

# Hon Chris Hipkins

MP for Remutaka

Minister for COVID-19 Response

Minister of Education

Minister for the Public Service

Leader of the House



Ashleigh Fechney  
[fyi-request-17838-4b0bbc5f@requests.fyi.org.nz](mailto:fyi-request-17838-4b0bbc5f@requests.fyi.org.nz)

Ref. CHOIA185

Dear Ashleigh

## Response to your request for official information

Thank you for your requests under the Official Information Act 1982 (the Act) on 1 December 2021 and 16 December 2021 which were consolidated by my Office. I will respond to each part of your request in turn:

*I am interested in understanding the level of union involvement in the creation and implementation of the COVID-19 Public Health Response (Vaccinations Order) 2021 (all amendments). In the first instance, I would like to know what unions were invited to provide feedback on any draft of the Vaccinations Order, and what union provided feedback on any draft of the Vaccinations Order.*

Relevant unions were invited into discussions on the development of each of the iterations of the Order, however we did not share the draft Order, nor did we seek feedback on the draft Order. This is due to the fact that draft legislation is legally privileged so could not have been shared outside the Crown.

*I also seek all correspondence between the office for the Minister of COVID-19 Response and any person using an email domain which is identified as being part of one of New Zealand's registered unions (including the New Zealand Council of Trade Unions).*

Eight documents have been identified within scope of this part of your request. These are itemised in Appendix 1 to this letter, and copies of the documents are enclosed. Where information is withheld, this is outlined in the Appendix and noted in the document itself. Please note that where information is withheld under section 9 of the Act, I have considered the countervailing public interest in release in making this decision and consider that it does not outweigh the need to withhold at this time. Please note that the 2021 Annual Report referred to in Document 5 is publicly available at: [www.unionaid.org.nz/annual-report/](http://www.unionaid.org.nz/annual-report/).

*I request the following documents received by your office:*

- *Implementing the COVID-19 Vaccine Rollout to Border Workers (BEB RPT 21/002)*
- *Draft Cabinet Paper - Refining and Improving the elimination strategy for COVID-19 (DPMC-2020/21-509)*
- *Elimination Strategy Update: Emergence of New Variants (DPMC-2020/21-484)*
- *Meeting with union leaders to discuss Tier 1a Vaccine rollout (2021-2918)*
- *Establishment of COVID-19 Engagement Mechanisms for Business (DPMC-2020/21-615)*

- *Further advice on stronger regulatory levers to support the Covid-19 vaccine rollout to border workers (2021-2776)*
- *Increase in Funding for COVID-19 Response Unit Due to COVID-19 Resurgence (DPMC-2020/21-612)*

*These documents have been identified as being received on the official COVID-19 website. I am unable to find any proactive releases.*

*I have identified a number of additional documents that haven't been listed on the official COVID-19 website as being documents received by the Minister of COVID-19 Response. I would therefore like to request copies of the following documents, as well as the reasons they have not been transparently listed as document received by the Minister of COVID-19 Response:*

- *Maximising uptake of COVID-19 vaccines in Tier 1 (Briefing paper provided by the Ministry of Health, 10 February 2021).*
- *Briefing on Policy decisions: COVID-19 vaccination requirements for high risk work in managed isolation, and attached "options for additional support mechanisms for workers who are not vaccinated." (Briefing paper provided by the Ministry of Business, Innovation and Employment, 16 April 2021)*
- *Briefing on COVID-19 Public Health response (Vaccinations) Order for signature. (Briefing paper provided by the Ministry of Health, 28 April 2021).*
- *Briefing on COVID-19 Vaccination requirements at the Border Tranche 2 Advice (Provided by Ministry of Transport, 12 May 2021).*
- *Briefing on Final policy decisions required to draft amendments to COVID-19 public health response order (Provided by Ministry of Health, 4 June 2021).*
- *Briefing on Further clarification on final policy decisions required to draft the amendments to the COVID-19 public health response order (Provided by Ministry of Health, 15 June 2021).*
- *Briefing on COVID-19 public health response amendment order 2021 for signing (Provided by Ministry of Health, 8 July 2021)*

*To ensure transparency, can you please let me know if there are other documents which have been received by the Minister for COVID-19 Response which have not been published on the website? It would also be of assistance to have a list of documents received by the Minister of COVID-19 Response from June 2021 to December 2021.*

The information requested in these parts of your request was provided to you on 28 February 2022 in a previous response under the Act (CHOIA181 refers). Please refer to that response for the decision made on the release of this information.

