



Office  
of Sport

# COVID-19 Vaccination Policy and Procedure

4/11/2021

## Document information

---

<b>Title:</b>	COVID-19 Vaccination Policy and Procedure
<b>Version:</b>	Version 1
<b>Approved date:</b>	4 November 2021
<b>Approver:</b>	Chief Executive
<b>Owner:</b>	Director, Human Resources
<b>Contact:</b>	Manager Workplace Relations
<b>Publishing:</b>	This document is published both on the intranet and internet
<b>Review:</b>	6 months from implementation
<b>Next Review:</b>	
<b>Related Documents and Forms:</b>	<ul style="list-style-type: none"><li>• <a href="#">Medical Contraindication Certificate</a></li><li>• Exceptional Circumstances Form</li></ul>
<b>Related Internal Policies/Procedures:</b>	<ul style="list-style-type: none"><li>• <a href="#">OoS Code of Conduct and Ethics</a></li><li>• <a href="#">Managing Misconduct Policy and Procedure</a></li><li>• <a href="#">OoS Records Management Policy</a></li></ul>
<b>Related External Policies or Links:</b>	<a href="#">C2021-16 Guidance for Government Sector Agencies regarding COVID-19 Vaccinations for their Employees</a>

---

---

Version	Amendments**	Prepared by title, unit	Date	Record No.
V0.1 draft	Initial release	Manager Workplace Relations		
V0.2 draft	Post consultation	Manager Workplace Relations		
V1	COVID-19 Vaccination Policy and Procedure	Manager Workplace Relations	3 November 2021	D21/174309

---

# Policy

## 1 Purpose Statement

This policy outlines the Office of Sport's COVID-19 vaccination requirements and its approach to identifying specific occupational roles that require vaccination in order to provide a COVID safe work environment for staff and clients. It is informed by [C2021-16 Guidance for Government Sector Agencies regarding COVID-19 Vaccinations for their Employees](#)

## 2 Scope

This policy and related procedure apply to all individuals engaged by the Office of Sport including, but not limited to, a person engaged under an employment contract, ongoing, temporary or casual arrangement, volunteer, contractor, secondment, fee-for-service or contingent labour.

## 3 Definitions

Term	Definition
COVID-19 Vaccination	<p>COVID-19 vaccination means being “fully vaccinated” as defined in the NSW Public Health Orders.</p> <p>At the date of issuing this policy, that means obtaining a first dose then second dose of a COVID-19 vaccine approved by the Therapeutic Goods Administration for use in Australia or producing evidence of a medical contraindication in the prescribed form and signed by an authorised medical practitioner.</p> <p><b>Note:</b> In the future this may also include COVID-19 additional/booster vaccinations.</p>
Employee	Means an employee of the Office of Sport. Reference to ‘employee’ for the purpose of this policy excludes non-employees, contractors, volunteers, fee for service and contingent labour (as opposed to ‘staff’ as defined below).
Manager or Supervisor	A person occupying a role that is responsible for the supervision of a staff member even if the title does not contain the word ‘manager’ in it.
OoS, Office	The Office of Sport.
Staff / Staff member	Used interchangeably and includes all individuals engaged by the Office of Sport including, but not limited to, a person engaged under an employment contract, ongoing, temporary or casual arrangement, volunteer, contractor, secondment, fee-for-service, contingent labour.
Vaccination Risk Assessment	An internal process which the Office of Sport and its delegates use to assist with the identification of specific occupational roles where vaccination is a control measure against transmission of COVID-19 or serious illness/injury arising from COVID-19.

## 4 Policy Statement

For the safety of OoS employees and the communities we serve, the NSW Government expects all government sector employees who can be safely vaccinated, to do so at the earliest opportunity.

The risks of COVID-19 have presented the need to have comprehensive vaccination requirements in place to:

- to provide a safe environment for our employees to work together
- protect our employees and their families from potential sources of infection among the communities we serve
- protect the communities we serve, noting that many are vulnerable
- to ensure business continuity for our public services

Vaccination not only reduces risk, it significantly reduces the chance of infection of COVID-19 and decreases the number of people who will be considered close or secondary contacts in the event of a positive case.

