

MOSES, Kelly

From: Megan Barry <megan.barry@psc.qld.gov.au>
Sent: Wednesday, 3 November 2021 5:36 PM
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Subject: Confidential - COVID-19 Vaccination in the workplace - NOT FOR FURTHER DISTRIBUTION
Attachments: Item 6.1 - Noting - COVID-19 Vaccination in the workplace - Attachment 1_draft framework.DOCX

Heads of Corporate Strategic Workforce Council

The PSC has been progressing work to develop a draft framework to guide agencies through the relevant considerations when deciding whether to issue a lawful and reasonable direction to a group of employees requiring them to be vaccinated.

The draft framework:

- a) requires agencies to take a risk management approach based on work, health and safety principles at a cohort or workplace level to determine whether a direction to employees to be vaccinated would be reasonable
- b) supports a consistent approach across the Queensland public service in considering COVID-19 vaccinations as a requirement of ongoing employment
- c) provides guidance about the process, considerations, and consultation obligations.



The draft framework will be discussed at the Leadership Board meeting on Monday 8 November 2021 so I am providing an in-confidence copy to you so you can discuss the matter with your chief executive.

Please note we have **not progressed to consultation with unions** so ask that you strictly limit the distribution at this point in time.

As always, please do not hesitate to call if you have any questions.

Regards

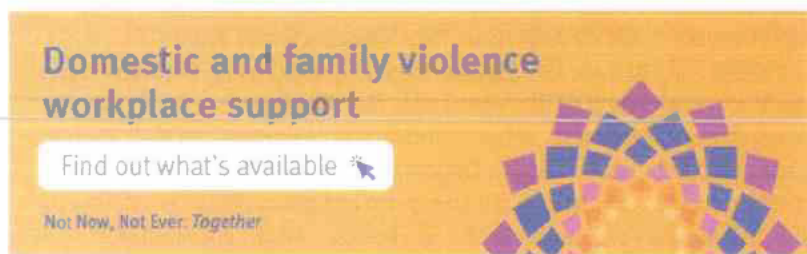
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Megan Barry

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COVID-19 vaccination in the workplace

COVID-19 vaccination as a requirement of ongoing employment – guidance for employers¹

Purpose

This framework for considering COVID-19 vaccinations as a requirement of ongoing employment (the framework):

- supports a consistent approach across the Queensland public sector when considering COVID-19 vaccinations as a requirement of ongoing employment;
- requires agencies to take a risk management approach to determine whether COVID-19 vaccination would be an appropriate control measure to be implemented; and
- provides guidance about the process, considerations and consultation obligations for agencies to take into account when:
 - an agency or workplace/cohort of employees within an agency becomes subject to a mandatory vaccination requirement through a public health direction; or
 - a chief executive issues a lawful and reasonable direction that requires employees to be vaccinated against COVID-19 as a requirement of ongoing employment.

Authority

The Chief Health Officer has emergency powers arising from the declared public health emergency under the *Public Health Act 2005*, to issue directions to assist in containing, or to respond to, the spread of COVID-19 within the community.

Chief executives of public service agencies have authority under the *Public Service Act 2008* (PS Act) and the common law to give **lawful and reasonable** directions to their employees in relation to their employment. In addition, certain chief executives may have separate legislative authority to issue a direction (for example, the Police Commissioner).

Under the *Workplace Health and Safety Act 2011* (WHS Act) employers must identify whether there is a risk to the health of their employees and take all reasonably practicable steps to eliminate or reduce exposure to the risk.

¹ This framework was informed by the Fair Work Ombudsman material on COVID-19 vaccinations and the workplace, Work Health and Safety Queensland *Guide to keeping your workplace safe, clean, healthy and informed on vaccinations* (PN12613) and the Australian Capital Territory Government's *ACTPS framework for considering workplace COVID-19 vaccination requirements*

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COVID-19 vaccination requirements under public health directions

The Chief Health Officer may designate certain workplaces as high risk and issue public health directions requiring employers to ensure their employees are vaccinated against COVID-19.

Public health directions are published on the [Queensland Health website](#) and are subject to change. Agencies should regularly review public health directions for any application to their workforce and to ensure they are compliant with the most up to date directions.

Agencies that manage employees or workplaces that are subject to a public health direction requiring vaccination must comply with the public health direction. In this situation, there is no need to undertake a WHS risk assessment process as set out in this framework to decide if a COVID-19 vaccination requirement would be lawful and reasonable in relation to the employees or workplaces subject to the public health direction.

Agencies in these circumstances will need to implement procedures to ensure compliance with the public health direction and to ensure employees can continue to perform their work.

COVID-19 vaccination requirements through lawful and reasonable directions

Employers can require their employees to be vaccinated against COVID-19 if the direction is lawful and reasonable.

Whether a direction is lawful and reasonable will be fact dependent and needs to be assessed on a case-by-case basis. This will require consideration of all relevant factors applicable to the workplace, the employees, and the nature of the work they perform, including, but not limited to:

- **Cohort/workplace risk factors** (for example, whether employees work in public facing roles, whether they have contact or interaction with COVID-19 patients or work closely with people who are vulnerable to COVID-19)
- **Environmental risk factors** (for example, current or future expected levels of community transmission, current health advice for cohort of employees or industry in which the cohort operate)
- **Suitability of control measures** (for example, what controls are already in place to reduce the risk, are the current control measures effective and sufficient?)
- **Business considerations** (for example, whether the business is essential and would need to continue operating from the workplace in the event of a lockdown or high levels of community transmission)

Where a direction is considered lawful and reasonable for one employee, it does not automatically follow that it will be lawful and reasonable for another employee or all employees.

Employers should obtain individual legal advice if they are considering making COVID-19 vaccination a requirement of ongoing employment in their workplace.

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General guidance issued by the Fair Work Ombudsman

For a direction to be lawful, it must comply with any employment contract, award or agreement, and any Commonwealth or state law that applies (for example an anti-discrimination law).

Factors that may be relevant when determining whether a direction is reasonable include, but are not limited to:

- The nature of the workplace (for example, the extent to which employees need to work in public facing roles, whether social distancing is possible and whether the business is providing an essential service)
- The extent of community transmission of COVID-19 in the location where the direction is being given, including risk of transmission of the Delta variant among employees, customers or members of the community
- The expected levels of future community transmission of COVID-19 based on modelling or the experience in other jurisdictions
- The effectiveness of vaccines in reducing the risk of transmission or serious illness, including the Delta variant
- Work health and safety obligations
- Each employee's circumstances, including their duties and risks associated with their work
- Whether employees have a legitimate reason for not being vaccinated (for example, a medical reason)
- Vaccine availability

4 Tier system to assist in determining 'reasonable':

	Description	Examples	Reasonable?	
Tier 1	Employees are required as part of their duties to interact with people with an increased risk of being infected with COVID-19	Employees working in hotel quarantine and border control	Employees at the greatest risk of contracting and then transmitting COVID-19 to vulnerable persons	More likely to be reasonable
Tier 2	Employees are required to have close contact with people who are particularly vulnerable to the health impacts of COVID-19	Employees working in health care or aged care industries. May extend to employees working in childcare and disability services		
Tier 3	Employees have interactions or there are likely to be interactions with other employees, customers, or members of the general public	Employee working in stores which provide essential goods and services	Where an employee is at a workplace which remains open despite any lockdown and where there is current community transmission, a direction to be vaccinated is more likely to be reasonable	
Tier 4	Employees have minimal face-to-face interaction as part of	Employees working predominantly from home	Any direction to these employees is unlikely to be reasonable,	Less likely to be reasonable

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their normal
employment duties

considering the lesser
risk of transmission

For employees performing Tier 3 work:

- where no community transmission of coronavirus has occurred for some time in the area where the employer is located, a direction in most cases is less likely to be reasonable
- where community transmission of coronavirus is occurring in an area, and an employer is operating a workplace in that area that needs to remain open to provide essential goods and services, a direction is more likely to be reasonable.

Process using a WHS risk management framework

Chief executives considering making COVID-19 vaccination a requirement of ongoing employment, should use a risk management approach in consultation with relevant stakeholders (refer to Consultation section for further information). WorkSafe Queensland provide a [four-step risk management process](#) that agencies can follow in undertaking the risk assessment.

Where a risk is identified, employers must eliminate the risk, so far as is reasonably practicable. When elimination is not possible, they must reduce the risk so far as reasonably practicable.

The controls an employer uses will vary depending on the situation, as well as the availability and suitability of controls for each workplace.

Employers should note that vaccination is only one control measure for COVID-19 and it should be considered as part of a broader range of controls to reduce the risk of exposure to COVID-19 in workplaces.

Control measures to slow the spread of COVID-19 include:

- physically isolating, for example by allowing employees to work from home where it is reasonably practicable
- creating workplace bubbles to minimise contact between employees, for example keeping employees on different shifts separated by using different entry and exit points
- maintaining physical distance of at least 1.5 metres from others
- wearing a face mask when required, unless a lawful exception applies
- everyone practising good hygiene by regularly washing their hands or using hand sanitiser
- ensuring employees who feel unwell do not go to work – they should get tested and return home immediately.

In addition to a risk assessment, agencies must also consider:

- [human rights](#) of employees, in accordance with the *Human Rights Act 2019*, in any decisions made or actions taken in making COVID-19 vaccinations a requirement of ongoing employment; and
- [information privacy](#) in accordance with the *Information Privacy Act 2009*.

Employers should obtain individual legal advice if they are considering making COVID-19 vaccination a requirement of ongoing employment in their workplace.

