Health New Zealand
Te Whatu Ora

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Tēnā koe Belinda

Your request for official information, reference: HNZ00030907

Thank you for your email on 4 October 2023, asking Health New Zealand | Te Whatu Ora for the following under the Official Information Act 1982 (the Act):

> *"I am seeking information in respect of Significant Service Disruption exemptions (SSD) granted in respect of the covid-19 vaccination mandates.*
>
> *I understand from a previous OIA that 478 applications were received under this category with 103 applications being granted covering 11,005 workers. Pursuant to the OIA, I request the following information:*
>
> *1. Please provide a breakdown of the industries permitted to apply for a Significant Service Disruption (SSD) exemption and the number of applications received and granted in each industry area.*
>
> *2. Where an employer is granted an exemption, please confirm the requirement to specifically name the worker/s that would be covered by the exemption? Please explain the process and criteria under this exemption.*
>
> *3. How many hospitals and/or medical clinics applied for an SSD exemption? How many SSD exemptions were granted to medical workers in hospitals and medical clinics? Please name any hospitals granted an SSD exemption?*
>
> *4. How many SSD exemptions were granted to Government Departments and Government agencies? How many workers were covered in this category?*
>
> *5. How many SSD exemptions were granted to the NZ Police?*
>
> *6. How many SSD exemptions were granted to the NZ Defence Force?*
>
> *7. How long did the SSD exemptions last? What conditions were attached to these exemptions?*
>
> *8. Who made the decision in respect of SSD exemptions and their conditions?*
>
> *9. Were any SSD exemptions granted to Medsafe?*
>
> *10. Were any SSD exemptions granted to the DPMC and/or any MPs and Ministers?*
>
> *11. Please provide a list of the companies and entities granted an SSD exemption."*

Response

For clarity, I will address each question in turn.

> *I understand from a previous OIA that 478 applications were received under this category with 103 applications being granted covering 11,005 workers.*

Clause 12A was in force from 15 November 2021 until 26 September 2022 and during this time, 102 applications were granted covering 8,051 health and disability workers. Please note that this differs from the total number of applications and affected workers previously released in OIA HNZ00023978, which stated that 103 exemptions were granted covering 11,005 workers. These discrepancies are each due to administrative data input errors recently discovered in a review of SSD exemption data.

> 1. *Please provide a breakdown of the industries permitted to apply for a Significant Service Disruption (SSD) exemption and the number of applications received and granted in each industry area.*

The SSD exemption process was established to operationalise Clause 12A of the COVID-19 Public Health (Vaccinations) Order 2021. It was managed first by the Ministry of Health and then by Health New Zealand | Te Whatu Ora from 1 July 2022. Exemptions under Clause 12A were granted so essential health care services could continue to be delivered. Only Persons Conducting a Business or Undertaking (PCBUs) in the health and disability sector/industry could apply for an SSD exemption. These exemptions were restricted to work only; a covered worker could not obtain a vaccine pass.

> *2. Where an employer is granted an exemption, please confirm the requirement to specifically name the worker/s that would be covered by the exemption? Please explain the process and criteria under this exemption.*

In the application, the PCBU had to outline their plan to avoid Covid-19 transmission and confirm that no alternate service delivery option was possible. PCBU's were asked to name each worker that would be covered by their application. An application was either declined or delayed until the criteria were met.

The criteria for the SSD exemption were that a critical health service would not be able to be provided if the workers were unavailable and the organisation had done all they could to mitigate the risk of Covid-19 illness for consumers, colleagues, and the general public.

SSD exemptions were decided by the Minister for COVID-19 Response upon recommendation by the Significant Service Disruption Panel. The SSD Panel was established on November 12, 2021, by the Ministry of Health.

> *3. How many hospitals and/or medical clinics applied for an SSD exemption? How many SSD exemptions were granted to medical workers in hospitals and medical clinics? Please name any hospitals granted an SSD exemption?*

Under section 16(1)(e) of the Act, Health New Zealand | Te Whatu Ora is providing you with a summary of all of the information received for SSD exemption applications, attached as **Appendix One**. I hope the information is useful to you.

To avoid identifying individuals in our data, the names of organisations that made applications for SSD exemptions covering less than 50 workers is suppressed and represented as *"blank"* in the *"PCBU name"* column of Appendix One. This information is withheld under section 9(2)(a) of the Act, to protect the privacy of individuals. 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 medical centres and hospitals can be private or publicly funded.

Applications from privately funded hospitals are identified as “HOSPITAL” in the “PCBU TYPE” column of **Appendix One**, this also provides the number of workers covered.

Applications from privately funded medical clinics are identified as “MEDICAL CENTRE” in the “PCBU TYPE” column of **Appendix One**, this also provides number of workers covered.

Applications for exemption for workers employed within publicly funded medical centres or hospitals would have been submitted by DHBs. DHBs generally submitted applications covering all workers in their region and may not have specified the type of facility each worker was employed within. It is therefore not possible for us to determine how many DHB applications were for workers in medical centres or hospitals.

