



## COVID-19 Vaccination Policy for Departmental Staff

Policy Summary	
<b>Status</b>	Current as at 1 February 2022
<b>Purpose</b>	The purpose of this policy is to outline Parliament's COVID-19 vaccination requirements for departmental staff which has been developed with the support of a comprehensive risk assessment and aligned with the similar policies in the NSW public sector.
<b>Scope</b>	This policy applies to departmental staff - that is those employed directly by the departments of the Legislative Assembly, Legislative Council and Department of Parliamentary Services. This policy can be used as a recommendation for Members in relation to their staff.
<b>Availability</b>	This Policy is available on the Parliament's Intranet.
<b>Policy owner</b>	The Senior Management Group is responsible for this policy.
<b>Related policies &amp; documents</b>	Relevant Public Health Orders Parliament's Work Health and Safety Policy
<b>Policy review</b>	This policy is to be reviewed where changes to Public Health Orders require, when a new risk assessment suggests the policy be reviewed, or at least once each Parliament.
<b>Approval</b>	Mark Webb, Chief Executive, Parliamentary Services Helen Minnican, Clerk of the Legislative Assembly David Blunt, Clerk of the Parliaments
<b>Date</b>	1 February 2022



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## 1.0 Purpose

The purpose of this policy is to outline Parliament's COVID-19 vaccination requirements for departmental staff which has been developed with the support of a comprehensive risk assessment and aligned with the similar policies in the NSW public sector.

On 30 August 2021 NSW Department of Premier and Cabinet issued C2021-16 Guidance for Government Sector Agencies regarding COVID-19 Vaccinations for their Employees. The circular states that for the safety of employees and all citizens who interact with employees, the NSW Government expects all government sector employees who can be safely vaccinated to do so at the earliest opportunity.

## 2.0 Scope

This policy applies to departmental staff - that is those employed directly by the departments of the Legislative Assembly, Legislative Council and Department of Parliamentary Services. This policy can be used as a recommendation for Members in relation to their staff. This Policy applies to both permanent, temporary, casual and contract staff working for either of the three departments.

## 3.0 Definitions

This section provides definitions of some of the key terms relating to the policy. Any proper nouns should be referenced here, in the following format, in alphabetical order.

**Department** means the Department of the Legislative Council, Department of the Legislative Assembly or Department of Parliamentary Services.

**Department Head** means the Clerk of the Parliaments, Clerk of the Legislative Assembly or the Chief Executive, Parliamentary Services.

**Departmental Staff** means staff working for the departments of the Legislative Assembly, Legislative Council or the Department of Parliamentary Services.

**Fully Vaccinated** means the definition as determined by the Australian Technical Advisory Group on Immunisation (ATAGI), as amended from time to time.

**Member** (aka member of Parliament) means a member of the Legislative Council or a member of the Legislative Assembly. A member may also be a Minister.

**Parliament** means the Parliament of New South Wales.



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***Parliamentary precincts*** means the land described as Lot 1823 in Deposited Plan 841390, in Schedule 1 of the Parliamentary Precincts Act 1997. This generally describes the Parliament House building in Macquarie Street, Sydney and includes:

- All buildings, structures, and works that lie on, above, or under that land
- Parts of buildings, structures, and works that lie on, above, or under that land.

***Presiding Officers*** means the President of the Legislative Council and the Speaker of the Legislative Assembly.

***Visitor*** means a person who is not an employee or staff - such as members of the public, unpaid volunteers, and other persons on the Parliamentary precincts that do not fall within the above definitions.



## 4.0 Policy

This Policy sets out the COVID-19 vaccination requirements for all departmental staff working for the Parliament.

### 4.1 Public Health Orders

The COVID-19 pandemic is a public health issue and Parliament's approach will be informed by Public Health Orders that are issued by the NSW Minister for Health. By law, all employees must comply with Public Health Orders.

Information in relation to relevant Public Health Orders will be communicated to all departmental staff via email, as well as being available on the [Parliament's WHS Intranet Page](#).