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Human rights

A direction must also be made in accordance with human rights obligations under the *Human Rights Act 2019* (HR Act). Where a direction does not meet the requirements of the HR Act, it is unlikely to be either lawful or reasonable.

To comply with the HR Act, chief executives must give proper consideration to the human rights that may be impacted by the direction, such as the right of equal access to the public service. The resulting direction must also be substantively compatible with human rights. A direction will be compatible with human rights if it is reasonable and justified.

A human rights compatibility assessment should be prepared when considering whether to make a vaccination direction.

Consultation

The WHS Act requires consultation, so far as is reasonably practicable, as required with employees who carry out the work, or are likely to be, directly affected by a matter relating to work health or safety. This includes an obligation to consult with employees and their representatives when:

- identifying hazards and assessing risks
- deciding how to eliminate or minimise risks
- making decisions about workplace facilities
- proposing changes that may affect the health and safety of workers

Consultation involves:

- sharing information with all relevant parties about the matter
- providing a reasonable opportunity to express their views
- taking those views into account

Where workers are represented by an HSR, the consultation must involve the HSR.

Where the risk assessment and any relevant legal advice supports a decision to make COVID-19 vaccination a requirement of ongoing employment, further consultation on the policy, so far as is reasonably practicable, must be undertaken with unions, employees, contractors and health and safety representatives (HSRs).

A combined Agency Consultative Committee and WHS Committee meeting may be useful to facilitate the consultation.

In situations where an agency shares a work environment or where employees regularly interact with employees from other agencies, consultation should also occur with the other agency/agencies.

Documentation

Workplace vaccination requirements may be subject to applications for review, including, but not limited to:

- judicial review
- industrial disputation
- human rights complaints
- discrimination complaints

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- public service appeals.

Accordingly, agencies who decide to require employees to be vaccinated against COVID-19 as a requirement of ongoing employment must follow sound record keeping practices and document each step in this framework including:

- risk assessment and chosen control measures
- consultation processes and feedback
- considerations of human rights, anti-discrimination and information privacy
- decision making and justification

Policy

Where an appropriate risk assessment supports a decision to make COVID-19 vaccination a requirement of ongoing employment, policy settings must be adopted which support:

- employee education and support including clear reasoning
- information about exemption criteria
- other control measures where an employee may be exempt
- reasonable management initiatives to support employees to obtain the vaccinations
- protection of employee's privacy in relation to their decisions on vaccination and their vaccination status; and
- reasonable management processes to address non-compliance.

Addressing non-compliance

Where an employee does not comply with a lawful and reasonable direction to be vaccinated against COVID-19, and does not have a valid exemption, the Chief Executive may decide to commence a disciplinary process.

MOSES, Kelly

From: SEELEY, Nick
Sent: Tuesday, 16 November 2021 3:39 PM
To: SCHIMMING, Sharon; HASTIE-BURROUGHS, Rynell; MILLER, David; COOK, Shannon; ALLEN, Craig; COGHLAN, Dion
Subject: Queensland Health advice and request to provide vaccination status

Hi everyone, as discussed earlier please note below the messaging below that was sent to nursing staff regarding mandatory vaccinations. The first message was sent following the decision to require vaccination of all QH staff and the second message outlines the actions required by staff to provide evidence of their vaccination status.

Regards

Nick

Good afternoon everyone

Over the weekend, the Director-General announced that vaccinations will become mandatory for all Queensland Health employees working in locations where care is provided to patients and consumers.

Given the widespread distribution of our services at Children's Health Queensland, this mandate will apply to all staff, both clinical and non-clinical, who work at/or access the Queensland Children's Hospital and community sites.

The mandate requires that all unvaccinated staff obtain their first dose of a COVID-19 vaccine **by 30 September and second dose by 31 October 2021.**

The decision to mandate vaccinations for healthcare workers is supported by evidence around the world that health workers are at high risk of contracting COVID-19 in the workplace.

CHQ has worked hard to remain COVID-safe since the pandemic began, and the vaccination of staff will play a critical role in keeping each other safe going forward.

Getting vaccinated

If you are not yet vaccinated for COVID-19, there are vaccines ready for you at the QCH COVID-19 Vaccination Clinic located at the Centre for Children's Health Research (CCHR) on Raymond Terrace, South Brisbane. Staff can email CHQ-covidvaccine@health.qld.gov.au for a priority appointment.

Queensland Health staff will also be prioritised at any Queensland Health location if this is more convenient for you. Visit the [Getting vaccinated](#) page for locations across Queensland.

Full vaccination means having two doses of the Pfizer vaccine spaced three (3) weeks apart or two doses of the AstraZeneca vaccine spaced up to 12 weeks apart. You can find out more about the vaccines on the [Queensland Health](#) and [Australian Government](#) websites.

Queensland Health has set up an [intranet page](#) on mandatory vaccinations to answer some questions you may have. We will keep you updated as more information is released.

Communication

We will be working through these changes with staff and unions. We will circulate more information to line managers and staff as soon as we receive it from the Department of Health.

For confidential enquiries, email CHQ_People&Culture@health.qld.gov.au

Support

If you have any questions, concerns or difficulty obtaining your vaccination, please reach out to your line manager who can speak with the relevant CHQ Human Resources Consultant.

We understand that in some specific circumstances there may be a valid reason why a staff member cannot be vaccinated. Where this is the case, we will work with them to look at how we can keep them in the workplace in a COVID-safe way.

We also encourage you to reach out for support if you feel you need it, or speak to your GP. Our Employee Assistance Service (EAP) is also available to provide confidential counselling. To book an appointment, call 1800 604 640.

Thank you to everyone who has already made a commitment to be vaccinated for their own protection and that of the community we care for.

Good afternoon everyone

This is an important message for all employees of Children's Health Queensland (CHQ).

Action is required from every employee in CHQ before 30 September 2021, including those who have already provided vaccination documentation. Please read carefully so you know what is required from you.

On 10 September 2021, the Director-General issued Health Employment Directive No. 12/21 – Employee COVID-19 vaccination requirements mandating the following employee COVID-19 vaccination status:

- At least the first dose by 30 September 2021; and
- Fully vaccinated (second dose) by 31 October 2021.

The Department of Health vaccination team has reported that more than 4,500 (92%) CHQ employees have received at least one dose of vaccine against COVID-19 and more than 83% of our workforce has received two doses. I want to thank each and every one of our employees who has been vaccinated. This will help protect you, your colleagues and your families from COVID-19, and help keep our community safe.

Who is covered by the Directive?

All health service employees who are employed to work at or attend a hospital or clinical care facility are covered by the Directive.

Given the widespread distribution of our services at CHQ, **this mandate will apply to ALL staff**, both clinical and non-clinical, and it will become a requirement of all new employees going forward.

CHQ has also been working with its onsite partners, including Medirest and non-government organisations, to establish assurance processes around the COVID vaccination status of their staff and volunteers who access

CHQ facilities. We anticipate a mandate will also be applied to onsite contractors in coming weeks.

Exemptions

In exceptional circumstances an employee may apply for an exemption on grounds such as a recognised medical contraindication.

These applications will require supporting evidence and documentation and exemptions will be granted in very limited circumstances and with strict conditions applied. More information about this process will be made available soon.

I am vaccinated - what do I need to do?

The Directive requires that you provide evidence of your COVID vaccination status to CHQ as soon as possible. This will **require you to download your immunisation record from Medicare Australia** for submission via an online form on QHEPS. If you need help downloading your immunisation record, click [here](#) for instructions. When you have downloaded your immunisation record, please complete the online QHEPS [form](#) as a priority, **but no later than 29 September 2021**. It is a simple process that will take approximately five minutes to complete.

If you cannot upload your vaccination certificate or immunisation record, a dedicated helpline will be in place for five days (Monday, 20 September–Friday, 24 September) to assist. Contact **3068 1794**.

CHQ will use this information to determine individuals' ability to continue performing their role in line with the Directive's requirements. **Access to CHQ facilities may be limited or removed for any staff who have not uploaded evidence of COVID vaccination status before 30 September.**

The records will be securely stored in accordance with the *Information Privacy Act 2009* and *Public Records Act 2002*.

I am not yet vaccinated, what do I need to do?

Please act quickly to ensure you can meet the status requirements of the Directive, including having your first dose before 30 September 2021, to avoid having your access to CHQ facilities limited or removed.

The vaccination of staff is being prioritised at all Queensland Health vaccination clinics, including the [QCH COVID-19 Vaccination Clinic](#) located on Raymond Terrace, South Brisbane (under CCHR building).

Staff can email CHQ-covidvaccine@health.qld.gov.au for a priority appointment at this clinic or visit the [Getting vaccinated](#) page to book an appointment at a location more convenient for you.

The COVID-19 vaccines are safe and I encourage you to access [evidence-based information](#) to help you make an informed choice. Dedicated information and advice for women who are pregnant or planning to conceive is also available from the [Royal Australian and New Zealand College of Obstetricians and Gynaecologists](#) and [Australian College of Midwives](#).

The decision to mandate vaccinations for healthcare workers is supported by evidence around the world that health workers are at high risk of contracting COVID-19 in the workplace.

Staff Q&A session

To help answer your questions about staff vaccination, an **online Q&A session will be held tomorrow (Friday, 17 September)**. A meeting appointment will be issued to staff diaries shortly.

CHQ has worked hard to remain COVID-safe since the pandemic began, and the vaccination of staff will play a critical role in keeping each other safe going forward.

Thank you to everyone for your ongoing efforts in our COVID readiness and response.

