COVID-19 Vaccination Policy Guide

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# Introduction

Mandatory vaccination against COVID-19 has become a requirement for some Australian workplaces either through organisation specific or state and territory government mandates. The goal of mandatory vaccination is to lessen the risk of illness from COVID-19 to employees, employers, and the general public. The current phase of the COVID-19 pandemic, as all states and territories commence “living with COVID-19”, has highlighted a need for organisations who fall outside of government mandates to identify their stance on vaccination for workers and other persons entering the workplace, and create vaccination policies to manage this.

This guide is designed to support organisations with this process and outlines several crucial considerations when developing and implementing a COVID-19 Vaccination Policy**.** Included with this guide are resources to support the development and implementation of a COVID-19 Vaccination Policy within your organisation. These include:

1. *COVID-19 Exposure Risk Checklist*
2. *COVID-19 Vaccination Policy Template*

# COVID-19 Exposure Risk Assessment

Work health and safety (WHS) and occupational health and safety (OHS) legislation outline an organisation’s legal requirement to identify potential workplace hazards, assess risks, and implement specific control measures to mitigate those risks where practicable.

A risk assessment relating to COVID-19 vaccination involves considering the potential exposure/likelihood and consequence if someone (employee, customer, client, contractor or other person) is exposed to COVID-19 within your organisation/workplace as a result of your operations. A risk assessment should be completed in consultation with workers and/or their representatives and will assist to:

* + - * 1. identify which employees are at risk of exposure
				2. determine the source of the risk (including current work processes)
				3. identify if and what kind of control measures should be implemented
				4. check the effectiveness of existing control measures

Refer to the *COVID-19 Exposure Risk Checklist* on page 3 for assistance with important vaccination related considerations. This checklist can be used, in conjunction with your COVID-19 Risk Assessment, to make key decisions regarding COVID-19 vaccinations for your workforce and in the development of your organisation’s COVID-19 Vaccination Policy document.

# Requiring employees to be vaccinated

COVID-19 vaccination is currently voluntary for the majority of the Australian population, however, there are certain workers who are legally required to be vaccinated due to the level of risk associated with their work (e.g. health and aged care workers).

In considering whether to mandate vaccinations for their workers, organisations must be mindful of the limits of their scope. Currently, organisations can only require their workers to be vaccinated where:

* + - * 1. a specific law (such as a state or territory public health order) requires an employee to be vaccinated. Refer to Fair Work Ombudsman for [COVID-19 vaccinations: legislation and public health orders](https://coronavirus.fairwork.gov.au/coronavirus-and-australian-workplace-laws/covid-19-vaccinations-and-the-workplace/covid-19-vaccinations-legislation-and-public-health-orders)
				2. the requirement is permitted by an enterprise agreement, other registered agreement or employment contract. Refer to Fair Work Ombudsman for [Agreements or contracts relating to vaccinations](https://coronavirus.fairwork.gov.au/coronavirus-and-australian-workplace-laws/covid-19-vaccinations-and-the-workplace/covid-19-vaccinations-workplace-rights-and-obligations#agreements-or-contracts)
				3. it would be lawful and reasonable for an organisation to give their workers a direction to be vaccinated, which is assessed on a case-by-case basis. Refer to Fair Work Ombudsman for [Lawful and reasonable directions to get vaccinated](https://coronavirus.fairwork.gov.au/coronavirus-and-australian-workplace-laws/covid-19-vaccinations-and-the-workplace/covid-19-vaccinations-workplace-rights-and-obligations#lawful-and-reasonable-directions-to-get-vaccinated)

Organisations should obtain legal advice when considering mandating COVID-19 vaccinations in their workplace.

# Consultation

Most workplaces are covered by either an award, enterprise agreement or another registered agreement. All awards and enterprise agreements have a consultation clause requiring employers to consult with employees and any representatives when an employer intends to implement significant workplace changes. Some registered agreements, employment contracts or existing workplace policies may also require employers to consult.

Refer to the [COVID-19 Best Practice Guide to Workforce Consultation](https://info.marsh.com/l/395202/2021-11-09/c2ll9h/395202/1636508684kMjMOQJZ/MMB_Best_Practice_Guide_to_Workforce_Consultation.pdf) for further assistance in managing the consultation process.

