***INSTRUCTION PAGE i***

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**Following is a template letter** that can be used in the situation where your employer directs you to be vaccinated pursuant to the *Covid-19 Public Health Response (Vaccinations) Order 2021* (**Vaccination** **Order**) and you are replying advising that you are obtaining a medical exemption. To review the current orders see: <https://covid19.govt.nz/alert-levels-and-updates/legislation-and-key-documents>

The *COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021* (**Order No 3**), specified that persons working at education, healthcare and prisons are required to be vaccinated by 11.59, **15 November 2021** (**not** 30 October 2021). Order No 3 came into force at 11.59 pm this Monday 25 October 2021.

Late Friday night, 5 November 2021, the government made an abrupt law change amending Order (No 3) by introducing the *COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021* (**New Order**).

Amongst other things, the New Order removed the low level broad exemption available to affected workers (clause 7A of Order No 3). It introduced a new limited exemption at clause 9B. For a full explanation on the New Order see <https://voicesforfreedom.co.nz/storage/app/media/downloads/Employment/Covid-Vaccination-Order-Summary-Changes-2021-11-07-v1.pdf>

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 the outline of the employment process, to get access to the other letter/s, and to get access to the employment webinars hosted by Voices For Freedom. There are alternative letters for other roles that have been mandate.

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***INSTRUCTION PAGE ii***

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**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. This letter is only to be used if you are an affected worker (teacher, ECE, health care or prison) and your employer directs you to be vaccinated pursuant to the government's Vaccination Order. In this letter, you are exploring with your employer an exemption from the vaccination and wish to explore with them what work you can carry out in the circumstances. Your employer is obliged to engage with you about this. You could send this letter if your employer is hassling you for a response before you have obtained your exemption and you are wanting to find out from your employer how they propose to manage exempted employees.
4. Do not forget to include your email in the letter so that your employer knows where best to respond to you in writing.
5. Sign off the letter.
6. Print or email the letter – make sure you keep a copy. DO NOT include these first three pages of instructions.

Your employer will likely 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 Name**

**[Email address**

**[Any other contact details**

**[Employer's Name**

**Address**

**Address]**

[Date]

FOR: [Manager | Executive Board]

**COVID-19 – ORDER TO BE VACCINATED AGAINST COVID-19**

1. I refer to my employment agreement of [date] and note that there is that there is no express provision within that employment agreement that I must be vaccinated in order to carry out my role as [role as specified in your employment agreement] (**Role**).
2. I refer to your letter of [date] in which you advised that I was required to be vaccinated by [date], as my employment position was one that was to be mandated in the Covid-19 Public Health Response (Vaccinations) Order 2021 (the **Vaccination Order**).
3. Putting to one side, that you are still to identify that my Role is covered by the Vaccination Order, late in the evening of 22 October 2021, the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (**Order No 3**) was made public. If applicable, the Order No 3 provided an affected worker is required to obtain their first dose of a COVID-19 vaccine or have obtained an exemption by 11.59, 6 or 15 November 2021 (not 30 October 2021). The Order No 3 also provided that if the first dose is missed by the deadline, then an affected person will be treated as vaccinated if they receive their second dose by 11.59pm on 16 December 2021 / 1 January 2022.
4. Late Friday night (5 November 2021) the government made an abrupt law change amending Order No 3 by introducing the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (**New Order**).
5. The New Order changed the Individual Exemptions but also expanded on the Employer sought Exemption.

**Individual Exemption**

1. I had obtained an exemption under clause 7A of Order No 3.
2. That New Order revoked exemption clause 7A and has introduced a new exemption clause 9B. This change was made 2 weeks after the Vaccination Order was introduced, nearly 5 weeks after the mandate was announced and just over a week before most affected workers were required to have received their first jab. It would seem that our elected government requires us to behave towards each other in good faith, yet it is not prepared to do so itself. The uncertainty and vacillation has caused enormous stress and uncertainty for both of us and certainly me given the potential loss of my career.
3. Given this very late change, I confirm that I will endeavour to meet with my general practitioner or nurse practitioner this coming week to discuss obtaining a new exemption available under clause 9B of the New Order. Subject to their availability, this may be difficult but I will do my best and let you know.

**[Not for ECE, only Schools, Hostels, Prison and health care] Employer sought Exemption**

1. Clause 12A of Order No 3 allows an employer of a prison or health care services to apply for an exemption for employees (and themselves) where the supply of services would be interrupted. The New Order extended this to employers of registered schools and hostels.
2. Is this something that as my employer you are willing to explore? The information is available at the MOH website under Exceptions[[1]](#footnote-1).
3. If we are not able to obtain either exemption before Monday 15 November 2021, then I confirm that I am willing to discuss with you what certain work I can do until the formal exemption/s are obtained. For that, I understand, a health and safety audit needs to be undertaken.

