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| Policy No: | Policy Name: **Mandatory COVID-19 Vaccination** |

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| Applies to: Employees, Board members, Volunteers | Version: 1 |
| Specific responsibility: LCSA Executive Officer | Date Approved:27 September 2021 |
|  | Review Date: September 2022 |

# Purpose

The purpose of this policy is to provide clear direction on the requirement for all LCSA workplace participants to be vaccinated against COVID-19. This policy applies to all employees, Board members and volunteers engaged in supporting our organisation.

This policy will be regularly reviewed may be subject to change due to changes in health orders and / or legislation.

# Policy statement

LCSA strongly believes that vaccination against COVID-19 is critical in safeguarding workplace participants and clients, ensuring business continuity and ensuring the organisation’s ability to continue to safely serve the communities in which it operates. LCSA also believes that implementing work health and safety practice is critical as a safe and effective vaccine is only one part of keeping the community safe and healthy.

LCSA will continue to minimise the risk of exposure to COVID-19 in the workplace and apply all reasonable COVID-19 control measures.

LCSA aims to provide workplace participants and clients with consistency of protection against COVID-19 in work environments.

Vaccination is a reasonable additional control for our workplace participants against exposure to COVID-19 and limiting transmission from workplace participants to others. Vaccination is our best protection against the adverse impacts of COVID-19, including:

* The potential serious health impacts
* Operational continuity and business viability
* Disruptions to the essential services provided to the community; and
* Its spread in circumstances where workplace participants:
  + Have close contact and interact with each other and/or vulnerable people on a regular basis; and
  + Constantly travel in and outside the community within numerous local government areas

This policy sets out information for workplace participants in relation to LCSA’s requirements for vaccination against COVID-19.

For information on COVID-19 vaccinations, workplace participants should refer to the Australian Federal and NSW health websites and their own medical practitioner.

# References

Work Health and Safety Act 2011 (NSW)

[Safe Work](https://www.safework.nsw.gov.au/resource-library/COVID-19-Coronavirus)

[Commonwealth Department of Health Vaccination Information](https://www.health.gov.au/initiatives-and-programs/covid-19-vaccines)

[NSW Government COVID-19 Rules](https://www.safework.nsw.gov.au/resource-library/COVID-19-Coronavirus)

[NSW Government COVID-19 Health and Wellbeing](https://www.nsw.gov.au/covid-19/health-and-wellbeing)

Privacy Policy

Leave Policy

For DCJ funded services

The NSW Department of Communities and Justice (DCJ) issued a direction on 20 September 2021 identifying the obligation for service providers to comply with their work health and safety duties in regard COVID-19. DCJ expects that staff in funded services would need to be vaccinated. DCJ will establish the *DCJ COVID-19 vaccination policy for service providers* which will be a notified policy and will become a contractual obligation for services delivered on behalf of DCJ.