# References

* + - * 1. [COVID-19 vaccinations: legislation and public health orders](https://coronavirus.fairwork.gov.au/coronavirus-and-australian-workplace-laws/covid-19-vaccinations-and-the-workplace/covid-19-vaccinations-legislation-and-public-health-orders) | Fair Work Ombudsman
				2. [COVID-19 vaccinations: workplace rights and obligations | Fair Work Ombudsman](https://coronavirus.fairwork.gov.au/coronavirus-and-australian-workplace-laws/covid-19-vaccinations-and-the-workplace/covid-19-vaccinations-workplace-rights-and-obligations)
				3. [COVID-19 vaccinations and the workplace | Fair Work Ombudsman](https://coronavirus.fairwork.gov.au/coronavirus-and-australian-workplace-laws/covid-19-vaccinations-and-the-workplace)
				4. [COVID-19 vaccinations and federal discrimination law | Australian Human Rights Commission](https://humanrights.gov.au/about/covid19-and-human-rights/covid-19-vaccinations-and-federal-discrimination-law)
				5. [COVID-19 Information for workplaces | Safe Work Australia](https://covid19.swa.gov.au/covid-19-information-workplaces)

# COVID-19 Exposure Risk Checklist

Below are some key considerations when undertaking a risk assessment to determine whether exposure to COVID-19 is a risk in your workplace and if your workplace should implement a COVID-19 Vaccination Policy. Refer to [Key considerations when undertaking a COVID-19 risk assessment | Safe Work Australia](https://covid19.swa.gov.au/doc/key-considerations-undertaking-risk-assessment-covid-19)

| **Key Considerations** |
| --- |
| What is the latest advice from government and key industry and employee associations on the effectiveness of control measures? |
| What is the current advice from health authorities on the current situation and case numbers for COVID-19 cases in the local community/region? |
| What are the current legal requirements (e.g. public health orders, health directions) for my area / industry group, and how do they apply to my organisation? |
| **Does the nature of the work undertaken by my organisation increase the risk of my employees being exposed to COVID-19?** | **Yes** | **No** | **N/A** |
| Does the work require regular and close contact between workers or with members of the community? |  |  |  |
| Can work processes or practices reasonably be modified? |  |  |  |
| Is working from home or modified shift arrangements possible? |  |  |  |
| Do workers need to attend other sites (clients) where vaccination is a requirement? |  |  |  |
| Is the work being undertaken in a high-risk environment (e.g. with vulnerable people)? |  |  |  |
| Does my workplace create difficulties for hand washing and/or hand sanitising? |  |  |  |
| **Does my workplace environment/set-up increase the risk of my employees and/or clients being exposed to COVID-19?** | **Yes** | **No** | **N/A** |
| Does the size and layout of the workplace restrict physical distancing?  |  |  |  |
| Do the numbers of employees or others at the workplace exceed, or likely to exceed capacity? |  |  |  |
| Can work only be performed inside, in vehicles or restricted spaces?  |  |  |  |
| Are there restrictive entry/exit points or high touch points, such as doors, lifts etc?  |  |  |  |
| **Do I have workers that fall within a vulnerable worker category?**Vulnerable workers include: Aboriginal and Torres Strait Islander people 50 years and older with one or more chronic medical conditions; people 65 years and older with chronic medical conditions; people 70 years and older; and people with compromised immune systems. | **Yes** | **No** | **N/A** |
| **What are my current cleaning and disinfecting arrangements?** | **Yes** | **No** | **N/A** |
| Are surfaces cleaned with detergent and disinfectant, or a combination product regularly?  |  |  |  |
| Is there an increased cleaning regime for frequently touched surfaces? |  |  |  |
| Have I reviewed/adjusted arrangements (e.g. increase frequency) with contracted cleaner? |  |  |  |
| **How prepared is my organisation if there is a case of COVID-19 in the workplace?** | **Yes** | **No** | **N/A** |
| Have I collected, or will I collect vaccination information to understand the vaccination status of employees? |  |  |  |
| Do workers understand the need to stay home if they are unwell, even if they think an illness is minor?  |  |  |  |
| Have I established and talked to my staff about the processes we will follow if COVID-19 directly affects the workplace (e.g. an infected person has been on site)? |  |  |  |
| Can I get advice from industry and employee associations to stay informed on the risks? |  |  |  |
| Do I have all workers’ current contact details and their emergency contacts? |  |  |  |
| Do I have records which will allow me to quickly identify which staff were in close contact with the infected person (e.g. work teams, shift rosters, who is eating in each lunchroom, response to unexpected issues such as plant breakdowns)? |  |  |  |
| Have I trained workers about COVID-19 including how areas may need to be cleaned and disinfected in the event of any contamination and other risk controls? | **Yes** | **No** | **N/A** |
| Will I be able to stop individual workers with COVID-19 being stigmatised? |  |  |  |
| **Are changes able to be implemented to modify the risks of COVID-19 to workers and others?** | **Yes** | **No** | **N/A** |
| Are unvaccinated workers able to work from home? |  |  |  |
| Are workers able to choose between working from home and the workplace? |  |  |  |