I trust this information fulfils your request. Under section 28(3) of the Act, you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz) or by calling 0800 802 602.

Yours sincerely



Chris Hipkins  
**Minister for COVID-19 Response**

## Appendix 1: List of documents for release

#	Date	Document details	Decision on release
1	21 September 2021	Email from NZ Tertiary Education Union	Released in full.
2	21 October 2021 – 28 October 2021	Email and letter from TEU, NZ Tertiary Education Union.	Released with some information withheld under section 9(2)(a) to protect the privacy of natural persons.
3	28 January 2022	Email from NZ Tertiary Education Union	Released in full.
4	2 February 2022		
5	10 February 2022		
6	25 February 2022	Email and letter from PSA and E tū.	Released with some information withheld under section 9(2)(a).
7	7 March 2022	Email and letter from the Corrections Association New Zealand.	
8	23 March 2022	Email from UnionAID	Released in full.

**From:** NZ Tertiary Education Union <sandra.grey@teu.ac.nz>  
**Sent:** Tuesday, 21 September 2021 3:12 pm  
**To:** Hon Chris Hipkins  
**Subject:** Say "NO" to unsafe workloads; pay equity; restructuring win; COVID-19 survey launch



**HAU TAKI HAERE**  
Tertiary Update Vol 25, No 18  
Say "NO" to unsafe workloads; pay equity; restructuring win; COVID-19 survey launch

**In this edition:**

- [It's time to say "NO" to unsafe workloads](#)
- [Pay equity – Let's make it happen!](#)
- [Auckland Uni restructuring yields win for Māori and Pacific students](#)
- [New COVID-19 survey report raises more dire workload concerns](#)
- [New COVID-19 health and safety expectations](#)



**It's time to say "NO" to unsafe workloads**

TEU is launching a campaign to raise awareness of unsafe workloads and to help to expose the dangerously low staffing levels in our institutions that are pushing our members over the edge.

[Read more...](#)



### **Pay equity – Let’s make it happen!**

At the beginning of 2021, the TEU Council endorsed a gender equity vision and strategy, developed by the National Women’s Committee. One of the key objectives of the strategy is to achieve the fair and appropriate valuing of women’s work in our sector.

[Read more...](#)



### **Auckland Uni restructuring yields win for Māori and Pacific students**

Due to numerous strong and coordinated individual and collective submissions from TEU members, new Māori and Pasifika roles have been put into the structure, both in areas that currently have them and in areas where either none previously existed or where mahi was undertaken on a more informal basis.

[Read more...](#)



### **New COVID-19 survey report raises more dire workload concerns**

Part Three of researcher Charles Sedgewick’s report, commissioned by TEU, looking at ‘the continuing and future impact of COVID-19 on tertiary education staff’ is now complete – and it makes for disturbing reading.

[Read more...](#)



### **New COVID-19 health and safety expectations**

TEU has published two new position papers setting out health and safety expectations for both [COVID-19 vaccinations](#), and [assessment and research protocols needed due to COVID-19](#).

[Read more...](#)

**Other News:**

Open letter to Minister Hipkins on student support during COVID-19 – [NZUSA](#)

Five of eight NZ universities see rise in cheating in 2020 – [RNZ](#)

Australian university sector sheds 40,000 jobs – [ABC](#)

Te Herenga Waka's Grant Guilford is retiring after eight years as Vice Chancellor – [VUW](#)

 Facebook  Twitter  Website

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## Document 2

**From:** Rewa Wehipeihana <rewa.wehipeihana@teu.ac.nz>  
**Sent:** Thursday, 28 October 2021 7:55 am  
**To:** Hon Chris Hipkins  
**Cc:** Sandra Grey; Tina Smith  
**Subject:** RE: Urgent request to work on an agreed risk assessment process for the tertiary education sector with regards to COVID-19 and the health and safety of staff and students Ref: INV-0457

Tēnā koe Minister Hipkins

As yet we have not had a reply to our urgent request for a meeting. We did receive your auto reply. We did ask that this be actioned within the week as you would know this is now a priority meeting, we are requesting. We would like to discuss the issue before we have to make a media statement on the tertiary sector heading back to campuses.