The Office of Sport, as an employer, has the power to give a direction to employees to be vaccinated, including as a pre-employment requirement, and provide proof of COVID-19 vaccination if the direction is:

- lawful
- reasonable
- within the scope or subject matter of the employee's employment; and
- following a risk based assessment

Whilst the OoS Vaccination Risk Assessment is a major factor in deciding whether a direction is lawful and reasonable, other factors may be considered including, but not limited to, client demands and expectations, community expectations and commercial factors.

### 4.1 Identification of Roles

The Office of Sport has undertaken a risk assessment identifying specific occupational roles that require full vaccination as part of the safety response to the hazard of COVID-19 in the workplace.

Occupational roles identified in the risk assessment as requiring full vaccination are those in Tiers 1 and 2. Staff in these roles will be required to submit evidence of their vaccination status through to Human Resources via email at [whs@sport.nsw.gov.au](mailto:whs@sport.nsw.gov.au) by **1 December 2021**. For the avoidance of doubt, the roles identified in Tiers 1 and 2 include, but are not limited to:

- All roles undertaken in Sport and Recreation Centres
- All roles undertaken in Regional Offices
- All roles undertaken in Office of Sport Venues (including, but not limited to, Sydney International Shooting Centre, Southern Highlands Regional Shooting Complex, Sydney Equestrian Centre and Sydney International Regatta Centre)

- Combat Sports Inspectors, Manager Programs and Regulation, Compliance and Enforcement Officers
- Regional Directors, Project Officers, Principal Advisor Major Events, Senior Project Officer Major Sports Events, Senior Project Officer Event Coordination, Chief Executive, Executive Director Policy and Planning, Executive Director Regional Delivery
- All roles within the Duke of Edinburgh team who attend schools

Access to worksites by staff identified in Tiers 1 and 2 (as per above) will be restricted to those who have provided evidence of their full vaccination.

The majority of Corporate and Administrative staff working at Sydney Olympic Park are considered Tier 3 and Tier 4 work roles.

For Tier 3 roles, there are several factors that need to be considered in deciding whether it would be reasonable to require vaccination, including the level of community transmission, the need, frequency and nature of direct contact with the public and visits to other workplaces.

During the initial phase Risk Assessment detailed in section 4.2 below, there were no essential functions of Tier 3 and 4 Roles highlighted that could not be undertaken by an unvaccinated employee. However, staff consultation has indicated that some Tier 3 and/or 4 roles may undertake functions, have client interactions or visit locations where exposure to and/or transmission of COVID-19 is significant or accessing OoS work sites where most (or all) roles are Tier 1 or Tier 2. Whilst it would not be considered reasonable at this time to require mandatory vaccination for most of these roles, some Tier 3 and/or 4 roles may require mandatory vaccination. Where this is being considered, this should be based on a further risk assessment for the particular role.

Human Resources will support locations or worksites with monitoring records of vaccination to ensure compliance. Where individuals do not comply within the required timeframe as identified in section 5.5 (1 December 2021) of this policy, they will be issued with a direction to comply.

## 4.2 Risk Assessment

The OoS Vaccination risk assessment process is used to assess risk considerations for each business stream to identify risk management strategies including, but not limited to, COVID-19 vaccination. Within each business stream, consideration is given to the hazards for specific roles across locations or worksites that are similar.

Risk assessments are a standard safety tool to inform the extent to which a particular risk must be controlled and mitigated.

The risk assessment broadly considers the following:

- specific occupational roles at OoS worksites or locations where it is necessary to protect staff from further community transmission
- There is a higher risk that staff will be exposed to the virus due to the operating environment (e.g. staff who must work with persons where social distancing is not always possible)
- The staff member works with at risk populations (e.g. young persons, children, or other groups who work with at risk populations)

- PPE and other control measures, in the given circumstances, are inadequate or there is a high risk of failure to sufficiently protect staff and the community

The OoS Vaccination Risk Assessment will inform which roles will require a staff member to be fully vaccinated.

