

## **Mandatory vaccination order for midwives - Update**

19 May 2022

The COVID-19 Public Health Response (Vaccinations) Order 2021, made under the COVID-19 Public Health Response Act 2020 (the Order), requires mandatory Covid-19 vaccinations for workers in the health and disability sector. This applies to midwives, as practitioners under the Health Practitioners Competence Assurance Act 2003.

The Order was amended on 5 November 2021 to require those who ‘work’ in clinical practice or in the clinical practice environment to be vaccinated against Covid-19.

On 15 May 2022, the Order was amended to introduce a new exemption process for mandated workers who test positive for COVID-19. Those people are exempt from being vaccinated against COVID-19, or from receiving their booster doses for COVID-19, for 100 days after the date they produce evidence of their positive COVID-19 test. That process will be administered by the person’s employer, or the Person Conducting a Business or Undertaking (PCBU).

Midwives are required to comply with the laws of New Zealand, and it is their responsibility to comply with the Order for its duration. Any midwife who does not comply with the Order, while it is in force, must not provide in-person midwifery care.

Click [Here](#) for the Order and [Here](#) for information on how to apply for an exemption

### **The Council’s Position on Vaccination and a Midwife’s Professional Responsibility**

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.

The Council expects midwives to adhere to the laws of New Zealand and, accordingly, to comply with the Order while it is in force. For the duration of the Order, midwives who are unvaccinated will not be able to work in midwifery clinical practice unless they have a formal medical exemption.

If a midwife has a formal medical exemption from the Covid-19 vaccinations, the Council’s position is that the midwife can provide face to face care for the

duration of the exemption. The midwife would need a valid, current, practising certificate and, if the midwife is an LMC, a health and safety plan. We would strongly urge the midwife to contact and liaise with the Council around that.

Midwives have an ethical and professional obligation to protect and promote the health of whānau, and vaccination plays an important role in reducing the community risk of acquiring, transmitting, and reducing the effects of COVID-19. Vaccination is one way that midwives protect whānau and health professionals who care for women/wahine and whānau with COVID-19.

The Council expects that midwives will provide women/wahine and whānau with evidence-based advice and information about all vaccinations. While the Council 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, not any promotion of anti-vaccination claims on social media or advertising by midwives. That is clearly outlined in the Midwifery Council Code of Conduct found [Here](#)

Should the Council receive complaints about midwives promoting anti-vaccination information or misinformation, or working whilst unvaccinated, it may take further action, including 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.

## **Practising certificates**

The decision regarding a midwife's need to hold a practising certificate rests with the Council. Any midwife wishing to practise midwifery, whether part time, full time, or away from the clinical environment, must hold a practising certificate. This means that unvaccinated midwives providing telehealth for example must have a practising certificate. The Council's position of what constitutes midwifery practice is broad and includes working in any area of the Midwifery Scope of Practice.

The Council's Policy for Issue of Practising Certificates states that:

“The definition of practice is not only limited to clinical practice but includes and is not limited to education, professional policy, research management and leadership. Practice is identified as any area where the midwife uses her midwifery knowledge and skills and that has an impact either directly or indirectly on the health and safety of the public or to inform or review the practice of other midwives.”

That means that midwives employed in roles as educators, regulators or in the provision of policy advice that impacts on care received by women and their infants, are also required to hold a practising certificate in order to carry out that role.

The Ministry of Health requires all health practitioners working in the clinical environment to be fully vaccinated in accordance with the Order. Any health practitioners who are not fully vaccinated in accordance with that Order may practise their profession away from the clinical environment. For any midwife intending to remain unvaccinated, the Council may record on their Scope of Practice that they cannot practise midwifery in-person.

Under the Order, a midwife cannot provide midwifery care in the clinical environment while they remain unvaccinated. It is up to the individual midwife to negotiate providing midwifery care away from the clinical environment for example via telehealth until there is a change in the Order. If a midwife intends to remain unvaccinated, the Council may record on their Scope of Practice that they cannot practise midwifery in-person.

Continuing to provide midwifery care in a clinical environment while unvaccinated is a conduct issue requiring referral to the Ministry of Health for investigation, as well as possible disciplinary action by the Council.

## **In summary**

If a midwife is practising and providing in person midwifery care they must have a valid, current, practising certificate.

If a midwife is providing care away from the in-person clinical environment because they are unvaccinated for COVID-19, they must have a valid, current, practising certificate and a condition may be added onto their Scope of Practice to the effect that they “must not provide in person midwifery care”.

Midwives who are not vaccinated and/or do not qualify for an exemption from the Covid-19 vaccinations should apply through their MyMCANZ portal to become non-practising. That will ensure recertification requirements can be extended for the time they are non-practising. If the return to practice is over three years the Return to Practice policy found [Here](#) will apply.

Unvaccinated midwives cannot attend a birth as a ‘support’. Please see the Council’s position paper on “Support and role of the midwife” found [Here](#)

## **Additional Resources**

Further information about COVID-19 vaccinations can be found on the Ministry of Health’s website. [COVID-19 Maternity](#)