



11 May 2021

Ref: OIA 21-086

Mr [REDACTED]

By email: [REDACTED]

Dear [REDACTED]

**Request for information under the Official Information Act 1982**

Thank you for your request to the New Zealand Customs Service (Customs) dated 13 April 2021, for the following information under the Official Information Act 1982 (the OIA):

- 1) *Are you able to send me copies of the policies that Customs has around staff and COVID-19 vaccinations;*
- 2) *I'm interested to understand Customs view on any staff member who refuses to take the vaccine. Is Customs taking any action against any staff members who refuse the COVID-19 vaccine;*
- 3) *Further, could you tell me how many people have refused the vaccination for COVID-19 and what steps Customs has taken in respect of these staff members;*
- 4) *Finally, could you please send me a copy of any Ministerial directions or instructions from the Ministry of Health, the Director-General of Health or any other agency in respect to how Customs should handle employees who refuse the vaccination?*

**Question One**

*Are you able to send me copies of the policies that Customs has around staff and COVID-19 vaccinations?*

Customs is unable to provide this information as Customs does not have specific policies in relation to staff and the COVID-19 vaccination, therefore this section of your request is refused under section 18(e) of the OIA as this information does not exist, or is not held by Customs at this time.

Customs has incorporated the Ministry of Health's informed consent approach into the processes it has utilised to educate and support staff to access their vaccination. Informed consent is at the heart of health care and treatment in New Zealand, and underpins the Ministry of Health's approach to the vaccination programme. Informed consent means that staff have the information they need to make a decision about receiving the vaccination.

Customs continues to deploy a high transparency model of communication, using the most up-to-date information from the Ministry of Health to address questions that Customs' staff might have about the vaccine.

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Customs' aim is to educate staff about the efficacy and safety of the vaccine, and support staff to receive the vaccination. Customs continues to work alongside the Ministry of Health, and other border agencies, to provide frontline border staff with accurate and timely information regarding the COVID-19 vaccine.

### **Questions Two and Three**

*I'm interested to understand Customs view on any staff member who refuses to take the vaccine. Is Customs taking any action against any staff members who refuse the COVID-19 vaccine?*

*Further, could you tell me how many people have refused the vaccination for COVID-19 and what steps Customs has taken in respect of these staff members?*

On 1 May 2021, the COVID-19 Public Health Response (Vaccinations) Order 2021 came into effect. This Order requires certain work undertaken at the border by government agencies to be carried out only by vaccinated workers. Customs' approach has been to first look for redeployment within Customs, and where redeployment has not been possible, largely due to the location of staff, Customs has offered to assist with finding work in other government agencies.

Of those Customs staff categorised as Tier 1 workers for the purpose of the COVID-19 vaccine inoculation programme, 95% have been vaccinated. Of the 5% that have not been vaccinated, all except eight have been redeployed within Customs. These eight Customs staff who have not been redeployed are fixed-term staff who were employed to implement the Maritime Border Order, the purpose of which is to keep New Zealand safe from COVID-19. Regrettably, Customs has terminated the employment agreements of these staff early.

### **Question Four**

*Finally, could you please send me a copy of any Ministerial directions or instructions from the Ministry of Health, the Director-General of Health or any other agency in respect to how Customs should handle employees who refuse the vaccination?*

Customs has not received Ministerial directions or instructions from the Ministry of Health, including the Director-General of Health, or any other agency in respect to how Customs should handle employees who refuse the vaccination. This part of your request is therefore refused under section 18(e) of the OIA, as this information does not exist, or is not held by Customs at this time.

You have the right, by way of complaint to the Office of the Ombudsman under section 28(3) of the OIA, to seek an investigation and review of this decision. Information about how to make a complaint is available online at: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or you can phone 0800 802 602.

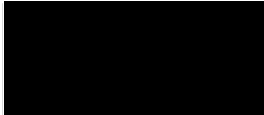
If you have any queries in regard to this response, please contact the Correspondence, Reviews and Ministerial Servicing Team: [OIA@customs.govt.nz](mailto:OIA@customs.govt.nz).

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Please note that Customs proactively releases responses to Official Information Act requests on our website. As such, we may publish this response on our website after we have sent it to you. Your name and contact details will be removed.

Yours sincerely



Jacinda Funnell  
**Deputy Chief Executive**  
**People and Capability**