

COVID-19 VACCINATION POLICY



ADMINISTRATION POLICY – COVID-19 Vaccination Policy

Reference Number	1312882
Responsible Business Unit	Corporate Services
Responsible Officer	General Manager Corporate Services
Legislation	Local Government Act 1999 Work Health and Safety Act 2012
Relevant Delegations	Chief Executive Officer General Manager Corporate Services
Related Policies Management Guidelines Frameworks	Rural City of Murray Bridge Staff Code of Conduct Rural City of Murray Bridge Code of Conduct – Volunteers COVID-19 Position Statement – General Staff Related Issues COVID-19 Position Statement – Face Mask
Link to Strategic Plan	Objective 5.1 – Ensuring delivery in an effective manner
ELT Endorsed	17 January 2023
Review Date	1 February 2024
Previous Revisions	1 December 2021

INTRODUCTION

Pursuant to the WHS Act, the Employer has a duty of care to ensure, so far as is reasonably practicable, the health and safety of its employees, volunteers and other persons. That includes minimising, so far as is reasonably practicable, the transmission of COVID-19 in the workplace and broader community.

Being vaccinated is one of the steps we can all take to minimise the transmission of COVID-19 in the workplace and the broader community.

This policy sets out the Employer's position regarding the COVID-19 Vaccine.

SCOPE

This policy applies to all Employees of the Employer and where relevant, contractors and labour hire employees engaged to perform work for the Employer.

DEFINITIONS

"COVID-19 Vaccine" means a COVID-19 vaccine approved by the Therapeutic Goods Administration for use in Australia.

"Employee" means any employee engaged by the Employer, including casual, part-time, and full-time employees, and those engaged on a fixed-term and permanent basis, as well as volunteers, apprentices and students conducting work experience.

"Employer" means Rural City of Murray Bridge.

"Medical contraindication to vaccination" means a condition that precludes a person from receiving a COVID-19 vaccine as certified by a medical practitioner on the basis that it may increase the chance of a serious adverse event. A medical contraindication may be permanent or time-limited/temporary.

"Vaccination" means the process of administering a COVID-19 vaccine.

"WHS Act" means the *Work Health and Safety Act 2012* (SA) or its successor, as amended from time to time.

"Workplace" means a place where work is carried out for the Employer and includes any place where an Employee goes, or is likely to be, while at work.

COVID-19 VACCINATION

1. EMPLOYER'S POSITION

- 1.1 Depending on an Employee's position, Vaccination may be already required by way of Federal and/or State Government direction/order. An Employee who is subject to such a direction/order must ensure that they meet the relevant requirements to continue working.
- 1.2 If clause 4.1.1 does not apply, a primary course of an age-appropriate COVID-19 Vaccine is strongly recommended for all Employees (unless the Employee has a medical contraindication to vaccination). Employees should seek independent medical advice in respect of which COVID-19 Vaccine is appropriate for them.
- 1.3 Notwithstanding clause 4.1.2, the Employer will undertake a risk assessment in respect of each position and the relevant work activities, work location and interaction required with other Employees and persons to manage risks arising from COVID-19.
- 1.4 Arising from that risk assessment, the Employer may determine that Vaccination is necessary for, and an inherent requirement of, a relevant position.
- 1.5 It is the Employer's sole discretion as to whether it will mandate the COVID-19 Vaccine for positions in the future.
- 1.6 The Employer may, at its discretion, request that its contractors and/or labour hire employees not attend to perform services for the Employer if they are not (at all) vaccinated against COVID-19.
- 1.7 All Employees, regardless of their Vaccination status, are required to comply with other control measures as determined by the Employer to ensure its compliance with the WHS Act and the Employer's policies and procedures. This includes, but is not limited to, the use of Personal Protective Equipment, in particular the use of face masks when performing duties.

2. EMPLOYEES WITH MEDICAL CONTRAINDICATION TO COVID-19 VACCINATION

- 2.1 Employees who have medical contraindications to vaccination as determined by a medical practitioner are not considered to have refused the COVID-19 Vaccine.
- 2.2 Employees who cannot have the COVID-19 Vaccine due to medical contraindications to vaccination are required, upon request, to provide the Employer with documented evidence of their contraindications.