### 4.3 Reasonable Directions

Staff occupying designated roles in Tiers 1 and 2 as identified by the OoS Vaccination Risk Assessment are subject to a direction to provide evidence of full COVID-19 vaccination.

## 5 COVID-19 Vaccination Requirements

### 5.1 Evidence of Vaccination Status

#### 5.1.1 Staff

The OoS encourages all employees to send their vaccination status to Human Resources via email to: [whs@sport.nsw.gov.au](mailto:whs@sport.nsw.gov.au) regardless of whether their occupational role has been identified through the risk assessment process.

Where a specific occupational role has been identified through the risk assessment process, staff in those roles will be required to provide evidence of their full COVID-19 vaccination status.

Non-payroll staff, including contractors, consultants, volunteers and students, apprentices/trainees/those on work experience are required to meet the vaccination requirements. The organisation they are engaged through must confirm compliance with this requirement before they commence with the OoS. Managers/Supervisors must retain confirmation records locally.

### 5.2 Medical Contraindication

Some staff may seek an exemption if they have a medical contraindication. A medical contraindication applies where a staff member provides a [medical contraindication certificate](#) completed by a registered medical practitioner in the template that is provided by NSW Health and approved by the Chief Health Officer and which:

- certifies that the employee is unable to receive the COVID-19 vaccination because they have a recognised medical contraindication
- indicates 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

An employee diagnosed with COVID-19 and who has been issued a medical clearance notice under the NSW Public Health Orders, is taken to be fully vaccinated for up to 6 months from the date the medical clearance notice is issued. During this time the employee is considered compliant with the OoS COVID-19 Vaccination Policy and can continue normal work duties associated with their role.

Employees are to submit the medical contraindication form and medical clearance notice (where relevant) to their manager or director, who will review and seek advice from Human Resources. Alternatively, employees can submit this information to [whs@sport.nsw.gov.au](mailto:whs@sport.nsw.gov.au)

Where there is contention about the medical evidence, the OoS may seek advice from the employees' medical practitioner and if required, the government's medical assessment provider.

Each case will be individually considered noting the medical condition, the working arrangements, and the type of work, the risk to others in the workplace, the availability of alternative work or anything else that is relevant.

Where an employee has a medical contraindication, consideration will be given to either:

- accepting the medical contraindication as fulfilling the vaccination requirement, or
- where the hazard in the workplace can't otherwise be mitigated, providing a reasonable workplace adjustment to enable alternative work.

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

Where a workplace adjustment is required and cannot be made, and once all other relevant options have been ruled out, consideration may be given to whether the person can continue in employment. Any decision will be made in line with applicable OoS policies and legislation.

### 5.3 Exceptional Circumstances

If a staff member believes that there are exceptional circumstances why they shouldn't have to be vaccinated, other than a medical contraindication, they can apply to have this considered as an exceptional circumstance. This must be submitted at least one week prior to the vaccination compliance date of 1 December 2021 or if away from the workplace on leave, one week prior to due return date. Once the vaccination compliance date for the requirement to be vaccinated has been reached, non-compliant employees will not be able to be present at any OoS worksites or premises. The default position is that employees claiming exceptional circumstances will not be able to attend work until their claim of exceptional circumstances has been determined. Alternative arrangements will be implemented which may include taking leave. Note sick leave and/or special leave do not apply. Non-employees may be instructed to leave the premises.

Where a staff member's application for exceptional circumstances is approved, this will be deemed to be 'fully vaccinated' for the approved timeframe for the purpose of this Policy.

Approval for exceptional circumstances may be ongoing or temporary.

### 5.4 Vaccination Information Upload onto SAP

Occupational roles identified in the risk assessment as requiring full vaccination must submit evidence of their vaccination status (including Medical Contraindication Certificate) to [whs@sport.nsw.gov.au](mailto:whs@sport.nsw.gov.au) to be entered into SAP by Human Resources staff. Copies of vaccination certificates will be destroyed by the Office or returned to the staff member.

