



Ref: DOIA 2122-1213

19 January 2022

Ashleigh Fechney

fyi-request-17805-5a5b3362@requests.fyi.org.nz

Dear Ashleigh

Thank you for your email of 2 December 2021 to the Ministry of Business, Innovation and Employment (the Ministry) requesting, under the Official Information Act 1982 (the Act), information about the Ministry's and the Employment Relations Authority's (the Authority) vaccination policies.

Before I address each part of your request, I will note that the Authority is not subject to the Act and, therefore, will not be responding to some parts of your request.

1. *Any briefing paper or advice paper from MBIE in relation to the COVID-19 Public Health Response (Protections Framework) Order 2021.*

Attached with this response is one briefing titled *2122-1360 Traffic Light Response Framework*. Some information within this document has been withheld under section 9(2)(a) of the Act, to protect the privacy of natural persons.

In terms of section 9(1) of the Act, I am satisfied that, in the circumstances, the withholding of this information is not outweighed by other considerations that render it desirable to make the information available in the public interest.

2. *Any vaccination policy applied by MBIE.*

The Ministry has enforced a COVID-19 vaccination policy, which came into effect on 15 December 2021.

3. *Confirmation of whether MBIE has commenced a "risk assessment" which may give rise to a vaccinations policy.*

The Ministry and the Authority have completed health and safety risk assessments relating to vaccinations for COVID-19.

4. *Confirmation of whether MBIE have the infrastructure to accommodate widespread remote hearings for unvaccinated people. This is particularly concerning, given the significant number of investigation meetings that have been cancelled, and which have not been considered for remote hearing.*

With regards to employment mediation, the Ministry has the infrastructure and resources to provide mediation services across a range of mediums, including both in person and remotely. All mediators are skilled in conducting mediation by phone and video conference (Zoom).



The Ministry recognises that there are times when technological capability, connectivity or equipment can impact user experiences or act as a barrier to attendance. Information to support the use of Zoom is provided to attendees ahead of the mediation and mediators are able to coach users at the time of mediation to assist them if required. A series of training sessions was recently offered by the mediation services to service users about how to attend mediation through Zoom, and will continue to be provided periodically.

For your information, the following data shows the number of mediations conducted in person, by phone and by video conference over the past six months; a period which included both lockdown for Auckland and the introduction of the ability for users to choose to attend mediation through Zoom.

<i>Mediated Cases Closed and Settlement Rate July to December 2021</i>			
<i>Channel</i>	<i>Count of Cases</i>	<i>Percentage of Cases</i>	<i>Settlement Rate</i>
<i>Video Conference</i>	1,263	57%	74%
<i>Face to face</i>	705	32%	71%
<i>Phone</i>	182	8%	62%
<i>Not recorded</i>	64	3%	84%
<i>Total</i>	2,214	100%	72%

The Authority will not be commenting on this part of your request.

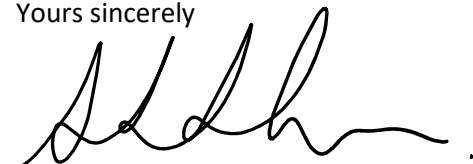
5. *Any other information that may assist legal representatives in advising the people as to whether, or not, the right to justice has been limited.*

While there is no specific information for legal representatives, the mediation website will be updated to include information on the Ministry's COVID-19 vaccination policy in due course at: <https://www.employment.govt.nz/resolving-problems/steps-to-resolve/mediation/>.

The Authority will not be commenting on this part of your request.

You have the right to seek an investigation and review by the Ombudsman of this decision, in accordance with section 28(3) of the Act. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely



Nikki Sumner

Manager, Business Advisory Services
Employment Services