Could our request please be given the necessary attention.

Ngā mihi nui  
Rewa Wehipeihana  
On behalf of Sandra Grey

---

**From:** Rewa Wehipeihana  
**Sent:** Thursday, 21 October 2021 3:37 pm  
**To:** Chris Hipkins <chris.hipkins@parliament.govt.nz>  
**Cc:** 'Sandra Grey (sandra.grey@teu.ac.nz)' <sandra.grey@teu.ac.nz>; Tina Smith <tina.smith@teu.ac.nz>  
**Subject:** Urgent request to work on an agreed risk assessment process for the tertiary education sector with regards to COVID-19 and the health and safety of staff and students

**Sent on behalf of Sandra Grey (National Secretary) and Tina Smith (National President) of TEU**

Tēnā koe Minister Hipkins

Please find enclosed an urgent request from the Tertiary Education Union regarding the ongoing Health and safety of Students, staff and visitors to our Tertiary Education Institutes.

We would very much appreciate an answer within the next week as our members head back onto the campus and in front of the students.

Ngā mihi nui

Rewa Wehipeihana  
**Executive Assistant - National Secretary**  
**Executive Assistant - National President**  
**Administrator - Industrial Support**

PO Box 11-767, Wellington 6140

Mobile: s 9(2)(a)

Visit: <http://www.teu.ac.nz>

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**TEU**

**TERTIARY EDUCATION UNION**  
TE HAUTŪ KAHURANGI

www.teu.ac.nz  
+64 4 801 5098  
PO Box 11767  
Wellington, NZ

Minister Chris Hipkins  
NZ Parliament

By email

21 October 2021

Kia ora Minister,

The tertiary education sector has been substantially impacted on by the COVID-19 pandemic. Much of the impact is due to the inability to continue fully with face-to-face teaching and student support.

TEU's vaccination position paper states that COVID-19 must be dealt with as a health and safety issue. The union bases its actions on the expert science and health advice; encouraging members to get vaccinated and follow all precautions of masking, distancing, and hand hygiene. However, we support all staff and will ensure anyone whose job may be affected is treated fairly and given options, including redeployment or alternative duties.

We urge you to work rapidly on an agreed [with TEU] risk assessment process for the tertiary education sector, and if necessary, put in place a Public Health Order mandating vaccinations as staff and learners need consistency and certainty as an essential part of education. If vaccines are mandated for staff only, we ask that a risk analysis with regard to students, contractors, and other visitors is carried out with a view to requiring masks/face coverings to be worn when on a TEI site.

New Zealand needs a strong, public tertiary education sector both during this human and social crisis and beyond if our country is to build a better future.

Ngā mihi

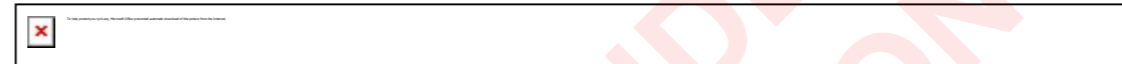
Tina Smith  
National President

Sandra Grey  
National Secretary

**From:** NZ Tertiary Education Union <sandra.grey@teu.ac.nz>  
**Sent:** Friday, 28 January 2022 12:45 pm  
**To:** Hon Chris Hipkins  
**Subject:** It's big, so plan!



## It's big, so plan!



With 260,000 learners and 30,000 staff all converging on campuses over the next few weeks, we need leaders of the tertiary education system to stand up and put people first.

This means getting the balance right between teaching face-to-face (we know that's best for many, many students) and trying to do our bit as a sector to slow the spread of Omicron.

Some institutional leaders are doing well and saying, 'only head to the campus for things that can't be done from home'.

Our members thrive in the room with learners. Teaching and learning is a very human interaction. But they understand the need to be cautious and protect the vulnerable.

Other employers are demanding almost double the workload from their staff, wanting both in-person and online teaching as well as student support provided by staff.

Just a reminder that in this moment, living with a global pandemic, moving a

class that was supposed to be in a room into zoom isn't easy. And what is happening in zoom for most teaching staff is emergency remote teaching.

Similarly, if you're there to support students through their journey, that support is not the same when provided through a computer screen, it's emergency remote support.

And yes, we need to do those things, but it's not as simple as many think. Drop out rates are higher when provision and support services move online.