Released under the RTI Act by DoE

MOSES, Kelly

From: O'LEARY, Michael
Sent: Tuesday, 30 November 2021 5:38 PM
To: BRANDT, Christopher; JUMPERTZ, Tom; GALL, Tim; MCKELLAR, Duncan; HASTIE-BURROUGHS, Rynell; SPRINGER, Kristy; DL - CO ITB Executive Team
Cc: COOK, Shannon
Subject: ERT and Stakeholders notes from today - Vaccinations for staff

Dear Colleagues

Please see my notes from ER and stakeholder engagement today for your information

- Premier [announced](#) a directive for vaccination in schools/ Early childhood centres/ correction centres, hospitals etc is being developed
- Business units are to evaluate which staff will require to be vaccinated to perform their duties (as they are required to visit schools) – please start identifying staff in this position
- A Solution is almost ready to deploy to capture vaccination status of staff
 - The solution will use a 2 pass process - first are you vaccinated - second pass - provide evidence
 - Dashboard for managers is under development in Power BI
- Stakeholder meeting was held this afternoon.
- Minister stressed the need to get vaccinated
- Principles for the process:
 - Process to minimise the burden on principals
 - Materials will be available to other jurisdictions/sectors
 - Sharon Schimming and ERT will be the point of contact for all enquiries
 - FAQs are under development
 - The directive is expected to be put out later
 - Medical exemptions etc will be covered under FAQ's
 - Schools will not be required to validate vaccinations – this is to be done centrally
- ERT will meet again tomorrow

Regards

Mick

Michael O'Leary

Assistant Director-General | Chief Information Officer

Information and Technologies

Department of Education

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Please consider the environment before printing this email.



MOSES, Kelly

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Sent: Tuesday, 30 November 2021 6:15 PM
To: Alarna E Lane-Mullins; WHITE Amanda; Ashley Bacon; Belinda Bayliss; Chee, Cathy; VENABLES Celia; CHRO; CSCO_support@tmr.qld.gov.au; David Reed; Debbie Paterson (QPS); Elizabeth Buckby; Filly Morgan; Genevieve Gillies-Day; Lauren I Gribbin; Lauren Milsted; WEINERT Mark; Megan Barry; Michelle Palmer (Justice); Monique Butler (DRDMW); Neil Y Smith; OED.HR@justice.qld.gov.au; Ray Clarke; Robert Setter; ST; Sandra Lerch; shannan.quain@cyjma.qld.gov.au; COOK, Shannon; Sharon Dickman; LONG Stephen; Stephen Smith (QFES Assistant Commissioner); Suzi Woodrow-Read; Theresa Hodges; Tony James; Tully Stewart (DESBT); VAN DER LAAK Vivienne; Adam Stevenson (QFES); Andrew Sly (DTIS); Andrew Harris; Arthur O'Brien (CYJMA); Cecilia Christensen (QT); Celia Venables (Resources); Chantal Llorca (Resources); ANSON, Duncan; james.koulouris@dcs.qld.gov.au; Luan Sadikal (QH); Matthew Nye; Michael McKee (DSITI); Natalie Hartill (QHRC); Nerinder Singh; Peter Cook; rhiannan.howell@desbt.qld.gov.au; robyn.turbit@hpw.qld.gov.au; Sinead.McCarthy@daf.qld.gov.au; Smith.DougA@police.qld.gov.au; Susan.Chrisp@des.qld.gov.au; Tracy.a.o'bryan@tmr.qld.gov.au; Wietske Smith (DRDMW)
Cc: Peter McKay
Subject: Draft COVID policy and framework
Attachments: DRAFT model policy template_COVID-19 vaccination requirements Consultation version 1.1.DOCX; COVID-19 vaccination framework consultation version 1.1.DOCX; Template - Assessment of human rights - mandatory vaccination.DOCX; Information privacy - mandatory vaccinations.DOCX

Heads of Corporate and Strategic Workforce Council

Thank you for meeting on short notice this afternoon to discuss the Premier's announcement about requirements for high-risk settings and directions for workers to be vaccinated.

As discussed, please find attached the following draft documents:

- COVID-19 Vaccination Framework
- Draft policy template
- Template Information privacy statement
- Template human rights assessment

Note that further consideration is being given to the consequences of non-compliance and therefore it is requested that you do not yet communicate about this particular issue with staff.

This material will also not be shared with public sector unions until Monday next week.

We would appreciate your feedback on these documents together with any suggestions that you may have for resources to assist your agency to manage vaccination issues. Please provide your feedback to PSC Policy Policy@psc.qld.gov.au by **COB Friday 3 December 2021**.

We will stay in regular contact with you as information becomes available and final workforce policy positions are settled.

Regards
Megan



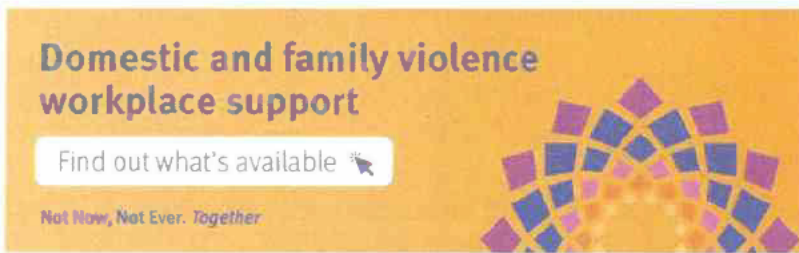
Megan Barry

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COVID-19 vaccination requirements

1. Policy Statement

This policy outlines the requirements for prospective and existing [Insert agency] employees to be vaccinated against COVID-19 and procedures associated with this requirement. The requirements have been determined in consideration of relevant Public Health Directions made by the Chief Health Officer (CHO) under the *Public Health Act 2005*, and/or the risk posed by COVID-19, including risk to employees and others, and/or business continuity risks, and/or operational requirements. [Agency to delete any not applicable]

2. Authority

[Agency to select all that apply to in-scope employees]

The CHO Public Health Direction [insert name of direction] (the CHO direction) is made pursuant to s xx of the *Public Health Act 2005* and is binding on all persons to whom the direction applies.

Section 98 of the *Public Service Act 2008* and ability at common law for Chief Executives to give lawful and reasonable directions to their employees in relation to their employment.

The ability to set conditions for volunteers and work experience students

Insert agency specific legislation [where applicable]

3. Application

This policy applies to:

- any [Insert agency] prospective or existing employee whether permanent, fixed term temporary, full-time, part-time or casual
- [if applicable] volunteers and work experience students,
- [If based on a CHO direction] current contractor and consultants.

4. Effective date

[insert date]

5. Principles

[OPTION A- only Group A high risk groups]

- This policy details the requirements for current and prospective [Insert agency] employees, volunteers, work experience students, contractors, consultants or anyone engaged in any other capacity to be vaccinated against COVID-19.
- The vaccination requirements detailed in this policy have been determined in consideration of the CHO direction referred to in clause 2 of this policy.

[**OPTION B-** only Group B high risk groups]

- This policy details the requirements for current and prospective [Insert agency] employees, volunteers, work experience students, contractors, consultants or anyone engaged in any other capacity to be vaccinated against COVID-19.
- The vaccination requirements detailed in this policy have been determined through risk assessment and consultation processes relating to high-risk groups, in consideration of various legislative obligations and operational requirements.
- [Insert agency specific high level summary of relevant risks/considerations]

[**OPTION C-** Group A and Group B high risk groups]

- This policy details the requirements for current and prospective [Insert agency] employees, volunteers, students, contractors, consultants or anyone engaged in any other capacity to be vaccinated against COVID-19.
- The vaccination requirements detailed in this policy have been determined in consideration of relevant factors relating to high risk groups.
- For employees in Group A, vaccination requirements have been determined in consideration of the CHO direction referred to in clause 2 of this policy.
- For employees in Group B, vaccination requirements have been determined through risk assessment and consultation process relating to cohorts of employees identified in this high risk group, including consideration of various legislative obligations and operational requirements.
- [Insert agency specific high level summary of relevant risks/considerations]

- High risk groups include [agency include one or both, whichever is relevant]:

GROUP A	employees engaged in roles that are specified or assessed as being included in a CHO direction requiring COVID-19 vaccination
GROUP B	employees engaged in roles that are considered high-risk as determined by the chief executive

- Vaccination of employees in high-risk groups will ensure a healthy and safe workplace is maintained, vulnerable users of government services are protected and ensure the Queensland community are able to rely on government services not being disrupted.

6. Human Rights

Consideration has been given to the potential impacts on human rights in deciding on the COVID-19 vaccination requirements outlined in this policy. It is acknowledged that human rights may be limited by the vaccination requirements of this policy, however it has been determined that any limitation is reasonable and justified for the purposes of managing the risk from COVID-19.

A decision and action is compatible with human rights if it:

- does not limit a human right, or
- limits a human right only to the extent that is reasonable and demonstrably justifiable in accordance with section 13 of the *Human Rights Act 2019*.

The potential limitations to human rights through vaccination requirements in this policy are necessary because there is no alternative approach to manage the risk posed by COVID-19 to the employees, clients and operations of [Insert agency] that is as effective as vaccination.

Any discretionary decisions made in accordance with this policy (e.g. exemption decisions) must consider human rights as required under the *Human Rights Act 2019* (HR Act).

7. Vaccination requirements

Any existing and prospective employees engaged in a role identified in clause 7.1 are required to be vaccinated against COVID-19, and provide evidence of vaccination, in accordance with clauses 7.2, 7.3 and 7.4.

Any existing or prospective volunteer, student, contractor, consultant or anyone engaged in any other capacity in a role identified in 7.1 are required to be vaccinated against COVID-19, and provide evidence of vaccination, in accordance with clauses 7.2, 7.3 and 7.4.

