

**17 DEC 2021**

Ashleigh Fechney  
fyi-request-17804-1f536016@requests.fyi.org.nz

Our ref: OIA 92434

Dear Ms Fechney

**Official Information Act request: COVID-19 Protection Framework**

Thank you for your email of 2 December 2021 requesting, under the Official Information Act 1982 (the Act), material relating the COVID-19 Protection Framework and people's rights to justice. Specifically, you requested:

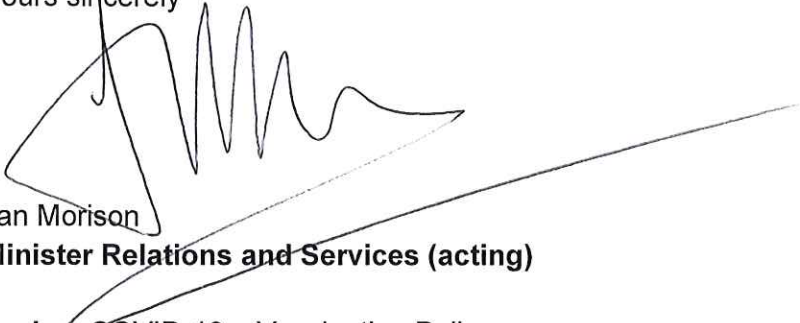
1. *Any briefing paper or advice paper from the Ministry of Justice in relation to the COVID-19 Public Health Response (Protections Framework) Order 2021.*
2. *Any vaccination policy applied by the Ministry of Justice.*
3. *Confirmation of whether the Ministry of Justice commenced a "risk assessment" which may give rise to a vaccinations policy.*
4. *Confirmation of whether the Ministry of Justice have the infrastructure to accommodate widespread remote hearings for unvaccinated people.*
5. *Confirmation of whether the Ministry of Justice have procedures in place for appropriate registrars to accept remote filing from people and representatives who are not vaccinated.*
6. *Any other information that may assist legal representatives in advising the people as to whether, or not, the right to justice has been limited.*

I am releasing tranche one of your request, namely information which relates to request two. Enclosed with this letter, I am supplying you with the Ministry of Justice, COVID-19 Vaccination Policy in full. Please note, that we will endeavour to release tranche two, which will contain the remainder of your request on or before 20 January 2021.

If you require any further information, please contact Alison Horwood, Media Manager, on 021 918 8836; or email [media@justice.govt.nz](mailto:media@justice.govt.nz).

If you are not satisfied with my response, you have the right to complain to the Ombudsman under section 28(3) of the Act. The Ombudsman may be contacted by email at [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz)

Yours sincerely

A handwritten signature in black ink, appearing to be 'Jan Morison', written over a large, light-colored diagonal scribble or watermark.

Jan Morison  
**Minister Relations and Services (acting)**

encl: COVID-19 – Vaccination Policy

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## PURPOSE

The Ministry's top priority is the safety and wellbeing of its employees. We already have existing protocols in place to provide a safe workplace. We are now enhancing those protocols with a vaccination policy.

The purpose of this Policy is to communicate the position of Te Tāhū o te Ture – the Ministry of Justice regarding COVID-19 vaccination and its implications in our workplaces and for the nature of the work we do. It is based on our obligation to provide a work environment without risks to health and safety, so far as is reasonably practicable. This obligation includes eliminating or minimising, so far as is reasonably practicable, the risks associated with contracting and transmitting COVID-19.

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## KAUPAPA HERE POLICY STATEMENT

Aotearoa New Zealand is operating under the COVID-19 Protection Framework (CPF) to manage the response to COVID-19. The CPF seeks to minimise risk and protect people from contracting and transmitting COVID-19. The key protection in this approach is vaccination.

The Ministry needs to support the broader wellbeing of staff beyond the COVID-19 risks we all currently face. In all aspects of health, safety and wellbeing we must ensure, so far as reasonably practicable, the health and safety of workers who work for the Ministry, or whose activities in carrying out work are influenced or directed by them, while they are carrying out work for the Ministry. The Ministry must also ensure, so far as reasonably practicable, that the health and safety of other persons are not put at risk from work carried out as part of its business or undertaking. To fulfil these duties, the Ministry must eliminate risks so far as is reasonably practicable, and if that is not possible, minimise those risks so far as is reasonably practicable.

