



Ref: 224657

4 August 2023

Erika Whittome  
Via FYI.org.nz

Tēnā koe Erika

### Response to your request for Official Information

On 6 July 2023, you requested the following information from the Human Rights Commission (“the Commission”) under the Official Information Act 1982 (“OIA”):

- 1. All correspondence on policies, procedures, memos etc relating to the process and handling of any claims under medical disabilities which section 21 the Human Rights Act 1990 from April 2021 until the present date for any human rights complaints.*
- 2. All correspondence on policy, procedures, memos etc relating to the subject of vaccination for handling of any claims from the above date until the present date.*

On 20 July 2023 the Commission wrote to you to advise that your request, as originally worded, would be difficult to meet due to a lack of clarity on what you had asked us to provide. We requested that you clarify your request. We also referred you to Covid-19 related information on the Commission’s website.

On 23 July you clarified your request for information as follows:

- 1. All correspondence about Commission policies, procedures, memos etc relating to the processing of complaints about: i) unvaccinated persons; and ii) the subject of being vaccinated.*
- 2. Copies of Commission policies, procedures, memos etc for Commission staff on the handling of any complaints about: i) unvaccinated persons; and ii) the subject of being vaccinated.*
- 3. All correspondence about Human Rights Review Tribunal policies, procedures, memos etc relating to the processing of claims about: i) unvaccinated persons; and ii) the subject of being vaccinated.*
- 4. Copies of Human Rights Review Tribunal policies, procedures, memos etc on the handling of any claims about: i) unvaccinated persons; and ii) the subject of being vaccinated.*

For further context, you also explained that you were interested in complaints and claims of unlawful discrimination against persons who had not received the Covid-19 vaccine on the basis of disability under section 21(1)(h)(vii) of the Human Rights Act 1993 (HRA), which relates to the presence in the body of organisms capable of causing illness. You also referred to section 21(2) of the HRA, noting that the prohibited grounds of discrimination apply to grounds that:

- i) currently exist or have in the past existed; or*

- ii) are suspected or assumed or believed to exist or to have existed by the person alleged to have discriminated.

At the outset, we wish to highlight that the OIA only requires the Commission to provide information that it holds. The Commission is not required to create new information in response to a request, such as commenting on the general applicability of section 21(1)(h)(vii) of the HRA to complaints of alleged unlawful discrimination against unvaccinated persons.<sup>1</sup>

We can however provide general information on our processes. The Commission would approach a complaint alleging unlawful discrimination against unvaccinated persons, as we do with all complaints, by assessing it against the test for unlawful discrimination under the HRA.<sup>2</sup> The complaint would be passed to our Dispute Resolution Team if it appeared to meet the criteria for unlawful discrimination. To clarify, the Commission does not assess the strength of a case or decide if discrimination happened, we just check if the complaint falls within our jurisdiction under the HRA.

We set out our response to each of your four requests below.

### **Request 2 – Commission policies**

In response to your second request for copies of Commission policies, procedures, memos etc. for Commission staff on the handling of any complaints about: i) unvaccinated persons; and ii) the subject of being vaccinated, we **attach** the following information as Appendix 1 to this letter:

- the template email response used by the Commission’s frontline Human Rights Information and Support Services Team (HRISS) regarding Covid-19 vaccination exemption due to disability.
- two Covid-19 vaccination-related FAQs which were previously available on the Commission’s website, but have since been removed (together with all Covid-19 related FAQs).
- a flowchart prepared by the Commission’s HRISS team to assist with an initial assessment of whether claims relating to Covid-19 vaccinations and mask requirements should be referred to the Commission’s Dispute Resolution Team. We note that the names of individual Commission staff have been redacted from this document to protect their personal privacy.<sup>3</sup>
- An information sheet for the Commission’s HRISS case advisors about responding to Covid-19 related complaints.

