

# COVID-19 Vaccination Requirements Policy

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# Application

This COVID-19 Vaccination Requirements Policy applies to all Public Service employees, and Government Teaching Service employees who work in corporate offices, in the Department of Education and Training and its portfolio agencies – including the Merit Protection Boards, the Victorian Academy of Teaching and Leadership (the Academy), the Victorian Curriculum and Assessment Authority (VCAA), the Victorian Skills Authority (VSA), and the Victorian Registration and Qualifications Authority (VRQA). This Policy is subject to review annually, and from time to time in line with changing occupational, health and safety risks.

For visitor vaccination requirements, refer to [Guidance for meetings during the mandatory hybrid period](#).

For the education workforce, refer to the [COVID-19 Vaccinations – Teaching Service and School Council Employees](#).

## Overview

The *Occupational Health and Safety Act 2004 (OHS Act)* requires that employers ensure, so far as is reasonably practicable, that they provide and maintain a working environment for their employees that is safe and without risks to health and that other persons are not exposed to health and safety risks arising from the employer's activities. The following principles underpin this Policy regarding the vaccination requirements:

- The department and its portfolio agencies are responsible for providing a safe working environment, consistent with the duties of employers under the OHS Act. Both infection and serious illness resulting from COVID-19 are workplace health and safety risks.
- Vaccination is a reasonably practicable measure that will assist to reduce the risk of transmission of COVID-19 in the working environment of the department and its portfolio agencies, and this policy will assist to lift third dose vaccination rates in corporate offices to levels achieved in the Government Teaching Service.
- Accordingly, to ensure that the department and its portfolio agencies discharges their obligations under the OHS Act, corporate employees and other Workplace Participants are to attend the workplace only when they have up-to-date vaccination status against COVID-19.

This Policy outlines the vaccination requirements for corporate employees attending a workplace, to ensure a safe workplace for all employees in conjunction with the [Corporate COVIDSafe Plan](#) outlining other COVIDSafe strategies.

Employees are encouraged to speak to their General Practitioner (GP) if have they have any questions or concerns about the safety or effectiveness of the COVID-19 vaccination, additionally you can also call the Department of Health Coronavirus hotline: 1800 675 398.

# Vaccination Requirements

To ensure a safe workplace for all employees, all employees and other Workplace Participants who (or may need to) work outside of their ordinary place of residence and attend a workplace of the Employer or workplace of another Employer on behalf of the department and its portfolio agencies must comply with the following directions:

## Evidence of vaccination status

Prior to attending a workplace other than their home, all employees and other Workplace Participants must provide evidence of their Vaccination Status by uploading their current vaccination status on [eduPay](#) (or otherwise provide to the Employer if they do not have access to eduPay).

If an employee or other Workplace Participant does not so do, the employee or other Workplace Participant will be treated as if they do not meet the vaccination requirements.

Evidence of an employee or other Workplace Participant's Vaccination Status may be recorded in a variety of documents, for example, in a current COVID-19 digital certificate issued by Services Australia.

All employees and other Workplace Participants must provide this information as soon as reasonably practicable after the commencement of this Policy, and by no later than 25 July 2022 or within three months and two weeks of receiving their second (or subsequent) dose.

Information pertaining to Vaccination Status and evidence will be stored in a secure database maintained in accordance with the *Health Records Act 2001* and be accessible to authorised persons only for the purposes of implementing and ensuring compliance with this Policy. The Employer will not store copies of documents with visible individual healthcare identifiers, as it is an offence to use or disclose this information under s26 of the *Healthcare Identifiers Act 2010* (Cth). Employees are encouraged to redact healthcare identifiers, where relevant, from their current COVID-19 digital certificate or other document before providing evidence of vaccination to the Employer.

A copy of the collection notice required under the *Health Records Act 2001* is available [here](#).

## Vaccination Requirement

### Existing employees and other Workplace Participants

Subject to the exceptions below, only employees or other Workplace Participants with [up-to-date vaccination status against COVID-19 as defined on 10 February 2022](#) (i.e. in most cases three doses), and who provide evidence of their Vaccination Status are permitted to work for the Employer outside their ordinary place of residence.

### Prospective employees or other Workplace Participants

When recruiting, the advertising and engagement documentation should clearly state that engagement is subject to the person providing evidence to Employer confirming their Vaccination

Status as [up-to-date against COVID-19 as defined on 10 February 2022](#) (i.e. in most cases three doses) or as an Excepted Person. The person must provide evidence of Vaccination Status as part of the recruitment or onboarding process.

## Exceptions

An employee or other Workplace Participant may be permitted to work outside their ordinary place of residence for the Department and its portfolio agencies if the employee is an Excepted Person (see definitions below) and has produced Acceptable Certification to the department or one of its portfolio agencies to substantiate that they are an Excepted Person.

If there is a medical risk, the employee or Workplace Participant should provide that medical advice to their manager. The manager can then take reasonable adjustments or any necessary risk assessment and determine reasonably practicable measures to ensure a safe working environment.

## Compliance with Policy

Employees who do not comply with the directions outlined in this Policy may be subject to disciplinary action, and/or to a show cause process relating to their capacity to undertake the role, which may result in termination of employment. Workplace Participants may have their contract for the provision of services with the Employer terminated.

For Victorian Public Service Employees, compliance with this Policy will be managed in accordance with [Vaccination requirements for Victorian public service employers](#) guidance materials.

## Support available to Victorian public sector employees to receive a COVID-19 vaccination

All Victorian public sector employees can access up to half a day's time off without loss of pay to receive a COVID-19 vaccine dose. In addition, sick leave entitlements may be available for employees who suffer any adverse reaction to the vaccine. For further information see [Supports for Victorian Public Service and Victorian Public Sector employees getting a COVID-19 vaccination](#).

