***INSTRUCTION PAGE i***

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**Following is a template letter** that can be used in the situation where you are informing your employer that you have an exemption from wearing a face covering.

If you have been forwarded this letter by a friend, family member or colleague then please go to <https://voicesforfreedom.co.nz/resources> to see more information regarding applying for a face masks exemption certificate, or other masks' letters more specific to your situation.

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| --- |
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***INSTRUCTION PAGE ii***

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**GUIDE TO USING THIS LETTER**

Following is a proposed template letter you may consider sending to your employer regarding your face covering exemption.

The requirement to wear a face covering at a business' premises is set out in the current COVID-19 Public Health Response (Alert Level Requirements) Order. Note the orders change regularly for the latest orders see <https://covid19.govt.nz/alert-levels-and-updates/legislation-and-key-documents/>

***What are exemptions from wearing face coverings?***

The grounds and circumstances giving rise to the **exemptions** from wearing a face covering are set out in the Order and are set out at paragraph 3.b of this letter. The likely main ground for an exemption will be that you have a condition or disability making it unsafe, difficult or not possible for you to wear a face covering.

**Condition/s** are not defined but a non-exhaustive list of conditions that people have found make wearing a face covering unsuitable includes:

|  |  |  |
| --- | --- | --- |
| * shortness of breath
* asthma
* bronchitis
 | * pregnancy
* feelings of anxiety
* deafness
 | * PTSD
* facial hair
* skin irritation
 |

***INSTRUCTION PAGE iii***

**Disability**[[1]](#footnote-1) is defined as:

1. physical disability or impairment:
2. physical illness:
3. psychiatric illness:
4. intellectual or psychological disability or impairment:
5. any other loss or abnormality of psychological, physiological, or anatomical structure or function:
6. reliance on a guide dog, wheelchair, or other remedial means:
7. the presence in the body of organisms capable of causing illness:

You should not feel bad because you cannot wear a face covering. If you have a reason for not doing so, then as per the above exemptions you should feel comfortable in your position.

***What are my rights?***

You and your employer are in a relationship of trust and confidence and have a duty to deal with each other in good faith in a clear and communicative manner.[[2]](#footnote-2)

You have the right to a healthy and safe workplace – your employer is required to identify potential risks and ensure that those risks cannot adversely affect the health and safety of employees by having appropriate policies, procedures, and resources in place, to minimise and monitor the risk.[[3]](#footnote-3)

1. You have the right not to wear a face covering where you have an exemption.[[4]](#footnote-4)

**HOW TO USE THIS LETTER?**

1. Read the letter carefully so that you understand what you are sending – this letter is **your letter**.
2. The points you need to complete or closely consider for your situation are highlighted yellow. Keep this information factual and do not hesitate to get it checked by a friend, colleague or family member.
3. Make sure you are required to wear a face covering at work by checking the current COVID-19 Public Health Response (Alert Level Requirements) Order at <https://covid19.govt.nz/alert-levels-and-updates/legislation-and-key-documents/> and looking at those orders to:
	1. Confirm which Alert Level you are in
	2. What are the face mask requirements at that Alert Level
	3. Check that those face mask requirements apply to your work situation
4. This letter is only to be used in the situation where your employer does not accept your exemption from wearing a face covering. If this letter does not apply to your situation then go to <https://voicesforfreedom.co.nz/resources> for other mask exemption template letters
5. Do not forget to include your email in the letter so your employer knows where best to respond to you in writing.
6. Sign off the letter.
7. Print or email the letter – make sure you keep a copy. DO NOT include the first 4 instruction pages with the letter.

Your employer may respond to this letter and if they do, then you will need to consider their response and may need to obtain advice specific to your situation.

**YOUR CONTACT DETAILS**

**Name of employer**

**Address**

**Address**

Date

FOR: The Manager | Executive Board

**FACE COVERING EXEMPTION TO EMPLOYER**

1. I am writing to you with regard to the requirement for employees to wear a face covering under the current COVID-19 Public Health Response (Alert Level Requirements) Order (the **Order**).
2. The purpose of this letter is to advise that under the Order, I have an exemption from wearing a face covering. For convenience I have set out below the relevant terms of the Order and why I am entitled to the exemption.