Too many leaders and managers – even a number of vice chancellors – are saying 'its business as usual, get back to campus'.

Not only are they saying its business as usual, they have very scant plans of how they are going to cope with the very likely spread of Omicron and the resulting staff absences this will cause on the campuses they are responsible for.

It's not good enough. It's time for all leaders of the sector to make sure they are working with staff, listening to their expert opinions to put together clear plans. The best way to get through this together.

Tertiary education staff have played a range of important roles during the last two COVID years. They've kept training much needed nurses, builders, teachers, social workers and more. They've been providing amazing, expert public commentary on what we need to do as a country to get through this moment. They've been supporting 260,000 learners so they can get the education needed to transform lives and communities. Right now, they want to keep their sector running. But that can't happen unless we think and act responsibly.

That means empowering and enabling staff to work safely from home, then to go onto campuses for critical tasks that can't be done remotely. You can plan a lesson at home, but you can't teach a chemistry lab from home. You can write correspondence at home, but in some cases need to be face-to-face with a

learner to talk about their next steps in their PhD journey.

And when we do go on campus, we need to know that rooms are well ventilated; vaccine passes have been checked; and, that we've got the right employer-provided masks.

It doesn't seem too much to ask to keep us, learners, whanau, and communities safe.

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**From:** NZ Tertiary Education Union <sandra.grey@teu.ac.nz>  
**Sent:** Wednesday, 2 February 2022 10:21 am  
**To:** Hon Chris Hipkins  
**Subject:** Welcome to Tertiary Update 2022



**In this edition:**

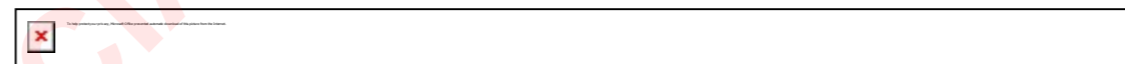
- [Te Kāhui Kaumātua Welcome](#)
- [Te Pou Ahurei | National Secretary's Welcome](#)
- [Te Tumu Whakarae | National President's Welcome](#)
- [Te Mana Hakahou – Reshaping TEU](#)
- [Workloads Focus](#)



**Te Kāhui Kaumātua Welcome**

Nau mai, piki mai, hoki mai rā. Greetings and welcome back.

[Read more...](#)



**Te Pou Ahurei | National Secretary's Welcome**

I'm not much into New Year's resolutions and joke every year to give up bad habits that I don't even have (and to keep the ones I do). But there's a

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resolution that I want us all to make this year – to stand together for better pay across the tertiary education sector.

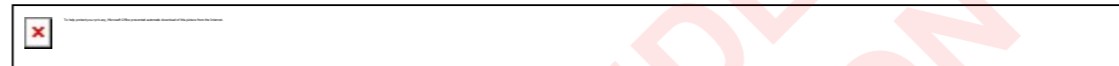
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### **Te Tumu Whakarae | National President's Welcome**

The start of a new year is usually a time of hope, goals, and plans.

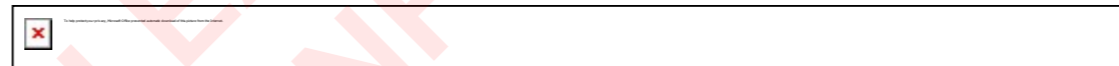
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### **Te Mana Hakahou – Reshaping TEU**

Since our formation in 2009, like our predecessor unions before us, Te Hautū Kahurangi | Tertiary Education Union has advanced mahi to recognise and honour our commitments to Te Tiriti o Waitangi.

[Read more...](#)



### **Workloads Focus**

Over the course of the last few years, and 2021 particularly, workloads have been identified repeatedly as an issue for our members. Without doubt the ongoing impact of COVID-19 has seen workloads increase for many with often little acknowledgement from employers.

[Read more...](#)

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**Other News:**

It's big, so plan! – [TEU](#)

Students likely Omicron vector: experts – [ODT](#)

A unified funding system (vocational education and training) – [TEC](#)

Annual inflation hits a three-decade high at 5.9 percent – [Stats NZ](#)

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**From:** Violet - UnionAID <violet@unionaid.org.nz>  
**Sent:** Thursday, 10 February 2022 9:29 am  
**To:** Hon Chris Hipkins  
**Subject:** UnionAID's 2021 Annual Report

[View this email in your browser](#)



**Kia ora Chris**

Please find attached [UnionAID's annual report](#) for the year 2021.