# Definitions

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| AIR | Means the Australian Immunisation Register |
| Approved COVID-19 vaccine | Means a vaccine against COVID-19 that has been approved (including provisionally approved) by the Therapeutic Goods Administration or World Health Organisation |
| Organisation | Means LCSA and all of its related and associated entities |
| COVID-19 | Means infection and/or disease caused by the SARS-COV-2 virus |
| Director | Means Board members of LCSA from time to time |
| Employee | Means an employee who is directly engaged and paid by the company as an employee. This includes employees engaged on a permanent (full and part-time basis), fixed / specified term or casual basis |
| Evidence of vaccination | Includes a record of full COVID-19 vaccination (two doses) with an approved COVID-19 Vaccine through provision of an official Government Immunisation History Statement or COVID-19 digital certificate or an Immunisation History Statement from the AIR.  If a workplace participant was vaccinated outside Australia and cannot provide an Immunisation History Statement because they received an Approved COVID-19 Vaccine that cannot be added to the AIR, they can provide a letter from a doctor (on practice letterhead) or a suitable Vaccination Record Card that records full vaccination with an approved COVID-19 vaccine. |
| Executive | Means the members of LCSA Executive Team that includes:   * LCSA Executive Officer * Managers |
| Fully vaccinated | Means an individual who has received two doses of an Approved COVID-19 Vaccine and can provide LCSA with evidence of vaccination |
| Manager | Means anyone who manages or supervises an employee or other stakeholder |
| Medical contraindication to vaccination | Means a condition that precludes a person from receiving an Approved COVID-19 Vaccine as they have an increased chance of a serious vaccine related medical adverse event. A medical contraindication my be permanent, for example an anaphylaxis to vaccine(s) components or may be temporary or time limited. Pregnancy is not a medical contraindication to vaccination against COVID-19. Contraindications are outlined in formal clinical advice from the Australian Department of Health to vaccine providers based on advice from the Therapeutic Goods Administration and Australia Technical Advisory Group on Immunisation and must be in the form approved by the Chief Health Officer of NSW. |
| Other stakeholders | Collectively refers to any individual who is not an employee but who carries out work (whether paid or unpaid) for LCSA, including (but not limited to) work as a contractor (including employees of a contractor), secondee, consultant or subcontractor, labour hire company, an apprentice or trainee and volunteers. |
| Volunteers | Refers to any individual who is not an employee but who carries out unpaid work for LCSA, including (but not limited to) volunteers and a student gaining work experience |
| Work environment | Means any place used by LCSA in the course of conducting its business (whether or not owned or within the exclusive control of LCSA) including, but not limited to:   * Organisation office premises * Organisation vehicles   Collectively refers to but is not limited to:   * During and outside normal working hours * All functions, events and places which are work related (e.g., work lunches, conferences, Christmas parties and client functions) * Any environment which has sufficient connection to employment; and * In the course of providing goods and services |
| Workplace participants | Collectively refers to directors, employees, volunteers and contractors |

# Procedure

**Getting vaccinated**

5.1. All Workplace Participants must be fully vaccinated within the timeframes set out in clause 5.4 below. The timeframes have been set by DCJ.

5.2 Evidence of vaccination must be provided to LCSA once both vaccines have been taken. LCSA may request that a Workplace Participant provide further evidence if it is not satisfied with the evidence of vaccination they have provided.

5.3 The table in clause ‎5.4 below sets out the compliance date by which workplace participants must be fully vaccinated (Compliance Date). In limited circumstances where a Workplace Participant lives (or works) in a jurisdiction or location where an Approved COVID-19 Vaccine has not been available to them such that they cannot meet the relevant Compliance Date, they may be provided with reasonable additional time to be vaccinated against COVID-19. In these circumstances, the Compliance Date will be varied on the basis of the timing of Approved COVID-19 Vaccine availability in their local government area or location. Employees will need to seek written approval from their supervisor for an extension to the Compliance Date in these circumstances.

5.4 Requirement for vaccination and provision of evidence of vaccination

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| **Workgroup** | **Compliance Date – full vaccination and evidence of vaccination** |
| Employees in the following categories:   * LCSA staff * LCSA Board members and volunteers | * First Vaccination dose by 25th October 2021 * Second vaccination dose by 17th January 2022 |

5.5 Employees who are stood down will either be required to be fully vaccinated by the compliance date or at the time they are recalled for work and prior to their first advised duty, workday or shift.

5.6 Employees who are on Special Leave Without Pay (SLWOP) or paid or unpaid parental leave at the compliance date are required to be fully vaccinated prior to their first day back at work after completion of the SLWOP or parental leave.

5.7 Where a Workplace Participant is required by a third party (e.g. a public health order or direction issued by a state health authority or a requirement of an Australian or foreign government) (Third Party Requirement) to be vaccinated against COVID-19 and the date for compliance with that requirement is prior to the applicable Compliance Date set out in clause ‎5.4 above, the Workplace Participant is required to be Fully Vaccinated by the date required under the applicable Third Party Requirement. Different processes for non-compliance with a Third Party Requirement may apply.

5.8 Workplace Participants will have an ongoing obligation to provide Evidence of Vaccination (e.g. annual COVID-19 vaccinations) as required by any updates to the Policy, having regard to Australian Government Department of Health guidance on re-vaccination.

5.9 Where a Workplace Participant is not able to be vaccinated with an Approved COVID-19 Vaccine due to a Medical Contraindication to Vaccination they should contact their Manager well in advance of the applicable Compliance Date and provide evidence of their circumstances not later than six weeks prior to the Compliance Date.

