

**FOR USE IN STATES OR TERRITORIES WHERE THERE IS A PUBLIC HEALTH
ORDER/DIRECTION COVERING HOME CARE AND CHSP PROVIDERS AND EMPLOYEES**

Please note this policy has been developed for implementation by Home Care and CHSP providers in states or territories where there is a Public Health Order or Direction mandating a requirement for Home Care/CHSP employees to be vaccinated against COVID-19.

State or Territory	Directions	Date not permitted to perform work	Date for first dose	Date for second dose
Victoria	COVID-19 Mandatory Vaccination (Workers) Directions (No 5)	15 October 2021	22 October 2021	26 November 2021
NSW	Public Health (COVID-19 Care Services) Order 2021	25 October 2021	25 October 2021	29 November 2021
WA	Press release only, awaiting Directions	31 December 2021	31 December 2021	31 January 2022
NT	Northern Territory COVID-19 Directions (No.55)	13 November 2021	13 November 2021	25 December 2021
ACT	Press release only, awaiting Directions	1 November 2021	1 November 2021	29 November 2021

PLEASE DELETE THIS PAGE PRIOR TO DISTRIBUTING AND IMPLEMENTING THIS POLICY

Exemplar prepared by Russell Kennedy Lawyers in October 2021.
Not intended as a substitute for professional legal and medical advice.

HOME CARE MANDATORY COVID-19 VACCINATION POLICY

POLICY STATEMENT AND OBJECTIVES

The [insert state or territory] Government has released the [insert title of relevant Directions – see Page 1] (**Health Directions**). These Health Directions require specified workers to be fully vaccinated against COVID-19 to be able to attend work in [insert state or territory]. The Health Directions include workers who provide home care services [OPTION for Victoria:] and workers essential to the operation of home care services.

This means that from [insert date – see Page 1], [insert name of employer] is required to ensure that home care Workers do not [OPTION for Victoria:] attend their workplace/s or provide home care services unless they:

- have received a first dose of the COVID-19 vaccination, or are booked to receive a first dose of the COVID-19 vaccination by [insert date – see Page 1]; and
- are fully vaccinated by [insert date – see Page 1];

except where they are medically exempt from the vaccination requirement.

Compliance with the Health Directions is mandatory under the [insert title of legislation referenced in the Direction]. Failure to do so is an offence. This will also be the case for any future Health Directions that replace the current Health Directions.

[insert name of employer] is committed to maintaining the health and safety of its clients and Workers and to preventing the spread of vaccine-preventable diseases such as COVID-19.

There is a high risk of COVID-19 infection in a public-facing working environment which requires Workers to deliver personal care, domestic assistance and/or home maintenance for clients in their homes and particularly in light of the increased rates of community transmission of the Delta variant of SARS-CoV-2 in Australia.

[insert name of employer] recognises that having a vaccination, including the COVID-19 vaccination, is a personal choice. However, [insert name of employer] has decided that the most effective way to comply with the Health Directions (and any other Health Directions which replace them from time to time) and meet its workplace health and safety obligations and its duty of care to its Workers and clients, is to implement a mandatory COVID-19 Vaccination Policy.

This Policy sets out the measures we are taking to ensure that all relevant Workers are vaccinated in compliance with the Health Directions and outlines the limited exemptions which are available.

SCOPE

This Policy applies to all home care Workers, including:

- any person employed by us to provide home care services;
- any person engaged to provide home care services to our clients or for our organisation, regardless of whether in a paid or volunteer role;
- any person undertaking a placement, or work experience in home care services as part of their formal education; and

- **OPTION for Victoria:** any person essential to the operation of home care services.

DEFINITIONS

COVID-19 vaccination means a COVID-19 vaccine approved by the Therapeutic Goods Administration (TGA) for use in Australia, or where a person has been vaccinated overseas, a COVID-19 vaccine determined by the TGA to be a “recognised vaccine” ([click on link for details](#)). Currently, the Pfizer-BioNTech (COMIRNATY), AstraZeneca (Vaxzevria) and Spikevax (Moderna) vaccines are approved for use in Australia.

A person is **fully vaccinated against COVID-19** if the person has received two doses of a COVID-19 vaccination.

Worker means employees, volunteers and contractors.