7.1 Roles identified as being in high-risk groups

GROUP A

- e.g. Corrective Services Officers
- e.g. Teachers

GROUP B

- e.g. Customer Service Centre employees in all Queensland locations
- e.g. employees whose roles are primarily located in [insert Building name]
- e.g. employees whose roles are co-located in buildings with Customer Service Centres
- e.g. employees whose roles require them to attend correctional or detention facilities

7.2 Existing employees

Existing employees currently undertaking work in the roles identified under section 7.1 or are being considered for appointment to or engagement in a role identified under section 7.1, must:

- a) have received at least the first dose of a COVID-19 vaccine by 17 December 2021; and
- b) have received a second dose of a COVID-19 vaccine by 23 January 2022.

7.3 Prospective employees

When advertising a position that is identified as role in a high-risk group under 7.1, the relevant position description and advertisement must clearly state that COVID-19 vaccination is a requirement of employment in that role and only a person who fully satisfies the COVID-19 vaccination requirements of this policy.

At interview, the Chair must remind applicants that they will be required to supply evidence of vaccination against COVID-19 if they are deemed successful, and if not already supplied. Applicants are to be encouraged to bring evidence of vaccination against COVID-19 with them to interview for the panel to sight.

A prospective employee should not be appointed to undertake work in a high-risk group under 7.1 until they provide sufficient evidence of vaccination confirming they have received the prescribed number of doses.

7.4 Evidence of vaccination

Any existing employee engaged by [insert agency] in the roles identified at 7.1 is to provide evidence of vaccination confirming they have received the prescribed number of doses of the vaccine either immediately (for those persons already vaccinated), but not later than 7 days after receiving the vaccine in accordance with clause 7.2.

Additionally, an existing or prospective employee may be required to provide evidence of vaccination at any time where it is reasonably required.

Acceptable evidence of vaccination includes a copy of the employee's COVID-19 digital certificate from Services Australia, or a copy of the employee's immunisation history statement from the *Australian Immunisation Register*.

8. Support for employees

8.1 Paid time to receive vaccination

An existing employee who is required to be vaccinated in accordance with this policy may attend a vaccination appointment during paid work time where it is not possible for the person to attend a vaccination appointment outside of normal working hours. Paid work time includes reasonable travel time to and from the vaccination appointment, as relevant to each specific circumstance.

Paid work time taken for the purposes of attending a vaccination appointment should be discussed and agreed between the employee and manager prior to the employee's attendance at the appointment.

8.2 Vaccination education

Employees are encouraged and supported to access official sources of information about COVID vaccinations and the risks of disease and illness associated with COVID. Information can be obtained from:

Queensland Health <https://www.qld.gov.au/health/conditions/health-alerts/coronavirus-covid-19>
Australian Government Department of Health <https://www.health.gov.au/>

Where appropriate, employees should be supported to attend an appointment with their personal medical/general practitioner to discuss any concerns or individual circumstances associated with vaccinations.

8.3 Local level resolution

Managers should encourage and support employees to comply with the vaccination requirements set out in this policy. Where an employee is identified as having not complied with the vaccination requirements set out in clause 7.2, and where reasonable and practicable, managers should take steps to contact the employee to confirm the employee's awareness of the policy requirements and

associated processes, seek to understand the basis of the employee's position, and explain the available exemption and the consequences of non-compliance.

Conversations that occur in this context must be respectful and considerate of an employee's individual circumstances.

8.4 Employee Assistance Program

Employees are reminded of [insert agency name]'s employee assistance program which provides free and confidential counselling services for employees and family members. [insert details specific to agency EAP].

9. Exemptions

9.1 Exemption criteria

Where an existing or prospective employee is unable to be vaccinated they are required to apply for an exemption in accordance with clause 9.2.

An exemption may be granted where a person has a recognised **medical contraindication** to COVID-19 vaccines. The employee must provide evidence from a registered medical practitioner which the chief executive considers sufficient to decide the employee's exemption application.

Applications for exemptions will be considered on a case-by-case basis to determine whether an exemption can be granted in the circumstances.

Where an exemption is granted it may be temporary, permanent or conditional in nature. An exemption can be revoked at any time if the circumstances relevant to the decision making change.

Where an existing employee is granted an exemption, they are not required to comply with the requirement to be vaccinated as set out in 7.2. Management of employees with an exemption is to occur in accordance with clause 9.3.

Volunteers and students may not apply for exemptions under this policy but may seek to contribute in a capacity where vaccination is not required.

9.2 Exemption process

Agencies are required to establish their own exemption process, however it is recommended that this is achieved using an exemption committee – to ensure consistency and fairness in decision making.

The Chief Executive will delegate responsibility for making exemptions decisions to an appropriate Senior Executive. As this will enable internal review of any decisions made under the provisions of this policy.

The delegate when making decisions will consider the advice of an exemption committee that will include a legal officer, who can advise on human rights and other legal considerations.

Requests for exemptions must be considered on a case-by-case basis to determine whether an exemption is possible in the circumstances.

Where an exemption is granted it may be temporary, permanent or conditional in nature.

9.3 Management of employees with valid exemptions

When an agency is satisfied an employee has a valid exemption and cannot receive the vaccination, all reasonable avenues should be explored to support the employee to continue working for the agency.

Options include:

- remote working
- flexible work
- meaningful alternative duties
- transfer (temporary or permanent)
- offering access to accrued paid leave options in line with industrial entitlements, including annual or long service leave.

Each scenario should be considered on a case-by-case basis, taking into account the specific circumstances of the employee and the context of the matter when determining the appropriate course of action.

9.4 Review of exemption decisions

Where an employee considers that a decision relating to an exemption application is unfair and unreasonable, an employee may seek an internal review of the decision in accordance with the provisions of Directive 11/20: Individual employee grievances.

Where an employee is dissatisfied with the outcome of the internal review of the decision, they may seek an external review through an appeal against a fair treatment decision under section 194(1)(eb) of the PS Act.

An employee may make a complaint to the Queensland Human Rights Commission under section 65 of the HR Act where the department has not responded to an individual employee grievance about human rights within 45 days, or where the employee considers the agency response inadequate.

10. Non-compliance with vaccination direction

A discipline process may be commenced in circumstances where an existing employee does not comply with the vaccination requirements set out in clauses 7.2, 7.3 and 7.4 (see Appendix X). Commencement of a discipline process is not appropriate in the following circumstances:

- where an employee has been granted an exemption
- where an employee has submitted an application for an exemption and is awaiting a decision
- where an employee has initiated a review of a decision relating to an exemption application
- where an employee is absent from the workplace (for example, on long term leave) and has indicated a willingness to get vaccinated and/or provide evidence of vaccination prior to returning to the workplace, and
- where an employee has an appointment to get vaccinated within a reasonable timeframe, despite not meeting the timeframes specified in clause 7.2.

Consideration may be given to suspension of an existing employee who does not comply with the vaccination requirements set out in clauses 7.2, 7.3 and 7.4 (see Appendix X).

11. Managing records relating to vaccination status

Records will be collected and kept relating to the COVID-19 vaccination requirements in this policy, including evidence of vaccination provided and information and evidence relating to exemptions for existing and prospective employees.

Records will be stored in a secure database that is accessible to authorised persons only and dealt with in accordance with the *Information Privacy Act 2009* and the *Public Records Act 2002*. De-identified information about employee vaccination rates will be reported in accordance with any relevant state or federal requirements.

[Agency to insert specific detail relating to their record keeping process and arrangements and use of information provided in accordance with this policy, including if there is an intent/requirement to share any information with other agencies- e.g. in consideration of cross agency work etc].

12. Definitions

Chief executive: in the context of exercising a decision making power, includes a person to whom the chief executive has delegated the decision making power.

COVID-19 vaccine means a vaccine approved by the Therapeutic Goods Administration for use in Australia or endorsed by WHO-COVAX where the employee was vaccinated overseas.

Medical contraindication means a temporary or permanent contraindication that is:

- a. recognised in guidance published by the Australian Technical Advisory Group on Immunisation (ATAGI) in relation to the use of a particular **COVID-19 vaccine**; or
- b. notified to the Australian Immunisation Register (AIR) by a medical practitioner in relation to a person and recorded on the person's Immunisation History Statement (IHS).

Note: *a temporary vaccine exemption may apply until a specified date due to acute major illness, significant immunocompromise of short duration and recognised overseas vaccination.*

13. Related information and resources

[agency to insert links/reference to any related information and resources, including forms etc].

COVID-19 vaccination in the workplace

COVID-19 vaccination as a requirement of ongoing employment – guidance for employers¹

Purpose

This framework for considering COVID-19 vaccinations as a requirement of ongoing employment (the framework):

- supports a consistent approach across the Queensland public sector when considering COVID-19 vaccinations as a requirement of ongoing employment;
- requires agencies to take a risk management approach to determine whether COVID-19 vaccination would be an appropriate control measure to be implemented; and
- provides guidance about the process, considerations and consultation obligations for agencies to take into account when:
 - an agency or workplace/cohort of employees within an agency becomes subject to a vaccination requirement through a public health direction; or
 - a chief executive issues a lawful and reasonable direction that requires employees to be vaccinated against COVID-19 as a requirement of ongoing employment.

Authority

The authority to require COVID-19 vaccination as a condition of ongoing employment may be found in two instances:

1. The **Chief Health Officer** has emergency powers arising from the declared public health emergency under the *Public Health Act 2005*, to issue directions to assist in containing, or to respond to, the spread of COVID-19 within the community.
2. **Chief executives of public service agencies** have authority under the *Public Service Act 2008* (PS Act) and the common law to give **lawful and reasonable directions** to their employees in relation to their employment. Such directions may be issued in consideration of risks to employees and others, or, based on agency operational requirements.

