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6 June 2024

Erika Whittome

By email: fyi-request-26677-c680404b@requests.fyi.org.nz
Ref: H2024041134

Tēnā koe Erika

Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) to the Ministry of Health – Manatū Hauora (the Ministry) on 9 May 2024 for information regarding workplace diseases and Schedule 2 of the Accident Compensation Act 2001. Please find a response to your request below.

"I see this page dated 18 Mar 2024 from the MoH says that infectious diseases like the flu are now "workplace hazards". <https://www.health.govt.nz/our-work/diseases-and-conditions/workplace-infectious-disease-prevention>

"Any infectious disease encountered in the workplace is considered a workplace hazard."

Kindly share the all the memos, emails, correspondence, legal advice etc that took place for this page to be published and this statement, "any infectious disease encountered in the workplace is considered a workplace hazard."

The Ministry has identified two documents within scope of your request:

- **Workplace Hazard 1**
Draft email regarding the Ministry's view of an employer's obligations under the Health and Safety at Work Act (2015) to mitigate the spread of an infectious disease in a workplace.
- **Workplace Hazard 2**
An email chain of two emails confirming whether an existing statement in regard to infectious diseases in the workplace published on the webpage should be kept.

These documents are considered legal advice and correspondence, and as such are withheld under section 9(2)(h) of the Act as legally privileged. However, the Ministry considers the length of time that the webpage has been published and in maintaining legal professional privilege, can provide summaries of these documents as above. The webpage was published in 2017 and has undergone very minimal changes since.

If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact the OIA Services Team on: oiagr@health.govt.nz.

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 or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on the Manatū Hauora website at: www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests.

Nāku noa, nā

A handwritten signature in blue ink, appearing to be 'Phil Knipe', written in a cursive style.

Phil Knipe
Chief Legal Advisor/Privacy Officer
Government and Executive Services | Te Pou Whakatere Kāwanatanga