

## Employee Fact Sheet: DCJ COVID-19 Vaccination Policy

The [DCJ COVID-19 Vaccination Policy](#) was released on 18 October 2021 outlining DCJ's COVID-19 vaccination requirements and its approach to identifying locations or worksites that require vaccination in order to provide a COVID safe work environment for employees and clients. It is informed by [C2021-16 Guidance for Government Sector Agencies regarding COVID-19 Vaccinations for their Employees](#).

This fact sheet is designed to provide employees with a summary of the key requirements and their responsibilities in relation to the policy, and clarifies the processes related to implementing the COVID-19 Vaccination requirements in DCJ.

### COVID-19 Vaccination requirements

#### What are the requirements for vaccination?

Divisional leaders will confirm locations or worksites where a COVID-19 risk assessment has identified that vaccination is required as part of the safety response to the hazard of COVID-19 in the workplace.

Employees in these locations or worksites including employees who attend these locations, will be required to submit evidence of their vaccination status via the [Vaccination Register](#).

#### How is DCJ determining who needs a vaccination?

DCJ will undertake risk assessments in line with the DCJ work health and safety risk assessment processes. The risk assessment broadly considers the following:

- Worksite or locations where it is necessary to protect workers from further community transmission.
- There is a higher risk that employees will be exposed to the virus due to the operating environment (e.g. employees who must work with persons where social distancing is not always possible).
- The employee works with at risk populations (e.g. young persons, children, healthcare workers or other employee groups who work with at risk populations).
- PPE and other control measures, in the given circumstances, are inadequate or there is a high risk of failure to sufficiently protect employees and the community.

#### Can DCJ direct employees to get vaccinated?

DCJ, as an employer, has the power to give a direction to employees to be vaccinated, including as a pre-employment requirement, and provide proof of COVID-19 vaccination. This is informed by [C2021-16 Guidance for Government Sector Agencies regarding COVID-19 Vaccinations for their Employees](#).

## **Why do Employee's need to get vaccinated?**

For the safety of DCJ employees and the communities we serve, the NSW Government expects all government sector employees who can be safely vaccinated, to do so at the earliest opportunity. The risks of COVID-19 have presented the need to have comprehensive vaccination requirements in place to:

- protect the communities we serve, noting that many are vulnerable
- protect our employees and their families from potential sources of infection among the communities we serve
- provide a safe environment for our employees to work together
- ensure business continuity for our public services.

Vaccination not only reduces risk, it reduces the chance of infection with COVID-19 by around 60% - 80% and decreases the number of people who will be considered close or secondary contacts in the event of a positive case.

## **How will employees know if they need to get vaccinated?**

Following the completion of a COVID-19 risk assessment, if it has been determined that a location or worksite requires employees to be vaccinated, the relevant divisional leads and manager / supervisor will confirm and communicate this requirement to their employees by email.

## **How can employees book a vaccination?**

There are many different ways to access the COVID-19 vaccination, including through General Practitioners (GP), vaccination clinics or selective pharmacies.

[Check your eligibility and book your appointment here.](#)

## **Can employees undertake a COVID-19 vaccination in work time?**

Yes. To support employees receiving a vaccination, DCJ will provide:

- Flexible working arrangements to facilitate attendance at vaccination appointments, and/or
- Access to special leave of up to two hours per vaccination (four hours in total), or equivalent payment at base rate of pay

Managers will consider reasonable business needs when assessing applications to attend vaccination appointments to ensure frontline service delivery is maintained.

## **If an employee has an adverse reaction after getting the vaccination what leave do they use?**

Employees can access their paid sick leave entitlements. If an employee's sick leave is exhausted, special sick leave may be granted on a case by case basis.

## **What information do employees need to provide DCJ about their vaccination status?**

Employees will need to provide DCJ their vaccination status and evidence of their first and second doses of a TGA approved COVID-19 vaccination. A vaccination status includes one of the following:

- Medical contraindication (e.g. medical contraindication form or medical clearance notice)
- One dose of a TGA approved COVID-19 vaccine
- Two doses of a TGA approved COVID-19 vaccine

**Note:** In the future this may also be required for COVID-19 additional/booster vaccinations.

Vaccination status must be supported by evidence. The following are accepted forms of evidence:

- a vaccination certificate or other evidence from a vaccine provider;
- an immunisation history statement which can be accessed from Medicare online or the Express Plus Medicare mobile app;
- a statement of their vaccination history which they can request from the Australian Immunisation Register;
- a record from a health practitioner, which includes a medical certificate

### **How do employees submit their vaccination status and evidence?**

DCJ has set up a [Vaccination Register](#) for employees to submit evidence of their first and second dose vaccination status, accessible via Service Now for FACS and Justice. The [Vaccination Register Guide](#) provides instructions on how to submit evidence.