THE HEALTH DIRECTIONS

The following is a summary of the Health Directions which apply to **[insert name of employer]**.

[Option: Vic] Collecting, recording and holding vaccination information

The Health Directions require **[insert name of employer]** to take reasonable steps to ensure that staff are vaccinated, which includes the collection of evidence of vaccination. In order to comply with this requirement, **[insert name of employer]** will collect, record and hold vaccination information about any Workers who are, or may be, scheduled to perform work.

Vaccination information includes:

- The Worker’s vaccination status.
- If a Worker is unvaccinated, whether the Worker has a booking to receive at least the first dose of a COVID-19 vaccination by **[insert date – see Page 1]**.
- If a Worker is partially vaccinated, whether that worker has a booking to be fully vaccinated by **[insert date – see Page 1]**
- If the Worker has a medical exemption, clarification from a medical practitioner that the Worker is unable, due to a medical condition, to receive a dose, or a further dose, of a COVID-19 vaccine.

Not permitting workers to perform home care work, or work essential for the provision of home care services

The Health Directions require **[insert name of employer]** to take all reasonable steps to ensure that, on or after 15 October 2021, a Worker who is unvaccinated does not enter any premises associated with **[insert name of employer]** for the purposes of work, or provide home care services. This means that:

- from 22 October 2021 all home care Workers may only perform their duties if they have provided evidence that they have received at least the first dose of a COVID-19 vaccination; and
- from 26 November 2021 all home care Workers may only perform their duties if they have provided evidence that they have received the second dose of a COVID-19 vaccination,

unless they are covered by an exemption.

If [insert entity name] does not hold vaccination information about a Worker, it will treat the Worker as if they are unvaccinated. [End option: Vic]

[Option: NSW] The Health Directions require [insert name of employer] to take all reasonable steps to ensure that, on or after 25 October 2021, a Worker who is unvaccinated does not enter any premises associated with [insert name of employer] for the purposes of work, or provide home care services. This means that:

- from 25 October 2021 all home care Workers may only perform their duties if they have provided evidence that they have received at least the first dose of a COVID-19 vaccination; and
- from 29 November 2021 all home care Workers may only perform their duties if they have provided evidence that they have received the second dose of a COVID-19 vaccination,

unless they are covered by an exemption.

Collecting, recording and holding vaccination information

[insert name of employer] considers that the most effective way to ensure that it complies with the Health Directions and its duty of care to staff and clients is to collect and record the vaccination information of its workforce. This includes a Worker's vaccination status and information about any booking the Worker has to receive a vaccination. Where a Worker has a medical exemption, [insert name of employer] will collect and record evidence that the Worker is unable to receive a COVID-19 vaccine.

If [insert name of employer] does not hold vaccination information about a Worker, it will treat the Worker as if they are unvaccinated. [End option: NSW]

[Option] NT The Health Directions require [insert name of employer] to take all reasonable steps to ensure that, on or after [insert date – see Page 1], a Worker who is unvaccinated does not enter any premises associated with [insert name of employer] for the purposes of work, or provide home care services. This means that:

- from 13 November 2021 all home care Workers may only perform their duties if they have provided evidence that they have received at least the first dose of a COVID-19 vaccination; and
- from 25 December 2021 all home care Workers may only perform their duties if they have provided evidence that they have received the second dose of a COVID-19 vaccination,

unless they are covered by an exemption.

If [insert name of employer] does not hold vaccination information about a Worker, it will treat the Worker as if they are unvaccinated.

Collecting, recording and holding vaccination information

[insert name of employer] considers that the most effective way to ensure that it complies with the Health Directions and its duty of care to staff and clients is to collect and record the vaccination information of its workforce. This includes a Worker's vaccination status and information about any booking the Worker has to receive a vaccination. Where a Worker has a medical exemption, [insert

[name of employer] will collect and record evidence that the Worker is unable to receive a COVID-19 vaccine.

If [insert entity name] does not hold vaccination information about a Worker, it will treat the Worker as if they are unvaccinated. [End option: NT]

[Option: ACT]

TBD.

[Option: WA]

TBD.

This is a lawful and reasonable direction that [insert name of employer] is providing to its Workers to keep its Workers, clients and the broader community safe, and to comply with the Health Directions. It is also an important aspect of our compliance with our duty of care to our clients, as well as our obligations under workplace health and safety laws.

