

POLICY – OPERATIONAL – COVID-19 VACCINATION Conditions to working for Council

Date created:	October 2021
Date amended:	January 2022
Date of next review:	June 2022 or before if required
Adopted by:	Chief Executive Officer
Date adopted:	12 January 2021
Responsible officer:	Manager People & Culture
Related to:	COVID-Safe Plan 2021 Government Directions – COVID-19 Mandatory Vaccination (Workers) Directions

1 PURPOSE AND SCOPE

The purpose of this policy is to –

- a. Minimise the risk of the COVID-19 virus being contracted or transmitted by employees of the Pyrenees Shire Council in the course of their duties, and
- b. To articulate the position taken by the Pyrenees Shire Council in response to the Victorian State Government’s requirement for Council staff to be fully vaccinated for COVID-19.

This Policy applies to all authorised workers – meaning Council officers / staff / workers, contractors, contracted staff, volunteers, and any other person working for or on behalf of Council.

This Policy should be read in conjunction with the Pyrenees Shire Council COVID-Safe Plan.

2 POLICY STATEMENT

Government Directions require all workers within public sector entities, including councils, to be fully vaccinated in order to continue working for their employer at any Council workplace outside of their home, and provide proof of vaccination to the Pyrenees Shire Council unless an exemption applies. This includes proof of booster shots as required from time to time.

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If further public health orders apply to Council employees come into operation, following implementation of this policy, the Pyrenees Shire Council and relevant employees will be required to comply with the terms of that public health order.

The Pyrenees Shire Council has a duty to eliminate and, if that is not possible, minimise risks to health and safety of employees and the public who come into contact with our employees, so far as is reasonably practicable in accordance with the *Occupational Health and Safety Act 2004* (Vic).

Importantly, vaccination against COVID-19 is not the only control measure that Council has in place to protect employees and others against transmission of COVID-19. However, vaccination is considered a safe and highly effective measure.

The position of the Pyrenees Shire Council is that, in order to ensure a safe workplace -

1. All Pyrenees Shire Council employees / workers, volunteers, and contracted staff are considered to be authorised / public sector workers (as employees of a public sector entity),
2. All of Council's authorised workers must be / remain fully vaccinated against COVID-19 in order to continue working for Council, in accordance with the mandatory timeframes included within the Directions, including booster shots where eligible.
3. Council's authorised workers must be able to attend their normal workplace, as allowed under government restrictions, when necessary and will not be permitted to work exclusively from their home on a permanent or continuous basis, outside of approved Working from Home Agreements and/or restriction orders imposed by government,
4. Council's authorised workers must provide documentary evidence of COVID-19 vaccination status to the Manager People & Culture in accordance with the mandatory timeframes included within the Directions,
5. Any authorised worker not providing documentary evidence of vaccination status will be assumed to be unvaccinated,
6. All contractors working on behalf of Council or attending a Council premises must –
 - a. be fully vaccinated in accordance with the timeframes included within the Directions, and
 - b. provide a written statement to Council confirming that they and all of their employees who may work on behalf of Council are fully vaccinated.

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3 POLICY IMPLEMENTATION

3.1 Vaccination and evidence of vaccination

1. All Council authorised workers – including employees, volunteers, and contracted staff – are required to be fully vaccinated with an approved COVID-19 vaccination in order to attend a Pyrenees Shire Council workplace, including booster shots when eligible.
2. All Council employees must provide vaccination information to the Manager People & Culture in accordance with the timeframes detailed above.
3. The Manager People & Culture will collect and retain vaccination information for all authorised workers (Council employees and contracted staff) and notify relevant managers of any worker remaining unvaccinated.
4. The Manager Governance Risk & Compliance will collect and retain vaccination information for all volunteers and notify relevant managers of any volunteer remaining unvaccinated.
5. A register will be maintained of contractor declarations of vaccination status. Individual contract managers will collect vaccination declarations from contractors.
6. Any authorised worker who does not provide documented / official vaccination information will be treated as if they are unvaccinated.
7. All Council authorised workers are also be required to provide evidence of vaccination with a booster shot, when eligible to obtain. The requirement to obtain a booster shot will be based on government recommendations.

3.2 Recruitment

Requirement to be fully vaccinated is now included within Council's recruitment processes for all new employees, volunteers, and contracted staff, and should be included in position descriptions, advertisements, and other information.

Evidence of vaccination will be required before employment at Council can commence.

3.3 Unvaccinated authorised workers

Council's authorised workers who remain unvaccinated will –

- a. not be allowed to work for Council in their normal place of work (outside of home),
- b. not be allowed to work for Council from home (unless required under government restrictions) for an indefinite period, and
- c. will be required to discuss with their Manager and Manager People & Culture their plans around vaccination.