In addition, certain chief executives may have authority under legislation relating to the agency's function or employing legislation (where not employed under the PS Act) to issue a direction.

¹ This framework was informed by the Fair Work Ombudsman material on COVID-19 vaccinations and the workplace, Work Health and Safety Queensland *Guide to keeping your workplace safe, clean, healthy and informed on vaccinations* (PN12613) and the Australian Capital Territory Government's *ACTPS framework for considering workplace COVID-19 vaccination requirements*

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When directing an employee to be vaccinated an agency should communicate the authority for making the direction and explain the rationale that supports the direction.

Chief Health Officer directions about vaccination requirements

The Chief Health Officer may issue public health directions requiring certain people to be vaccinated against COVID-19.

Public health directions are published on the [Queensland Health website](#) and are subject to change. Agencies should regularly review public health directions for any application to their workforce and to ensure they are compliant with the most up to date directions.

Agencies that manage employees or workplaces that are subject to a public health direction requiring vaccination **must comply** with the public health direction. In this situation, there is no need to undertake a risk assessment process as set out in this framework to decide if a COVID-19 vaccination requirement would be lawful and reasonable in relation to the employees or workplaces subject to the public health direction.

Agencies in these circumstances will need to implement policies and procedures to ensure compliance with the public health direction and to ensure employees can continue to perform their work.

Overview - COVID-19 vaccination requirements through lawful and reasonable directions

Employers can require their employees to be vaccinated against COVID-19 if the direction is lawful and reasonable.

Whether a direction is lawful and reasonable will be fact dependent and needs to be assessed on a case-by-case basis. This will require consideration of all relevant factors applicable to the workplace, the employees, and the nature of the work they perform, including, but not limited to:

- **Cohort/workplace risk factors** (for example, whether employees work in public facing roles, whether they have contact or interaction with COVID-19 patients or work closely with people who are vulnerable to COVID-19)
- **Environmental risk factors** (for example, current or future expected levels of community transmission, current health advice for cohort of employees or industry in which the cohort operate)
- **Suitability of control measures** (for example, what controls are already in place to reduce the risk, are the current control measures effective and sufficient?)
- **Operational requirements** (for example, whether the business is essential and would need to continue operating from the workplace in the event of a lockdown or high levels of community transmission)

Refer to Appendix 1 for guidance about **lawful** and **reasonable** decision making (sourced from the Fair Work Ombudsman). Employers should obtain legal advice if they are considering making COVID-19 vaccination a requirement of ongoing employment in their workplace.

COVID-19 vaccination requirements through a lawful and reasonable direction based on a risk assessment to workers and others

Chief executives may issue a direction to be vaccinated, based on a risk to workers and others. A risk management approach, including consultation with relevant stakeholders (refer to Consultation section for further information), must be used to determine the level of risk and what control measures need to be implemented in response to the risk.

Employers should note that vaccination is only one control measure for COVID-19 and it should be considered as part of a broader range of controls to reduce the risk of exposure to COVID-19 in workplaces.

Control measures to slow the spread of COVID-19 include:

- physically isolating, for example by allowing employees to work from home where it is reasonably practicable
- creating workplace bubbles to minimise contact between employees, for example keeping employees on different shifts separated by using different entry and exit points
- maintaining physical distance of at least 1.5 metres from others
- wearing a face mask when required, unless a lawful exception applies
- everyone practising good hygiene by regularly washing their hands or using hand sanitiser
- ensuring employees who feel unwell do not go to work – they should get tested and return home immediately.

COVID-19 vaccination requirements through a lawful and reasonable direction based on operational requirements

Chief executives may issue a direction to be vaccinated, based on operational requirements, which may include (but not limited to):

- where the workforce (or cohort) is highly specialised and limited - if several employees in this cohort were affected by COVID-19 there would be significant impacts to service delivery
- where the workforce (or cohort) are delivering critical services and ongoing delivery is vital
- where the workforce (or cohort) are entering third party premises that have vaccination against COVID-19 as a condition of entry (either required by the CHO or the business) and it is not reasonably practicable to make alternative arrangements, on a case-by-case basis for each employee.

In determining whether alternative arrangements are reasonably practicable (in relation to the third dot point above), the chief executive should take into account:

- the proportion of employees who are vaccinated against COVID-19 (noting that it may be considered reasonable and lawful to request information from

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- employees about vaccination status for the purposes of undertaking this assessment)
- the proportion of premises that require vaccination as a condition of entry
- the need for equitable working arrangements (e.g. to ensure a limited number of employees do not bear the burden of the agency's workload)
- the need to prioritise alternative working arrangements for people with a valid exemption (if a vaccination direction were to be issued).

Chief executives should undertake a scan of their workforce to understand the type of work being performed across the agency, and then undertake a risk assessment against their operational requirements to determine if there is a risk to business continuity that needs to be mitigated. Assessments will need to be made on a case-by-case basis taking into account the specific circumstances and all relevant factors applicable to the workplace, the employees, and the nature of the work they perform.

Where a risk is identified, chief executives should determine whether COVID-19 vaccination is appropriate to manage the risk and whether a direction to employees is required. Where a chief executive is considering issuing a COVID-19 vaccination direction, they must consult with relevant parties (refer to Consultation section for further information).

Decisions must be supported by thorough and justifiable reasoning which clearly identifies the need to issue a COVID-19 vaccination direction.

Additional considerations

In addition to a risk assessment (either a risk to employees and/or others or an operational risk), agencies must also consider:

- the [human rights](#) of employees, in accordance with the *Human Rights Act 2019* (the HR Act), in any decisions made or actions taken in making COVID-19 vaccinations a requirement of ongoing employment; and
- [information privacy](#) in accordance with the *Information Privacy Act 2009*.

Employers should obtain legal advice if they are considering making COVID-19 vaccination a requirement of ongoing employment in their workplace.

Human rights

A direction must be made in accordance with human rights obligations under the HR Act. Where a direction does not meet the requirements of the HR Act, it is unlikely to be either lawful or reasonable.

To comply with the HR Act, chief executives must give proper consideration to the human rights that may be impacted by the direction, such as:

- Freedom of thought, conscience, religion and belief (section 20)
- Taking part in public life (section 23) – there may be an impact on an employee's continued employment as a public service employee.
- Privacy and reputation (section 25) – this includes a right to bodily integrity.

The resulting direction must also be substantively compatible with human rights. A direction may limit human rights where it can be demonstratively justified (section 13).

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A human rights compatibility assessment should be prepared when considering whether to make a vaccination direction.

Requesting information and documentation about vaccination status

A Chief Executive may direct employees to disclose their vaccination status for the purposes of assessing the requirement to issue a lawful and reasonable vaccination direction under this framework, and also for the purposes of ensuring compliance with any such direction. A direction to disclose vaccination status may be considered lawful and reasonable, and consistent with the information privacy principles in the *Information Privacy Act 2009*, particularly where the consultation and assessment processes clearly identify the purpose and justifications for requiring information about employee vaccination status.

A Chief Executive may also request information about vaccination status of other persons entering the workplace (including employees of other agencies) where the information is required to ensure the health and safety of their employees or others.

Vaccination status information should only be collected and used where the information directly relates to a function or activity of an agency, and any collection of such information should be accompanied by an information privacy notice which sets out the purpose for which the information is collected.

Consultation

The reasonableness of a direction may be informed by consultation with employees and unions. Whether a direction is based on a health risk or an operational requirements risk, consultation is required.

Consultation is an opportunity to engage those employees who may not support a direction to be vaccinated or are vaccine hesitant and provide information that supports the agency's position on vaccination requirements for a group of employees.

Consultation involves:

- sharing information with all relevant parties about the matter – this would include relevant unions and the staff who may be affected
- providing a reasonable opportunity to express their views
- taking those views into account

Where the proposed direction is based on a risk assessment to workers or other people, consultation should occur with health and safety representatives (HSR).

In situations where an agency shares a work environment or where employees regularly interact with employees from other agencies, consultation should also occur with the other agency/agencies.

Documentation

Workplace vaccination requirements may be subject to applications for review, including, but not limited to:

- judicial review
- industrial disputation



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- human rights complaints
- discrimination complaints
- public service appeals.

Accordingly, agencies who decide to require employees to be vaccinated against COVID-19 as a requirement of ongoing employment must follow sound record keeping and decision making practices and document each step in this framework including:

- risk assessment and chosen control measures
- consultation processes and feedback
- considerations of human rights, anti-discrimination and information privacy
- decision making and justification.

Policy

Where an appropriate risk assessment supports a decision to make COVID-19 vaccination a requirement of ongoing employment, policy settings must be adopted which support:

- the authority for the direction
- employee education and support including clear reasoning
- information about exemption criteria
- reasonable management initiatives to support employees to obtain the vaccinations
- protection of employee's privacy in relation to their decisions on vaccination and their vaccination status; and
- processes to address non-compliance

The application of a vaccination policy settings should also consider:

- the impact on recruiting and whether positions descriptions need to be amended to reflect vaccination requirements
- the management of volunteers and work experience students with agencies in many cases being able to set conditions for these groups without relying on the direction power for employees (note: it will be necessary to consider human rights)
- contractors and consultants who have already been engaged and where it may be more difficult to impose an agency decision (as opposed to a CHO direction) to require vaccination
- whether vaccination is required for future contractors or consultants.