### **How do new DCJ employees submit their vaccination status and evidence?**

During the recruitment process Talent Acquisition will ask candidates to provide confirmation of their vaccination status and an accepted form of evidence supporting this. Once a new employee commences with DCJ and have access to ServiceNOW employees will need to formally submit their status and evidence via the [Vaccination Register](#).

### **Can employees submit records of their COVID-19 Booster Vaccination?**

Yes, if employees have received a booster vaccination and would like to update your status in the vaccination register, they can by submitting a new record in Service NOW. In addition to submitting their status, employees will need to provide evidence of their booster shot in order to finalise this record. Step by step instructions are located in the [Vaccination Register Guide](#).

### **How do non-payroll employees submit their status?**

Non-payroll employees, including contractors, consultants, suppliers, volunteers and students, apprentices/trainees/those on work experience are required to meet the vaccination requirements. The organisation they are engaged through must confirm compliance with this requirement before they commence with DCJ. Managers/Supervisors must retain confirmation records locally.

### **How will DCJ use and store employees vaccination information?**

DCJ values your safety as its highest priority. DCJ is collecting information about employees and their vaccination status to determine which staff have been partially and/or fully vaccinated against COVID-19 to ensure our safety in the workplace and for those we come into contact with while we are at work.

DCJ will collect your name and whether you are an authorised worker, your work and residential LGA as well as your residential postcode. We will also collect your contact details, your vaccination status as well as the vaccine type and vaccination dates. If you do not wish to provide your vaccine type you will be required to confirm whether the vaccine you have received has been approved for use in Australia by the TGA which can be found at the following link: <https://www.health.gov.au/initiatives-and-programs/covid-19-vaccines/about-rollout/vaccine-agreements>. We will provide this information to your manager to assist your manager to make decisions to manage the risk of transmission of COVID-19 in the workplace.

DCJ is collecting this information directly from employees for the purpose of conducting risk assessments and to inform future decision making to protect workers and others from risks to their health and safety under the Work Health and Safety Act 2011 and in accordance with current New South Wales Public Health Orders.

Please note that if you refuse to provide this information to DCJ, it may be determined that you have refused to comply with a reasonable direction of DCJ and disciplinary action may be taken against you in accordance with the Government Sector Employment Act 2013 and the Government Sector Employment (General) Rules 2014.

Further information about your privacy rights and your personal information as well as how you can access and amend your personal information can be found on the Department's website [www.facs.nsw.gov.au/site\\_information/privacy](http://www.facs.nsw.gov.au/site_information/privacy) or by calling 02 9377 6000.

### **Can employees participate in Rapid Antigen Testing instead of getting vaccinated?**

No. Some areas are undertaking Rapid Antigen Testing however this is not a replacement for getting vaccinated. Rapid Antigen Testing does not protect employees against the serious health impacts of COVID-19. Two doses of a COVID-19 vaccine provide around [90%](#) protection from hospitalisation and death from COVID-19.

### **Can employees remain on leave and not comply with DCJ's vaccination requirements?**

No. Employees need to ensure that they are able to comply with DCJ's vaccination requirements by the required time. If an employee has a medical contraindication or exceptional circumstance that prevents them from taking one of the currently available COVID-19 vaccines, they must submit the relevant documentation and forms.

### **What if an employee refuses to get vaccinated?**

If an employee chooses not to comply with a requirement to be vaccinated and they don't have a medical contraindication or exceptional circumstance (see below), alternative arrangements will be implemented and they will be instructed to take leave immediately.

Employees will need to use accrued recreation leave, extended leave, flex leave if eligible and leave without pay or a combination of these types of leave. Employees will not be able to access sick leave or COVID Special Leave during this time, and will be required to remain on leave until they are contacted by their Manager / Supervisor with further instruction.

