

19 April 2024

Erika Whittome  
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Tēnā koe Erika,

### **Your request for official information, reference: HN200033341**

Thank you for your email on 4 December 2023, asking Health New Zealand | Te Whatu Ora for the following under the Official Information Act 1982 (the Act):

*The Employment Relations Authority has many determinations for staff who were terminated from their jobs due to vaccine mandates in which you and other DHBs are the respondent for these cases.*

*Regarding vaccine mandates, Clause 7 of schedule 3A of the Employment Relations Act 2000 confirms that there is nothing which prevents "an employee whose employment agreement is terminated under subclause (3) from bringing a personal grievance or legal proceedings in respect of the dismissal".*

*Would you please share the costs to date of all legal costs responding to vaccine mandate claims in the Employment Relations Authority and in the Employment Court? Please include any disbursements as well, eg travel, accommodation, meals etc to any third party legal workers. Please include the costs for all claims that have commenced in the ERA and Employment court to date.*

### **Response**

Legal claims in the Employment Relations Authority and Employment Court, as they relate to the COVID-19 vaccination mandate were handled by the former District Health Boards (DHBs). Not all former DHBs had legal claims, but for the DHBs that did, Health NZ has paid approximately \$272,000 in legal costs responding to the COVID-19 vaccine claims. This figure only includes legal costs and does not include any settlement amounts. There are still ongoing claims, so this figure is subject to change.

Please note that this information has been manually collated and is not part of regular reporting. The figures collected through manual collation are done so to the best of our ability and as such, the data should be considered an indication only.

### **How to get in touch**

If you have any questions, you can contact us at [hnzOIA@tewhatauora.govt.nz](mailto:hnzOIA@tewhatauora.govt.nz).

If you are not happy with this response, you have the right to make a complaint to the Ombudsman. Information about how to do this is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or by phoning 0800 802 602.

As this information may be of interest to other members of the public, Health NZ may proactively release a copy of this response on our website. All requester data, including your name and contact details, will be removed prior to release.

Nāku iti noa, nā

A handwritten signature in black ink that reads "Danielle Coe". The signature is fluid and cursive, with a large initial 'D'.

**Danielle Coe**  
Manager (OIA) Government Services  
Health New Zealand | Te Whatu Ora