### 5.5 Vaccination Compliance Date

The COVID-19 vaccination compliance date for staff identified in the OoS Vaccination Risk Assessment (refer section 4.1) as required to be fully vaccinated is **1 December 2021**. Once the vaccination compliance date for the requirement to be vaccinated has been reached, employees

identified in Tiers 1 and 2 (refer section 4.1) will not be able to undertake their role. Non-employees may be instructed to leave the premises.

## 5.6 Staff who do not comply

Where a staff member does not comply with a reasonable direction to be vaccinated, the employee will not be able to attend work and alternative arrangements will be implemented. These arrangements may include taking leave. Sick Leave and/or COVID leave cannot be used for this purpose.

Employees who do not comply must discuss alternative interim arrangements with their Manager and any decision/s will be made on a case by case basis.

It may be determined that the employee has refused to comply with a reasonable direction of the OoS. Failure to comply with this reasonable direction may be viewed as a breach of the OoS' *Code of Conduct and Ethics* and may result in Misconduct action being taken in accordance with Section 69 of the *Government Sector Employment Act 2013* and the *Government Sector Employment (General) Rules 2014* (GSE Rules) Part 8. Such action may ultimately lead to termination of employment.

## 5.7 Record Keeping

Employees' vaccination information will be securely stored on SAP. Once the documentation is verified, the Office of Sport will destroy copies of vaccination certificates or return it to the staff member. The Office has invited all staff to provide their vaccination details. Full vaccination details must be submitted by staff identified in Tiers 1 and 2 (refer to section 4.1).

The following information will be recorded on SAP:

- Proof of vaccination verified
- Person who verified certificate and date verified
- Type of vaccination
- Dose dates
- Medical Contraindication
- Exceptional Circumstances
- Person who verified vaccination certificate
- Notes

Employees can request to access this information at any time and can also request that any relevant updates are made to it. Employees should also keep a record of their vaccination evidence and/or medical contraindication.

The OoS values your safety as its highest priority.

The OoS is collecting information about employees and their vaccination status to determine which staff have been partially and/or fully vaccinated against COVID-19 to ensure our safety in the workplace and for those we come into contact with while we are at work.

The OoS will collect details as required under the relevant Public Health Orders. We will also collect the above information. Human Resources will provide a list denoting staff members, whose COVID-19 vaccination details have been verified, to managers to assist managers make decisions on managing the risk of transmission of COVID-19 in the workplace.



The OoS is collecting this information directly from employees for the purpose of conducting risk assessments and to inform future decision making to protect workers and others from risks to their health and safety under the *Work Health and Safety Act 2011* and in accordance with current New South Wales Public Health Orders.

Please note that if you refuse to provide this information to the OoS, it may be determined that you have refused to comply with a reasonable direction of the OoS and action may be taken against you under the Managing Misconduct Policy and Procedure and in accordance with the *Government Sector Employment Act 2013* and the *Government Sector Employment (General) Rules 2014* (refer to section 5.6 above).

## 6 Roles and Responsibilities

### 6.1 Chief Executive

The Chief Executive is responsible for reviewing and approving the OoS Vaccination Risk Assessment outcomes and recommendations

### 6.2 Chief Executive and Executive Directors

Chief Executive and Executive Directors are responsible for:

- reviewing and approving Exceptional Circumstance submissions for their divisions
- endorsing and/or approving any actions that may impact a person's employment

### 6.3 Directors

Directors are responsible for:

- ensuring their employees are aware and understand their obligations in relation to compliance with the OoS COVID-19 Vaccination Policy
- address instances of employee non-compliance
- ensuring that there is a system in place for all their areas of responsibility to validate vaccination status and evidence of any contractors, volunteers, labour hire staff and/or work experience students

### 6.4 Managers

Managers are responsible for:

- monitoring compliance with the OoS COVID-19 Vaccination Policy
- identify non-compliance with the OoS COVID-19 Vaccination Policy
- support the Director / Executive Director to address non-compliance and/or any actions that may impact a person's employment
- provide advice and guidance to employees on matters relating to compliance with the OoS COVID-19 vaccination policy

- review Exceptional Circumstance submissions in consultation with Human Resources
- seek advice and guidance from Human Resources on implementation of the COVID-19 Vaccination Policy
- validating vaccination status and evidence of any contractors, volunteers, labour hire staff and/or work experience students
- conduct site-based risk assessments in accordance with section 12 of the COVID-19 Vaccination Procedure.

