



4 February 2025

Tēnā koe

Official Information Act request

Thank you for your email of 14 January 2025, requesting information about staff of the Ministry of Social Development (the Ministry) who were dismissed due to the COVID-19 vaccine mandate and who took their case to the Employment Relations Authority (ERA).

I have considered your request under the Official Information Act 1982 (the Act). Please find my decision on each part of your request set out below.

- 1. The number MSD of staff mandated to take the Covid 19 Vaccine, who refused to be vaccinated and were dismissed.*

The Ministry's headcount was 9,272 on 4 February 2022, which was the date that the Ministry required all staff to be vaccinated.

215 staff received notices of termination because they refused to be vaccinated. However the notices were rescinded, and no employees were dismissed for declining to be vaccinated.

- 2. The number of MSD staff mandated, who refused to be vaccinated, were dismissed then took their cases to the ERA (Employment Relations Authority) or other Court employment processes.*

No staff were dismissed. 95 filed action against the Ministry, and this is discussed in more detail in the response to Question 3.

- 3. The number of MSD staff mandated, who refused to be vaccinated, were dismissed then took their cases to the ERA (Employment Relations Authority) or other Court employment processes, who won their case and were reinstated to their jobs within MSD.*

As per the response to Question 2, as no staff were dismissed, there were no reinstatements required.

The Ministry issued notices of termination to 215 employees but rescinded them in light of other cases and new information at the time. All but one case was resolved short of formal ERA proceedings. That case is still ongoing.

Of those 95 who filed action against the Ministry, 94 have been resolved with 57 choosing to leave the Ministry and 38 remaining in Ministry employment (including one whose dispute is ongoing).

4. The amount of money spent by MSD for legal costs, in fighting employment cases through the ERA and Court system of the above cases.

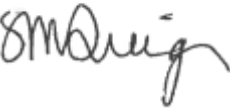
The Ministry has spent a total of \$121,080.77 (to date) on obtaining legal advice in relation to its COVID-19 processes and disputes. The Ministry has one case currently in the ERA so it will continue to incur cost.

I will be publishing this decision letter, with your personal details deleted, on the Ministry's website in due course.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with my decision on your request, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Ngā mihi nui

pp. 

Anna Graham
General Manager
Ministerial and Executive Services