Addressing non-compliance

Where an employee does not comply with a lawful and reasonable direction to be vaccinated against COVID-19, and does not have a valid exemption, the Chief Executive may consider whether to:

- commence a disciplinary process
- suspend the employee, provided the requirements of the PS Act and Directive 16/20 Suspension, are complied with.

A Chief Executive may commence a process to suspend the employee without pay provided the requirements of the PS Act and Directive 16/20 Suspension, are complied with. When considering this course of action, a Chief Executive, should take into account all relevant factors including (but not limited to):



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- that a CHO direction or a lawful and reasonable direction is intended to reduce the transmission of COVID-19 or assist in the continuity of essential government services
- the public interest in reducing the rate of COVID-19 transmission or the assisting the continuity of essential government services
- that the employee knowingly refused to follow a lawful and reasonable direction to be vaccinated or a CHO direction and that this would result in the employee being unable to perform duties.

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APPENDIX 1

General guidance issued by the Fair Work Ombudsman

For a direction to be **lawful**, it must comply with any employment contract, award or agreement, and any Commonwealth or state law that applies (for example an anti-discrimination law).

Factors that may be relevant when determining whether a direction is **reasonable** include, but are not limited to:

- The nature of the workplace (for example, the extent to which employees need to work in public facing roles, whether social distancing is possible and whether the business is providing an essential service)
- The extent of community transmission of COVID 19 in the location where the direction is being given, including risk of transmission of particular variants among employees, customers or members of the community
- The expected levels of future community transmission of COVID-19 based on modelling or the experience in other jurisdictions
- The length of time it takes an unvaccinated person to have the required doses of the vaccine and develop full immunity
- The effectiveness of vaccines in reducing the risk of transmission or serious illness
- Each employee's circumstances, including their duties and risks associated with their work
- Whether employees have a legitimate reason for not being vaccinated (for example, a medical reason)
- Vaccine availability

The Fair Work Ombudsman has developed a 4 Tier system to assist in determining whether a direction is 'reasonable':

	Description	Examples	Reasonable?
Tier 1	Employees are required as part of their duties to interact with people with an increased risk of being infected with COVID-19	Employees working in hotel quarantine and border control	Employees at the greatest risk of contracting and then transmitting COVID-19 to vulnerable persons
Tier 2	Employees are required to have close contact with people who are particularly vulnerable to the health impacts of COVID-19	Employees working in health care or aged care industries. May extend to employees working in childcare and disability services	
Tier 3	Employees have interactions or there are likely to be interactions with other employees, customers, or	Employee working in stores which provide essential goods and services	Where an employee is at a workplace which remains open despite any lockdown and where there is current community transmission, a direction to be vaccinated is more likely to be reasonable

	members of the general public			
Tier 4	Employees have minimal face-to-face interaction as part of their normal employment duties	Employees working predominantly from home	Any direction to these employees is unlikely to be reasonable, considering the lesser risk of transmission	Less likely to be reasonable

DRAFT – not government policy



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Mandatory vaccination directions – Information Privacy

Queensland government agencies (except health agencies) must deal with personal information (including information about whether an employee has received a COVID-19 vaccination or reasons for deciding not to be vaccinated) in accordance with the [11 information privacy principles \(IPPs\)](#) contained in the *Information Privacy Act 2009*.

Can an agency require an employee to disclose their vaccination status?

Yes:

- If the agency needs it for a lawful purpose directly related to its functions or activities, which can include preventing or managing COVID-19.
- If a law authorises or requires it (including public health orders or directions). For example, Queensland's [Requirements for Quarantine Facility Workers Direction \(No. 4\)](#) requires relevant employees to be vaccinated against COVID-19 and authorises public health emergency officers to direct relevant employees to provide evidence of vaccination.

Requesting an employee's vaccination status

Agencies are encouraged to communicate the requirement to collect employee's vaccination status and the reasons for this through a variety of mediums (e.g. agency newsletters, team discussions and individual emails).

Given different areas of an agency may have different risk levels (e.g. those that deliver critical services or work with vulnerable people compared to those who have little contact with other employees or the public), agencies will likely need to provide targeted information requests relevant to the cohort.

For example, a division leader may be responsible for requesting staff within their division provide details of their vaccination status. This could consist of a secure form which requires the employee to upload a copy of their vaccination certificate.

The agency advise the employee:

- why their information is being collected
- the legal authority for the collection
- how the information will be used
- how the information will be handled.

The Queensland Government has a [website to assist agencies to draft a privacy statement](#) to inform employees what personal information the agency will be collecting and what the information is to be used for.

Example draft below:

Public Service Commission collects personal information from you, including information about your:

- Name
- COVID-19 Vaccination status
- Dates of COVID-19 vaccinations.

We collect this information to identify and manage the risk of our employees contracting and transmitting COVID-19 and the corresponding risks to the health and safety of individuals and the ability of the agency to continue to deliver its critical services.

The Chief Health Officer's public health direction allows or authorises us to collect this personal information.

We will only use your information for this purpose. It will otherwise not be used or disclosed unless authorised or required by law. Your personal information will be handled in accordance with the Information Privacy Act 2009.

How will information on an employee's vaccination status be protected?

Agencies must protect their employees' personal information against unauthorised misuse, loss and unauthorised access, modification or disclosure and must ensure it is appropriately secured.

Personal information \ can only be used or disclosed in accordance with why it was collected, what the relevant employee was told when their information was collected, or as provided for in the privacy principles. See **Basic guide to IPPs 8-11 - Use and disclosure** for more information.

Released under the RTI Act by [redacted]

From: OFFICEDG, Communication
Sent: Friday, 3 December 2021 2:17 PM
To: OFFICEDG, Communication
Subject: COVID-19 DG message to all school staff: Vaccination update

Having trouble viewing this email? [View Online](#)

Department of Education



Message from
the Acting Director-General

Special broadcast COVID-19

2:15 pm, Friday 3 December 2021

Dear colleagues

Yesterday you should have received your first communication from the Department of Education (DoE) regarding your vaccination status.

Thank you to those of you who have completed the survey. We have had an overwhelmingly positive response with almost 20,000 employees completing the survey on day one.

It is vital you complete the survey and advise us of your vaccination status as soon as possible. We will follow up with another communication next week outlining the next steps based on the information you have provided. If we have not heard from you we will send an email also outlining next steps.

Please note: the survey is sent from a different email than usual communications – noreply.vstatus@notifications.qed.qld.gov.au.

Ensuring as many Queenslanders as possible are vaccinated is the most effective way for us all to stay safe as we continue to enjoy relaxed restrictions and achieve [Queensland's COVID vaccine plan to unite families](#).

I urge those of you who have not yet received your COVID-19 vaccination to view the [vaccination locations webpage](#) and arrange your vaccination as soon as possible.

The latest Frequently Asked Questions (FAQs) have been developed in response to the enquiries we are receiving. These FAQs are updated regularly, so please continue to check the [department's website](#).

How will schools check proof of vaccination for visitors, contractors and volunteers?

Schools can utilise the Check-in Qld app [<https://www.covid19.qld.gov.au/check-in-qld>], or sight vaccination certificates, to gain proof of vaccination for visitors, contractors and volunteers. Copies of vaccination certificates do not need to be kept by the school. However, schools will need to keep a record that the vaccination evidence has been sighted as part of visitor management systems.

Any school that is yet to sign up to the Check-in Qld app can do so [here](#). Schools need to [register as a business](#) and display the provided posters in multiple accessible locations at the venue.

How can I submit a medical exemption?

You will need to complete the survey sent to you which seeks your vaccination status. There is an option in the survey to select 'medical exemption'. If you select this option, you will receive a separate email advising how to provide evidence of the medical contraindication.

What if I have not received an email requesting my vaccination status?

If you have not received your email please make contact via staffvaccinationstatus@qed.qld.gov.au.

When does the survey need to be completed?

The survey needs to be completed as soon as possible.

Can I resubmit my survey once I'm vaccinated?

Yes, you will continue to receive reminders prompting you to update your vaccination status.

Do students over 16 years of age need to be vaccinated?

Students enrolled in schools are not required to be vaccinated. Schools and students will need to follow the health directions for work placements and/or traineeships.

I have a question, who do I contact?

If you have any questions about your individual circumstance, please email staffvaccinationstatus@qed.qld.gov.au.

What will be the process for large events on school grounds, such as musicals etc?

All workers on school sites for these events need to be vaccinated.

Schools should refer to the updated [COVID-19 Planning framework](#) for further information on COVID-19 safe events.

Do Outdoor Education Centres need to follow the health direction?

Department of Education owned environmental education centres are required to follow the health directions relating to schools.

External camp or outdoor education centres need to comply with the [Queensland COVID-19 Roadmap](#).

What if an employee is on leave when the vaccination requirements come into effect?

Where an employee is on leave at the time when the vaccination requirements come into effect they must have met the requirements before returning to the workplace and provide evidence of this prior to resuming their duties.

Line managers should notify employees on long term leave (e.g. parental leave) that they will need to meet the vaccination requirements before returning to the workplace or submit an exemption.

The department will contact staff on long term leave to advise them of the process to provide evidence prior to commencement.

Health and wellbeing

It is important to make sure you access information from credible sources, and maintain a practical and calm approach at work and at home. Resources are available on our [Your health and wellbeing during COVID-19](#) page.

Free confidential telephone counselling services are available for you or your immediate family members for work or non-work related concerns. Contact LifeWorks 24/7 on 1800 604 640, the department's external [Employee Assistance provider](#).

Further information

Stay up to date by regularly checking the [Queensland Government COVID-19 website](#) and visiting our COVID-19 pages [our Departmental website](#) and [OnePortal](#).