### **Request 1 – Commission correspondence**

In response to your first request for correspondence held by the Commission about these policies, we have made the decision to withhold this information under s18(f) of the OIA due to the substantial amount of work that would be required to research and collate this information. We also note that a substantial proportion of this correspondence would likely be withheld on the following grounds:

- to maintain the effective conduct of public affairs through the free and frank expression of opinions between Commission staff in relation to the development and implementation of internal policies and strategic approaches to current issues;<sup>4</sup> and

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<sup>1</sup> See Office of the Ombudsman ‘[Information not held](#)’ (August 2019), at p.3.

<sup>2</sup> See Human Rights Act 1993, Part 1A and Part 2; New Zealand Bill of Rights Act 1990, s 19.

<sup>3</sup> OIA, s 9(2)(a).

<sup>4</sup> OIA, s 9 (2)(g)(ii).

- to maintain legal professional privilege in relation to legal advice received by the Commission about the development and implementation of relevant internal policies.<sup>5</sup>

### **Requests 3 and 4 – Tribunal correspondence and policies**

In response to your third and fourth requests, we note that the Commission is a separate organisation from both the Office of Human Proceedings (OHRP) and the Human Rights Review Tribunal (Tribunal).

People can contact the Commission in the first instance with a complaint of unlawful discrimination on one of the prohibited grounds of discrimination contained in section 21 of the HRA or the other forms of discrimination described in sections 61 to 69 of the Act.<sup>6</sup> If a complaint engages the HRA, the Commission offers dispute resolution services which might include mediation.

If a complaint is not resolved through the Commission's dispute resolution processes, the complaint may be taken to the Tribunal to make a decision on the outcome.<sup>7</sup> If the complainant wishes to bring their complaint before the Tribunal, they can apply to the Director of Human Rights Proceedings who will decide whether the OHRP will represent them in proceedings before the Tribunal.<sup>8</sup>

The Commission must therefore decline your request in relation to details of any OHRP or Tribunal correspondence or policies regarding the handling of claims about unvaccinated persons or the subject of being vaccinated, because this information is not held by the Commission.<sup>9</sup> If you would like further information about any relevant information held by these agencies, we recommend that you contact them directly at:

- For OHRP: email [ohrp@ohrp.org.nz](mailto:ohrp@ohrp.org.nz) or call 09-375 8623
- For the Tribunal: email [hrrt@justice.govt.nz](mailto:hrrt@justice.govt.nz) or call 04 462 6660.

### **Alternative avenues**

If you are not satisfied with this response, under the Official Information Act you are entitled to complain to the Ombudsman's Office. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or on freephone 0800 802 602.

Nāku noa, nā



### **Philippa Moran**

Kaitohu Ture | Legal Advisor

New Zealand Human Rights Commission | Te Kāhui Tika Tangata

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<sup>5</sup> OIA, s 9(2)(h).

<sup>6</sup> See Human Rights Act 1993, Part 3: sections 76 to 83.

<sup>7</sup> Ibid, Part 3: sections 92B to 92WB and Part 4.

<sup>8</sup> Ibid, Part 3: sections 84 to 92A.

<sup>9</sup> OIA, s 18(g).

## **Appendix 1 – Commission policies, procedures, memos etc. regarding Covid-19 vaccination**

### **Template response regarding Covid-19 vaccination exemption due to disability**

*Kia ora*

*Thank you for contacting the Human Rights Commission (HRC). We are sorry for the delay in responding to you. The Commission is receiving a very high volume of enquiries and complaints about Covid-19 and this is significantly affecting our response times.*

*The HRC is closely monitoring the various human rights implications of the pandemic. While we cannot give legal advice or a legal opinion, we hope the following information is helpful.*

#### **Information about Covid-19, vaccination and human rights**

- [The Ministry of Health](#) has information about temporary medical exemptions for mandatory vaccinations. Please note the government introduced a new centralised process for approving exemptions in November 2021.
- [Community Law](#) has information about COVID-19 and the law.
- [Employment NZ](#) has information about COVID-19 in relation to employment, including specific information about [vaccines and the workplace](#).
- [Disabled Persons Assembly NZ](#) has COVID-19 information for the disabled community.
- It is understandable for people to have questions about vaccination. It is a good idea to talk to your GP or health professional about this. [The Ministry of Health](#) has information regarding vaccine effectiveness and [Stuff](#) has information supported by experts in immunology, microbiology, public health and general practice.

