



COVID-19 Worker Vaccination Policy and Procedures

STATEMENT

The Paraplegic & Quadriplegic Association of South Australia Ltd (PQSA) is committed to the safeguarding of our clients, and the health and wellbeing of our workers and other stakeholders. We recognise the importance of health promotion and illness prevention as an integral part of a healthy workplace; this Policy must be read in conjunction with our *Worker Vaccinations Statement*.

<p>Approved by:</p>  <p>Kenneth Soward, PQSA Chairperson</p>	<p>Date: 2 March 2022</p>
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In this statement, 'us' 'we' 'our' or 'ours' refers to The Paraplegic & Quadriplegic Association of South Australia Ltd (PQSA) ACN 644 670 977, which is a Company Limited by Guarantee and conducts its business through Lifestyle Support and HomeCare+ services.

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SCOPE & APPLICATION

Compliance with this policy is a condition of employment for all workers engaged to provide services on behalf of PQSA.

DEFINITIONS

Refer to the PQSA Policy and Procedure Definition Glossary

The following additional definitions apply:

'**AIHS**' means Australian Immunisation History Statement.

'**ATAGI**' means the Australian Technical Advisory Group on Immunisation.

'**Fully Vaccinated**' means a worker who has received at least two doses of a COVID-19 vaccine that has been approved by the TGA, and remains up to date with their booster doses of an approved COVID-19 vaccine (when they become eligible) in line with the official recommendations made by the ATAGI. For the purposes of this policy, any worker who has received at least two doses of a TGA-approved COVID-19 vaccine, but does not receive a booster dose when eligible in line with ATAGI recommendations, will not be considered Fully Vaccinated and will be in breach of this policy.

'**Legitimate Reason**' includes a Medical Contraindication to Vaccination, or a reason which is protected by law.

'**Medical Contraindication to Vaccination**' means one of the contraindications outlined in formal clinical advice from the Australian Department of Health to vaccine providers based on advice from the TGA and ATAGI.

'**TGA**' means the Therapeutic Goods Administration.

'**Vaccination Certificate**' means an original and authentic COVID-19 digital certificate, or, if the worker is unable to access a COVID-19 digital certificate, the worker's AIHS. Workers are encouraged to redact their Individual Health Identifier (**IHI**) and evidence of vaccinations other than their vaccinations against COVID-19 if they provide a copy of their AIHS.

RESPONSIBILITIES

It is our responsibility to communicate our policies and procedures to all workers on a systematic basis. Individual Directors and Supervisors are responsible for monitoring workers' understanding of their obligations and need for compliance with policies and procedures. Workers are responsible for complying with our policies and procedures.

POLICY

Further to PQSA's *Worker Vaccinations – Statement*, we are implementing specific measures in response to the risk that COVID-19 presents to our clients and workers and in response to South Australia's Emergency Management Directions relating specifically to the mandating of COVID-19 vaccinations, including the *Emergency Management (In-home and Community Aged Care and Disability Support Workers Vaccination No 2) (COVID-19) Direction 2021* and the *Emergency Management (Healthcare Settings Workers Vaccination No 5) (COVID-19) Direction 2022 (the Directions)*.

Our clients, who have regular and at times close and physical contact with our workers, are vulnerable to the impact of COVID-19; our services are often delivered face to face and with very limited opportunity to appropriately social distance in many cases.

The current public health advice is that vaccination against COVID-19 is an effective way of preventing transmission and reducing the health impact of the virus. Safe Work Australia advice is that a safe and effective vaccine is an important part of keeping the Australian community safe and healthy. The approved COVID-19 vaccines available for use in Australia will help protect people by preventing serious adverse health impacts of COVID 19 in the person who is vaccinated, even where they are infected with the COVID-19 virus.

The safeguarding of our clients is paramount, as is the health and safety of our workers who deliver our critical services; a single positive case poses a threat to both clients and workers and has the potential to significantly impact continuity of services, which compromises client safeguarding.

Australia has seen an exponential increase in positive cases since state borders were re-opened and the detection of a new variant, the Omicron variant, which increases the risk of transmission. With this comes an increased risk, as detailed by public health advisors, that people who are unvaccinated can contract the virus and transmit it to others, i.e. unvaccinated workers have an increased risk of transmitting the virus to vaccinated workers who in turn have face to face contact with vulnerable clients.

The changing nature of COVID-19 and the potential for risks to increase over time mean that additional groups of workers will need to be fully vaccinated against COVID-19 or have an endorsed exemption.