5.10 New Workplace Participants

* + 1. All new Workplace Participants must be Fully Vaccinated:
       1. by the Compliance Date applicable for their workgroup set out in clause ‎5.4 above; or
       2. before they commence employment or work with LCSA or operate from a Work Environment;

whichever is later.

* + 1. Should a Workplace Participant for new employment/engagement indicate that they wish to seek an exemption from the requirement under the Mandatory Vaccination Policy to be fully vaccinated, they will need to provide evidence of their Medical Contraindication to Vaccination
    2. New Workplace Participants must be Fully Vaccinated at their own expense and prior to commencing employment and will be informed of such in job advertisements.

5.11 Flexibility and support associated with COVID-19 vaccination

* + 1. Attending vaccination appointments

LCSA acknowledges that many Employees, when an Approved COVID-19 Vaccine becomes available to them, will need flexibility, time and/or support from the organisation to attend appointments, and in some cases may have limited appointment options available.

* + 1. Employees will be permitted up to one day of paid leave to allow for travel to and from either the Employee’s home or the workplace and time spent at an appointment in becoming Fully Vaccinated.

5.12 Absence due to medical side-effects of vaccination

* + 1. In the event that an employee experiences illness due to medical side-effects associated with having an Approved COVID-19 Vaccine which means they are unable to attend work, generally the employee is required to utilise leave under the applicable Personal/Carer’s Leave Policy to cover the absence.
    2. However, if the employee has fewer than two days of accrued personal/carer’s leave, they may have access to up to an additional two days of other paid leave, subject to providing a medical certificate supporting their need to be absent from work because of medical side-effects associated with having an Approved COVID-19 Vaccine.

5.13 Noncompliance with requirements

* + 1. Workplace Participants must comply with the requirements under this Policy to be Fully Vaccinated.
    2. Workplace Participants who are unable to comply with the requirements of the Policy because of a Medical Contraindication to Vaccination should refer to information on requests for exemptions to vaccinations.
    3. Employees who do not comply with the requirements of the Policy (except those Employees granted an exemption to vaccination) will be considered to have not complied with a lawful and reasonable direction. Accordingly, such employees may be subject to disciplinary action, which, in the circumstances, is likely to result in the termination of the Employee’s employment.
    4. Directors, other stakeholders and contractors who do not comply with the requirements of the Policy (except those who have been granted an exemption to vaccination) may have their contract for service or engagement with [service name] terminated unless other arrangements can be made.

**Requests for exemptions to vaccination**

5.14 Given the purpose and scope of the policy **there will be very limited (if any) circumstances in which exemptions** will be granted.

5.15 Workplace participants who:

1. Are unable to be vaccinated due to temporary or permanent medical contraindication to vaccination; or
2. Are seeking an exemption from the requirement under the Mandatory Vaccination Policy to be fully vaccinated on other grounds (medical or non-medical);

are required to inform their Manager (who may consult with a member of the Executive and/or Board) and provide reasons in writing via email, including evidence of their circumstances and the basis upon which they are seeking an exemption, no later than two weeks prior to the compliance date applicable to the workplace participant.

5.16 Requests for exemption will be assessed on a case-by-case basis, including having regard to:

1. The nature and requirements of the Workplace Participant’s role or engagement with LCSA, including whether there is likely to be interaction with people with vulnerabilities in connection with their employment
2. The risks of exposure (for the workplace participant and others) to COVID-19
3. The overall purpose and scope of the policy; and
4. LCSA’s duties pursuant to relevant lawful workplace health and safety obligations.

5.17 The assessment

1. Will be conducted in consultation with a member of the Executive, and where deemed by LCSA as necessary, external legal and other specialist advisors
2. Will be based on the Workplace Participant’s role or engagement with LCSA and may need to be re-assessed if the employee changes roles within the organisation or the nature of the other stakeholder’s engagement is varied. As vaccination against COVID-19 (and evidence of vaccination) is a requirement of all roles within LCSA, redeployment opportunities will be very limited and may only be possible where there is an existing vacancy.