#### **Complaints we can help with**

*We are unable to help with complaints involving someone's personal choice not to be vaccinated, or their vaccination status, because personal choice and vaccination status are not protected grounds in the Act.*

*The HRC can only offer a dispute resolution process for complaints that meet the criteria for unlawful discrimination under the Act. Unlawful discrimination happens when:*

- *someone is treated differently to someone else in the same or similar situation; and*
- *there is some indication or evidence they were treated differently because of [one of the grounds in the Act](#) (including age, race, disability); and*
- *the different treatment happens in an area of public life (including employment, government activity, access to public places); and*
- *they are disadvantaged or significantly impacted by the different treatment; and*
- *there is no relevant exception or justification.*

*Therefore the Commission could only progress a complaint of discrimination where you have a disability that prevents you from getting vaccinated.*

*If a complaint meets this criteria, we can offer our dispute resolution process. Dispute resolution involves a mediator talking to the people involved and helping them communicate to resolve the complaint. Our process is voluntary, confidential and fair to both parties. We don't take sides or advocate for people, and we don't investigate complaints, make findings or compel any actions.*

*Section 21B of the Act states that when a person or organisation takes actions that are required by law, then those actions are not unlawful under the discrimination provisions of the Act. Essentially, this places responsibility on the Government that makes the rules, rather than on the organisation or employer who follows them.*

*If you want to make a complaint, please fill out our [online complaint form](#). We are experiencing higher demand than usual, so there may be delays in us responding to complaints.*

*I hope this is helpful.*

*Ngā mihi*

**FAQs regarding Covid-19 vaccination from Commission's website  
(As at 12 July 2022 – note Covid-19 related FAQs have now been removed from our website)**

***Can I be refused service or entry to a public place if I am not vaccinated for health reasons?***

*In certain situations, it is possible that blanket rules that only allows vaccinated people to access services or facilities may constitute unlawful discrimination under the Human Rights Act.*

*For example, some disabled people may not be able to get vaccinated for medical reasons. To require them to be vaccinated to access services/facilities without a good reason may be unlawful discrimination under the Human Rights Act.*

*The concept of 'reasonable accommodation' is relevant here. Generally, this means that organisations are required to make reasonable adjustments to accommodate the needs of a disabled person. What is reasonable in any situation depends on factors including the legal provisions that may apply, the facts of a particular case, any costs involved, and whether the required actions could pose a risk to other people. You can read more in our [Reasonable Accommodation Guide](#).*

*In limited situations, people who are unable to receive any of the available Covid-19 vaccines for medical reasons can apply for temporary exemptions from being vaccinated (see our Vaccinations exemptions section for more information). People with official exemptions can get vaccine passes to allow them to access services on the same terms as vaccinated people.*

*If you think you have faced unlawful discrimination, you can make a complaint to the Human Rights Commission.*

***Can I get an exemption from the mandatory vaccination orders?***

*In limited situations, workers who are subject to the [Covid-19 Public Health Response \(Vaccinations\) Order 2021](#) can get temporary medical exemptions from being vaccinated against Covid-19.*

*[The Ministry of Health's](#) website has information about how to apply for an exemption from mandatory vaccinations. Members of the public cannot directly apply for an exemption themselves. From 10 November 2021, only qualified medical practitioners can apply for exemptions on behalf of their patients. A Ministry of Health panel assesses each application against [specific medical criteria](#).*

*The Ministry of Health has said only a very small number of applications are likely to be approved. Exemptions will only be granted where there is no suitable alternative vaccine available. Any exemptions granted are temporary and valid for a maximum of six months.*

## **COVID COMPLAINTS – FLOWCHART OF SUGGESTED RESPONSES**

*The below is intended as a general guide only for HRISS case advisors when responding to Covid-19 complaints and enquiries relating to the following:*