Please stay [COVID safe](#). As always, I will continue to update you on any further developments as they arise.

Regards

Craig Allen
Acting Director-General
Department of Education

Quick links

- ▶ [COVID-19 information for staff on OnePortal](#)
- ▶ [COVID-19 information for parents and community](#)
- ▶ [COVID-19 resources for schools](#)
- ▶ [Staff wellbeing](#)
- ▶ [Student health and wellbeing](#)

For latest updates on COVID-19, visit:

[Queensland Government website](#)

[Queensland Health website](#)

[Australian Government website](#)

The National Relay Service is available to assist employees who are Deaf, hard of hearing or who have a speech impairment. [Learn how to access the National Relay Service](#).

MOSES, Kelly

From: Jasmine Melit <Jasmine.Melit@dsdilgp.qld.gov.au>
Sent: Wednesday, 8 December 2021 12:08 PM
To: Matthew Nye; Ashley Bacon; HASTIE-BURROUGHS, Rynell; Robyn Turbit; Stephen Long; Tracy A O'Bryan; Jasmine Melit; Natalie Driscoll; neil.smith@dsdsatsip.qld.gov.au; Jenny Lyons; nyree.illingsworth@justice.qld.gov.au; Natalie.Hartill@qhrc.qld.gov.au; monique.butler@rdmw.qld.gov.au; Mark Weinert; Vivienne.VanDerLaak@des.qld.gov.au; Lauren.Milsted@des.qld.gov.au; Rhiannan Howell; Cecelia Christensen; Genevieve Gillies-Day; Martin Costello; Adam.Stevenson@qfes.qld.gov.au; Andrew Harris; arthur.o'brien@cyjma.qld.gov.au; barbara.phillips@health.qld.gov.au; Chantal.Llora@resources.qld.gov.au; ANSON, Duncan; filly.morgan@premiers.qld.gov.au; james.koulouris@dcs.qld.gov.au; matthew.nye@communities.qld.gov.au; megan.barry@psc.qld.gov.au; Peter Cook; ray.clarke@ambulance.qld.gov.au; robyn.turbit@hpw.qld.gov.au; COOK, Shannon; Sinead.McCarthy@daf.qld.gov.au; Doug Smith (QPS); Susan.Chrisp@des.qld.gov.au; Tracy.a.o'bryan@tmr.qld.gov.au; sarah.lakes@premiers.qld.gov.au; StephenA.Smith@qfes.qld.gov.au; anna.c.jack@tmr.qld.gov.au; Michael MCKEE
Subject: DDG Message from OIR regarding Vaccination status
Attachments: Voluntary-vaccination FAQs.pdf

Good afternoon all

Thank you to those that were able to join this morning's discussion regarding shared tenancies in relation to shared tenancies. Andrew Harris from the OIR agreed to share the message that will be sent to all staff regarding sharing employee's vaccination status (please see below). Can you please keep this confidential as the message will be sent to staff tomorrow at 10am, Andrew has also shared OIR's FAQs regarding vaccinations.

Kind regards



Jasmine Melit

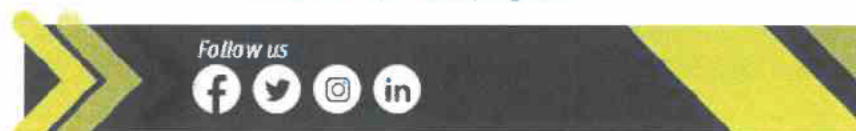
Executive Assistant to Michael McKee
Corporate
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams – **meet now**

<http://teams.microsoft.com/j/chat/0/0?users=jasmine.melit@dsdilgp.qld.gov.au>

P 3452 7946
Level 39, 1 William Street, Brisbane QLD 4000
PO Box 15009, City East QLD 4002

statedevelopment.qld.gov.au



*I acknowledge the traditional custodians of the lands and waters of Queensland.
I offer my respect to elders past, present and emerging as we work towards a just,
equitable and reconciled Australia.*



From: Andrew Harris <Andrew.Harris@oir.qld.gov.au>
Sent: Wednesday, 8 December 2021 10:11 AM
To: Jenny Lyons <Jenny.Lyons@dsdilgp.qld.gov.au>

Cc: Jasmine Melit <Jasmine.Melit@dsdilgp.qld.gov.au>; Tony James <Tony.James@oir.qld.gov.au>

Subject: PLEASE READ - Important message from the Acting DDG – COVID-19 update

Importance: High

Hi Jenny – as requested by the DDG group, please see below the message OIR sent to our AO8 managers and above (about 100+ staff) in readiness to a message we have going out at 10am tomorrow to all OIR staff (approx. 950 headcount).

I've included a PDF of the *Voluntary vaccination status FAQs* linked to our intranet.

Please feel free to forward this onto the group for their information. We ask that this be kept confidential at this stage until our all staff message goes out tomorrow at 10am (but of course we accept that some managers are likely already talking with their staff about our approach).

Regards

Andrew

Andrew Harris

Executive Director

Business and Corporate Services

Office of Industrial Relations

Level 11 | 1 William Street | Brisbane Qld 4000

P 07 3406 9810 M [REDACTED] E andrew.harris@oir.qld.gov.au

Teams [Andrew Harris](#)



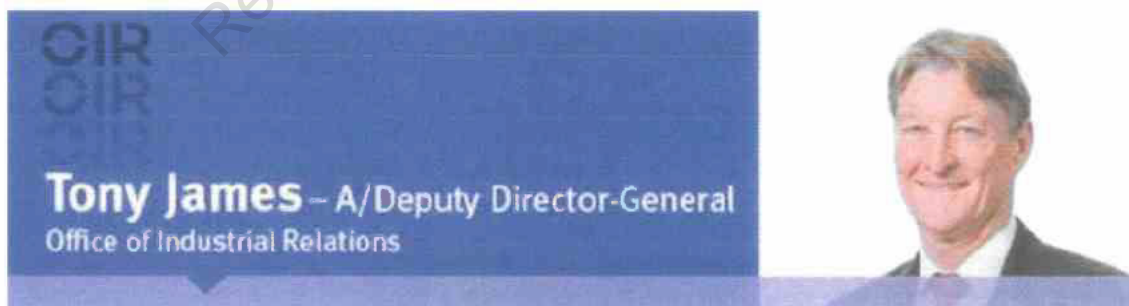
From: DDG OIR <ODDG@oir.qld.gov.au>

Sent: Tuesday, 7 December 2021 5:18 PM

To:

Subject: PLEASE READ - Important message from the Acting DDG – COVID-19 update

Importance: High



Good afternoon,

I trust you are well. I ask that you read this message as it contains important information for managers and supervisors regarding OIR's preparations for the likelihood of COVID-19 spreading in the community following the upcoming opening of Queensland's domestic and international borders.

The OIR Pandemic Planning Committee (PPC) is continuing to assess risk associated with COVID-19 in the community and what reasonable actions we can take to mitigate against these risks. The risk assessment considers risk to the health and safety of OIR employees and others; to service delivery and operational requirements; and to business continuity. The PPC is also assessing OIR's operational capability to comply with Chief Health Officer (CHO) directions including where vaccination is a mandatory requirement of entry onto certain premises.

To provide us with information for the risk assessment, we are asking people to voluntarily share their vaccination status. As our key people managers, I need your help to talk to your teams about the request and to support this process in Aurion ESS. If people prefer not to disclose their vaccination status, they are not required to do so. Your role in assisting our people navigate this request is crucial for moving OIR forward in a positive and collaborative way.

Your Executive Director or Director will support you with more details about the request and what you need to do. They will be in touch with you shortly. Here is some information to support you [Voluntary vaccination status FAQs](#).

Please do not share this email or information with your teams at this time. I anticipate the broadcast email request for a voluntary declaration will be distributed to all staff later this week. It is understood that some employees will be on leave, and we won't interrupt them.

I also encourage you to familiarise yourself with the Queensland Government COVID-19 website including [COVID-19 information and support for sector managers and HR practitioners](#). If you or your colleagues have any concerns, you can also access resources at [Support for our people](#), including confidential counselling services via external Employee Assistance provider SMG Health 24/7 on 1800 273 865 or log on to the [Online Wellness Gateway](#).

Regards,
T

A J (Tony) James
Acting Deputy Director-General
Office of Industrial Relations

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This email and any attachments may contain confidential or privileged information and may be protected by copyright. You must not use or disclose them other than for the purposes for which they were supplied. The confidentiality and privilege attached to this message and attachment is not waived by reason of mistaken delivery to you. If you are not the intended recipient, you must not use, disclose, retain, forward or reproduce this message or any attachments. If you receive this message in error please notify the sender by return email or telephone, and destroy and delete all copies. The Department does not accept any responsibility for any loss or damage that may result from reliance on, or use of, any information contained in this email and/or attachments.

Voluntary vaccination status FAQs

Content Editor

Why are we asking for voluntary disclosure of vaccination status?

The OIR Executive Team are asking for a voluntary disclosure of your vaccination status to:

Inform OIR's assessment of risks to OIR employees and others, including risks to health and safety of staff and others; service delivery and operational requirements; and business continuity.

Ensure OIR meets its obligations complying with Chief Health Officer (CHO) directions including where vaccination is a requirement of entry on certain high risk settings, including hospitals, aged care facilities, schools and airports.

Should you choose to not voluntarily disclose your vaccination status, we will assume you are not vaccinated for the purposes of the risk assessment.

Please note that where a CHO directive requires vaccination prior to entering a high risk setting all OIR employees have an obligation to comply with that requirement. Your line manager may seek confirmation that you can comply with the CHO direction to perform your duties at those places. Such a request being made by your line manager is separate from the request to voluntarily declare vaccination status.