With the impacts of Covid it has been a difficult year for UnionAID and our partners. However, despite this challenge more than \$157,000 has been donated by our supporters which, together with funding from MFAT for our young leader programmes we have been able to fund:

- 11 union projects in 9 countries
- 4 Unions with Covid-19 crisis support
- The establishment of 2 new unions
- Education and skills training for 1,378 people
- 5 local campaigns to improve worker rights
- The Myanmar Young Leaders Programme

Following the coup in Myanmar in February we had strong support for our Myanmar Democracy Fightback Campaign and this continues.

Unfortunately, we have been unable to run the MYLP this year but we continue to support and fund alumni projects and the Mindanao Young Leaders Programme and the East Indonesia INSPIRASI Programme have been run online successfully.

**I roto i te kotahitanga**



*In unity*

Violet Wilson-Baird

Digital Operations and Communications



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**From:** Kirsty McCully <kirsty.mccully@etu.nz>  
**Sent:** Friday, 25 February 2022 4:56 pm  
**To:** Hon Andrew Little; A Little Office (MIN); A Verrall (MIN); C Hipkins (MIN)  
**Cc:** David Hawkins; Melissa Woolley; Jocelyn Pratt; Anaru Ryall  
**Subject:** PPE in Home and Community Support - Correspondence from PSA and E tu  
**Attachments:** PSA E tu letter to Ministers Little Hipkins and Verrall re PPE in HCSS.pdf

Kia ora Ministers,

Please find attached correspondence from PSA and E tū regarding the ongoing issue of PPE provision and safety for workers in Home and Community Support settings.

Appreciate if you can look into this and come back to us as soon as practicable.

Many thanks,  
Kirsty, on behalf of the unions.



**Kirsty McCully**  
Director – Member Led Organising  
P: s 9(2)(a) | M: s 9(2)(a)  
E: kirsty.mccully@etu.nz | W: www.etu.nz  
0800 1 UNION (0800 186 466)



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25 February 2022

Minister of Health, Hon Andrew Little  
Minister for COVID-19 Response, Hon Chris Hipkins  
Associate Minister of Health, Hon Dr Ayesha Verrall  
Parliament Buildings  
**WELLINGTON**

Dear Ministers,

We write to you in urgency relating to the provision of PPE for care and support workers in community settings.

We have often raised issues during the pandemic because community care and support workers have often had different standards applied to them when compared to other health workforces, for example those directly employed by DHBs.

As you will recall Just before the end of last year gloves were the primary concern, specifically the appropriate nitrile gloves being available for support workers instead of the vinyl gloves which were being supplied and which split frequently, leaving workers exposed to bodily fluids. This issue was eventually resolved, and we thank you for your action to resolve this. Earlier in the pandemic response, the lack of masks for community care and support workers was of concern. Despite not being able to maintain a distance from those they support, workers had to gain media attention to achieve the outcome that surgical masks would be supplied for their visits. We share this background and context because care and support workers are frustrated once again to have to raise the following issues about PPE provision.

1. PPE and RAT testing is required for critical community health workers in circumstances but there is minimal provision of these to workers as of today, and what is provided is drip fed. Workers are provided with enough PPE for up to a week and have to reorder every time they run out. They're constantly having to follow up orders of PPE, and constantly at risk of running out of what they need. Some workers are required to drive to pick up PPE from their employers and RAT tests from elsewhere in their own time, with no payment for the time or the travel. This adds pressure to an already underpaid workforce who are feeling the pressure of increased petrol and day to day costs as it is. In rural areas, workers or clinical managers may be required to drive some distance and sometimes for hours, to access RAT tests and PPE.
2. This is true also of N95s and full Covid PPE kits. These are not made available to support workers in advance when they may encounter someone isolating at home, but rather the workers are required to do a risk assessment at the door, not provide care and support (sometimes this is urgent cares and are then asked to contact their offices for arrangements to be made to distribute PPE Further to this the worker-centered system for RAT test distribution is unfortunately clumsy and time consuming for this workforce – requiring support workers to gather ID, a letter from their employer, and travel to another location to collect.
3. Clients are not being advised to wear masks when support workers visit where the client can, and the PPE guidance most recently updated two days ago unfortunately reinforces that clients or residents in aged or other residential care residences do not need to wear a mask. For Home

**Document 6** and Community Support workers, this means that clients are only be requested, not required where medically possible, to wear masks. Compulsory mask wearing for those clients who can for those receiving care from a support worker is, in our members' view, a simple step which would improve the protection of workers during their visits and would also minimize the possibility of transferring Covid-19 from one client to the next, with support workers often visiting 10 or more clients in a working day, and many more across a week.