However, when the DHB’s submitted their applications for review, they grouped their staff into five roles/categories as follows;

- Administration/Management
- Care and Support
- Nurse/Midwife
- Doctor/Surgeon/House Surgeon/Registrar/Medical Officer/Consultant
- Allied Health/Technical/Science/Other

See below a breakdown of granted applications by role, using the categories outlined above. Please note that PCBU’s could apply for an exemption for one individual staff member, or for multiple staff members in one application. Applications from PCBU’s covering multiple staff members have been included in their own row.

Please note, this data is not part of our regular reporting and has been collated to the best of our ability. However, there is always the possibility of human error and as such the data is provisional.

Granted Applications by Role						
PCBU type	Administration-Management	Care and Support	Nurse - Midwife	Doctor - Surgeon - House Surgeon - Registrar - Medical Officer - Consultant	Allied Health - Technical - Science - Other	**Total**
DHB	992	1103	1984	350	787	5216
Non-DHB		2832		2	1	**2835**
						8051

4. *How many SSD exemptions were granted to Government Departments and Government agencies? How many workers were covered in this category?*

SSD exemptions were granted to health and disability PCBU's, none were granted to government agencies or departments.

5. *How many SSD exemptions were granted to the NZ Police?*

6. *How many SSD exemptions were granted to the NZ Defence Force?*

SSD exemptions were granted to health and disability PCBU's, none were granted to government agencies or departments. We have no information regarding any COVID-19 vaccination exemption processes that may have been implemented by NZ Police/Nga Pirihimana O Aotearoa or NZ Defence Force/Te Ope Kātua O Aotearoa.

7. *How long did the SSD exemptions last? What conditions were attached to these exemptions?*

An SSD exemption was granted to an organisation, covering named workers, and was intended to allow those workers to work for a limited period of time until vaccinated. All SSD exemptions were temporary, lasting for a period of between 7 days and 8 weeks. An SSD exemption did not apply outside the workplace, so the workers could not apply for a My Vaccine Pass, unlike those who were granted a Temporary Medical Exemption.

8. *Who made the decision in respect of SSD exemptions and their conditions?*

SSD applications to the Minister for COVID-19 Response could be made by a health and disability sector PCBU when the lack of vaccinated staff could severely disrupt the delivery of health and disability services. Applications were considered by a panel with organisational operations expertise, who then made recommendations to the Minister.

9. *Were any SSD exemptions granted to Medsafe?*

SSD exemptions were granted to health and disability PCBU's, none were granted to government agencies or departments, including Medsafe.

10. *Were any SSD exemptions granted to the DPMC and/or any MPs and Ministers?*

No SSD exemptions were granted to employees of DPMC or to government Ministers. Employees of DPMC and Members of Parliament were treated the same as any other member of the public with regards COVID-19 vaccination and could have a medical doctor or nurse practitioner apply for a Temporary Medical Exemption (TME) on their behalf. However, it should be noted that no employment information was required on the TME exemption form.

You can find more publicly available information about the MPs' vaccine status during this period here: https://www.nzherald.co.nz/nz/covid-19-delta-90-project-all-new-zealands-mps-are-now-fully-vaccinated/SXI4Z6B74SAXITMDYEGOX36S44/

11. *Please provide a list of the companies and entities granted an SSD exemption.*

Under section 16(1)(e) of the Act, Health New Zealand | Te Whatu Ora is providing you with a summary of all of the information received for SSD exemption applications, attached as **Appendix One**. I hope the information is useful to you.

A summary only has been provided due to the volume of applications. There were more than 100 applications for SSD exemptions granted, and each has a corresponding application form and outcome letter. These applications contain personal information about a number of identifiable individuals. Progressing a request for this amount of information would be an immense task,

involving reviewing each form and letter and redacting sensitive information which would result in substantial collation and divert resources from our core duties. As such, this part of your request is refused under section 18(f) of the Act. In addition, personal information about individuals is withheld under section 9(2)(a) of the Act, to protect the privacy of the individuals.

To avoid identifying individuals in our data, the names of organisations that made applications for SSD exemptions covering less than 50 workers is suppressed and represented as *"blank"* in the *"PCBU name"* column of Appendix One. This information is withheld under section 9(2)(a) of the Act, to protect the privacy of individuals. 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.

How to get in touch

If you have any questions, you can contact us at hnzOIA@health.govt.nz.

If you are not happy with this response, you have the right to make a complaint to the Ombudsman. Information about how to do this is available at www.ombudsman.parliament.nz or by phoning 0800 802 602.

As this information may be of interest to other members of the public, Health New Zealand | Te Whatu Ora may proactively release a copy of this response on our website. All requester data, including your name and contact details, will be removed prior to release.

Nāku iti noa, nā

Alana Ewe-Snow

Director, Prevention

National Public Health Service