## 6.5 Staff

All staff are responsible for ensuring they:

- Comply with the OoS COVID-19 Vaccination Policy
- Seek advice and guidance from their Manager/Supervisor on issues relating to compliance with the OoS COVID-19 Vaccination Policy

## 6.6 Human Resources

### 6.6.1 Workplace Relations

- providing advice and guidance to Managers/Supervisors/Executives on non-compliance matters
- support Executive Directors/Directors to address non-compliance and/or any actions that may impact a person's employment

### 6.6.2 Work Health and Safety

- validating employee vaccination status and evidence
- validating medical contraindication certificates and/or medical clearance notifications, with support from Workplace Relations
- refer any contentious medical contraindication certificates to the government medical assessment provider
- providing advice and guidance to Managers/Supervisors/Executives on liaison with medical practitioners concerning medical contraindication outcomes, such as workplace adjustment
- provide vaccination status reporting to managers and Directors up to the relevant compliance date as detailed in section 5.5 in the policy.
- provide advice and guidance to Executive Directors, Directors, Managers/Supervisors throughout implementation of the OoS COVID-19 vaccination policy requirements
- provide advice and guidance to Managers/Supervisors to support medical contraindication outcomes such as workplace adjustment

### 6.6.3 Workforce Management/Recruitment

- when recruiting for identified specific occupational roles requiring COVID-19 vaccination, review vaccination status and validate evidence of vaccination prior to any offer of employment
- provide vaccination details to Payroll for inclusion in SAP

## 7 Support and advice

Advice and support regarding this policy is available from:

- Managers and Directors
- Human Resources
- Union representatives
- Employee Assistance Program (EAP) – Contact Benestar on 1300 360 364

Contractors and consultants should discuss this policy with their respective organisation / agency. Volunteers should also discuss this policy with their Departmental contact officer.

## 8 Legislation

- [Government Sector Employment Act NSW 2013](#)
- [Government Sector Employment Regulation \(NSW\) 2014](#)
- [Government Sector Employment Rules \(NSW\) 2014](#)
- [Health Records and Information Privacy Act 2002](#)
- [NSW Public Health Orders](#)
- [Public Health Act 2010](#)
- [Work Health and Safety Act \(NSW\) 2011](#)
- [Work Health and Safety Regulation \(NSW\) 2011](#)

# Procedure

## 9 COVID-19 Vaccination Process Overview

The OoS Vaccination risk assessment process is detailed in section 4.2 of the COVID-19 Vaccination Policy. It has been undertaken to identify specific occupational roles where vaccination is a control measure against transmission of COVID-19 or serious illness/injury arising from COVID-19.

The COVID-19 vaccination compliance date for staff identified in the OoS Vaccination Risk Assessment required to be fully vaccinated (refer to section 4.1 of the COVID-19 Vaccination Policy) is **1 December 2021**. Once the vaccination compliance date for the requirement to be vaccinated has been reached, employees will not be able to be present at any OoS worksites or premises and will be instructed to take leave immediately pending any decisions. Note sick leave and/or special leave do not apply. Non-employees may be instructed to leave the premises.

## 10 COVID-19 Vaccination

### 10.1 Vaccination Status

Where a requirement for COVID-19 vaccination has been issued, staff must provide confirmation and supporting evidence of their vaccination status (refer section 5.1) or a medical contraindication, including a medical clearance notification where applicable (refer section 5.2).

To comply with this requirement, employees must obtain and provide evidence that they are fully vaccinated, ie first and second doses of a TGA approved COVID-19 vaccine, by the vaccination compliance date of 1 December 2021. Note that in the future this may also include COVID-19 additional/booster vaccinations.