**Health and safety considerations**

**What is the risk of Covid-19?**

1. For people under the age of 70 with no underlying health issues, the likelihood of dying from Covid-19 is nil to negligible[[2]](#footnote-2) with the average age of deaths being above 80 years[[3]](#footnote-3).
2. [Outline if there are any known vulnerable people/clients/patients that you interact with]

For teachers: The government has suggested that the need for teachers, early child care educators and service providers to schools to be vaccinate is based on a need to protect the vulnerable. However, in a childcare setting, children generally are not vulnerable to Covid-19 and rarely develop symptoms[[4]](#footnote-4). The younger the child the less there is a need to vaccinate. Both the UK[[5]](#footnote-5), and the World Health Organisation[[6]](#footnote-6) confirm that children with identified comorbidities need to be identified and protected but this does not require the mandatory vaccination of all teachers.

1. In relation to adults, it is a matter for individual adults to assess their own vulnerability, with medical advice if necessary, and take such steps as they consider appropriate.

**Management of risks of Covid-19**

1. Despite the low risks of Covid-19 in people under 70 and children, there are acceptable controls with respect to managing the spread of Covid-19 which include:
	1. social distancing;
	2. practicing good hygiene with hand washing;
	3. wearing an appropriate face covering;
	4. self-isolating if symptoms arise and getting tested;
	5. vaccinating those at risk.
2. It has not yet been demonstrated that the Pfizer Injection will either prevent infection or transmission of SARS-COV-2. Indeed, evidence from outside of New Zealand confirms that the Pfizer Injection does not have a long lasting effect on preventing infection or transmission (ie United States[[7]](#footnote-7), Israel[[8]](#footnote-8), United Kingdom[[9]](#footnote-9), Singapore[[10]](#footnote-10)). Therefore, controls other than vaccination will need to be in place for all staff (both vaccinated and unvaccinated).
3. I confirm that I am prepared to undergo weekly testing for Covid-19, results of which I will provide to you (mandatory testing has not yet been specified in the Vaccination Order for border workers and teachers attending site in Alert Level 3 areas are required to undergo weekly testing as specified in the Testing Order[[11]](#footnote-11)). While it has been identified that some people with Covid-19 have no symptoms, asymptomatic people have not been found to be significant transmitters of infection[[12]](#footnote-12).
4. I confirm that should I show any symptoms of Covid 19, I will self-isolate and obtain a Covid-19 test. Should I test positive then I will remain in self isolation for 14 days (as is the accepted isolation period) and work remotely where possible. I will obtain a further Covid-19 test on day 12 of my isolation to confirm that any infection is no longer active before returning to work.
5. As persons who have received the Pfizer injection are still able to spread the disease (called breakthrough infections), I understand that testing and isolation **must** be a policy applicable for all staff (whether they have received the Pfizer injection or not).
6. In the circumstances, the health and safety of the staff and patients/clients/customers can be readily managed and encouraged even though I am an exempted employee – the audit for my Role is unlikely to be much different from a vaccinated worker's role in any event. Getting the health and safety audit completed for management of any risks is the key for us to maintain our employment relationship. I look forward to doing so.

**Conclusion**

1. I will provide to you a copy of the exemption as soon as it is to hand and confirm that I look forward to working with you in conducting and completing the health and safety risk audit.
2. In the meantime, I confirm that I am willing ready and able to carry out and perform my Role.

Sincerely

**Your Name**

**Your contact details**

1. <https://www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-response-planning/covid-19-mandatory-vaccinations/covid-19-exemptions-and-exceptions-mandatory-vaccination#exceptions> [↑](#footnote-ref-1)
2. <https://ourworldindata.org/mortality-risk-covid> [↑](#footnote-ref-2)
3. <https://swprs.org/studies-on-covid-19-lethality/#age> [↑](#footnote-ref-3)
4. <https://www.gov.uk/government/news/jcvi-issues-updated-advice-on-covid-19-vaccination-of-children-aged-12-to-15> [↑](#footnote-ref-4)
5. <https://www.gov.uk/government/news/jcvi-issues-updated-advice-on-covid-19-vaccination-of-children-aged-12-to-15> [↑](#footnote-ref-5)
6. <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/covid-19-vaccines/advice> [↑](#footnote-ref-6)
7. <https://www.cdc.gov/vaccines/covid-19/health-departments/breakthrough-cases.html>; https://link.springer.com/article/10.1007/s10654-021-00808-7 [↑](#footnote-ref-7)
8. <https://www.medrxiv.org/content/10.1101/2021.08.24.21262415v1> [↑](#footnote-ref-8)
9. [SARS-CoV-2 variants of concern and variants under investigation (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1018547/Technical_Briefing_23_21_09_16.pdf) [↑](#footnote-ref-9)
10. <https://www.moh.gov.sg/news-highlights/details/updates-to-healthcare-protocols-and-implementation-of-vaccine-booster-strategy_10Sep2021> [↑](#footnote-ref-10)
11. COVID-19 Public Health Response (Required Testing) Amendment Order (No 4) 2021 [↑](#footnote-ref-11)
12. <https://wwwnc.cdc.gov/eid/article/26/8/20-1142_article>

[Modes of contact and risk of transmission in COVID-19 among close contacts | medRxiv](https://www.medrxiv.org/content/10.1101/2020.03.24.20042606v1)

[Suppression of a SARS-CoV-2 outbreak in the Italian municipality of Vo’ | Nature](https://www.nature.com/articles/s41586-020-2488-1) [↑](#footnote-ref-12)