4. This leads to the issue of rostering and work bubbles to minimize the spread of Covid-19. Some employers are directing support workers to provide care in households with Covid positive clients or family members, with full PPE, to then travel to other clients who are not Covid positive or close contacts, utilizing minimal PPE for the second visit. In addition, despite the need to risk assess at the door or don and doff PPE for each visit, there is no additional time allocated for this for support workers. Visits can be as short as 15 minutes, and a 30-minute visit is common. This ultimately means workers are doing this work in their own time. Government direction on these matters to providers is needed.

To summarise:

- There is a slow supply from MOH of PPE to providers, and inadequate amounts, meaning official PPE guidance cannot be followed and support workers feel unsafe doing their jobs.
- There is inadequate training for home and community support workers on PPE. They are sent videos to watch and have no in person instruction or guidance. This could mean PPE is not being used effectively.
- RAT testing – home and community support workers do not have access to a reliable supply of RAT tests. Providers are yet to be supplied these.
- Client mask wearing still an issue and the guidance does not assist. The guidance should be updated.
- Crisis packs with adequate PPE are only being deployed when there's a positive Covid case, and support workers do not have access to adequate PPE until this occurs. This system places support workers at risk, and is too slow, too late. Arguably, all support workers should have access to N95s for each client at this point.

The care workers are providing is essential, not optional care. It's toileting and showering, and wound care, and more. Support workers need access to full PPE, and for RAT tests to be made more easily accessible. Work bubbles need to be mandated in the sector to segment the workforce dealing with Covid positive clients/households, and those who are not.

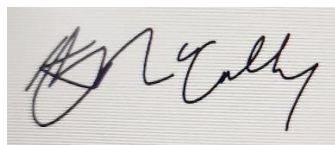
Support workers are feeling frustrated and burnt out, and we are seeing many, at this point, taking the decision to leave the sector. They want to feel that their safety is being considered, and is important, and that they don't risk their clients lives when they go out there to do their jobs every day.

Please can you urgently consider how the above issues may be addressed.

Regards,



Melissa Woolley  
Assistant National Secretary  
**NZPSA Te Pūkenga Here Tikanga Mahi**



Kirsty McCully  
Director  
**E tū union**

**From:** President | CANZ Union <president@canzunion.co.nz>  
**Sent:** Monday, 7 March 2022 10:00 am  
**To:** Jeremy.LIGHTFOOT@corrections.govt.nz  
**Cc:** Ashley Bloomfield; C Hipkins (MIN); K Davis (MIN); MARSH, Leigh (WELLHO); Rachel.Leota@CORRECTIONS.GOV.T.NZ; FITZPATRICK, Fiona (WELLHO); Vice President | CANZ Union  
**Subject:** COVID Mandate Concerns  
**Attachments:** COVID Mandate Letter.pdf

**Importance:** High

Hi Jeremy

Attached is our letter requesting an urgent response and review of the COVID Mandate within prisons.

We are seeking an urgent outcome and have included the following for involvement and comment:

CC to the Minister for Corrections – Kelvin Davis [k.davis@ministers.govt.nz](mailto:k.davis@ministers.govt.nz):

CC to the Minister for the Covid-19 Response- Chris Hipkins [c.hipkins@ministers.govt.nz](mailto:c.hipkins@ministers.govt.nz);

CC The Director General of Health – Dr Ashley Bloomfield [Ashley.Bloomfield@health.govt.nz](mailto:Ashley.Bloomfield@health.govt.nz)

Kind regards

**Juan (Floyd) du Plessis | President**

Corrections Association New Zealand

Mobile: s 9(2)(a)

Email: [president@canzunion.co.nz](mailto:president@canzunion.co.nz)

**REDUCING REOFFENDING STARTS IN PRISON – STOP THE ASSAULTS ON STAFF**

**CANZ YOUR UNION IN PRISONS**

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7<sup>th</sup> March 2022

Jeremy Lightfoot  
Chief Executive  
Department of Corrections

By email: [jeremy.lightfoot@corrections.govt.nz](mailto:jeremy.lightfoot@corrections.govt.nz)

Dear Jeremy

### VACCINATION MANDATE CONCERNS

1. The purpose of this letter is to raise with you the very grave concerns that we have for the employment of our members, and for the health and safety of our members and others within prisons, as a result of the enforcement of the vaccination mandate.