During the implementation period, employees will be asked to provide updates of their vaccination progress along with supporting evidence, including:

- Medical contraindication (e.g. medical contraindication certificate and/or medical clearance notice)
- One dose of a TGA approved COVID-19 vaccine
- Two doses of a TGA approved COVID-19 vaccine

**Note 1:** In the future this may also be required for COVID-19 additional/booster vaccination.

Note 2: Where a staff member's application for exceptional circumstances is approved, this will be deemed to be 'fully vaccinated' for the specified term as nominated by the Approver (this could be temporarily or permanently).

### 10.2 Process for submitting vaccination status/evidence

#### 10.2.1 Employees

Employees must submit evidence of their vaccination and provide their COVID-19 digital certificate or [medical contraindication certificate](#) by email to [whs@sport.nsw.gov.au](mailto:whs@sport.nsw.gov.au) by 1 December 2021. If

making an application for exceptional circumstances, an Exceptional Circumstance Application must be submitted at least one week prior to the vaccination compliance date of 1 December 2021 or if away from the workplace on leave, one week prior to due return date. Only staff who have submitted full vaccination evidence in accordance with this Policy or whose Exceptional Circumstances applications have been approved will be able to be present at OoS worksites or premises from 1 December 2021.

The information and document/s will be added by Human Resources to each employee's SAP profile. Staff must not attend the workplace unless they have provided their proof of vaccination or medical contraindication certificate.

### **10.2.2 Staff other than Employees**

Non-payroll staff, including contractors, consultants, volunteers and students, apprentices/trainees/those on work experience are required to be fully vaccinated. The organisation they are engaged through must confirm compliance with this requirement before they commence with the OoS. Managers/Supervisors must retain confirmation records locally.

### **10.2.3 New Employees**

All new staff in roles identified in Tiers 1 and 2 of the Vaccination Risk Assessment (refer section 4.1 of the COVID-19 Vaccination Policy) commencing with the OoS will need to submit evidence of their vaccination status as part of the OoS pre-employment screening process, which will be validated and entered into SAP by Workforce Management.

### **10.2.4 OoS Staff working at other OoS sites**

OoS staff who are not identified as specific occupational roles that require vaccination (ie Tiers 3 and 4) but work at to other OoS sites will be deemed to be in Tier 2 and must be fully vaccinated and their vaccination details must be recorded in SAP in accordance with the COVID-19 Vaccination Policy.

### **10.2.5 Staff undertaking roles**

Staff undertaking higher duties, temporary assignments or a role other than their substantive role, and either their substantive role or the other role is identified in the OoS vaccination risk assessment as requiring full vaccination (Tiers 1 and 2), they will be required to submit evidence of their vaccination status through to Human Resources via email at [whs@sport.nsw.gov.au](mailto:whs@sport.nsw.gov.au) by the compliance date (1 December 2021).

## **10.3 Validating vaccination status/evidence**

When an employee submits their first and second dose vaccination status and evidence, WHS are responsible for validating the information by confirming that the employee has provided one of the following accepted forms of evidence:

- COVID-19 digital certificate;
- an immunisation history statement which can be accessed from Medicare online or the Express Plus Medicare mobile app;
- a statement of their vaccination history which they can request from the Australian Immunisation Register;

WHS will provide Managers and Directors with regular vaccination status reports which will confirm each employee's vaccination status and enable Managers/Supervisors to track their employee's progress and follow up with employees who have not yet met the requirement.

### 10.3.1 Monitoring vaccination status submissions

Using the vaccination status report, Managers/Supervisors must also monitor employees who have not yet made any submissions. If employees have not submitted their vaccination status by 2 weeks prior to the specified compliance date of 1 December 2021 for their full vaccination, ie, both the first and second doses, Managers/Supervisors must have an individual conversation with their employees to discuss this requirement.