**The Order**

1. The Order specifies the wearing of a face coverings by employees working on premises. There are two things about that requirement:

	1. **A face covering does not mean a mask.** Under clause 4 of the Order, **face covering** means a covering of any type that covers the nose and mouth ofa person. The Government’s COVID-19 website says this:[[5]](#footnote-5)

*“If you do not have a face covering, you do not need to rush out and buy one. You can use another kind of covering, like a bandana, scarf or t-shirt.”*

* 1. **Exemptions from wearing a face covering.** Grounds for exemptions are also specified in the Order and include:
1. there is an emergency; or
2. wearing a face covering is not safe in all of the circumstances; or
3. the person is in a defined space or an enclosed space that is separate from the passenger area; or
4. the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
5. the person is asked to remove the face covering to ascertain identity; or
6. removal of, or not wearing, the face covering is otherwise required or authorised by law; or
7. the person is under the age of 12 years; or
8. the person has a physical or mental illness or condition or disability that makes wearing a face covering unsuitable; or
9. the person needs to remove the face covering to take medicine; or
10. the person needs to remove the face covering to eat or drink.
11. That means that apart from the other specific circumstances mentioned an employee is exempted from wearing a face covering if it is not suitable for an employee because of a physical or mental illness, condition or disability that they have or it is not safe to wear a face covering in all of the circumstances.
12. The Government’s COVID-19 website suggests that a person may carry an exemption card from Disabled Persons Assembly NZ[[6]](#footnote-6). However, this is not a compulsory requirement and an exemption arises on the valid grounds specified in the Order.

**Obligations to one another**

1. I acknowledge your health and safety obligations under the Health and Safety at Work Act 2015, that you have a responsibility to assess the potential risks and benefits of any measures you proposed to implement including those mandated by the Order. Wearing a face covering causes me difficulties and it is unsafe for me.
2. In addition it is unlawful for an employer to refuse or alter an employee's role where an employee's exemption from wearing a face covering arises out of a disability or condition[[7]](#footnote-7).

**I am not able to wear a face covering**

1. I am not able to wear a face covering in the circumstances specified by the Order because [look at paragraph 3(b) and the “Guide to Using this Letter” above for some ideas about phrasing and what reasons your situation falls under, etc. You will need to provide sufficient details to show your employer why the exemption applies, i.e. explain what condition/disability/illness arises and why that makes it unsuitable to wear a face covering. The employment relationship is different to one of a shopkeeper or strangers, etc. It is based on one of ‘good faith’ – in the interests of good faith you will need to expand on the issues which give rise to your exemption.]
2. I trust that the above is sufficient explanation with regard to my exemption from wearing a face covering.
3. I confirm that I am willing ready and able to continue to perform my role of employment.

Yours sincerely,

Email: [insert e-mail address]

1. Disability is defined in section 21(1)(h) of the Human Rights Act 1993. [↑](#footnote-ref-1)
2. S4(1) Employment Relations Act 2000. [↑](#footnote-ref-2)
3. Health and Safety at Work Act 2015. [↑](#footnote-ref-3)
4. Current COVID-19 Public Health Response (Alert Level Requirements) Order. [↑](#footnote-ref-4)
5. <https://covid19.govt.nz/health-and-wellbeing/protect-yourself-and-others-from-covid-19/wear-a-face-covering/#types-of-mask-or-face-covering> [↑](#footnote-ref-5)
6. The government's Unite Against Covid site confirms *"The use of this card is self-regulated and decided upon by the individual."* <https://www.dpa.org.nz/resources/covid-19-information-for-the-disabled-community#exempt> [↑](#footnote-ref-6)
7. Section 22 of the Human Rights Act 1993. [↑](#footnote-ref-7)