- A. Mandatory vaccinations in workplaces**
- B. Complaints about access to places/services, where vaccine passports are required**
- C. Complaints relating to mask exemptions.**

*Each complaint/enquiry will still need to be assessed and responded to on a case-by-case basis - there may still be some cases where we decide to take a different approach. Discuss with [Names redacted – OIA, s 9(1)(a)] if any queries.*

### **A. Complaints from workers – vaccine mandates**

- 1. Does the complaint/enquiry relate to one of the following sectors, where the vaccine has been mandated<sup>10</sup> (NB this generally covers employees, workers, volunteers, unpaid workers):**

- Corrections / prisons;
- Education (NB this excludes people at tertiary education institutions and playgroups, but see (2) below);
- Health and disability sector (see list of covered occupations [here](#));
- Fire and Emergency;
- Police;
- Defence;
- Border and MIQ workers.

- **Yes:** do not progress.<sup>11</sup> See 'mandatory vax (no jab, no job) template. Also consider providing information on the [Employment New Zealand mediation process](#), as a more appropriate forum for resolving complaints.
- **No:** go to step (3).

- 2. Or, does the complaint relate to a business that is [covered by the traffic light system](#),<sup>12</sup> where the business must use vaccine passports to operate, or to operate with fewer restrictions, at all levels of the Covid Protection Framework? This includes [food and drink businesses/services](#);**

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<sup>10</sup> COVID-19 Public Health Response (Vaccinations) Order 2021, Schedule 2.

NB: mandatory boosters have now been introduced for workers in all of the above sectors (within 6 months). See the applicable deadlines [here](#)

<sup>11</sup> Section 21B Human Rights Act 1993: an act or omission of any person or body is not unlawful (under Part 2) if that act or omission is authorised or required by an enactment or otherwise by law. See also section 80(3)(c) Human Rights Act 1993: the Commission may decline to take further action in relation to a complaint if, in the Commission's opinion, it is unnecessary to take further action. Taking further action, where employers or businesses are simply following the law, may also be considered not in the public interest. See also *Easton v Human Rights Commission* (28 January 2010).

<sup>12</sup> COVID-19 Protection Framework (Covid-19 Response (Vaccinations) Legislation Act 2021 and the COVID-19 Public Health Response (Protection Framework) Order 2021).

gyms: permitted gatherings and events<sup>13</sup> (e.g. sporting events, theatres, cinemas, faith-based gatherings, funerals/tangihanga, weddings); close-proximity businesses/services (e.g. hairdressers, driving instruction); and on-site tertiary education at Red (note this excludes student accommodation).  
NB: mandatory boosters have not yet been introduced for workers in these areas.

- **Yes:** do not progress.<sup>14</sup> See 'mandatory vax (no jab, no job) template. Also consider providing information on the [Employment New Zealand mediation process](#), as a more appropriate forum for resolving complaints.
- **No:** go to step (3).

**3. Is the complainant ('C') alleging direct or indirect discrimination on the basis of one of the prohibited grounds in the Human Rights Act 1993?<sup>15</sup>**

- **Yes:** go to step (4) for disability discrimination, (5) for religious belief discrimination, (6) for political belief discrimination.
- **No (for example, the complaint is about 'vaccination status' only):** we cannot assist. See 'mandatory vax (no jab, no job)' template, and 'generic bulk response (Dec 2021 template)'.

**4. Is C complaining of disability discrimination? i.e. that they cannot be vaccinated due to their disability.**

- **Yes, and complainant has a MOH exemption<sup>16</sup>:** progress to DRT for assessment (if C wishes to).
- **Yes, and complainant has a disability but does not qualify for a MOH exemption:**
  - o **Does the complainant have a 'disability' within the meaning of the Act?** (This includes, e.g., physical disability/impairment, psychiatric illness, intellectual disability – see section 21(1)(h)).
  - o **Yes:** progress to step (7).
- **No (for example, C objects to the vaccine due to concerns about a relative's adverse reaction but does not otherwise have a disability):** we cannot assist. Explain disability discrimination under the Act.

