



New Zealand House of Representatives
Te Whare Māngai o Aotearoa

Petitions Committee

Komiti Whiriwhiri Take Petihana

54th Parliament
September 2026

**Petition of Erika Whittome: Reinstate
education workers who were sacked for
objecting to vaccine mandates**

**Petition of Erika Whittome: Reinstate health
workers who were sacked for objecting to
vaccine mandates**

Presented to the House of Representatives
by Greg O'Connor, Chairperson

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Petitions of Erika Whittome

Recommendation

The Petitions Committee has considered two petitions of Erika Whittome—Reinstate education workers who were sacked for objecting to vaccine mandates, and Reinstate health workers who were sacked for objecting to vaccine mandates—and recommends that the House take note of its report.

Requests for health and education workers to be reinstated if they were sacked for objecting to vaccine mandates

The petition of Erika Whittome regarding education workers was signed by 339 people. It was presented to the House by Hon Brooke van Velden on 10 December 2025, and requests:

That the House of Representatives urge the Minister of Education to reinstate any education workers with full back pay, who were, I believe, unjustly fired for objecting to the COVID vaccine mandates from any government-funded education organization.

The petition of Erika Whittome regarding health workers was signed by one person. It was presented to the House by Hon Brooke van Velden on 10 December 2025, and requests:

That the House of Representatives urge the Minister of Health to reinstate any health workers with full back pay, who were, I believe, unjustly fired for objecting to the COVID vaccine mandates from any government-funded health organization.

Background

In May 2020, following growing cases of COVID-19 in New Zealand, Parliament enacted the COVID-19 Public Health Response Act 2020. Under this Act, the COVID-19 Public Health Response (Vaccinations) Order 2021 was made. It stipulated that certain groups of people (“affected persons”) were not allowed to carry out certain work unless they were vaccinated against COVID-19 and had received a booster dose, or they were an exempt person. This order was amended multiple times as vaccine requirements for different types of work or workers changed during the response to COVID-19. Those working in specified roles in the health sector were listed as affected persons from October 2021 to the revocation of the order in September 2022. Specified roles in the education sector were listed as affected persons from October 2021 to April 2022. In addition to legislated requirements, employers may have put in place their own policies regarding COVID-19 vaccinations.

Comments from the petitioner

Ms Whittome provided one submission regarding her two petitions. She described how public health orders had affected the education and health sectors. She considers that media framed the order as a “mandate” from the Government that all unvaccinated workers

made themselves unavailable to continue their role. However, the language of the legislation did not specify “mandate” nor “terminate”. In the petitioner’s opinion, employers incorrectly believed that they were mandated to require vaccines and remove workers from employment if they were unvaccinated. She considers that keeping people employed is part of good faith duties under the Employment Relations Act 2000.

The petitioner told us about her work as an advocate for people who were terminated. She has not been successful in having anyone reinstated in their old role. However, she noted a number of court judgments regarding unfair dismissal during COVID-19 that were in favour of the employees.

Effect of vaccine requirements on the education sector

The petitioner argues that requirements for vaccination resulted in many education professionals leaving their jobs. Ms Whittome wrote that from November 2021, the Ministry of Education reported that 459 teachers and 570 non-teachers left their roles “due to COVID-19”. She estimated that if each teacher had a class size of 28 students, this would mean that 12,852 students were affected. Ms Whittome implied that the effects of this are still being felt through a shortage of teachers.

The petitioner considers that the requirement for vaccines in the education workforce did not lessen the number of sick days that were taken due to COVID-19. There were significantly more sick days taken in 2022 than in previous years.

Effect of vaccine requirements on the health sector

Ms Whittome told us that as of 31 January 2022, 357 nurses, 26 doctors, and 64 midwives had been terminated for not being vaccinated. She said that more lost their jobs when boosters were required in March 2022. Ms Whittome is concerned that there is a bias against unvaccinated healthcare professionals, and that unions have done little to advocate for them.

In addition to the COVID-19 Public Health Response (Vaccinations) Order 2021 that was in place for health sector workers until September 2022, the petitioner argues that they were affected for longer. Ms Whittome said that it was not until December 2024 that Health New Zealand removed the COVID-19 vaccine requirement as a pre-employment condition. She considers that private hospitals and clinics often follow public policy, so unvaccinated health workers were likely excluded from employment in the health sector.

