

# Hon Dr Ayesha Verrall

Minister for COVID-19 Response  
Minister of Research, Science and Innovation  
Minister for Seniors  
Associate Minister of Health



Jennifer Wright  
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Ref. AVOIA34

Dear Jennifer

## Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) on 20 June 2022, for:

*"I wish to request information pertaining to the time Chris Hipkins held the portfolio for COVID-19 Response. On the 25th October 2021 the version of the COVID-19 Public Health Response (vaccination ) Order 2021 held the definition of care and support workers as the following;*

*'Care and Support Worker means a person employed or engaged to carry out work that includes going to the home or place of residence of another person (not being the home or place of residence of a family member) to provide care and support services'.*

*Then, on November 6th a new version of COVID-19 Public Health Response (vaccination ) Order 2021 was released and the definition of care and support workers was as following;*

*'Care and Support Worker means a person employed or engaged to provide care and support services within a home or place of residence'.*

*Please provide me with all the public health advice given and all the information that was considered when deciding to include care and support workers, working in a family member's home, in the COVID-19 Public Health Response (vaccination ) Order 2021 as at November 6 2021."*

On 19 July 2022, I extended the time limit to respond to your request to 16 August 2022.

This distinction between family and non-family carers was not considered to be relevant to public health and so was removed to ensure that all vulnerable people received the same protection, whether cared for by a family carer or not. This also reflected that differential treatment based on family status was not appropriate and could be discriminatory as those receiving care from family members should not receive less protection.

I have identified one document in scope of your request. All documents are itemised in Appendix 1 and copies of the documents are enclosed. Excerpts have been released in accordance with section 16(1)(e) of the Act, with information deemed out of scope of your request excluded.

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

A handwritten signature in black ink, appearing to read 'Ayesha Verrall', written in a cursive style.

Hon Dr Ayesha Verrall  
**Minister for COVID-19 Response**

**Appendix 1: List of documents for release**

#	Date	Document details	Decision on release
1	3 November 2021	Briefing: H202212418 - Policy decisions required for further amendments to the COVID-19 Public Health Response (Vaccinations) Order 2021	Excerpts have been released in accordance with section 16(1)(e) of the Act.

**Briefing- Policy decisions required for further amendments to the COVID-19 Public Health Response (Vaccinations) Order 2021**

Health Report Number: H202212418

**EXCERPT FROM PAGE 2****Recommendations**

We recommend you:

- e) **Note** the current exemption for care and support workers living in the same house as the person they are providing services to, is inconsistent with the government's overall policy of having a workforce that is vaccinated against COVID-19, and is inconsistent with the Government's overall response to the Family Carers' litigation

**EXCERPT FROM PAGE 7****Care and support workers who live in the same house as the person they provide service to (usually family carers)***Context*

- 35. The Family Carers litigation found that the policy of not paying family carers to support disabled people was inconsistent with the Human Rights Act 1993 and could not be justified under the New Zealand Bill of Rights Act 1990. This Government's general response to the litigation is to treat paid family carers the same as other carers.
- 36. The COVID-19 Public Health Response (Vaccinations) Order 2021, however, creates different vaccination requirements for different groups of people who are employed or engaged to provide care and support to disabled people:
  - a. care and support workers are generally required to be vaccinated under the COVID-19 Public Health Response (Vaccinations) Order 2021.
  - b. but, care and support workers who live in the same house as the person they are providing services to (usually family carers), are not required to be vaccinated.
- 37. Whilst this exception was included in CAB-21-MIN-0413, requiring all people who are employed or engaged as care and support workers to be vaccinated is consistent with the government's overall policy of having a workforce that is vaccinated against COVID-19 and is consistent with the Government's overall response to the Family Carers' litigation. It also removes the risk of recreating policies that may be found to be inconsistent with the Human Rights Act 1993. The disability community – including carers - is strongly supportive of this approach.

38. The Ministry proposes an amendment to the Order that revokes the exemption for care and support workers who live in the same house as the person they provide services to and includes them in the general definition of care and support workers, to ensure they are captured by the Order.
39. Some paid family carers may consider that this means they are being forced to be vaccinated, and there are likely to be difficulties enforcing vaccination requirements, especially when the paid family carer lives in the same house as the disabled person. This requirement, however, flows from them seeking to be treated the same as other employees.

Released under the Official Information Act 1982