### 4.2 Work Health and Safety

Parliament has a primary duty of care for its workers and others that enter its workplace under Section 19 of the *Work Health and Safety Act 2011*. Any work or activity will be undertaken, as far as is reasonably practicable, in accordance with COVID-19 risk management guidelines from SafeWork NSW and/or Safework Australia. These guidelines may require departmental staff to use controls such as wear face masks and other personal protective equipment, observing and maintaining physical distance requirements, practicing appropriate personal hygiene, and utilising QR codes to enter certain areas – these guidelines can often change, but any changes will be clearly communicated to all staff.

### 4.3 Mandatory Vaccination when not prescribed by a Public Health Order

On 30 August 2021 NSW Department of Premier and Cabinet issued [C2021-16 Guidance for Government Sector Agencies regarding COVID-19 Vaccinations for their Employees](#). The circular states that for the safety of employees and all citizens who interact with employees, the NSW Government expects all government sector employees who can be safely vaccinated to do so at the earliest opportunity.

As an employer, Parliament has the power to direct its departmental staff to be vaccinated against COVID-19 and to provide proof of vaccination, over and above specific requirements in Public Health Orders.

Parliament has completed risk assessments to consider current and alternate controls to keep staff safe and minimise their risk of exposure to COVID-19 through the course of their work. Initial consultations occurred through the WHS Committee. A consultation process to gauge employee sentiment regarding COVID-19 vaccinations was also undertaken.



Based on the outcomes of the risk assessments, feedback of the WHS Committee and results of the consultation process, COVID-19 vaccination has been identified as the highest available control measure available to manage the COVID-19 risk within Parliament. This includes employees who work in any of the following tiers: -

Tier 1: where employees are required as part of their duties to interact with people with an increased risk of being infected with COVID-19

Tier 2: where employees are required to have close contact with people who are particularly vulnerable to the health impacts of COVID-19.

Tier 3: where employees are required to have interaction or likely interaction with other people such as customers, other employees, or the public in the normal course of employment.

Tier 4: where employees have minimal face-to-face interaction as part of their normal employment duties.

It is recognised that some staff have been identified as falling into Tier 4 and have had the ability to work from home on a full-time basis during the pandemic. For business reasons this is not a sustainable ongoing position. Parliament's Flexible Working Arrangements sets out the principles for considering working from home which includes an expectation that working from home on an ongoing full-time basis is not considered to be a viable option for most roles. Working from home may be viable for short term or periodic engagements.

As a result, except as provided for in this policy, all departmental staff must be fully vaccinated for COVID-19 by no later than four weeks from this policy coming into force. Staff may, from this date, be directed to attend the workplace and it is a condition of employment for any employee who attends the workplace to be fully vaccinated.

It is also expected that all employees will receive booster vaccinations at the appropriate time in accordance with recommended health advice. It is noted that at the commencement of the policy booster vaccinations will not be a condition of employment however if the definition of fully vaccinated is amended by the Australian Technical Advisory Group on Immunisation (ATAGI), employees will be required to meet any updated definition.

#### **4.4 Proof of vaccination and medical records**

All staff must provide their vaccination status evidence to their supervisor or manager before they are able to attend a workplace. If you have a medical contraindication certificate you should follow the process set out below.



Records of proof of vaccination will be collected and maintained in accordance with the *Privacy and Personal Information Protection Act 1998* and *Health Records and Information Privacy Act 2002*

#### **4.5 Medical Contraindication Certificates**

Medical practitioners may issue an individual with a medical contraindication certificate as evidence of a medical need to be exempt from vaccination in a form approved and registered on the Australian Immunisation Register. If an employee has been issued with such a certificate, they need to discuss what arrangements will apply to them in undertaking their role before they can attend a workplace.

If an employee with a medical contraindication certificate is directed to attend a workplace, they are required to comply with all COVID-19 safe work practices as apply to their role subject to the limitations prescribed in the certificate and any additional controls and agreed workplace adjustments which will be recorded in an individual risk assessment.