We take a risk management approach to maintaining the health and wellbeing of our clients and workers and, on this basis, given the risk that COVID-19 poses to our vulnerable clients and our workers and consistent with the Directions and public health advice, the following will apply to all workers at PQSA:

- By *five weeks after the signing of this policy*, all workers are required to be Fully Vaccinated against COVID-19, unless they have an endorsed exemption and/or Legitimate Reason (see below).
- PQSA will continue to monitor medical advice and legislative requirements concerning booster doses of an approved COVID-19 vaccine and will inform workers of any related vaccination doses to ensure workers remain Fully Vaccinated.
- All workers are required to disclose their COVID-19 vaccination status when requested; this information will be kept confidential but will be used in order to ensure we meet our legislative requirements as a disability services provider, including deidentified reporting to the NDIS Quality and Safeguards Commission as part of our registration requirements. See below for further information.
- Any worker may decline to disclose their vaccination status and the collection of this information, but this will mean that they are presumed to not be Fully Vaccinated.
- We will communicate procedures (and associated expectations and timeframes) by which workers can meet these requirements.

We will offer support for any worker impacted by this Policy through our Employee Assistance Program.

Consistent with our policies, we will not tolerate any vilification or harassment of workers in relation to their personal choices or circumstances in relation to vaccinations.

PROCEDURE

Proof of COVID-19 Vaccination Status

Workers will be requested to provide PQSA with a copy of their Vaccination Certificate to confirm that they have complied with the requirement to be vaccinated. Workers are encouraged to redact their IHI from their Vaccination Certificate.

It may become necessary for us to disclose a worker's vaccination status to nominated third parties for the purpose of PQSA and/or that designated third party confirming whether or not a worker has been vaccinated against COVID-19.

By producing their Vaccination Certificate to PQSA, a worker will be understood to have consented to permitting PQSA to collect and retain their Vaccination Certificate, and to disclosing their vaccination status to a third party where necessary to do so, including where authorised or required to do so by law, including as noted above when reporting to the NDIS Quality and Safeguards Commission as part of our registration requirements.

We will provide access to our worker records to allow citing of Vaccination Certificates where we are required to do so, such as a periodic NDIS Registration Audit, but in the rare event we must provide a copy of a worker's Vaccination Certificate to a third party, we will not do so without the worker's express consent.

Why is it necessary for PQSA to collect this information?

It is reasonably necessary for us to collect, retain and (where applicable) disclose the vaccination status of workers for the following reasons:

- for the purposes of complying with requests from third parties with which PQSA deals;
- to prevent and manage the potential spread of COVID-19 within our organisation (including in planning and risk management, as well in managing resourcing in the event of an outbreak within the organisation);
- to assist us in complying with our obligations under work health and safety laws;
- to assess and reduce the risk to workers, noting that our workers work in close proximity to one another in a number of settings;
- to enable us to maintain business continuity, noting our crucial role as a service provider to people with a disability, and a disability advocacy organisation, and given the threat which COVID-19 poses to that continuity; and
- to limit risk of transmission, noting the nature and size of PQSA's workforce.

How will PQSA use or disclose my information?

Where a worker produces their Vaccination Certificate to PQSA, the information collected by us will be used or disclosed by us as follows:

- to ensure we comply with laws, directions or requests from government authorities (for example, if the NDIA or a state or territory's Department of Health requests a list of our workers who are vaccinated against COVID-19, or otherwise prove that PQSA has confirmed the vaccination status of its workers);
- to confirm whether workers have complied with a requirement under this Policy to be vaccinated against COVID-19;
- to satisfy clients that our workers are vaccinated against COVID-19; and

- any other purpose which is reasonably related to managing the risk of COVID-19 in our business.

How can I provide PQSA with my Vaccination Certificate?

Workers will be notified of the person(s) to whom they should forward their Vaccination Certificate, and in which case they will be required to do so by no later than the time specified by PQSA.

Workers should also be aware that it may be a legal requirement for PQSA to take and keep a record of a worker's vaccination status (for example, by retaining a copy of the worker's Vaccination Certificate).

As noted above, if a worker does not provide us with their Vaccination Certificate, and provides no reasonable explanation, we will assume that the worker has not been Fully Vaccinated against COVID-19, and is in breach of this policy.

Further information on how PQSA will handle the information it collects is set out in PQSA's Privacy – Private Information Management Statement.

Exemptions

We acknowledge that some workers may be exempt from receiving a COVID-19 vaccination where they have a Legitimate Reason.

Workers subject to the Directions may apply for an exemption as detailed within the Directions and may continue to work once satisfactory evidence of an endorsed exemption is provided in accordance with the Directions.

Where a worker is not subject to the Directions, exemptions may also be approved by PQSA (Chief Executive Officer or delegate) where there is a Legitimate Reason based on current health and medical advice and where PQSA is satisfied that appropriate evidence of the Legitimate Reason has been provided to us.

A worker is not required to provide any evidence to support their objection, however, if a worker declines to provide evidence to substantiate that they have a Legitimate Reason, we will assume that no such reason exists.