To meet our safety obligations to the public who use our services, and our health and safety obligations to each other, the Ministry has decided to introduce mandatory vaccination for all employees. This decision is based on the formal risk assessment conducted with input from employees, health and safety representatives and the PSA.

There is a formal Ministry of Health exemption process for individuals who are unable to be vaccinated for medical reasons.

This policy provides for an Individual Consideration Process for all unvaccinated employees, including any employees with an exemption from the Ministry of Health. This is to establish whether there are other controls that can be used to remove the possibility that the employee may contract or transmit COVID-19.

During the introduction of the Policy the Ministry will continue to educate, encourage and inform employees of the personal and collective benefit of vaccination.

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## TE KAINGA SCOPE

The Policy covers all current and new employees (excluding Te Arawhiti).  
N.B. Te Arawhiti is still consulting separately on a vaccination policy.

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**KAUPAPA HERE  
POLICY**

**In the policy it is expected that all employees must be vaccinated unless agreed via the Individual Consideration Process.**

The Ministry is seeking to balance its responsibility to provide a safe service to the public of New Zealand with its obligations to its kaimahi. Using our RISE values:

- RESPECT – We respect diversity and support one another
- INTEGRITY – We take personal responsibility
- SERVICE – We understand and meet the needs of those to whom we provide services
- EXCELLENCE – We focus on finding solutions

Throughout the implementation of this policy we will acknowledge and seek to support the unique circumstances that each employee brings to their work at the Ministry.

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**Educate, Encourage  
and Inform**

The Ministry has a suite of resources available to assist employees in their decision making about the COVID-19 vaccination. There is a dedicated JET page with information, links to independent advice and contacts for people who wish to discuss any issues with vaccination hesitancy. Employees can also ask their manager for a couple of hours paid time to discuss the issue with their GP or other health professional.

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**Declaring Current  
Vaccination Status**

All employees will be encouraged to provide their vaccination status by Friday 17 December 2021. Employees who do not wish to declare their vaccination status will be deemed to be unvaccinated for the purpose of this policy.

All new employees are required to declare their vaccination status as part of the application process.

Proof of vaccination status is a current My Vaccine Pass and must be sighted by the employee's manager. Your 'My Vaccine Pass' is not stored or uploaded in Mahi as part of the recording process. The information provided (vaccination status, effective date, and expiry date of My Vaccine Pass) will be kept securely in Mahi and only used for the purposes outlined in this policy.

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**Paid Time**

Employees are entitled to paid time for themselves and their whānau to receive the vaccination by prior arrangement with their Manager. There is special leave available for any employee who needs to manage any immediate side-effects from the vaccine.

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**Ministry of Health  
Exemption Process**

There is a Ministry of Health exemption process for certain health conditions. Your Doctor or Nurse Practitioner can make the application on your behalf.

Unvaccinated people with a Ministry of Health exemption will take part in the Individual Consideration Process as outlined below.

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**Individual  
Consideration  
Process**

Unvaccinated employees will take part in an Individual Consideration Process. As part of this process, they may submit a request to their manager for an Individual Risk Assessment. The Individual Risk Assessment will use the Ministry risk assessment framework to determine whether controls can be put in place to reduce the possibility of contraction or transmission of COVID-19, including the risk to others, whilst at work. The process will also consider whether the person's job can be altered or amended to sufficiently reduce the possible risk of contracting or transmitting COVID-19 and/or risk to others e.g. working from home. This includes any new 'risk management' options as they become available, which could include testing.

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The Ministry will also explore flexible options for employees where the timing of becoming fully vaccinated does not match the intended timeframe for the full implementation of this policy. That flexibility will include temporary redeployment, temporary change in responsibilities and work practice along with special leave, annual leave and leave without pay.

Where this process is unable to put in place controls to remove the possibility of contracting or transmitting COVID-19 whilst at work and/or risk to others, the employer will discuss any suitable redeployment opportunities that may exist to a position where exposure to COVID-19 and/or risk to others is deemed unlikely.