3.3.1 Refusal to become vaccinated

Any authorised worker who intends to remain unvaccinated after the date of this policy will be subject to disciplinary action, up to and including termination of employment.

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This clause does not apply to any worker granted an authorised exemption, including a person who holds a certificate from a medical practitioner that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine due to a medical contraindication or due to an acute medical illness.

3.4 Notification to workers

1. Original policy was notified to staff before implementation.
2. Updated policy information and changes made under government direction or recommendation will be notified to all authorised workers, including –
 - a. their obligations under the Directions and this Policy,
 - b. any changes to those obligations,
 - c. that Council is obliged not to permit a worker who is unvaccinated to work for Council outside their home, and
 - d. That Council expects all workers to be able to attend their normal workplace (outside of home) when permitted and will not permit any authorised worker to work from home indefinitely permanently and exclusively, outside of approved Working from Home Agreements.

3.5 Exceptions

Exceptions to this Policy are detailed below, plus any exceptions that may be determined by Government Direction from time to time, including medical exemptions.

3.5.1 Exception – exceptional circumstances

Council is not required to comply with this Policy if one or more of the exceptional circumstances specified) below applies.

The exceptional circumstances are –

- a. a worker is required to perform work or duties that is or are necessary to provide for urgent specialist clinical or medical care due to an emergency situation or a critical unforeseen circumstance, or
- b. a worker is required to fill a vacancy to provide urgent care, to maintain quality of care, and/or to continue essential operations or services due to an emergency situation or a critical unforeseen circumstance, or
- c. a worker is required to respond to an emergency, or
- d. a worker is required to perform urgent and essential work to protect the health and safety of workers or members of the public, or to protect assets and infrastructure.

If a circumstance specified in this sub-clause applies, Council must take all reasonable steps to ensure that the worker does not work outside of their home for any longer than the period of time necessary to respond to the exceptional circumstance.

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3.6 Vaccination of Contractors / Contracted Staff

1. Council requires any contractor, contracted staff member, or any other person –
 - a. delivering services for or on behalf of Council, or
 - b. attending Council workplace premises to work on behalf of Council,

to comply with the requirements of this Policy as if they were a Council Officer / Worker.
2. Contractors must, within a reasonably practicable timeframe after appointment, provide Council with a written and dated statement advising that all workers / employees of that contractor are/were fully vaccinated in accordance with this Policy –
This statement will be valid for a period of six months, after which a further statement may be required.
3. Council will provide contractors, upon request, a written statement advising that all Council authorised workers, working outside of their homes, are compliant with this Policy. This statement will be provided by the Manager Governance Risk & Compliance.
4. Contracted staff who will work within Council workplace premises alongside Council workers, must comply with this Policy as if they were a Council officer or worker.

4 CONFIDENTIALITY / PRIVACY

1. All information, including health information, collected under this policy will be treated confidentially, so far as is possible, and will be handled in accordance with applicable privacy and health records information laws.
2. For the purposes of complying with this Policy, Council is authorised to use any vaccination information about a worker that it is provided with, where legal to do so.
3. An Authorised Officer (as designated under the *Public Health & Wellbeing Act*) may request Council to produce to the Authorised Officer any vaccination information held. If an Authorised Officer makes a request to a person under subclause 2 above, the person must comply with the request.
4. Council will disclose vaccination information held to relevant members of the Senior Leadership Team to facilitate appropriate operation of the requirements of this Policy and Government Directions.

5 DEFINITIONS

Authorised Officer / Worker	All workers providing essential works and provided with a permit to conduct essential works during a mandated lockdown. All Council staff / officers / workers are considered Authorised Workers or Public Sector Workers.
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All contractors or contracted staff are considered Authorised Workers when acting on behalf of the Council.

Employee / worker	Means Authorised Officer / Worker.
Contractor / contracted staff	Any person acting on behalf of the Council or its officers is an essential worker and as such must comply with the same conditions of this Policy as if they were a Council officer / worker.
Home	Means the worker's ordinary place of residence.
COVID-19	Severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2)
Vaccination status	A person's vaccination status is one of the following – <ul style="list-style-type: none"> a. Fully vaccinated – the person has received all doses of a recognised COVID-19 vaccine as required under government recommendations. b. Unvaccinated – the person has not received all recommended doses of a recognised COVID-19 vaccine and is not an excepted person. c. Excepted person – if – <ul style="list-style-type: none"> • The person holds certification from a medical practitioner that the person is unable to receive a dose, or a further dose, of a recognised COVID-19 vaccine due to a medical contraindication, or • The person holds certification from a medical practitioner that the person is unable to receive a dose, or a further dose, of a recognised COVID-19 vaccine due to an acute medical illness.
Certification from a medical practitioner	Is effective until the earlier of – <ul style="list-style-type: none"> a. The date specified by the medical practitioner, or b. The date six months from the date the certification was given by the medical practitioner.
Vaccination information	Information about a person's vaccination status and includes information that is derived from a record of information that was made under, or in accordance with, the Australian Immunisation Register Act 2015 of the Commonwealth.
Emergency	Means a situation where it is reasonably apparent that medical treatment is necessary, as a matter of urgency to save a person's life, prevent serious damage to a person's health, or prevent a person from suffering or continuing to suffer significant pain or distress.