Failure to comply may be viewed as a breach of the Code of Ethical Conduct and may result in Misconduct action being taken in accordance with Section 69 of the Government Sector Employment Act 2013 and the Government Sector Employment (General) Rules 2014 (GSE Rules) Part 8. This could include termination of employment.

## **Medical Contraindications**

### **What if an employee has a medical condition that means they can't get vaccinated?**

Some employees may seek an exemption if they have a medical contraindication. Medical contraindications may be temporary or ongoing dependent on individual circumstances. Each case will be individually considered noting the medical condition, the working arrangements, and the type of work, the risk to others in the workplace, the availability of alternative work or anything else that is relevant.

### **What is a medical contraindication?**

Anything (including a symptom or medical condition) that is a recognised reason for a person to not receive a particular treatment or procedure because it may be harmful.

### **What documentation do employees need when they have a medical contraindication?**

Employees will need to provide:

- a [medical contraindication form](#) completed by a registered medical practitioner in the template that is provided by NSW Health and approved by the Chief Health Officer and which:
  - certifies that the employee is unable to receive any available COVID-19 vaccination because they have a recognised medical contraindication;
  - indicates whether the medical contraindication will permanently or temporarily prevent COVID-19 vaccination; and
  - if the medical contraindication only temporarily prevents a COVID-19 vaccination, specifying when the person may be able to receive the COVID-19 vaccination.

### **How do employees submit their medical contraindication form?**

Employees must submit their medical contraindication status via the vaccination register, however they are not required to submit their evidence via the vaccination register. Instructions on how to update your status can be found at the [Vaccination Register Guide](#).

Once an employee has submitted their medical contraindication status, they must submit their medical contraindication form to their Manager/Supervisor or one up Manager/Supervisor for review.

Alternatively, employees can submit this information to their People Business Partner who will validate the submission and explore further requirements with the employees Manager/Supervisor, whilst maintaining the confidentiality of the employees' submission.

New Hires will be asked to submit their medical contraindication information to Talent Acquisition during the recruitment process. Talent Acquisition will refer this to the hiring manager for review and acceptance. Once the employee commences they will need to submit their medical exemption status in ServiceNOW via the [Vaccination Register](#).

### **What happens after employees submit their medical contraindication form?**

Noting the section below specific to employees with a previous COVID infection, if the compliance date for the requirement to be vaccinated has been reached, the employee will be directed to either work from home (where it is appropriate for their duties) or not attend the workplace and be placed on leave immediately, pending a review of the medical contraindication. Where the compliance date has not been reached, no change to working arrangements will occur whilst the review of the form is being completed.

Managers/Supervisors or People Business Partners (if applicable) will review submissions to ensure that it meets the following criteria:

- it is on the approved medical contraindication form provided by NSW Health and approved by the Chief Health Officer
- it is completed by a registered medical practitioner
- that Section A or Section B of the Medical Contraindication Form has been completed. An employee must have medical contraindications to all of the COVID-19 vaccines available for use in Australia in order to be exempted from COVID-19 vaccination requirements.
- the form must demonstrate a recognised contraindication. Where the contraindication listed on the form does not appear to meet the requirements, the department may seek advice from the employees' medical practitioner and if required, the government's medical assessment provider.

## **What will happen to employees who have a medical contraindication?**

This will vary depending on if the medical contraindication is temporary, ongoing and the nature of the contraindication. Each case will be individually considered noting the medical condition, the working arrangements, and the type of work, the risk to others in the workplace, the availability of alternative work or anything else that is relevant.

Managers/Supervisors will discuss the options with employees once they have reviewed and accepted the medical contraindication form.

## **What if an employee has had COVID-19 and can't get vaccinated yet?**

Under the Public Health (COVID-19 Self-Isolation) Order an employee diagnosed with COVID-19 and who has been issued a medical clearance notice, is taken to be fully vaccinated during the period of 6 weeks beginning from the date the employee was medically cleared.

An employee who was issued a medical clearance notice between 22 September 2021 to 21 October 2021 is considered fully vaccinated during the period of 6 months beginning on the date the employee was medically cleared.

During this time the employee is considered compliant with the DCJ COVID-19 Policy and can continue normal work duties associated with their role.