An official medical contraindication certificate as prescribed under the Public Health Order is the only acceptable form of evidence as an exemption to the COVID-19 vaccination. Standard medical or other certificates will not be accepted.

#### **4.6 Failure to provide evidence of vaccination status**

Managers and Supervisors of staff must ensure their staff members have provided evidence of vaccination prior to entering the workplace. If proof of vaccination is not provided, and as a result an employee cannot safely attend the workplace to fulfil the requirements of their role, attempts will be made to find them alternative work for a limited period of time in limited circumstances - such as when awaiting access to a vaccine - and only if it can be demonstrated that it is safe and practical to do so. Where this is not possible, the employee will be required to take their own leave (not including COVID-19 special leave). If an employee exhausts all their applicable leave, they will be placed on leave without pay until a decision is made in relation to the failure to meet Parliament's conditions of employment.

#### **4.7 Exceptional Circumstances**

Staff can request that Parliament consider personal exceptional circumstances outlining why they cannot meet the requirements of this policy. Requests for exceptional circumstances should be submitted in writing by email addressed to the Director People Property and Security via [DPS.WHS@parliament.nsw.gov.au](mailto:DPS.WHS@parliament.nsw.gov.au) by no later than 4 weeks after the commencement of this policy. Until a decision is made on any exceptional circumstances, a person who is not fully vaccinated is not able to attend Parliament House.



The circumstances will be considered on a case-by-case basis, and if appropriate, authorised by the Director in conjunction with the relevant Director to whom the employee reports. It should be noted that simply not wanting to be vaccinated is not considered to be an exceptional circumstance.

If the exceptional circumstances case is accepted, an individual risk assessment will be performed to determine if work can continue in the current role with additional control measures in place for a limited period. Parliament will review on constant basis to ensure currency.

#### **4.8 Recruitment and assignment to roles**

Effective 1 February 2022, full vaccination against COVID-19 will be a condition of employment for all new departmental staff.

Human Services will screen candidates based on proof of vaccination as required, and in accordance with existing governing employment screening.

### **5.0 Grievance mechanisms and sanctions**

The Parliament's Grievance Policy may be used in the event of a complaint or dispute in relation to the implementation of this Policy. Lack of compliance with a vaccination required under this policy may result in action under the Parliament's employment policies including (but not limited to) its Misconduct or Recruitment policies, up to and including termination or non-confirmation of employment.

### **6.0 Accountabilities**

- The Clerk of the Legislative Assembly, the Clerk of the Parliaments and the Chief Executive, Department of Parliamentary Services are jointly responsible for approving and assuring compliance with this Policy.
- Line Managers of staff and/or persons engaging contractors are responsible for ensuring that all direct reports or contractors have provided the required evidence of vaccination status and provide this to the [DPS WHS](#) team.
- The Recruitment team in Human Services will obtain vaccination status information from new employees as part of the recruitment process.
- As a work health and safety measure, all staff have a duty to comply with this policy, and provide any required vaccination evidence or exemption on commencement of this policy, or when commencing employment or work for the Parliament.





## 7.0 Related policies, legislation, guidelines and forms

[Work Health and Safety Act 2011](#)

[Public Health Act 2010](#)

[C2021-16 Guidance for Government Sector Agencies regarding COVID-19 Vaccinations for their Employees](#)

[Safework Australia vaccination guidance for office environments](#)

## 8.0 Policy review

This policy is to be reviewed where changes to Public Health Orders require, when a new risk assessment suggests the policy be reviewed, or at least once each Parliament.

## 9.0 Further information

The Parliament's Work Health and Safety intranet page provides guidance on a range of COVID-19 and general Work Health and Safety matters, including consultation arrangements.

## 10.0 Document control

Version number	Date of issue	Author	Description of change
1.0	1 February 2022	DPS WHS	New Policy