### 10.3.2 Incorrect vaccination status submissions

Incorrect submissions can include:

- No evidence provided
- Evidence provided is not an accepted form of evidence
- Evidence does not match the status submitted

Where incorrect submissions are identified, Managers/Supervisors must have a discussion with their employee to request that the correct information and/or evidence be provided. The WHS Unit will need to revalidate the employee's vaccination status once they have correctly updated their information and/or evidence.

## 10.4 Managing staff with a Medical Contraindication

Staff will need to provide their COVID-19 digital certificate or [medical contraindication certificate](mailto:whs@sport.nsw.gov.au) to [whs@sport.nsw.gov.au](mailto:whs@sport.nsw.gov.au)

Prior to any offer of employment, if a candidate has submitted a Medical Contraindication Certificate in response to the vaccination pre-employment checks, Workforce Management must send this form to [whs@sport.nsw.gov.au](mailto:whs@sport.nsw.gov.au) and liaise with WHS for review and validation.

### 10.4.1 Validating medical contraindications

The Manager/Supervisor must ensure that any submission regarding a medical contraindication:

- is on the approved medical contraindication certificate provided by NSW Health and approved by the Chief Health Officer
- is completed by a registered medical practitioner
- that Section A or Section B of the Medical Contraindication Certificate has been completed. An Employee must have medical contraindications to all of the COVID-19 vaccines available for use in Australia in order to be exempted from COVID-19 vaccination requirements

If areas of the form are incomplete, or, 'other' has been selected as a reason for medical contraindication, further advice may be required from the employee's medical practitioner, and if required the government medical assessment provider, Sonic. Managers/Supervisors should seek advice from WHS prior to actioning the above.

## 10.4.2 Dealing with medical contraindications

Each case must be individually considered by the Manager/Supervisor and Director in consultation with WHS noting the medical condition, the working arrangements, and the type of work, the risk to others in the workplace, the availability of alternative work or anything else that is relevant.

### 10.4.2.1 Ongoing medical contraindications

For employees with ongoing medical contraindications the following options can be considered:

- accepting the medical contraindication as fulfilling the vaccination requirement
- Workplace Adjustment, which can include:
  - Role adjustment
  - Ongoing assignment to another role (as per assignment to role guidelines)

Where a workplace adjustment cannot be made, and once all other relevant options have been ruled out, consideration may be given to whether the person can continue in employment. Managers/Supervisors must seek advice from Workplace Relations, Human Resources before actioning any of the above options.

### 10.4.2.2 Temporary medical contraindications

Temporary medical contraindications are valid for up to 6 months. If the medical contraindication persists beyond this time the employee will need to seek a review by an appropriate medical practitioner. If the cause of the medical contraindication persists, a new medical contraindication certificate will need to be completed.

For employees with a temporary medical contraindication the following options can be considered:

- Taking available leave
- Flexible working arrangements (temporary arrangements)
- Workplace Adjustment, which can include:
  - Role adjustment
  - Temporary assignment to another role (as per assignment to role guidelines)
- If a temporary medical contraindication persists, and all other relevant options including workplace adjustments have been ruled out, consideration will be given to whether the person can continue their employment with the OoS.
- vaccination within a reasonable timeframe.

Managers/Supervisors must seek advice from Workplace Relations before actioning any of the above options.

### 10.4.2.3 COVID-19 temporary medical contraindication

An employee diagnosed with COVID-19 and who has been issued a medical clearance notice under the [NSW Public Health Orders](#), is taken to be fully vaccinated for up to 6 months from the date the medical clearance notice is issued.

During this time the employee is considered compliant with the OoS COVID-19 Vaccination Policy and can continue normal work duties associated with their role.

These employees must email to [whs@sport.nsw.gov.au](mailto:whs@sport.nsw.gov.au) a:

- medical contraindication certificate (refer to section 5.2)
- medical clearance notice using the template approved by the Chief Health Officer and issued by a medical practitioner or registered nurse.

WHS must validate the medical contraindication (refer to section 10.4.1) and the medical clearance notification.

Towards the end of the temporary timeframe (up to 6 months), Managers/Supervisors will need to follow up with their employees to re-confirm their status and have a conversation with them about getting vaccinated.

