



27 October 2023

Ref: DOIA 2324-0413

Erika Whittome

By email: fyi-request-23941-0ebe0e76@requests.fyi.org.nz

Tēnā koe Erika,

Thank you for your request received on 24 August 2023 to the Ministry of Business, Innovation and Employment (MBIE) requesting, under the *Official Information Act 1982* (the Act), the following information:

The minutes, emails and any correspondence and policy documents for the decision to publish the [below] saying that a business or workplace may require work to be "carried out by vaccinated workers, on health and safety grounds."

Please include any legal discussions and legal advice, and also refer to the specific sections of the Health and Safety at Work Act 2015 as the basis for this statement.

Vaccination assessment tool

"If your business or workplace isn't covered by a government mandate for COVID-19 vaccination, you can choose to do a risk assessment to see if you can require work to be carried out by vaccinated workers, on health and safety grounds."

We have provided emails between MBIE and WorkSafe officials relating to the publication of the line of interest on the business.govt.nz website. These emails contain documents which attach draft versions of the website guidance and approval to publish the final version of the guidance.

The Health and Safety at Work Act 2015

Undertaking a risk assessment provides the process for businesses to determine what controls or measures are needed to eliminate or mitigate work-related risks under section 30 of the *Health and Safety at Work Act 2015*.

Redacted information in the response

Please note some information has been withheld under the Act, on the following grounds:

- Section 9(2)(a) - to protect the privacy of natural persons;
- Section 9(2)(h) - to maintain legal professional privilege.

I do not consider that the withholding of this information is outweighed by public interest considerations in making the information available.



Redactions have been made under section 9(2)(a) of the Act to protect the privacy of individual persons, to remove references to officials' phone numbers. Redactions have been made under section 9(2)(h) of the Act to maintain legal professional privilege between officials and their legal advisors. Redactions have also been made to remove information that is outside the scope of your request.

If you wish to discuss any aspect of your request or this response, or if you require any further assistance, please contact OIA@mbie.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'C. de Feijter', written in a cursive style.

Charlotte de Feijter
Team Leader, Employment Relations Policy
Workplace Relations and Safety Policy Branch
MBIE