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6 RESPONSIBILITIES

Managers	<p>Managers are responsible for –</p> <ul style="list-style-type: none"> • completing a risk assessment for any worker that may not fall under the auspices of this Policy, to evaluate need for vaccination before entering a Council workplace or undertake tasks on behalf of Council, • ensuring that arrangements are made for the vaccination of employees within their area of responsibility in accordance with this policy, including new employees, • ensuring that all employees have provided satisfactory evidence of vaccination to the Manager People & Culture and are not permitted to perform the duties that may risk exposure to COVID-19 until that evidence is received, • ongoing review of control measures in place to minimise the risk of exposure to and transmission of COVID-19 in the workplace or in connection with work duties, and • ensuring that any new positions are clearly advertised as requiring COVID-19 vaccination.
Authorised workers / employees	<p>All Authorised Workers (as defined by this Policy) and employees are responsible for –</p> <ul style="list-style-type: none"> • reading and complying with this policy, • ensuring they comply with all control measures put in place by the Pyrenees Shire Council from time to time, to reduce the risk of transmission of COVID-19. Such measures may include wearing face masks, testing, physical distancing, and isolation / quarantine. • alerting their Manager and the Manager People & Culture as soon as possible in the event of another employee or person at the work premises failing to comply with measures in place to reduce the risk of transmission of COVID-19, and • remaining fully vaccinated and providing satisfactory evidence of vaccination unless an authorised exemption applies.
Manager People & Culture	<p>Is responsible for –</p> <ul style="list-style-type: none"> • providing support to managers in dealing with queries or concerns raised by employees, including in relation to an unwillingness to be vaccinated, • providing support and guidance to workers in relation to their rights and obligations under this policy, • ensuring that all workers have provided satisfactory evidence of vaccination, • collection of exemption evidence where applicable,

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- keeping an updated register of all employees, volunteers, and contracted staff vaccination information and evidence of vaccination,
- providing support to managers in relation to conducting of risk assessments and maintaining records of risk assessments, where required, and
- ensuring that appropriate control measures are implemented and regularly reviewed, to reduce the risk of transmission of COVID-19. Such measures may include wearing face masks, testing, physical distancing, isolation, and quarantine and whatever may be required regardless of vaccination requirements.

7 LEGAL REQUIREMENTS AND PENALTIES

Section 203 of the *Public Health & Wellbeing Act* provides –

Compliance with direction or other requirement

- 1) A person must not refuse or fail to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorization given under section 199.

Penalty – in the case of a natural person, 120 penalty units,
in the case of a body corporate, 600 penalty units.

- 2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply with the direction or requirement.

False or misleading information

Section 210 of the *Public Health & Wellbeing Act* provides –

- 1) A person must not –
 - a. give information that is false or misleading in a material particular, or
 - b. make a statement that is false or misleading in a material particular, or
 - c. produce a document that is false or misleading in a material particular – to the Secretary, a Council, the Chief Health Officer or an authorised officer under this Act or the regulations without indicating the respect in which it is false or misleading and, if practicable, providing correct information.

Penalty - in the case of a natural person, 60 penalty units,
in the case of a body corporate, 300 penalty units.

- 2) A person must not make an entry in a document required to be kept by this Act or the regulations that is false or misleading.

- 3) In a proceeding for an offence against subsection (1) or (2) it is a defence to the charge for the accused – prove that at the time at which the offence is alleged

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to have been committed, the accused believed on reasonable grounds that the information, statement, or document was true or was not misleading.

8 VERSION HISTORY

Version Number	Issue date	Description of change
1.0	November 2021	Initial release
1.1	January 2022	Minor amendments to remove former dates and maintain compliance with government recommendations regarding boosters

8.1 Policy Review

Because of the changing nature of the COVID-19 pandemic and the regulatory guidance in relation to the vaccine rollout in Australia is constantly evolving, this policy may need to be reviewed more regularly than Council's other workplace policies. This Policy will be reviewed at least every six months for the first 18 months of operation and then at least annually thereafter.

8.2 Consultation

This policy has been implemented following consultation with Council's Pandemic Planning Committee, health & safety representatives, and Council's Staff Consultative Committee, and circulated to all staff as part of implementation.

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