These employees must submit to their Manager/Supervisor or one up Manager/Supervisor or alternatively their People Business Partner, a medical clearance notice using the template approved by the Chief Health Officer, and issued by a medical practitioner or registered nurse.

Toward the end of the medical clearance notice period, if an employee hasn't been vaccinated, Managers/Supervisors will need to follow up with them to re-confirm their status.

## **How do employees submit their medical clearance notice?**

To submit your status in the vaccination register, employees must select Stage 5 - Medical Contraindication as their status, however they are not required to upload their evidence via the vaccination register. Instructions on how to update your status can be found at the [Vaccination Register Guide](#).

Following this, employees must submit their medical clearance notice to their Manager/Supervisor or one up Manager/Supervisor for review.

Alternatively, employees can submit this information to their People Business Partner who will validate the submission.

New Hires will be asked to submit their medical clearance notice to Talent Acquisition during the recruitment process. Talent Acquisition will refer this to the hiring manager for review and acceptance. Once the employee commences they will need to submit their medical exemption status in ServiceNOW via the [Vaccination Register](#).

## **Where do medical contraindication and medical clearance notice records get stored?**

Employees' Medical Contraindication Forms and medical clearance notices will be securely stored on their personnel file and kept confidential and will only be accessible to people who are required to access it. Employees should also keep a record of their vaccination evidence and/or medical contraindication form or medical clearance notices (where applicable).

## Who will see the medical records employees submit?

Records will be kept confidential and will only be accessible to people who are required to access it including:

- Manager/Supervisor
- Director/Executive Director
- People Business Partners.

## Exceptional Circumstances

### What If an employee has another reason aside from a medical contraindication for not getting vaccinated?

All employees are required to comply with reasonable directions to be vaccinated, based on risk assessments, under this Policy. In rare situations an employee may contend that there are exceptional circumstances, other than a medical contraindication, that justify non-compliance. Where an employee seeks to establish that exceptional circumstances justify non-compliance, they must, prior to the compliance date, provide evidence and reasons on the Exceptional Circumstances form.

Personal reluctance to undertake vaccination or a general objection or opposition to vaccination will not be considered an exceptional circumstance.

If the compliance date for the requirement to be vaccinated has been reached the employee will be directed to either work from home (where it is appropriate for their duties) or not attend the workplace and take leave immediately, pending any decisions.

### How do employees apply to have an exceptional circumstance considered?

The process to claim exceptional circumstance is, the:

1. employee must complete an [Exceptional Circumstances Form](#) and submit it to their Manager/Supervisor or Manager/Supervisor one-up
2. The submission will be reviewed by a panel led by the People Branch
3. recommendations by the panel will progress to the relevant Deputy Secretary for approval

### What are the possible outcomes in exceptional circumstances?

Acceptance of non-compliance based on exceptional circumstances will only occur in rare individual cases after consideration of the offered justification and evidence, and in the context of public health and risk assessment requirements. If the exceptional circumstance is accepted, an individual risk assessment must be performed to determine if the employee can continue in employment with additional control measures in place. Where a workplace adjustment is required and cannot be made consideration may be given to whether the person can continue in employment.

If an exceptional circumstance is not accepted, the employee will need to demonstrate compliance with the Policy comply within a reasonable timeframe agreed between the employee and their Manager/Supervisor. This could include the employee being required to take leave.

## Employee responsibilities

### Employees including new hires must:

- comply with the DCJ COVID-19 Vaccination Policy. This includes

- complying with the requirement to be vaccinated
  - providing their vaccination status and evidence
  - providing medical contraindication form and evidence or medical clearance notice where appropriate.
- seek advice and guidance from their Manager/Supervisor on issues relating to compliance with the DCJ COVID-19 vaccination policy.

## Where can employees go for more information?

### For more information or support:

- review the [DCJ COVID-19 Vaccination Policy](#)
- speak to your Manager/Supervisor
- reach out to your People Business Partner representative
- access the departments Employee Assistance Program (EAP) – Contact Converge International on 1300 687 327
- access the DCJ COVID-19 vaccination resources at [Getting Vaccinated](#)
- For general information and resources on COVID-19 can be located at the [DCJ COVID-19 Corona Virus Response](#) intranet page.