## Definitions

**Acceptable Certification** for the purpose of determining an employee's status as an Excepted Person is

- a) In any case:

- i. a current COVID-19 digital certificate issued by Services Australia that states that the person is unable to receive a dose, or a further dose, of any COVID-19 vaccine that is available in Australia; or
- ii. a printed version of the COVID-19 digital certificate referred to in subclause (a)(i) above; or
- iii. a current Immunisation History Statement displayed through the Medicare App, that states that a person is unable to receive a Booster Dose that is available in Australia; or
- iv. a printed version of the Immunisation History Statement referred to in subclause (a)(iii) above; or

b) In relation to a Temporary Medical Exemption, a certificate from a medical practitioner that certifies that the person has a specified valid reason for a temporary exemption, where that reason is one of those specified in the "ATAGI Guidance on acute major medical conditions that warrant a temporary medical exemption relevant for COVID-19 vaccines", as updated from time to time (last updated 25 February 2022).

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

**Booster Dose** as per the [ATAGI recommendations on the use of a booster dose of COVID-19 vaccine](#)

**Portfolio agencies** includes the Merit Protection Boards, the Victorian Academy of Teaching and Leadership (the Academy), the Victorian Curriculum and Assessment Authority (VCAA), the Victorian Skills Authority (VSA), and the Victorian Registration and Qualifications Authority (VRQA).

**Employee** includes employees and contractors engaged by the Employer.

**Employer** means the Department of Education and Training (including employees employed by the Secretary of the Department of Education and Training in its portfolio agencies), as well as the Victorian Curriculum and Assessment Authority (VCAA) and the Victorian Skills Authority (VSA) in their capacity as direct employers.

**Excepted Person** means an employee who holds Acceptable Certification that they are unable to receive a dose, or a further dose, of any COVID-19 vaccine that is available in Australia due to:

- a) a Medical Contraindication; or
- b) a Temporary Medical Exemption.

**Medical Contraindication** means a contraindication to a COVID-19 vaccine in accordance with ATAGI Clinical Guidance on COVID-19 vaccine contraindications, as updated from time to time (last updated 21 February 2022).

**Vaccination Status** means one of the following:

- a) Up to date; or
- b) Under-vaccinated; or

c) Excepted Person.

**Temporary Medical Exemption** means an exemption made by a medical practitioner in accordance with "ATAGI Guidance on acute major medical conditions that warrant a temporary medical exemption relevant for COVID-19 vaccines", as updated from time to time (last updated 25 February 2022). Current ATAGI guidance indicates that valid reasons for a temporary medical exemption may include:

- For a mRNA COVID-19 vaccine, inflammatory cardiac illness within the past 3 months, e.g. myocarditis or pericarditis; acute rheumatic fever or acute rheumatic heart disease (i.e., with active myocardial inflammation); or acute decompensated heart failure.
- For all COVID-19 vaccines:
  - Acute major medical condition (e.g., undergoing major surgery or hospital admission for a serious illness).
  - Confirmed SARS-CoV-2 infection, where vaccination can be temporarily deferred up until 4 months after the infection.
  - Any serious adverse event attributed to a previous dose of a COVID-19 vaccine, without another cause identified, and with no acceptable alternative vaccine available.
  - If the vaccinee is a risk to themselves or others during the vaccination process this may warrant a temporary vaccine exemption.

In accordance with current ATAGI guidance, temporary exemptions for acute major medical illness for longer than six months are not recommended in the first instance.

**Under-vaccinated** is the vaccination status of an employee whose Vaccination Status is not up to date (three doses) or Excepted Person.

**Up-to-date** means, for the purposes of vaccination status, vaccination in line with ATAGI guidance, as defined on 10 February 2022 (i.e., in most cases three doses). Current ATAGI guidance indicates Up to date means:

- For individuals aged 16 years and over:
  - having completed an appropriate primary course of a Therapeutic Goods Administration (TGA) approved or recognised vaccine; and
  - if six months has passed since the completion of that course, having received a booster dose.
- For children and adolescents aged 5-15 years, having completed an appropriate primary course of a TGA approved or recognised vaccine.
- For severely immunocompromised individuals aged 5 years and over:
  - having completed an appropriate primary course of a TGA approved or recognised vaccine; and
  - if six months has passed since the completion of that course, having received a third dose.

- For individuals who have had prior COVID-19 (including asymptomatic SARS-CoV-2 infection):
  - having completed an appropriate primary course of a TGA approved or recognised vaccine; and
  - if both six months have passed since the completion of that course and four months have passed following their infection, having received a booster dose.

**Workplace Participant** includes casual and sessional staff, contractors, subcontractors, consultants, service providers, an employee of a labour hire company and other individuals employed by a third party to perform work on the Employer's behalf.

## Review/Grievance

Information in relation to an employee's right to seek a review of action is available on HRWeb at: [Review of Action](#).

## Further Assistance

Further information, advice or assistance on health and safety requirements see:

- [Employee Guide for COVIDSafe Offices](#)
- [COVID-19 Safety Management Plan \(COVIDSafe Plan\) for corporate workplaces](#).

For advice and support on employee health, safety and wellbeing matters, please contact the OHS Advisory Service:

- Telephone: 1300 074 715
- E-mail: [safety@education.vic.gov.au](mailto:safety@education.vic.gov.au)

## Related Policies or documents

- Supports for Victorian Public Service and Victorian Public Sector employees getting a COVID-19 vaccination: <https://www.vic.gov.au/vps-guidance-note-covid-19-vaccination-rollout>
- Coronavirus (COVID-19) guidance note for the Victorian Public Service and Sector: <https://www.vic.gov.au/coronavirus-covid-19-guidance-note-victorian-public-service-and-sector>