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<sup>13</sup> In general, permitted gatherings at Red are up to 100 people (if MVP is used), Orange: up to 50, Green: unlimited. See [here](#) for further details.

<sup>14</sup> (see n 2)

<sup>15</sup> Section 21: sex, marital status, religious belief, ethical belief, colour/ race/ethnic or national origins, disability, age, political opinion, employment status, family status, sexual orientation. (NB this will likely be indirect discrimination under section 65 HRA as the complaint will concern a neutral "conduct, practice, requirement, or condition" i.e., a vaccination requirement, that has the effect of treating a person / group differently).

<sup>16</sup> See exemption criteria and process here: <https://www.health.govt.nz/covid-19-novel-coronavirus/covid-19-response-planning/covid-19-mandatory-vaccinations/covid-19-exemptions-mandatory-vaccination>



**5. And/or is C complaining of religious belief discrimination? i.e. that they cannot be vaccinated due to their religious belief.**

- **Yes:** progress to step (7).

*For initial screening purposes, case advisors may wish to explain the religious belief criteria in general terms (i.e., belief must be sincere and connected to an established religion, and this does not cover personally held beliefs) and ask C how their religion requires them not to be vaccinated. NB at this level, we are not making a value judgment/assessment about the person's religious belief. Therefore, if religious belief discrimination is alleged and the other criteria (below) is made out, the complaint may be progressed to DRT for assessment.*

**6. And/or is C complaining of political belief discrimination?**

*NB the New Zealand courts have interpreted political opinion to primarily apply to party political matters and the definition is therefore unlikely to extend to someone's personal preferences or views.*

**7. Is C complaining that their employer has not followed proper processes/acted in good faith/made reasonable attempts to offer a "real and acceptable" solution that is consistent with the complainant's rights? (Examples could include: employment terminated without notice; employer has not explored any alternative options, such as home working or redeployment; employer has not undertaken any risk assessment).**

- **Yes:** progress to DRT for assessment (NB also important to provide information on the Employment NZ mediation service, so C can elect which forum to pursue their complaint in).
- **No:** we cannot progress.<sup>17</sup> See 'no job, no job' template.

**B. Complaints about access to services - vaccine passports**

**8. Does the complaint relate to access to a basic need service? This includes:**

- a supermarket
- pharmacy
- dairy
- essential health and disability service (if wholly or partly funded by the state, including ACC)
- petrol station
- public and social housing
- emergency housing
- public transport (excluding domestic airlines, Cook Strait ferries and certain KiwiRail services).

*Or, if the complainant is a child/student or their parent/caregiver, does the complaint relate to a 'designated education or care premise' (this covers licensed early childhood services, registered schools, OSCAR programmes and school hostels)?*

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<sup>17</sup> S.21B (for HRA, Part 2), NZBORA, s 5 (for HRA, Part 1A).

- **Yes:**
  - Is the complainant alleging discrimination on the basis of one of the prohibited grounds (see, for example, (4) to (6) above)?
    - **No:** we cannot assist. Explain discrimination criteria under the Act.
    - **Yes:**
      - Has C been denied access to the premises/place altogether due to their vaccination status?
        - **Yes:** progress to DRT
        - **No:**
          - Has C instead been offered a modified service? (For example, a GP surgery requires a patient to wait in the carpark rather than the general waiting room).
            - **Yes:**
              - Has C potentially suffered a material detriment?
                - **No:** cannot progress
                - **Yes:** take further details and pass to DRT for assessment of reasonableness.

- **No (the complaint does not relate to a basic need service or defined educational institution)**
  - Is the place covered by the Covid-19 Order or the Covid-19 Protection Framework (i.e. any of the places listed in (1) and (2) above)?
    - Yes: we cannot progress.<sup>18</sup>
    - No (this could include, for example, [accommodation](#) (e.g. campgrounds, backpackers); [primary industries](#); [retail](#) (general stores, pet shops, banks, bakeries etc); [transport](#); and [public facilities](#) (e.g. museums, public galleries, libraries, swimming pools, zoos, recreation centres) – being places where restrictions are the same whether or not vaccine passports are used) – go to (9).