Workers should be aware that the Legitimate Reasons to refuse to be vaccinated against COVID-19 are extremely limited.

Where appropriate evidence of the Legitimate Reason is provided, we will consult with the worker and may institute additional risk minimisation procedures to safeguard our clients and workers, which may include the wearing of additional Personal Protective Equipment and prohibitions on face to face contact with individuals who are considered at greater risk from COVID-19.

Where a worker has a Legitimate Reason not to be vaccinated against COVID-19, PQSA recognises its clients' right for choice and control in the provision of services. Where a client requests to not receive services from an unvaccinated worker, the worker will be removed from the client's team and, where possible, offered other shifts.

COVID-19 Vaccine Appointments

Full-time and part-time employees of PQSA shall be permitted to be absent from work to attend COVID-19 vaccination appointments without loss of pay during worktime if they are unable to schedule those vaccinations outside of their usual work hours.

Casual employees shall be permitted to be absent from work without pay to attend COVID-19 vaccination appointments for up to one hour for each appointment during worktime if they are unable to schedule those vaccinations outside of their usual work hours.

BREACH OF POLICY

PQSA's position is that where a worker, who is also an employee of ours, is required to be vaccinated against COVID-19 in accordance with this Policy, and they do not have a Legitimate Reason for refusing this requirement, there could be consequences for their employment (including dismissal), because either:

- their refusal to be vaccinated, despite having been informed of a requirement to do so under the Directions, means that they cannot perform their full duties, and are deemed not ready, willing and able to perform their duties; or
- they have refused to be vaccinated pursuant to a direction by PQSA pursuant to this Policy, such that they have failed to comply with a lawful and reasonable direction of PQSA.

Where a worker is not an employee of PQSA, the organisation's position is that where any worker is required to be vaccinated against COVID-19 in accordance with this Policy, and does not have a Legitimate Reason for refusing this requirement, there could be consequences for the worker's continued engagement with us, up to and including:

- termination of the worker's contract for services;
- refusal of access to PQSA's premises; or
- otherwise ending the worker's engagement with/for PQSA,

as the case may be.

VARIATION TO THIS POLICY

PQSA retains the absolute discretion to vary, replace or rescind the terms of this Policy from time to time, in accordance with the needs of the business, and having regard to the rapidly developing nature of the COVID-19 pandemic and the responses of the Australian Government and that of states and territories to it.

The terms of this Policy are not intended to impose legally binding obligations on PQSA and do not form part of any employee's contract of employment or any worker's contractual arrangements with us.

INTERPRETATION

To the extent that the Australian government, or a state or territory government, imposes legal obligations concerning vaccination against COVID-19 which exceed the requirements of this Policy, those legal obligations will prevail to the extent of any inconsistency with this Policy.

This Policy replaces and supersedes all prior policies, agreements or understandings concerning the subject matter to which this Policy relates, unless expressly stated in this Policy.

RELATED LEGISLATION

- South Australian *Emergency Management (Healthcare Settings Workers Vaccination No 5) (COVID-19) Direction 2022* (as updated)
- South Australian *Emergency Management (In-home and Community Aged Care and Disability Support Workers Vaccination No 2) (COVID-19) Direction 2021* (as updated)
- Work, Health and Safety Act 2012
- Work, Health and Safety Regulations 2012

SUPPORTING PQSA DOCUMENTATION

- Information Sharing Guidelines
- Privacy – Private Information Management Statement
- Worker Confidentiality Policy
- Worker Health and Wellbeing Statement
- Worker Vaccinations – Statement
- Work, Health and Safety Management System
- Workplace Bullying, Discrimination and Harassment Policy

24 November 2022

ADDENDUM – COVID-19 Worker Vaccination Policy and Procedures

On 2 March 2022, the then Chair of the PQSA Board, Kenneth Soward, signed the above Policy which mandates COVID-19 vaccinations for all workers except those with an exemption as detailed in the Policy.

The Policy references two Emergency Management Directions (the Directions) relating to vaccination mandates in community and healthcare settings, which expire as of today.

On announcing the expiration of the Directions, the Chief Public Health Officer has advised that when considering workforce policies, organisations are strongly recommended to take measures that were previously mandated through public health orders to meet workplace, health and safety obligations, and to ensure measures continue to protect the members of the community who are most at risk.

On the basis of this advice and the recent increasing cases of COVID-19, the Board of PQSA has determined that we will maintain our Policy that all workers should be vaccinated as detailed in the Policy, unless exempt.

The PQSA Board will review the Policy in the first quarter of 2023 (or sooner if health advice changes) to ensure we are taking a contemporary and best practice approach to workplace, health and safety and the minimisation of risk to our clients living with disability.



Beth Davidson-Park
PQSA Chair