***INSTRUCTION PAGE i***

****

**Following is a template letter** that can be used in the situation where your employer requests you be vaccinated. This is **not** pursuant to the *Covid-19 Public Health Response (Vaccinations) Order 2021* (**Vaccination** **Order**). To review the current orders see: <https://covid19.govt.nz/alert-levels-and-updates/legislation-and-key-documents>

This letter you are advising your employer that you are seeking a medical exemption.

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.

|  |
| --- |
| Disclaimer: It is a strict condition of reading and/or using this letter in any way you irrevocably agree that you are bound by the terms and conditions of this disclaimer. If you do not agree with the terms and conditions of this disclaimer, you are prohibited for reading and/or using this letter. Notwithstanding anything in this letter, the information set out in this letter is for general information only, and should not be construed as legal advice and/or health advice. No client-solicitor relationship is created whatsoever. Before taking any action based on this letter, you should consider your personal situation and seek professional legal advice. You acknowledge and agree that you were advised to take legal advice prior to using any information in this letter. If you use this letter and/or any information in the letter you acknowledge and agree that you have relied on your own judgement and initiative and not in reliance of anything else. The reader and/or user of this letter agrees to protect, indemnify, defend, and save harmless the author absolutely from and against any and all damages, claims, losses, demands, liabilities (including vicarious liability), injuries, suits, actions, judgements, costs, and expenses of any kind whatsoever (including reasonable legal fees) arising out of or in any way connected with this letter and the information contained within. Any person and/or persons that shares this letter without this disclaimer accepts full liability for any damage whatsoever caused.If you are sharing this document with others, you acknowledge and agree that you are prohibited from removing this disclaimer. The disclaimer may only be removed once the letter is ready to be sent by the person sending it. You are also prohibited from amending the letter other than the sections identified for you to add to and you acknowledge and agree to this. If, however, you would like to use parts of this letter in a letter that you draft yourself then you are permitted to do so. . |

***INSTRUCTION PAGE ii***

****

**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 worker and your employer unilaterally directs or requests you be vaccinated. In this letter, you are advising your employer that you are obtaining 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 two 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] (**Injection**).
3. In my letter to your of [date], I set out concerns to you regarding your request, the risks of SARS-COV-2 (**Covid 19**), and the Injection. To date, I have / have not received a satisfactory response.

**Introduction**

1. I accept we have mutual obligations to act in good faith[[1]](#footnote-1) and to not mislead or deceive one another[[2]](#footnote-2). I also understand that we have to be active and constructive in maintaining a productive employment relationship which includes being responsive and communicative[[3]](#footnote-3).
2. Finally, in the situation where you are proposing to make a decision that will, or is likely to, adversely affect my ongoing employment then you are required to provide me with access to relevant information about the decision as well as an opportunity to comment on the information before you make the decision[[4]](#footnote-4).
3. I confirm my commitment to act in good faith and to be honest, open and clear with you.
4. I also acknowledge your health and safety obligations under the Health and Safety at Work Act 2015 (**HSWA**), to:
	1. eliminate risks to health and safety, so far as reasonably practicable; and
	2. if it is not reasonably practicable to eliminate risks to health and safety, to minimise those risks so far as is reasonably practicable.
5. Furthermore, **you** have a responsibility to assess the potential risks and benefits of any health and safety measures you propose to implement including those mandated by the Order. It is not a suitably acceptable response to say the government has mandated it, you have to engage under the HSWA.
6. Finally, I note our obligations and responsibilities to our clients - refer her to any code of practice or policy about keeping your clients and colleagues safe.

**Exemption**

1. The purpose of my letter is to advise you that I will be seeking an exemption from a suitably qualified health practitioner.
2. Therefore, in the circumstances, I wish to explore with you my Role as an exempted employee. I understand that to do that a health and safety audit on the risks of Covid-19 including the management of any risks with the use of controls will need to be conducted specifically for my Role.

**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[[5]](#footnote-5) with the average age of deaths being above 80 years[[6]](#footnote-6).
2. [Outline if there are any known vulnerable people/clients/patients that you interact with]
3. 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 the age groups of colleagues and clients, 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 vulnerable or at risk.
2. It has not yet been demonstrated that the Pfizer Injection will either prevent infection or transmission of Covid-19. 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), Finland[[11]](#footnote-11), Massachusetts[[12]](#footnote-12)). 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. 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[[13]](#footnote-13).
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 the necessary 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. S4(1)(a) Employment Relations Act 2000. [↑](#footnote-ref-1)
2. S4(1)(b) Employment Relations Act 2000. [↑](#footnote-ref-2)
3. S4(1A)(b) Employment Relations Act 2000. [↑](#footnote-ref-3)
4. S4(1A)(c) Employment Relations Act 2000. [↑](#footnote-ref-4)
5. <https://ourworldindata.org/mortality-risk-covid> [↑](#footnote-ref-5)
6. <https://swprs.org/studies-on-covid-19-lethality/#age> [↑](#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. <https://www.eurosurveillance.org/content/10.2807/1560-7917.ES.2021.26> [↑](#footnote-ref-11)
12. <https://www.cdc.gov/mmwr/volumes/70/wr/mm7031e2.htm> [↑](#footnote-ref-12)
13. <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-13)