

House of Representatives

Supplementary Order Paper

Tuesday, 23 November 2021

COVID-19 Response (Vaccinations) Legislation Bill

Proposed amendments

Hon Michael Wood, in Committee, to move the following amendments:

Schedule 4: new Schedule 3A

In *Schedule 4, new Schedule 3A*, replace *clause 3(3)* (page 19, lines 19 to 35) with:

- (3) If the employee is unable to comply with a duty referred to in **subclause (1)(a)** or a determination referred to in **subclause (1)(b)** because they fail to comply with the relevant requirements of the COVID-19 Public Health Response Act 2020 or a COVID-19 order, or they are not vaccinated by the specified date, their employer may terminate the employee’s employment agreement by giving the employee the greater of—
- (a) 4 weeks’ paid written notice of the termination:
 - (b) the paid notice period specified in the employee’s terms and conditions of employment relating to termination of the agreement.

In *Schedule 4, new Schedule 3A, clause 3(4)*, replace “**subclause (3)(a)**” (page 19, line 36) with “**subclause (3)**”.

In *Schedule 4, new Schedule 3A, clause 3(5)*, replace “**subclause (3)(a)**” (page 20, line 1) with “**subclause (3)**”.

In *Schedule 4, new Schedule 3A, clause 3(7)(a)*, replace “**subclause (3)(a)**” (page 20, line 10) with “**subclause (3)**”.

In *Schedule 4, new Schedule 3A, clause 3(7)(b)(ii)*, replace “**subclause (3)(b)**” (page 20, lines 15 and 16) with “**subclause (3)**”.

In *Schedule 4, new Schedule 3A*, delete *clause 3(8)* (page 20, lines 17 and 18).

Explanatory note

This Supplementary Order Paper (**SOP**) amends *Schedule 4* of the COVID-19 Response (Vaccinations) Legislation Bill, which inserts *new Schedule 3A* into the Employment Relations Act 2000.

The SOP replaces *clause 3(3)* of *new Schedule 3A* to clarify that an employee who is given a termination notice under *clause 3* is entitled to 4 weeks' paid written notice or the paid notice period specified in the employee's terms and conditions of employment relating to termination of the agreement (as the case may be). *Clause 3(4)*, *(5)*, and *(7)(a)* and *(b)(ii)* are consequentially amended to reflect the replacement of *clause 3(3)*, and *clause 3(8)* is consequentially revoked.

Departmental disclosure and regulatory impact statements

The Ministry of Health considers that neither a departmental disclosure statement nor a regulatory impact statement is required to be prepared for this Supplementary Order Paper.