

# COVID-19 Vaccination Policy

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## Purpose of this policy

The purpose of this policy is to outline the Department of Planning and Environment's (the department) approach to the role of COVID-19 vaccination in managing the workplace risks presented by COVID-19. Along with other risk control measures, vaccination is recognised as a high-level control measure against COVID-19 and the department strongly recommends all employees remain up to date with vaccinations both for their own safety and that of everyone they interact with at work.

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## To whom this policy applies

This policy applies to all employees of the department and contingent workers engaged through Contractor Central. It also applies to employees of the department Cluster entities that have people employed in or through the department, to volunteers who work under the direction of the department and to contractors who undertake work at department-controlled workplaces.

All references to employees in the Procedures section of this policy also include these additional workers. The policy does not apply to visitors or members of Boards and Committees unless these members are also employees of the department.

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## Policy statement – vaccination is not required

With effect from 17 August 2022 the department will no longer require all employees to be vaccinated against COVID-19. Only employees working in roles listed in Schedule 1 will be required to be up to date with their vaccination requirements. At present there are no roles identified as requiring vaccination.

It is, however, strongly recommended that all department employees remain up to date with their COVID vaccination prior to attending the workplace.

An employee will be considered up to date with vaccination requirements if they have received a recommended course of COVID-19 vaccination as defined from time to time by the Australian Technical Advisory Group on Immunisation (ATAGI).

The policy sets out procedures which will apply for employees in roles listed in Schedule 1 who are required to be vaccinated against COVID-19 in order to undertake their duties safely. Roles that require vaccination will be determined from time to time in consultation with affected employees through a task-based risk assessment that considers:

- the nature of the task
- the operating environment
- the characteristics of engagement with vulnerable groups
- business continuity requirements
- service delivery requirements, including key stakeholder and industry partner requirements

- health advice and Public Health Orders from time to time, and
- the effectiveness of other controls

If an employee is in a role that requires them to be vaccinated, a direction will be provided directing the employee to be vaccinated against COVID-19 where it is reasonable and lawful to do so. Employees assigned to these roles will also be subject to the Procedures set out in this policy.

If an employee is directed to be vaccinated, the department will appropriately and compassionately manage staff who hold medical contraindication exemption certificates and will consider exemptions from any direction to be vaccinated where exceptional circumstances exist.

It is acknowledged that there are many different viewpoints regarding COVID-19 and the DPE leadership team, managers and employees commit to managing all situations compassionately and in a timely manner.

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## Background

### Public Health Orders

The COVID-19 Pandemic is a public health issue and the department's approach continues to be informed by Public Health Orders as issued by the NSW Minister for Health from time to time. By law, all employees must comply with Public Health Orders.

Information in relation to any future Public Health Orders will be made available on the department intranet. Any interpretation of how any such Public Health Orders apply to the department will be made by the Secretary.

Employees will be informed through authorised communications and the [department's intranet](#).

### Work Health and Safety

The department has a primary duty of care for its workers and others that enter its workplace under section 19 of the *Work Health and Safety Act 2011*. Any work or activity will be undertaken, as far as is reasonably practicable, in accordance with COVID-19 risk management guidelines from [SafeWork NSW](#). These guidelines may include requiring employees to wear face masks and other personal protective equipment, observing and maintaining physical distance requirements, practicing appropriate personal and workplace hygiene, and recording entry to enter departmental workplaces.

Department workplaces will operate in accordance with applicable Public Health Orders and safety guidelines and each Business Unit will ensure that work activity is conducted using established safe work methods having regard to the particular circumstances of the employees in those workplaces.

### Current guidance on vaccination

On 7 June 2022, NSW Department of Premier and Cabinet issued [C202204 Guidance for Government Sector Agencies regarding COVID-19 Vaccinations for their Employees](#). This circular provides that for the safety of employees and all citizens who interact with employees, the NSW Government strongly encourages government sector employees who can safely be vaccinated to remain up to date with COVID-19 vaccinations.

As an employer, the department has the power to direct its employees to be vaccinated against COVID-19 and to require proof of vaccination if the direction is lawful, reasonable, within the scope or subject matter of the

employee's employment (being the employee, the employee's role or a specific set of duties) and is provided following a risk-based assessment.

The department has recently reviewed its COVID-19 WHS risk assessments to consider current and alternate controls to keep employees safe and minimise their risk of exposure to COVID-19 through the course of their work for the department.