# COVID-19 Vaccination Policy Template

**Purpose & Scope**

The purpose of this Policy is to outline ORGANISATION NAME approach to vaccinations in the workplace.

This Policy applies to all employees, workers, volunteers and contractors in ORGANISATION NAME workplace.

In this Policy, “workplace” includes attendances at all sites and locations outside of the employee’s home in which employees are required to perform their official duties.

**Commitment**

Despite the fact that mandated vaccine requirements do not currently apply to ORGANISATION NAME and its operations, ORGANISATION NAME has substantial work health and safety (WHS)/occupational health and safety (OHS) obligations and is thus strongly committed to:

* + - * 1. ensuring that all employees, directors, contractors, visitors, and suppliers work in an environment that is, as far as is reasonably practicable, safe and free of health and safety risks
				2. complying with all mandatory Government and public health information, including in relation to COVID-19 vaccinations
				3. consulting with all employees in relation to any COVID-19 vaccination requirements

**Position on vaccination**

ORGANISATION NAME encourages all eligible employees to receive the COVID-19 vaccine as recommended by Federal and State Governments, and on the advice of a health practitioner.

As an organisation, ORGANISATION NAME shall abide by mandatory vaccination requirements imposed by relevant government bodies and operate in accordance with public health advice and any other government direction relating to our daily operations.

CHOOSE FROM THE FOLLOWING OPTIONS – DELETE THOSE NOT REQUIRED

Where employees are required as part of their duties to interact with people with an increased risk of being infected with coronavirus, or who are required to have close contact with people who are particularly vulnerable to the health impacts of coronavirus, ORGANISATION NAME requires that employees be vaccinated.

Where employees interact, or are likely to interact between people such as customers, other employees or the public in the normal course of employment, ORGANISATION NAME requires that employees be vaccinated.

Where employees interact, or are likely to interact with people such as customers, other employees or the public in the normal course of employment, ORGANISATION NAME recommends that employees be vaccinated but it is not mandatory.

Legitimate reasons such as medical exemption for not being vaccinated will be assessed on a case by case basis.

At this time ORGANISATION NAME is not currently requiring its employees to be vaccinated or show evidence of their vaccination status.

**Proof of Vaccination**

Any employee, or other person shall not be granted entry to the workplace without proof of vaccination, unless in the case of medical exemption.

ORGANISATION NAME shall confidentially collect and record employee vaccinations status in line with our Privacy Policy.

Further information about the COVID-19 pandemic, how to protect yourself and your family, where and when you can get vaccinated, and the current situation in Australia, on the Government’s website [here](https://www.health.gov.au/). You can also call the COVID-19 vaccine helpline on 1800 020 080 for further information.

**Questions**

Please contact [insert contact person and contact details] if you have any questions regarding this Policy.

**Review**

This document will be reviewed every 3 months or more frequently, as required, to ensure continued compliance with WHS/OHS legislation and federal and state based COVID-19 directions.

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