To ensure that they have had at least one dose of a COVID-19 vaccination by [insert relevant date], Workers should take the following steps (if they have not done so already):

- If relevant, seek medical advice regarding the COVID-19 vaccination, as it relates to you.
- Where you do not fall within one of the exemptions outlined below, make appointments to receive your first and second doses of the COVID-19 vaccination.
- If you have trouble making an appointment, contact your manager.
- When you receive your first and your second COVID-19 vaccination dose, ensure that you keep a record of these.
- Provide us with confirmation that you have received your COVID-19 vaccination, after both your first and second dose.

[Option] All employees will be allowed paid time off to attend an appointment to receive their COVID-19 vaccination upon providing proof of this appointment. [End option]

Workers can access COVID-19 vaccinations at various locations including vaccination hubs, roving clinics, general practices and some pharmacies. The dedicated **COVID-19 Vaccine Helpline 1800 020 080** (select option 2) can answer any questions you may have about vaccination and can help you book a vaccination appointment. Vaccinations are free, and you do not need a Medicare card to make an appointment or to receive the vaccination.

Information on the COVID-19 vaccines can be found on the [relevant state or territory Health Department website] and is also available in many languages.

If you believe you are exempt from these vaccination requirements, as set out in the Exemptions section below, or if you choose not to be vaccinated, you should promptly notify [insert Position of relevant person] before [insert date].

EXEMPTIONS

A Worker may engage in work or duties, or provide services in our business, despite not meeting the vaccination requirements above if:

- the person is unable to receive a COVID-19 vaccination because they have a recognised medical contraindication (a medical condition that prevents them from receiving the vaccination) and provides a medical certificate from a registered medical practitioner:
 - certifying that the person is unable to receive the COVID-19 vaccination because they have a recognised medical contraindication;
 - indicating whether the medical contraindication will permanently or temporarily prevent COVID-19 vaccination; and
 - if the medical contraindication only temporarily prevents a COVID-19 vaccination, specifying when the person may be able to receive the COVID-19 vaccination.

In accordance with Government advice, [insert name of employer] recognises the following medical contraindications to the administration of a COVID-19 vaccine:

- anaphylaxis after a previous dose;
- anaphylaxis to any component of the vaccine, including polysorbate or polyethylene glycol;
- in relation to AstraZeneca:
 - history of capillary leak syndrome; or
 - thrombosis with thrombocytopenia occurring after a previous dose;
- in relation to Comirnaty or Spikevax:
 - myocarditis or pericarditis attributed to a previous dose of either Comirnaty or Spikevax; or
- the occurrence of any other serious adverse event that has:
 - been attributed to a previous dose of a COVID-19 vaccine by an experienced immunisation provider or medical specialist (and not attributed to any another identifiable cause); and
 - been reported to State adverse event programs and/or the Therapeutic Goods Administration;

It is important to bear in mind that a medical contraindication against one COVID-19 vaccine does not necessarily translate to a contraindication against all vaccines.

- [Victoria only, delete if not relevant] The Worker holds certification from a medical practitioner that they are unable to receive a dose, or a further dose, of a COVID-19 vaccination due to an acute medical illness (including where the person has been diagnosed with COVID-19).
- [Victoria only, delete if not relevant] The Worker is unable to be vaccinated as they have been in self-quarantine as a diagnosed person or close contact, but only if they have a booking to be vaccinated within 7 days of the end of their quarantine period. In this case, the Worker must wear, at all times while on-site, personal protective equipment that includes at a minimum, a surgical mask and face shield.

If a Worker believes that they are medically exempt from the vaccination requirements set out in this Policy, or that other exceptional circumstances apply, they must promptly notify [insert position title of the person responsible], and in any event by close of business on the day before the commencement date.

The best way to provide this evidence is by asking your medical practitioner to complete the 'COVID-19 Vaccine Medical Contraindication Form'. You can request a copy of this from [insert Position of person who provides the Form to Workers].

If a registered medical practitioner certifies that a Worker has a temporary medical condition, which makes them unable to receive the COVID-19 vaccination, any exemption based on this only applies for the period specified in the medical certificate provided by the medical practitioner. If the medical reason continues beyond that period, the Worker must provide a new medical certificate from their doctor, regarding the medical condition.