Requested solution

The petitioner is concerned by ongoing litigation that is expensive for the taxpayer. She would like to see individuals reinstated in the roles they had before vaccine requirements came into force. Ms Whittome’s requests are for:

- all available and willing health and education workers to be reinstated if they were terminated solely for their refusal to receive a COVID-19 vaccine
- all reinstated workers to be given their former positions (or offered a similar available position) with full back pay, benefits, or compensation

- any health and education workers who provide an affidavit that they voluntarily left their employment rather than be vaccinated, to be reinstated with no impact to their service status, position, or pay.

Comments from the Public Service Commission

We invited the Public Service Commission to comment on the petitions. It is responsible for leading the public service in New Zealand. It is not supportive of the petitioner's requests.

Redress is available through employment law

The Public Service Commission argues that employment law already allows workers to challenge disadvantage or unfair dismissals. Concerns can be escalated through personal grievance processes, mediations, the Employment Relations Authority, and the Employment Court. The Commission noted that Ms Whittome cited vaccine-related cases that were found in favour of the employee.

The Commission considers that it would not be appropriate to reinstate all affected workers with full back pay as their individual circumstances would not be assessed as required by employment law. Legal frameworks allow for case-by-case remedies, including reinstatement, compensation, and lost remuneration, as appropriate. The Public Service Commission is concerned that a blanket reinstatement could create unfairness between workers, especially if they already have resolved claims through settlements, the Authority, or the Court.

The Commission added that any consideration of back pay would be heavily individualised too. A general entitlement to full back pay would risk creating outcomes that do not align with employment law principles. Back pay would also have significant funding implications for the Crown, public sector employers, and government-funded organisations.

Vaccine orders did not determine all employment outcomes

The Commission agrees with the petitioner that vaccine orders did not change an employer's obligations under employment law. As the petitioner mentioned, affected workers continued to be protected by good faith duties in the Employment Relations Act. The Commission clarified that under the Act employers would be required to consider appropriate alternatives for affected workers, such as changes to working arrangements, granting leave, or restructuring. The Commission suggested that this supports its argument that any redress needs to take place via employment law mechanisms, rather than blanket reinstatement. Each case may have had different arrangements offered.

The Public Service Commission added that there were checks and balances in place during the COVID-19 response, to limit poor employment consequences. The New Zealand Bill of Rights Act 1990 protects people's right to refuse medical treatment such as vaccinations. However, it also provides that rights may be limited in demonstratively justified circumstances. Orders under the COVID-19 Public Health Response Act 2020 were subject to consultation and parliamentary presentation requirements.

Workforce shortages do not justify blanket reinstatements

The petitioner submitted that reinstatements would assist with vacancies in the education and health sectors. The Public Service Commission challenges this, saying that reinstatements might not address shortages: not all affected workers would wish to return, some roles would no longer exist, and some would no longer hold the appropriate registrations to practice. Current employees would also need their employment rights respected. The Commission thinks that any shortages should be addressed through current policy, including measures to drive recruitment and retention.

Our response to the petitions

We thank the petitioner for bringing her concerns to Parliament. We acknowledge her work advocating for people who may have been disadvantaged through COVID-19 vaccine requirements for their type of work.

We support the Public Service Commission's position that the reinstatement of roles is inappropriate. Instead, we consider that people who consider they have been treated unfairly should seek redress through appropriate employment processes and by pursuing existing legal remedies. We sought information from the Parliamentary Library about cases that have been determined by the Employment Relations Authority and the courts. We note that there have been a number of cases where employers were ordered to compensate former employees. The outcome that Ms Whittome is seeking for individuals can be achieved through existing pathways.

Appendix

Committee procedure

The petition “Reinstate education workers who were sacked for objecting to vaccine mandates” was signed by 339 people. It was presented to the House by Hon Brooke van Velden on 10 December 2025.

The petition “Reinstate health workers who were sacked for objecting to vaccine mandates” was signed by one person. It was presented to the House by Hon Brooke van Velden on 10 December 2025.

We met between 23 April 2026 and 17 September 2026 to consider the petitions. We received written submissions from the petitioner and the Public Service Commission. We received advice from the Parliamentary Library.

Committee members

Greg O’Connor (Chairperson)
Hon Andrew Bayly (from 1 July 2026)
Greg Fleming
Paulo Garcia (until 1 July 2026)
Celia Wade-Brown

Related resources

The documents we received as evidence in relation to these petitions are available on [the Parliament website](#).