9. If C is alleging discrimination on the basis of one of the protected grounds, has C likely been materially disadvantaged/significantly impacted by the differential treatment?

- **No:** cannot progress.
- **Yes:** go to (10).

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<sup>18</sup> (n 2)

10. Does the business/service have a 'good reason' for the requirement?<sup>19</sup> This will generally require evidence that a health and safety risk assessment has been undertaken by the business/service.

- **Yes:** do not progress.<sup>20</sup>
- **No:** progress to DRT (NB such complaints potentially fall under HRA, Part 1A).

NB this criteria can be explained to C in the first instance, before progressing the complaint any further. If C responds with any information to suggest that a risk assessment has not been undertaken, the matter can be progressed to DRT for assessment.

### **C. Complaints about mask exemptions**

11. Does the complainant have a mask exemption due to a disability?

- **No:** cannot progress. Explain the Act.
- **Yes:** go to (12).

12. Has the complainant been refused access to a service/business altogether?

- **No:** go to (13).
- **Yes:** have they likely suffered a material detriment?
  - o **No:** cannot progress
  - o **Yes:** progress to DRT.

13. Has the complainant been treated differently to someone who wears a mask (e.g. served at a different counter/outside)?

- **No:** cannot progress.
- **Yes:** has C suffered a material detriment? (NB a business simply asking someone to show an exemption card is not a 'material detriment', but a business asking a person about the nature of their disability could be, particularly if it occurs publicly/in front of others)
  - o **Yes:** progress to DRT (NB where the detriment is being asked about the nature of their disability, it may be more appropriate for the person to contact the Office of the Privacy Commissioner).<sup>21</sup>
  - o **No:** cannot progress.

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<sup>19</sup> S 65 HRA

<sup>20</sup> S 21B (for HRA, Part 2, NZBORA, s 5 (for HRA, Part 1A))

<sup>21</sup> HRA s 80(3)(d).

# Key Covid info for HRISS case advisors

## General approach for Covid call backs:

### Be clear in your role:

- it's not your role to change their mind, convince them of something, or assess their complaint.

### Communicate your role to them:

- I can't give legal advice, what I can do is provide information;
- it's not my role to have a view on this, my role is to provide information;
- it's not my role to tell you if something is discriminatory, but I might be able to point you to some helpful information.

### Reiterate the Commission's role:

- we provide impartial dispute resolution for discrimination complaints,
- we can't investigate, make decisions, serve papers, impose penalties etc.

### Acknowledge limitations:

- I acknowledge you were probably hoping for a clear answer to your question, and it's frustrating that I can't provide that;
- these are new and complex legal issues, some of them will need to be dealt with by the Courts.

**Keep coming back to process:** explain how our process works and what we can and can't do.

### Give them realistic expectations:

- if you make a complaint, be aware there will be significant delays at the moment;
- our process is voluntary so people can choose whether to take part or not;
- our process relies on people agreeing on ways to resolve the situation,
- we don't make a ruling or decide what should happen. etc

## General information to refer to:

### Complaints we CAN'T help with

Our role is defined by the Human Rights Act 1993 (the HR Act), and we are limited in what we can help with. We can't help with all human rights complaints.

We can't help with:

- **General complaints about the Government's response to Covid-19**, unless they meet the criteria for unlawful discrimination (explained below).
- **Situations where a person makes a personal choice**, for example, where someone chooses not to get vaccinated or not to wear a face covering. This is because personal choice is not a prohibited ground of discrimination in the HR Act.
  - **'Political opinion'** New Zealand courts have interpreted 'political opinion' to primarily apply to party political matters. Therefore the definition is unlikely to extend to someone's personal preferences or views.
  - **'Religious belief'** does not cover personally held beliefs. Generally someone making a complaint on religious grounds would need to show their belief is sincere and connected to an established religion, and would need to provide more detail about how their religious belief prevents them from getting vaccinated.
- **Immigration matters**, because [the Immigration Act](#) prohibits us from taking any action on complaints about immigration policy or decisions.
- **Complaints related to your rights under the Bill of Rights Act** or other laws or human rights mechanisms. We can only help with unlawful discrimination complaints under the HR Act.