Where a Worker is medically exempt, [insert name of employer] may consider implementing additional safety measures to protect the health and safety of the Worker and clients. These additional safety measures will be determined by the completion of risk assessments. A Worker may also seek to discuss with their manager whether redeployment is a relevant option for them.

UN-VACCINATED WORKERS WITHOUT A VALID MEDICAL EXEMPTION

Any Worker who chooses not to have a COVID-19 vaccination by [insert date] and who does not have a valid medical exemption to a COVID-19 vaccination will not be able to provide the duties associated with their position as a Worker. As such, rosters or schedules will be changed (where relevant) so that only Workers who comply with the obligations set out in this Policy will provide service or perform duties.

If the Worker is an employee, they will be provided with an opportunity to discuss their circumstances with their manager. [insert name of employer] may at its absolute discretion consider redeploying an employee to a position which does not require a COVID-19 vaccination, allowing them to take accrued annual or long service leave, or temporarily suspending them from their position without pay.

At any time from [insert date], if the Worker continues to refuse to receive a COVID-19 vaccination, the Worker will be unable to lawfully perform their duties, and their employment or their engagement may come to an end as a result.

RECORD KEEPING

All Workers are to provide evidence of their COVID-19 vaccination status as soon as possible. The purpose of collecting this information is:

- To enable [insert name of employer] to comply with the Health Directions.
- To enable [insert name of employer] to comply with ongoing My Aged Care reporting responsibilities.
- To enable [insert name of employer] to ensure that all Workers comply with the lawful and reasonable directions in this Policy.
- To enable [insert name of employer] to take the necessary steps to if a Worker does not meet the lawful and reasonable directions contained in this Policy.

- As part of ensuring [insert name of employer] is taking all reasonably practicable steps to ensure the health and safety of Workers and clients, including preparing for any possible future outbreaks.

Evidence of your COVID-19 vaccination can include:

- a vaccination certificate or other evidence from a vaccine provider;
- an immunisation history statement or COVID-19 digital certificate which can be accessed from Medicare online or the Express Plus Medicare mobile app;
- a statement of your vaccination history which you can request from the Australian Immunisation Register;
- a record from a health practitioner.

Please provide original evidence of your COVID-19 vaccination for us to sight in person or by using technology. If you are providing a copy of a document which includes your Individual Healthcare Identifier, please redact that number (e.g. print and black out with a marker) before providing the document. [insert name of employer] does not require your Individual Healthcare Identifier to confirm your COVID-19 vaccination status and will take reasonable steps to promptly redact it from any document which comes into its possession under this Policy.

[Applies to business with a turnover of \$3 mil or more] When collecting your vaccination information, [insert name of employer] will comply with our Privacy Policy. In addition, you should note:

- [insert information about your privacy policy]; and
- [insert if you are likely to disclose personal information to overseas recipients, and the countries where they are located].

Your vaccination information will be securely stored and kept confidential and will only be accessible to people who are required to access it as part of their role with [insert name of employer]. Workers can request access their vaccination record information at any time and can also request that any relevant updates are made to it.

NEW EMPLOYEES

Workers engaged after [insert date] will be required to comply with the COVID-19 vaccination requirements in this Policy. These requirements must be met before the employee commences their employment or a contractor or volunteer commences their engagement.

RELATED DOCUMENTS

[Insert name of employer] Privacy Policy

COVID-19 Vaccine Medical Contraindication Form

[Insert relevant entity documents]

REFERENCES

Legislation

[Keep legislation for relevant state or territory and delete others]

Public Health Act 1997 (ACT)

Public Health Act 2010 (NSW)

Public and Environment Health Act 2011 (NT)

Health Act 2005 (Qld)

Emergency Management Act 2004 (SA)

Public Health Act 1997 (Tas)

Public Health and Wellbeing Act 2008 (Vic)

Public Health Act 2016 (WA)

Links

[Are COVID-19 vaccines safe?](#)

[Australian Immunisation Register](#)

[COVID-19 vaccine information in your language](#)

[The Fair Work Ombudsman's guidance on COVID-19 vaccinations](#)