#### **Background to Department of Corrections Mandate**

2. As you are aware, when the Department of Corrections initially carried out its risk assessment the Corrections Association of New Zealand Inc (**CANZ**) was involved in that process. This included discussing types of measures and controls, including vaccination, that may be required in different parts of the prisons to address the then understood risks of Covid-19. CANZ withdrew from that process when we were led to believe that your managers purpose of the risk assessment was no longer to assess appropriate measures and controls but for the purpose of putting in place a vaccination mandate and requesting the Government to legislate a vaccination mandate order covering Corrections staff.
3. CANZ made it very clear to your managers that it did not agree with or support the change within the process, and it did not agree with the risk assessment that the Department of Corrections produced. We made it clear that we felt the risk assessment had not been done correctly and was geared towards an outcome that was not correct or objective. We also note that CANZ were not consulted about the final form of the risk assessment.

#### **Current Situation**

4. CANZ has been advised by your managers that approximately 50% or less of the staff at numerous sites, employed in Corrections prisons are currently 'non-operational' as they have either been infected with Covid-19 or are self-isolating in accordance with Department of Corrections protocols.
5. As a result of that situation, the Department of Corrections is currently implemented an emergency plan to deal with extreme staff shortages. The emergency plan includes a number of levels or phases, as the number of non-operational staff increases. Our understanding is that most prisons are currently at level 1, and other prisons, particularly in the Auckland region are at level 2.

6. We understand from the communication from your managers that this is expected to get worse during the next fortnight, as the number of Omicron infections within the community increases.
7. Earlier this week we were informed that the Department of Corrections started contacting our members who have not had their vaccination booster and were thus impacted by the COVID-19 Public Health Response (Vaccinations) Order 2021 and the COVID-19 Public Health Response (Vaccinations) Amendment Order 2022 (which amendment came into force on 23 January 2022). We understand that there are approximately 1,000 operational staff in this category. We understand that around 200 of those staff were immediately affected as at 1 March 2022, and have been stood down by the Department of Corrections. This number is likely to increase as the 183 day timeline within the Vaccination Order expires for each member.
8. Our immediate concerns are twofold:
  - (a) the effect of the Order on staff that have not received a booster is causing a great deal of stress and anxiety caused by the uncertainty as to whether their income (and employment) will be ongoing;
  - (b) the effect of the requirement for a booster is exacerbating the current staff shortages caused by the virus itself, and further seriously limiting the ability of frontline staff to provide and meet the most basic needs of the prisoners, including their periods of unlock, which are necessary for their welfare. As you know full well, increasing lock up periods for prisoners has a detrimental effect on them, including an increased risk of self-harm and increased risk of violence towards other prisoners and frontline Correction officers.
9. It is our very real concern that the ongoing effect of the vaccination mandate in the current circumstances is likely to result in minimal and potentially no daily unlocked time for prisoners. When those prisoners are then unlocked (when staffing levels permit), experience tells us that there is a heightened risk of serious violence, directed at either frontline staff, or other prisoners.
10. In CANZ's view, the original vaccination mandate was unnecessary at the time it was effected, and that other targeted controls and measures would have been just as effective, in many circumstances, at reducing the transmission of Covid-19. Given the low vaccination rates of prisoners, and the high number of Covid-19 cases in prisons, our concerns with the mandate itself appear to have been validated.
11. In addition, at the time the risk assessment was conducted the impact of the Omicron variant had not been discussed or consulted about. The view expressed by the health and safety team at the Department of Corrections at the time was that vaccination was a necessary control for preventing the transmission of Covid-19. That was the predominant reason that vaccination was preferred, at that time.
12. It is now abundantly clear that vaccination does little if anything to prevent the transmission of the Omicron variant. As the purpose of the mandate, to our knowledge (and based on the Department of Correction's risk assessment), was predominately to prevent the transmission of Covid-19 within prisons, that proposition is clearly no longer sustainable.