The Ministry will utilise the Te Kawa Mataaho Workforce Mobility Hub to assist with redeployment opportunities to different agencies where appropriate.

Special Leave may be discussed as an option during this process where it is agreed on safety grounds and/or where the Individual Consideration Process cannot be completed in the established timeframe. The timeframe for completion of this stage is 31 January 2022.

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## Notice

The Ministry will endeavour to retain as many employees as practicable. However, where an employee is not vaccinated and the role cannot be amended to sufficiently reduce the risk, and where the employee cannot be redeployed, it may become necessary to terminate the employee's employment. Where a proposal to terminate employment is made, the employee will be afforded a reasonable opportunity to comment about the proposal before a final decision is made. Where a decision to terminate employment is made, the employee will be provided with a minimum of 4 weeks' notice of termination of employment.

During the notice period we will continue to recognise and seek to support the unique circumstances that each employee brings to their work at the Ministry in whatever way possible.

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## Support and Assistance

The Ministry is committed to the wellbeing of employees. The following support options will be available during the implementation of this policy.

1. EAP support is available for all Ministry employees. EAP counselling can be used for any personal or work-related issues including:

- coping with change
- stress
- career transitions

To arrange a counselling appointment, please call 0800 327 669, or book through the website.

You can request wellbeing support from counsellors with capability in Te Ao Māori or the Pasefika People.

2. Manager Assist – in addition to the resources made available to managers for the implementation of the policy, managers will have access to a 24/7 'hotline' service provided by EAP Services Ltd to seek advice and professional support for challenging situations they are dealing with in their teams.
  3. The PSA is available for advice and assistance to their members. Call 0508 367 772 for support with the process.
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## NGĀ TAKOHANGA

### RESPONSIBILITIES

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#### Menetia Manager

- Ensuring employees are aware of the requirement to be fully vaccinated with an approved COVID-19 Vaccine and provide evidence of vaccination under the Policy.
- Ensuring job advertisements and recruitment processes set out the requirement to be fully vaccinated with an approved COVID-19 vaccine, and that applicants will have to provide evidence of vaccination under the policy.
- Managing requests for leave associated with COVID-19 vaccination.
- Support senior managers and People Experience business partners in implementing the Individual Consideration Process.
- Handling any information associated with people's health or wellbeing sensitively and in accordance with the Privacy Policy.
- Ensure all other health and safety controls are in place.
- Ensure the employee has access to the Ministry's wellbeing support options during this period.

#### Kaimahi Employee

- Provide current vaccination status by Friday 17 December 2021.
- Indicate if they are seeking the Individual Consideration Process by Wednesday 22 December 2021.
- Continue to use all other health and safety controls at work including physical distancing, self-isolation, face coverings, QR scanning and cleaning protocols.
- Follow public health guidance.

#### HSS and PX

- Continue to ensure that the vaccination policy remains consistent with government policy and relevant Health Orders.
- Continually review health and safety controls available and update where required.
- Provide support to managers and kaimahi employees during implementation of the policy.
- Ensure wellbeing support options are clearly communicated to the business.

### RELATED POLICIES, PROCEDURES AND LEGISLATION

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- Te Tiriti o Waitangi
- Health and Safety at Work Act 2015
- NZ Bill of Rights Act 1990
- Human Rights Act 1993
- COVID-19 Public Health Response Vaccination Order 2021
- Disability (United Nations Convention on the Rights of Persons with Disabilities Act 2008)
- Privacy Act 2020
- Wellbeing support policy
- Sick and domestic leave guidelines
- Recruitment policy
- Flexible work policy
- Secondment policy

Te reo Māori glossary - sourced from Te Aka Māori Dictionary

- Kaupapa Here – policy
- Ngā Kaimahi – worker, employee
- Ngā Menetia – managers
- Ngā Takohanga – responsibility, obligation, commitment
- Te Kainga – field of operation, scope or work

CONTACT	Ask HR	OWNER(S)	GM, People Experience
LAST REVIEWED	New Policy	NEXT REVIEW	1 April 2022
LAST UPDATED	December 2021	STAKEHOLDERS CONSULTED	All staff PSA
APPROVAL LEVEL	SLT		