

## **Mandatory Vaccination Order for Midwives - UPDATE**

17 November 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). **Therefore, the mandatory vaccination of high risk health care workers includes midwives.**

On 5 November 2021 the Order was amended to only require those who “work” in clinical practice or in the clinical practice environment to be vaccinated. These details can be found [here](#).

For midwives to remain in clinical practice they must have received their first dose of vaccine by the end of 15 November 2021 and their second dose by the end of 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). Midwives seeking an exemption to vaccination are required to comply with the process that has been developed by the Ministry of Health.

Midwives are required to comply with 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 deadlines. There are responsibilities on employers and persons conducting a business or undertaking (PCBU, Health and Safety at Work Act 2015) to ensure that everyone to whom mandatory vaccination applies (“affected persons”) are vaccinated and to obtain and maintain safe and confidential records of their vaccination status. For LMC midwives, the Council understands that the Ministry of Health has been managing this process and information has been posted on their website.

### **Council’s Position**

The Council’s position remains unchanged. It expects midwives to adhere to the laws of New Zealand and, accordingly, to comply with the Order. Midwives who are unvaccinated will not be able to work in midwifery clinical practice unless they have a formal medical exemption.

Midwives have an ethical and professional obligation to protect and promote the health of whanau, 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 whanau. Vaccination is a way of protecting midwifery colleagues who care for women/wahine and whanau with COVID-19.

The Council expects that midwives will provide women/wahine and whanau 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 document, “vaccinated” means vaccinated against COVID-19)

**1. Can I work in clinical practice 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 employers 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. Can I choose to relinquish my practising certificate if I am not working?**

Yes, you can login to your MyMCANZ portal and apply for your status to be non-practising. If you decide to be vaccinated and return to work, you will need to contact the Council

**5. What will happen with regards to requirements of the recertification programme?**

If you notify the Council that you are not practising, then the requirements of the Recertification Programme can be put on hold. If you decide to become vaccinated at a time in the future, then due dates for requirements can be adjusted.

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

The COVID 19 Public Health Response (Vaccinations) Order dated 22 October 2021 required all midwives to be vaccinated. Changes to the Order which came into effect on 5 November 2021 now only require those who “work” in clinical practice and in the clinical practice environment to be vaccinated. Midwives are referred to the Order for the specifics of those requirements. Midwives are also referred to the Council policy on practising certificates which provides the Council’s definition of practice and the need for a practising certificate which can be found [here](#).

**7. How is the Midwifery Council involved in this Order?**

This Order has been put in place by the Government, not the Midwifery Council. The Council expects midwives to comply with the laws of New Zealand.

**8. 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.

**9. 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. The action the Council can take depends on the nature and circumstances of the notification.

**10. The Order stipulates that a qualified health professional can write an exemption. Can I write an exemption?**

No, midwives cannot write exemptions.

**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 Person Conducting a Business or Undertaking (PBCU) (Health and Safety at Work Act 2015).

**13. 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.

**14. I am unvaccinated can I attend a birth as a “support”?**

No, the Council’s position is that support sits within the scope of practice of a midwife. Its position paper on "Support and the role of the midwife" can be found [here](#).

**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. This includes not only providing clinical care, but also teaching antenatal education, lactation advice etc. Unregistered individuals providing care that sits within the midwifery scope can be referred to the Ministry of Health for investigation (s7 of the Act).