13. Your managers have not advised CANZ what, if any, steps are being taken to address the potentially disastrous consequences of the extreme staff shortages we already have, exacerbated by an unnecessary requirement that already vaccinated staff also receive a booster. It is not clear to what extent a booster will reduce the serious consequences of Covid-19 compared to a person who is already vaccinated.
14. Can you please advise CANZ as soon as possible, and no later than 5:00 pm on Tuesday, 8 March 2022 what steps the Department of Corrections has taken to:
  - (a) Consider whether grounds exist under s9 of the COVID-19 Public Health Response (Vaccinations) Order 2021 to allow affected persons who have not received a vaccination or booster to carry out the specified work; and/or
  - (b) Apply to the Director General of Health under s9A of the COVID-19 Public Health Response (Vaccinations) Order 2021 to authorize affected persons who have not received a vaccination or booster to carry out the specific work; and/or
  - (c) Discuss with the Minister for Corrections whether it is now appropriate to have the Department of Corrections removed from Schedule 2 of the COVID-19 Public Health Response (Vaccinations) Order 2021; and/or
  - (d) Revise the original risk assessment in light of the nature of the Omicron variant, the impact of the vaccine and boosters on that variant, and the health and safety risks of staff shortages; and/or
  - (e) Engage effectively with the Department's workers in relation to the current and emerging risks and the controls being used.
15. We advise you that we have instructed lawyers to prepare judicial review proceedings and will challenge:
  - (a) the lawfulness of the vaccination mandate itself at the time it was ordered;
  - (b) the lawfulness of the booster mandate at the time it was ordered;
  - (c) the lawfulness and justification for continuing with the mandate in the current circumstances.
16. This situation is urgent. CANZ's view is that the health and safety detriment that is likely from the additional staff shortages caused by the vaccination booster requirements in addition to the expected staff shortages that the Department of Corrections already has due to the effects of Covid-19, outweigh any possible benefits of requiring all staff to also have a vaccination booster.
17. We look forward to your earliest reply.



Yours Sincerely

A handwritten signature in black ink, appearing to read 'Juan du Plessis', enclosed in a thin black rectangular border.

**Juan (Floyd) du Plessis | President**  
Corrections Association New Zealand

cc Minister of Corrections  
cc Minister for Covid-19 Response  
cc Director General of Health

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**From:** Helen Wilson - UnionAID <admin@unionaid.org.nz>  
**Sent:** Wednesday, 23 March 2022 5:14 pm  
**To:** Hon Chris Hipkins  
**Subject:** Solidarity/28: News from our international partners



Autumn 2022

Kia ora Chris

Hot off the press in the [Autumn newsletter](#) – thanks to your support

- youthful unionists are using new and creative ways to build membership in Indonesia and the Philippines
- displaced Myanmar children are back in the classroom thanks to our teacher unions - NZEI and PPTA
- remote Eco village project in Myanmar harvests first crops

**Another call for donations to the Myanmar Appeal** – our on-the-ground contacts are requesting money for striking nurses, doctors and teachers who are providing free services to internally displaced people. \$100 pays one nurse to work for a month. Every bit counts.

Ngā mihi mahana

Helen Wilson

**Programme Manager | Myanmar Young Leaders Programme**

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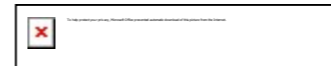
## Autumn 2022



*Go BIEN! Catchy Campaign  
Attracts members*

Who would have thought serenading the government with a Christmas carol about pay and conditions for call centre members would be a useful campaigning tool?

[read more >>](#)



*UnionAID funds two new union projects*

Free Trade Zones and General Services Employees Union in Sri Lanka and the National Garment Workers Federation in Bangladesh have secured more UnionAID funding

[read more >>](#)





*Eco Project sustains whole Myanmar village*

In a remote village in Myanmar, a recent harvest of gourd, corn, pumpkin, beans, cucumber, radish, and marrow shows evidence of the success of the eco village.

[read more >>](#)

## More stories

 Football tournament wins new union members in Indonesia

 Striking Myanmar teachers supported by NZ Unions

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