



Essential Services in the Health and Disability System

Ministry of Health information on essential services in the health and disability system under Alert Level 4:

<https://www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-novel-coronavirus-health-advice-general-public/covid-19-essential-services-health-and-disability-system>

Essential services at Alert Level 4 in the health and disability system are those that meet one or more of the following six criteria:

- A health and disability service that provides direct support that maintains a person's basic necessities of life.
- A health and disability service that responds to emergency and acute care needs (including emergency dentists, physiotherapy, radiography)
- Community, Disability Support Services (DSS), Aged care services including Home and Community Support Services (HCSS) and Mental Health and Addiction Services that supports high risk and vulnerable client groups.
- Emergency and crisis support for people who feel unwell or are unsafe (e.g. Funded helplines, refuges and family violence services, sexual violence crisis services).
- Services are prioritised to those people most at risk of harm if those services were not provided. Each provider delivering these services must immediately identify those people most at risk.
- Key supply chains including manufacturers, suppliers and repairers that support the health system.

The health and disability system will continue to provide **essential** services. COVID-19 is an unprecedented situation and it is important not to cease social supports for people that require it for their ongoing mental wellbeing.

Essential services will continue working at Alert Level 4, but services should ideally put in place alternative ways of working (e.g. virtually) to keep employees safe, including shift-based working, staggered meal breaks, flexible leave arrangements and physical distancing (2 metres apart).

List of essential health and disability services

The Ministry of Health is the lead agency for Health and is itself an essential Government service.

ACC services are delivered within the health service, and ACC services in the essential health and disability services list will continue.

The following has been defined as essential health and disability services. Due to the urgency and short timeframe before New Zealand moved to Alert Level 4, there may be health and disability services which become defined as essential later.

This list was last updated at 8pm 25 March

- Addiction providers
- Aged care workers
- Ambulance services (including Air ambulances)
- Care facilities (e.g. rest homes / retirement villages)
- Cemeteries and Crematoria

- Community care coordinators and workers
- Community Radiology
- Dentists (emergency and acute care)
- Disability Support Services
- District Health boards and all DHB provided and funded services and support staff
- Doctors
- Funeral homes
- Health equipment producers, Personal protective equipment (PPE)
- Health and Disability Commissioner
- Health Promotion Agency
- Health Quality and Safety Commission
- Home and Community Support Services
- Hospital Health Services (including private, radiology)
- Kaiawhina workers
- Maternity providers
- Medical laboratories
- Medical Laboratory Scientists
- Mental Health and Addiction Services
- Mental health providers
- Mortuary services
- National Telehealth services, including Helplines, Healthline, the 1737 mental health support number, bowel screening line and others.
- Needle exchange
- Needs Assessment Service Coordinators (NASCs)
- NZ Blood Service (including transportation)
- Nurses and nurse practitioners
- Optometry (emergency and acute care)
- Paramedics
- Pharmac
- Pharmacy services (eg, Pharmacies, deliveries, etc.)
- Primary care clinics
- Residential Care providers

Not being on the list above does not necessarily mean a service is considered non-essential. It may simply not have been considered by the Ministry of Health yet. If your service is not on the list but you believe it should be after reading the six criteria above, you should write to the Ministry of Health and ask for a letter confirming your organisation is an essential service at the following email address:

EssentialServices@health.govt.nz

What is the legal basis under which a health or disability service is considered ‘essential’ or ‘non-essential’?

The original legal basis of the term ‘essential service’ comes from Schedule 1 of the Employment Relations Act. That provision talks about hospitals, police emergency responses and ambulances being essential.

While that definition of an essential service is very restricted, the Minister of Health can define a wider set of essential services. We have chosen to go with a definition that relates to the necessities of life, precisely because it is more flexible, but still focused on ensuring people are both safe and well, both physically and mentally.

Under what law would you stop someone from offering a service considered by the Ministry of Health to be non-essential?

Under s. 70 of the Health Act 1956, the Ministry of Health has a range of enforcement powers designed to help ensure there is no spread of any infectious disease. This includes powers to require quarantining or close down of businesses.

Would there be penalties for health services that are considered non-essential, but that keep operating anyway?

Under s. 70 of the Health Act 1956, Medical Officers of Health may call on Police to detain people who refuse to close down non-essential services. If a person commits an offence, they face imprisonment of up to 6 months and a fine of up to \$4,000 or both.

If a person commits an offence against the Civil Defence and Emergency Management Act (s. 104), they face imprisonment of up to 3 months and a fine of up to \$5,000, or both. Businesses that do not comply face fines of up to \$50,000.

How will enforcement officers know whether a health or disability service worker is considered 'essential' or not?

Those services explicitly listed are considered essential. Workers that can demonstrate they work in one of those services should be considered essential workers also.

What maternity services are considered essential?

There are around 1400 GPs, obstetricians and other maternity workers who are employed under section 88 of the NZ Public Health and Disability Act 2000. The Ministry of Health considers all of these workers, who help mothers give birth, to be essential and therefore to continue their work, while taking appropriate precautions, during the Covid-19 response.

If the mother of a baby happens to have contracted the Covid-19 virus, the baby must be born in a hospital to ensure appropriate safety precautions are in place to prevent its spread.

The Ministry of Health considers Plunket to offer a range of essential services, particularly those relating to help mothers with babies in their first few weeks of life. They are already delivering many of their services virtually, rather than in person.

Please note that this is general advice only and will vary for each specific situation. In addition, this continues to be an evolving situation. For specific and current advice relating to your unique situation, please get in touch with an expert from our employment team.