



Te Kawa Mataaho

Public Service Commission

20 July 2021

9(2)(a)
privacy

Dear 9(2)(a) privacy

Official Information Request Our Ref: OIA 2021-0079

I refer to your official information request below which was received by Te Kawa Mataaho Public Service Commission (the Commission) on 23 June 2021 and transferred from Minister Hipkins to the Commission on 25 June 2021.

“Please could you provide information to explain:

- A) the legal and evidential basis behind this "expectation" that all public servants will receive this experimental jab (which does not meet Medsafe's benefit exceeds risk criteria for S20 approval as a new medicine)*
- B) the alternative solutions offered to staff including treatment to enhance their general immunity with Vitamin D, zinc, Vit C, ivermectin and/or other solutions which overseas use and/or research show are effective*
- C) all communications behind this policy to show its source and who championed it*
- D) whether and how it's made clear to individual staff that body sovereignty prevails over the Commission's "expectations".*
- E) any analysis of the health and safety risks of bullying in the workplace, whether specifically relating to pressure to accept this experimental vaccine (which does not have Medsafe approval as a new medicine), the flu vaccine or generally*
- F) any analysis of the "jab" being assault where it is imposed on staff without Informed consent, (or under duress and without discussion about risks and alternatives)*
- G) the Commission's health and safety advice on bullying, including what type of pressure on staff amounts to bullying and steps to prevent this*
- H) how the above information is communicated to managers and staff to protect staff from against duress to receive the jab and/ or bullying*

<https://www.publicservice.govt.nz/resources/covid-19-workforce-vaccinations-guidance/>”

COVID-19 vaccination

On 3 February 2021, Medsafe the medicines safety authority approved the first COVID-19 vaccine for use in New Zealand. It has been robustly assessed to ensure it meets international standards and local requirements for quality and safety.

The vaccine strategy is available on the [COVID-19 website](#).

The Government has set a goal to ensure that all those who can be vaccinated, are vaccinated. The Ministry of Health advice is that vaccination helps protect the welfare and wellbeing of our

communities from COVID-19. The Government has decided that the COVID-19 vaccination will be free of charge and readily accessible to everyone aged over 16. It will not be mandatory for the general public.

The Commissioner has obligations under the New Zealand Influenza Pandemic Plan to provide guidance to public sector organisations on workforce matters. This is outlined on page 52 of the document listed in the below table which is publicly available on the Ministry of Health website. When the Government announced a [roll out plan](#) for the COVID-19 vaccination, the Commissioner decided it was appropriate to issue guidance to assist agencies to take a consistent approach and model what is expected for the rest of New Zealand.

In order to support the Government’s goal, the COVID-19 Workforce Vaccinations Guidance, issued under [section 95](#) of the Public Service Act 2020 sets an expectation that all employees in the public service should be vaccinated. The Government, public service and unions are all working together to ensure that the roll-out occurs as soon as possible.

The guidance issued by the Commission is clear that it is up to each individual whether they wish to have the vaccine and this view is shared across the public service. The vaccination will not be imposed on staff without informed consent.

In April, the Government issued a [Public Health Response Order](#), requiring that all work in Managed Isolations and Quarantine (MIQ) settings must be undertaken by people who have been vaccinated against COVID-19 as well as work undertaken in other high-risk border settings. This applies to the work of many public servants. The Commissioner’s guidance assists agencies to navigate the issues arising where a worker who is required to perform this work is not vaccinated.

Item	Document Description	Website Address
1	New Zealand Influenza Pandemic Plan A framework for action	New Zealand Influenza Pandemic Plan: A framework for action (2nd edn) (health.govt.nz)

Information being withheld

The Commission does not hold any information in relation to alternative solutions to enhance general immunity. We are therefore refusing this part of your request under section 18(e) of the Official Information Act 1982, on the grounds that the information does not exist.

Information publicly available

The following information is also covered by your request and is publicly available on the Commissions website:

Item	Date	Document Description	Website Address
2	22 February 2021	Report: Guidance on workforce matters relating to COVID-19 vaccination roll out: Government Workforce Policy Statement for the public sector	Guidance-on-workforce-matters-relating-to-COVID-19-vaccination-roll-out-Government-Workforce-Policy-Statement-for-the-public-sector.pdf (publicservice.govt.nz)

Standards of integrity and conduct

The Public Service Commissioner is responsible for setting standards of integrity and conduct across most of the public sector. The Commissioner has done this in a code of conduct for the public sector, called the [Standards of Integrity and Conduct](#) (the Code).

As part of complying with the code, organisations must maintain policies and procedures that are consistent with the code. The code requires that we must treat everyone with respect. This includes being courteous and contributing to the smooth functioning of our workplaces by not discriminating against anyone and not harassing, bullying or otherwise intimidating members of the public or our colleagues.

The Commissioner has also set out his minimum expectations for staff and organisations in the Public Service to ensure positive and safe workplaces. These include [Positive and Safe Workplaces](#) and [Speaking up in the State Services](#).

The Commission does not, however, hold analysis in relation to health and safety risks of bullying in the workplace specifically relating to the COVID-19 vaccine. We are therefore refusing these parts of your request under section 18(e) of the Official Information Act 1982 on the grounds that the information requested does not exist.

If you wish to discuss this decision with us, please feel free to contact Ministerial.Services@publicservice.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that we intend to publish this letter (with your personal details removed) on the Te Kawa Mataaho Public Service Commission's website.

Yours sincerely



Nicky Dirks
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Te Kawa Mataaho Public Service Commission