### Complaints we CAN help with

We can help with complaints of unlawful discrimination under the HR Act. Under the HR Act, unlawful discrimination happens when:

1. a person is treated differently to someone in the same or similar situation, and
2. there is some indication or evidence they were treated differently because of [one of the grounds in the HR Act](#) (such as their disability, age, ethnicity), and
3. the different treatment happens in an area of public life (such as employment, education, government services, access to housing), and
4. they are disadvantaged or significantly impacted by the different treatment, and
5. there is no relevant justification or exception in the HR Act.

If you believe you have been discriminated against and want to make a complaint, please fill out our complaint form: <https://www.hrc.co.nz/complaint-form/>.

When we receive your complaint, we will check it meets the criteria and contact you. We are experiencing higher demand than usual due to Covid-19, so there will likely be significant delays in us responding to complaints.

### **Our role**

We cannot give legal advice.

The Commission does not investigate complaints, make findings, or impose penalties.

Our dispute resolution process involves a mediator talking to the people involved and

helping them communicate to resolve the complaint. In some cases we offer mediation.

Our process is fair to everyone involved and we don't take sides or advocate for people who complain to us.

### **Other options for complaints**

- [Employment NZ](#) offers a mediation service for employment complaints and has information about COVID-19 in relation to employment, including specific information about [vaccines and the workplace](#).
- [The Ombudsman](#) can help with complaints about government agencies, including MIQ facilities.
- [The Health and Disability Commission](#) can help with complaints about the service you have received from a health and disability provider.
- [Community Law](#) has information about COVID-19 and the law and also offers free legal advice clinics around New Zealand.

### **Where to get advice**

The Commission can't provide legal advice or tell you if something breaches the HR Act.

If you are seeking legal advice, please speak to a lawyer.

Community Law offers free legal advice around New Zealand:

<https://communitylaw.org.nz/free-legal-help/>.

The Law Society also has a list of registered lawyers here (please note these lawyers will charge fees): <https://www.lawsociety.org.nz/for-the-public/get-legal-help/>

### **Information about Covid-19 and your rights**

[Please see the Covid-19 page of our website](#). We answer frequently asked questions about face coverings, vaccines, vaccine passes, and more.

### **Other ways the Commission is responding to Covid-19**

- The Human Rights Commission is monitoring the various human rights implications of Covid-19. We released a series of briefings about this – you can read them on the Covid page of our website.

- We also answer FAQs about Covid and human rights on our website.
- In December 2021 HRC launched a 'Dial it down' campaign, urging people to reflect on how they communicate with others, and to be respectful and kind to people when they interact with people who hold different views.
- In February 2021 [we released a report](#) on Chinese and Asian communities' experiences of racism during Covid-19.
- In June 2020 the Commission made key recommendations to the Inquiry into the Covid-19 Public Health Response Act. You can read the full submission [here](#).
- The Commission has also made a number of public statements about human rights issues related to Covid-19. You can find these in the [News](#) section of our website.
- If you want regular updates about our work you can follow us on [Facebook](#) or [Twitter](#).

### **Key info for vax complaints on religious grounds:**

**'Religious belief'** in the HR Act does not cover personally held beliefs.

**Generally**, someone making a complaint on religious grounds would need to show their belief is **sincere** and **connected to an established religion**.

People who make a complaint on religious grounds will need to provide more detail about how their religious belief prevents them from getting vaccinated. That will help us assess if we can help.

Where a complaint meets the criteria, we use **dispute resolution**.

Explain how our process works, give realistic expectations about what we can and can't do. If they still want to make complaint, direct them to complaint form on website and let them know there are significant delays at the moment.