- 2.3 The Employer may direct an Employee with a medical contraindication to vaccination to undergo a further specialist independent medical assessment.
- 2.4 A risk assessment will be completed by the Employer in respect of an Employee with medical contraindications to vaccination to ensure that the Employee is able to continue performing their ordinary duties in a safe manner.
- 2.5 If an Employee has a temporary exemption from being vaccinated due to a medical contraindication to vaccination, the Employee must contact the Employer at least one week prior to that temporary exemption ceasing to arrange for a discussion to take place regarding Vaccination.
- 2.6 The Employer will endeavour to make reasonable adjustments, where possible, to an Employee with medical contraindications to vaccination to enable the Employee to continue performing their ordinary duties.
- 2.7 If it is determined that an Employee with medical contraindications to vaccination cannot continue performing their ordinary duties in a safe manner, the Employer will consult with the Employee in respect of alternate duties or restrictions.

3. DEALING WITH EMPLOYEES WHO REFUSE TO RECEIVE THE COVID-19 VACCINE

- 3.1 Employees are required to comply with a lawful and reasonable direction of the Employer to be vaccinated against COVID-19.
- 3.2 It will remain the right of the Employee to have the vaccination of their choice providing that the Vaccine chosen has been approved for this use by the relevant authorities at the time of the direction by the Employer and that it is available to the Employee at that time.
- 3.3 If the Employer lawfully and reasonably directs an Employee to be vaccinated against COVID-19 and the Employee refuses to do so without valid reason, such as having a verified medical contraindication to vaccination, the process set out in the Employer's Grievance and Disciplinary Policies will apply.
- 3.4 However, before disciplinary action is considered, the Employer will engage in consultation with the Employee to understand the reasons for the refusal. If the reason for the refusal is due to the Employee having medical contraindications to vaccination, the process set out in clause 4.2 will apply.
- 3.5 If the reason for the refusal is not due to the Employee having medical contraindications to vaccination, further consultation will occur with the Employee to investigate alternative work arrangements which may be suitable and which meet the Employer's duty of care requirements.
- 3.6 If, following this consultation, the Employer lawfully and reasonably directs the Employee to be vaccinated against COVID-19 and the Employee refuses to do so, the disciplinary process referred to in clause 4.3.2 above will apply and the Employer will consider the ongoing viability of the Employee's employment, which may include termination of employment.

4. ATTENDANCE AT COVID-19 VACCINATION APPOINTMENTS

- 4.1 All Employees will be entitled to attend Vaccination appointments during their ordinary hours of work with no reduction in pay (if applicable), subject to each Employee providing reasonable notice and evidence to their immediate supervisor in advance of the appointment(s).

- 4.2 If an Employee suffers adverse reactions to the COVID-19 Vaccine and is unable to work, the Employee will be required to use their personal leave entitlements (if applicable). If an Employee has exhausted his or her personal leave entitlements, they may either access personal leave in advance (by application in accordance with the Employer's leave policy) or access leave without pay.
- 4.3 Notwithstanding clause 4.4.2, if an Employee is directed to be vaccinated against COVID-19 and suffers adverse reactions to the Vaccine and is unable to work, the Employee will be entitled to utilise COVID-19 leave in accordance with the RCMB Position Statement General Staff Related Issues (updated) 3 December 2021. That is, they will be entitled to up to 10 days COVID leave at full pay.

5. DISCLOSURE OF VACCINATION STATUS

- 5.1 The Employer may seek an Employee's informed consent to disclose the Employee's Vaccination status for the purposes of the Employer managing the risk of COVID-19 transmission in the Workplace, complying with its duties under the WHS Act and any other lawful reason.
- 5.2 The Employee will be required in those circumstances to inform the Employer of their COVID-19 Vaccination status.
- 5.3 Sufficient evidence of a Vaccination status includes:
- 5.3.1 *A COVID-19 Vaccination digital certificate; or*
 - 5.3.2 *An Australian Immunisation Register immunisation history statement; or*
 - 5.3.3 *A copy of the completed card/form received following Vaccination(s); or*
 - 5.3.4 *A letter from a General Practitioner confirming Vaccination(s).*
- 5.4 All information received and stored by the Employer in relation to an Employee's Vaccination status will be treated confidentially and records management will be undertaken in accordance with the Employer's policies.
- 5.5 Should an Employee refuse to comply with a reasonable direction to disclose their Vaccination status, the Employer will consult with the person to ascertain the reason for non-compliance and provide the person with further opportunities to disclose their Vaccination status.
- 5.6 If an Employee fails to disclose their Vaccination status, they will be deemed as not being vaccinated.
- 5.7 The Employer may take disciplinary action against persons who fail to comply with the Employer's lawful and reasonable direction to disclose their Vaccination status in accordance with this Policy. Such disciplinary action will be taken in accordance with the Employer's Grievance and Disciplinary Policies.