unregistered individuals providing care that sits within the midwifery scope can be referred to the Ministry of Health for investigation (s7 of the Act).