Who are we asking to voluntarily disclose their vaccination status?

We are asking all OIR staff to voluntarily declare their vaccination status, including those working alongside OIR employees such as contractors or agency staff.

When will the request for voluntary disclosure of vaccination status be made?

With the opening of the Queensland borders imminent, we are seeking your voluntary disclosure now.

It is understood that some employees will be on leave and we will work with staff on their return to work. There is no expectation for leave to be interrupted.

What information are we asking staff to share?

We are seeking a **voluntary disclosure of your vaccination status**. If you prefer not to disclose your status you are not required to respond. If you are not vaccinated, you do not need to disclose this.

Disclosing your vaccination status means that you are being asked to voluntarily disclose:

Are you fully vaccinated now? Fully vaccinated means having received two doses of an approved COVID-19 vaccine.

Do you have a medical contraindication that prevents you from being vaccinated?

If you're unable to be vaccinated for COVID-19 due to a medical contraindication, you'll need to provide evidence of this to your line manager. You'll need a medical certificate from a registered medical practitioner stating the medical contraindication. If your medical contraindication is temporary, your medical certificate will also need to state the period it applies for, and you'll need a new medical certificate if your contraindication continues beyond that date.

How we will ask you to voluntarily disclose your information?

Queensland Shared Services has updated the Aurion-ESS HR system to collect COVID-19 vaccine information.

OIR employees can complete the form in ESS to add their vaccination status or medical contraindication status. The form is work-flowed to the employee's manager, the same as for leave requests and Timekeeper.

ESS will record the dates of your first and second COVID-19 vaccination or your COVID-19 medical contraindication.

You will need to show your Medicare COVID-19 vaccination digital certificate or Check-In Queensland app green tick to your manager, who will mark this as completed in ESS. You do not need to provide an electronic or hard copy, sighting by your manager is sufficient.

The new form has been tested across government.

Who will have access to your information?

Your information is provided in confidence and will be used to inform OIR's risk assessment and response. We will consult with staff, HSRs and the relevant unions on the risk assessment.

ESS is the safest and most secure way to record your vaccination information, which helps us to make informed decisions for the OIR risk assessment.

Information in the Aurion-ESS system will be available to managers within the management hierarchy relevant to your position and directorate, and to OIR HR. This is the same as leave and Timekeeper.

Consultation with OIR staff

To date, OIR staff have been advised that the OIR Executive has re-established the OIR COVID-19 Pandemic Planning Committee to consider and assess risk consequences. For the purposes of OIR obligations for consultation with staff and their representatives in the *Work Health and Safety Act 2011* and in relevant industrial instruments, this is not considered to be consultation. The OIR Executive are committed to ensuring staff and their representatives are consulted through the decision-making process for any policy response, particularly around vaccination requirements that may impact staff across the agency.

The OIR Executive will reasonably consult with OIR employees, HSRs and relevant unions in the decision-making process before an OIR policy response to the changing COVID-19 risk (to health and safety of employees and others, to service delivery and operational requirements, and business continuity) following the opening of Queensland's borders is settled.

Consultation has commenced with Together Queensland regarding voluntarily seeking vaccination status of staff. We will continue to reasonably consult with employee representatives (HSRs and registered industrial organisations) through the risk assessment and decision-making process, including through whole-of-Government consultation forums.

Information Privacy Act and Human Rights Act considerations

Information privacy principles (IPP) apply for all collection of all personal information, including voluntary requests, in accordance with the *Information Privacy Act 2009*.

The IP Act allows for the collection of information for a lawful purpose. It is considered that the voluntary request for the declaration of vaccination status, as outlined in this advice, is for a lawful purpose. The Chief Health Officer's public health direction also allows or authorises us to collect this personal information in certain circumstances.

An information collection notice has been prepared in the circumstance were an employee volunteers their vaccination status or the information is sought for a specific purpose for complying with a CHO direction.

From time to time the Office of Industrial Relations (OIR) seeks and collects personal information from you. OIR is currently seeking information about your COVID-19 vaccination status through a request for a voluntary declaration. OIR is collecting this information to identify and manage

risks of our employees contracting and transmitting COVID-19 and the corresponding risks to the health and safety of individuals, and the capability of the agency to continue to deliver its services. OIR is also seeking this information to ensure obligations under a Chief Health Direction regarding vaccination requirements for persons entering particular places is observed. OIR will only use your information for this purpose. It will otherwise not be used or disclosed unless authorised or required by law. Your personal information will be handled in accordance with the Information Privacy Act 2009.

While not a requirement for seeking a voluntary declaration, a human rights compatibility assessment will be prepared in accordance the *Human Rights Act 2019* as part of the consideration of any COVID-19 policy response that may limit a human right. A privacy collection notice will be prepared.

Last modified: 7/12/2021 5:09 PM

Created: 7/12/2021 4:39 PM

Released under the RTI Act by DoE

MOSES, Kelly

From: OFFICEDG, Communication
Sent: Thursday, 9 December 2021 12:15 PM
To: OFFICEDG, Communication
Subject: COVID-19 Associate DG message to all school staff – update on mandatory COVID-19 vaccinations

Having trouble viewing this email? [View Online](#)

Department of Education



Message from
the Associate Director-General

Special broadcast COVID-19

12:15 pm, Thursday 9 December 2021

Dear colleagues

As you know, last week the Premier announced that the Chief Health Officer will issue a new Direction for workers in high risk settings.

The announcement included that the Direction will require workers in high risk settings, including schools and early childhood settings, to have received at least one COVID-19 vaccination dose by 17 December 2021, and be fully vaccinated by 11:59 pm on 23 January 2022.

If you have not received your vaccinations by the above dates, you will not be permitted to enter a school or early childhood setting.

Thank you to all of you who have responded to the vaccination status survey sent to you last week. So far, approximately 50,000 members of our school workforce have provided their vaccination status to the Department. I am heartened to see a significant majority of our people are already fully vaccinated. Thank you.

In order to comply with the expected Chief Health Officer Direction, I urge those of you who have not yet received your COVID-19 vaccination to view the [vaccination locations webpage](#) and arrange your vaccination as soon as possible.

Vaccination status

If you have not yet completed the survey, I urge you to do this as soon as possible. This will allow schools to complete resource planning for the commencement of the 2022 school year, and to ensure that your HR records are up to date with your vaccination status.

Until your survey response is received by the Department, you will receive reminder messages to your contact addresses (email and mobile phone) asking you to complete the survey. These reminders will continue throughout the school holidays until we receive a response from you.

The department requires all staff to show evidence of having received at least the first dose of the COVID-19 vaccine by no later than 7 January 2022.

If you have lost the email with the link to the survey, you will be sent a new link (within the reminder email).

Alternatively, a blank survey is also available on OnePortal. Please note you will need to input your name and employee ID to enable the Department to correctly identify you.

If you have confirmed that you are fully vaccinated, you will receive an email shortly asking you to provide your evidence of vaccination. Valid evidence will include one of the following:

- Check In Qld certificate (preferred)
- Vaccination Record Card
- Australian Immunisation Register certificate
- Australian Immunisation Register statement
- International vaccination certificate

Please provide the evidence of your vaccination as soon as possible.

Unvaccinated staff

The Department is finalising the arrangements that will apply to staff who are not vaccinated by the required dates, or who do not provide evidence of their vaccination status by Friday 7 January 2022.

From Monday 10 January 2022 non-complying staff will be asked to show cause why they should not be suspended without pay. This date has been selected because staff who have not received a first dose by this date will not be able to receive a second dose by 11:59 pm on 23 January 2022.

As much as we would like to avoid this it is likely that staff who do not comply without reasonable excuse (such as an endorsed medical contraindication) by the assigned dates may be subject to disciplinary action, including termination of employment.

If staff make no attempt to comply, and there is no exemption or reasonable excuse, the staff member may be then asked to show cause on liability for discipline and proposed penalty of termination of employment.

It is vital that all staff comply with the vaccination requirements to avoid this possibility.

Further details about these processes will be provided as soon as they are confirmed.

Medical exemptions

Some staff may not be able to receive a COVID-19 vaccine due to a medical contraindication.

In these cases, staff with a medical exemption will be required to provide evidence, which will be assessed by a central team supported by health professionals.

If you intend to submit a medical exemption, you need to select this option in the vaccination status survey. You will then be sent information about how to submit your evidence and have it assessed.

Frequently asked questions

The latest frequently asked questions (FAQs) have been developed in response to the enquiries we have received. These FAQs are updated regularly, so please continue to check the [department's website](#).

If you have any questions about your individual circumstance, please email [staff vaccinations](#).

Health and wellbeing

Ensuring as many Queenslanders as possible are vaccinated is the most effective way for us all to stay

safe as we continue to enjoy relaxed restrictions and achieve [Queensland's COVID vaccine plan to unite families](#).

It is important to make sure you access information from credible sources, and maintain a practical and calm approach. Resources are available on our [Your health and wellbeing during COVID-19](#) page.

Free confidential telephone counselling services are available for you or your immediate family members for work or non-work related concerns. Contact LifeWorks 24/7 on 1800 604 640, the department's external [Employee Assistance provider](#).

Further information

Stay up to date by regularly checking the [Queensland Government COVID-19 website](#) and visiting our COVID-19 pages on [our Departmental website](#) and [OnePortal](#).

Please stay [COVID safe](#). As always, I will continue to update you on any further developments as they arise.

Regards

Craig Allen
Associate Director-General
Department of Education

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Government website**

**Queensland Health
website**

**Australian
Government website**



Queensland Government

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