Managers/Supervisors must submit these records to [whs@sport.nsw.gov.au](mailto:whs@sport.nsw.gov.au)

Once the documentation is verified and entered into SAP, the Office of Sport will destroy copies of vaccination certificates or return it to the staff member.

## 10.5 Exceptional Circumstances

Staff must be fully vaccinated or have submitted a valid Medical Contraindication Certificate by the date of compliance. If a staff member believes that there are exceptional circumstances why they shouldn't have to be vaccinated, other than a medical contraindication, they can apply to have this considered as an exceptional circumstance. An Exceptional Circumstance Application must be submitted at least one week prior to the vaccination compliance date of 1 December 2021 or if away from the workplace on leave, one week prior to due return date. Once the vaccination compliance date for the requirement to be vaccinated has been reached, employees will not be able to be present at any OoS worksites or premises and will be instructed to take leave immediately pending any decisions. Note sick leave and/or special leave do not apply. Non-employees may be instructed to leave the premises.

The process to apply for an exceptional circumstance exemption is:

1. Staff member must complete an Exceptional Circumstances form and submit it to their Manager/Supervisor or Manager or Director
2. The submission will be reviewed by Human Resources
3. The Chief Executive or relevant Executive Director will review the recommendations for approval

If the exceptional circumstance is approved, an individual risk assessment must be performed to determine if the employee can continue in their current role with additional control measures in place. Other alternatives may also be considered.

If an exceptional circumstance is not approved, the employee will need to comply with the requirements of the COVID-19 Vaccination Policy within a reasonable timeframe agreed between the employee and their Manager/Supervisor. Once the vaccination compliance date for the requirement to be vaccinated has been reached, employees will not be able to be present at any OoS worksites



or premises and will be instructed to take leave immediately pending any decisions. Note sick leave and/or special leave do not apply.

## 11 Security of Information

Employees' vaccination information will be securely stored on SAP. Once the documentation is verified, the Office of Sport will destroy copies of vaccination certificates or return it to the staff member. Refer to section 5.7 of the COVID-19 Vaccination Policy for further information.

## 12 Local Assessments

Site-based risk assessments will need to be undertaken by managers for the following:

- Staff who have submitted a valid contraindication medical certificate
- Staff who have an approved exceptional circumstances application
- Where a staff member has informed their manager that they are considered particularly vulnerable to the health impacts of coronavirus (eg chronic health conditions)

In the above circumstances, managers, in consultation with Human Resources, are to conduct a site-based risk assessment of COVID-19 considering features of the workplace and the nature of the work.

## 13 Managing non-compliance

### 13.1 What is non-compliance?

Non-compliance is where an employee refuses to do any of the following, by the required compliance date of 1 December 2021):

- comply with a requirement to be fully vaccinated (ie, first, second dose and/or booster [if required])
- provide evidence of vaccination status
- provide medical contraindication evidence

Note that where a staff member's application for exceptional circumstances is approved, this will be deemed to be 'fully vaccinated' for the specified term as nominated by the Approver (this could include temporarily or permanently).

Managers/Supervisors are responsible for addressing instances of non-compliance in consultation with Workplace Relations, Human Resources before actioning.

The default position is that employees who do not comply with the direction to be vaccinated will not be able to attend work. Alternative arrangements will be implemented which may include taking leave. Sick leave and COVID leave cannot be used for this purpose. Refer to section 5.7 of the COVID-19 Vaccination Policy for further information.

## 13.2 Addressing non-compliance

Breaches of the COVID-19 Vaccination Policy and/or procedure may result in misconduct proceedings taken under the OoS' Managing Misconduct Policy and Procedure.

It may be determined that the employee has refused to comply with a reasonable direction of the OoS. Failure to comply with this reasonable direction may be viewed as a breach of the OoS' *Code of Conduct and Ethics* and may result in Misconduct action being taken in accordance with Section 69 of the *Government Sector Employment Act 2013* and the *Government Sector Employment (General) Rules 2014* (GSE Rules) Part 8. Such action may ultimately lead to termination of employment.