Subject to the exceptions below, while COVID-19 vaccination continues to be considered, on advice of health experts, to be a high order control measure available to manage COVID-19 risk across all department workplaces, the department will only mandate vaccination where there is a specific requirement to do so based on the relevant risk-based assessment.

The department may in future, in response to changes in circumstances, amend the requirement for specific employees to be vaccinated against COVID-19, consistent with health and Government advice.

The department's [Flexible Working Toolkit](#) remains in force and sets out the principles for considering working from home, which includes an expectation that working from home on an ongoing full-time basis is not considered to be a viable option.

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## Procedure – if vaccination is required

### Proof of vaccination and medical records

Employees will no longer need to inform the department of their vaccination status. Should a system be required to manage future variants or any other significant change that may impact on the department's WHS obligations, a declaration system will be re-introduced for relevant employees. Records of employee's vaccination status that have been provided will be stored securely and retained/destroyed in accordance with the requirements of the *State Records Act 1998*.

### Notification of requirement for vaccination

If it is determined that an employee must be vaccinated in order to comply with this policy the employee will be consulted and notified, via a direction, that the requirement to be vaccinated applies to them.

An employee to which a vaccination requirement applies will need to make a declaration and provide proof of vaccination.

### Medical contraindication certificates

If an employee is in a role where vaccination is required, and has been issued with a medical contraindication certificate, they will need to discuss with the health and wellbeing team what arrangements will apply to them in undertaking their role before they can attend a department -controlled workplace.

The process of managing medical contraindications is based on and aligned with the approach taken by the department when managing any other employees who may require a workplace adjustment as per the processes outlined in the [Workplace Adjustment Guide](#).

The Australian Immunisation Register (AIR) immunisation medical exemption form is recognised as an acceptable form for recording a medical contraindication to COVID-19 and once provided by a doctor will allow for the provision of a medical contraindication certificate. Standard medical or other certificates will not be accepted.

## Exceptional circumstances

In the event that the department requires an employee to be vaccinated, the department will continue to consider granting exemptions on the basis of employees' personal exceptional circumstances. Requests for exceptional circumstances exemptions are to be submitted in writing via email to the Deputy Secretary Corporate Services at [depsec.cs@dpie.nsw.gov.au](mailto:depsec.cs@dpie.nsw.gov.au).

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## Failure to comply with requirements under this policy

Failure to comply with the requirements of this policy may include:

- Not complying with a direction to be vaccinated
- Not providing proof of vaccination when required
- Not providing relevant medical information when required
- Providing false information of vaccination status, medical contraindication, or other relevant information.

Failure to comply with this policy may lead to corrective action being taken in accordance with the department's [Code of Ethics and Conduct](#), up to and including termination of employment. All employees are expected to adhere to the ethical and behavioural standards outlined in the Code of Ethics and Conduct while working with the department.

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## Review timeframe

Corporate Services, People and Culture branch will review this policy and procedures every 6 months, or more frequently if required.

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## Related documents

Other documents that should be read in conjunction with this policy:

- [COVID-19 intranet pages](#)
- [AIR information and Immunisation Medical Exemption Form](#)
- [ATAGI resources on COVID-19 Vaccine and NSW Recommendations for Vaccination](#)

Legislation that should be read in conjunction with this policy:

- *Public Health Orders*
- *Work Health and Safety Act 2011*
- *Privacy and Personal Information Protection Act 1998*

Other documents that should be read in conjunction with this policy:

- C2022-04 Guidance for Government Sector Agencies regarding COVID-19 Vaccinations for their Employees

## Policy metadata

Table 1. Policy metadata

Category	Description
Status	FINAL
Date of approval	15 August 2022
Approver	Secretary
Group	Corporate Services
Division	People and Culture
Policy owner	Chief People Officer
Branch	Office of the Chief People Officer
Document location	DPE Intranet
Next review date	As required but no later than 6 months
Associated procedure	N/A
Any additional applicability	N/A
Superseded document	N/A
Further information	Mathew.paine@dpe.nsw.gov.au
Document Reference	SF22/10188

## Version control

Table 2. Version Control

Version	Date issued	Change
1	15/12/2021	New policy
1.1	3/05/2022	Updated to reflect new branding and name change
2	16/06/2022	Updated policy
2.1	17/08/2022	Update following all staff consultation

**Schedule 1:** Roles that, following a risk assessment, are subject to a vaccine direction

NIL