5.18 Further investigation or explanation, if following the assessment set out in Clause 5.17 above:

1. LCSA determines that the reasons why the Workplace Participant is seeking an exemption, or the evidence provided, requires further investigation or explanation, they may request:
   1. The Workplace Participant to provide a duly witnessed statutory declaration (such as by a Justice of the Peace or a Legal or Medical Practitioner) stating the reasons and evidence provided regarding their circumstances and the basis upon which they are seeking an exemption is true and correct;
   2. The Employee to undergo an examination by a medical practitioner nominated by, and paid for by LCSA, in order to:
      * Assess any health issues that may affect the employee’s:
        + Ability to safely carry out their duties
        + Health and safety; or
        + Ongoing employment
      * Assess how the employee’s health status may affect the safety of other workplace participants; and
      * Ensure LCSA is able to continue to meet its duties pursuant to relevant lawful work health and safety obligations.

If LCSA obtains an employee’s health information in this way, they will only use it and disclose it for the purpose described above and will keep it otherwise confidential.

5.19 Following the assessment (as set out in clauses 5.16 and 5.17) and/or further investigation or explanation process (as set out in clause 5.18), Workplace Participants will either:

1. Be provided an approved exemption from the requirement to be fully vaccinated under this policy and the employee will be required to comply with any additional controls communicated to them as part of the exemption or thereafter (e.g. regular testing and other non-pharmacological methods such as mask wearing, physical distancing and restriction of movement); or
2. **Not** be provided an approved exemption from the requirement to be fully vaccinated under this policy, and subsequently will be deemed to not meet the requirement to be fully vaccinated and provide evidence of vaccination by the compliance date, resulting in the employee being considered non-compliant with the requirements of the policy (please refer to clause 5.13).

5.20 Employees with a temporary medical contraindication to vaccination which prevent them from complying with this policy, may also be able to apply for paid or unpaid leave (in accordance with relevant policies) but must be reviewed after the conclusion of the temporary medical contraindication to vaccination, or following another appropriate period of time, to determine if they are now able to comply with the policy.

**Manager and workplace participant responsibilities**

5.21 Managers are responsible for:

1. Ensuring Workplace Participants are aware of the requirement to be fully vaccinated under the policy
2. Ensuring job advertisements and recruitment processes set out the requirement for workplace participants to be fully vaccinated under the policy
3. Managing requests for employee leave associated with receiving an approved COVID-19 vaccine
4. Consulting with a member of the Executive in any of the following circumstances:
   1. A Workplace Participant notifies them that they have a medical contraindication to vaccination and wish to seek an exemption from complying with the policy
   2. A Workplace Participant notifies them that they wish to seek an exemption from complying with the policy on other grounds; and/or
   3. A Workplace Participant refuses to be fully vaccinated under the policy.
5. Sensitively handling any information associated with a Workplace Participant’s health or wellbeing and personal circumstances and in accordance with LCSA Privacy Policy.

5.22 Workplace Participants are responsible for:

1. Being fully vaccinated on or before the compliance date
2. Notifying their manager if they wish to seek an exemption from complying with the policy within the timeframes specified in clause 5.4 of this policy; and
3. Notifying their manager if they are otherwise unwilling or unable to comply with the policy by the compliance date or at all.

**Required documentation, handling sensitive information and records management**

5.23 Workplace Participants will be required to email their manager with copies of evidence of their vaccination.

5.24 LCSA will maintain and appropriately secure records of evidence of vaccination in accordance with the Privacy Policy.

5.25 Where a Workplace Participant provides any information regarding an inability to be vaccinated due to a medical contraindication to vaccination or seeking an exemption on other grounds, that information will be treated as a confidential personal health record and will be stored as an electronic medical record.

**Administration and related documents**

* 1. Consideration should be given to requirements made by the landlord / property owners regarding vaccination requirements to provide client services from the service location.
  2. LCSA will display clear signage at all entrances to the service specifying the requirement to be double-vaccinated as part of being able to enter the service premises.

5.28 This policy is subject to change and the latest version can be accessed at the LCSA Office.

# Related documents

Work Health Safety Policy

Leave Policy

# Review

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| **Reviewing and approving this policy** | | |
| Frequency | Person responsible | Approval |
| [How often will this policy be reviewed] | [Position of person responsible for reviewing policy] | [position of person/group who approves this policy] |

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| **Policy review and version tracking** | | | |
| Review | Date approved | Approved by | Next review date |
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| 3 |  |  |  |