



Due to the NSW Governments changes to the current COVID 19 Public Health Order coming into effect on 15 December 2021 Landcare NSW has developed the following Vaccine Policy. The policy has been developed in line with our major funders and trading partners, NSW Government, Local Land Services and the Department of Planning, Industry and Environment (DPIE). It is recommended that Landcare NSW Members review the Landcare NSW policy and adapt the Landcare NSW Policy for their own use.

As the future COVID responses and policies are adjusted and modified by Government (state and/or national) it is further recommended that this policy be reviewed regularly by the Executive Committees. It is further recommended that Landcare Members review this policy at a local level as local transmissions and restrictions are fluid within each LGA.

However, Landcare NSW commits to reviewing policy at a State level as the NSW Government makes changes to the Public Health Order.

Policy Statement

This policy outlines COVID-19 vaccination requirements for all roles in Landcare NSW (LNSW) and/or where working with Department of Regional NSW (DRNSW), Local Land Services (LLS), Department of Education, Department of Planning, Industry and Environment (DPIE) or other NSW Government Agencies, and/or working with Landcare Members in order to:

- protect the communities we serve, noting that many are vulnerable (over 70's, Aboriginal Communities, etc)
- protect our employees and our families from potential infection through the communities we serve and through interactions with each other
- provide a safe environment for our employees to work together, and
- ensure business continuity for our services.

Consistent with the NSW Government policy that expects all government sector employees who can be safely vaccinated, to do so at the earliest opportunity this now extends to all Landcare NSW employees, contractors, and business partners that we interact with.

Landcare NSW has a duty to eliminate or, if that is not reasonably practicable, to minimise the risk of exposure to COVID-19 in workplaces. Based on an assessment of risk, COVID-19 vaccination has been identified as the highest control measure available in the hierarchy of controls to manage COVID-19 risk in workplaces. Other lower-level controls including personal protective equipment, social distancing, personal hygiene measures and capacity limits will also be used in workplaces as prescribed in COVID-19 Risk Assessments.

Accordingly, the Landcare CEO and Executive Committee respectively directs that access to workplaces is restricted to employees and other workers who provide evidence of full vaccination. Evidence must be provided by 01 January 2022.

Scope

This Policy applies to all Landcare NSW employees and workplaces (including volunteers). All other workers as defined under the *Work Health and Safety Act 2011* must also comply with the vaccination requirements outlined in this policy, including **volunteers**, contractors, consultants, suppliers, students, apprentices, and trainees. Evidence of vaccination for other workers must be provided.

Requirements

Risk assessments

1. COVID-19 risk assessments have been completed.
2. The risk assessment considers for the roles in each category:
 - the duties and responsibilities of those roles and the type and range of work activities
 - the nature of the workplace/event environment (outdoor or indoor)
 - current and alternative control measures such as personal protective equipment, social distancing, personal hygiene measures and capacity limits and if these are adequate to sufficiently protect workers
 - the effectiveness of vaccines in reducing the risk of transmission or serious illness, including risks associated with the “New Variants” of COVID-19 .
3. The COVID-19 risk assessments for each category will be reviewed as often as is necessary to ensure that they accurately reflect the work environment and the risk of COVID-19.
4. Consultation should be undertaken with workers on the risk assessments as required in sections 47, 48 and 49 of the *Work Health and Safety Act 2011*.

Medical contraindications

1. Employees with a medical contraindication are required to have their treating medical practitioner complete the NSW Government’s COVID-19 Vaccine Medical Contraindication Form.
2. The COVID-19 Vaccine Medical Contraindication Form should be provided.
3. Medical contraindications will be managed on a case by case basis. Where a medical contraindication is accepted the employee will be supported with a COVID-19 individual risk assessment which will specify the controls that will be put in place to manage the safety of the employee, their workplace colleagues and the stakeholders they interact with. Options may include:
 - a. allowing the person into the workplace with appropriate additional controls in place, or
 - b. where the hazard in the workplace can’t otherwise be mitigated, providing a reasonable workplace adjustment to enable alternative work.
4. 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 form provided by the medical practitioner. If the medical reason continues beyond that period, the employee must provide a new medical contraindication form from their doctor.
5. 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.

Exceptional personal circumstances

1. Employees can request that consideration for exceptional personal circumstances that mean they cannot be vaccinated to meet the requirements of this policy. Requests should be addressed in the form of a letter to the CEO Landcare NSW, including details of the exceptional personal circumstances and all supporting evidence.
2. Acceptance of non-compliance based on exceptional personal circumstances will only occur in rare individual cases after the panel has considered:
 - a. the reasons and evidence provided by the employee
 - b. the context of public health and risk management requirements and whether work can safely be assigned to the employee in the event that the request is accepted
 - c. the needs of the business, including whether any non-compliance will impose an unjustifiable hardship on the business
 - d. other relevant matters.

Failure to provide evidence of vaccination

1. If proof of vaccination is not provided by an employee by 01 January 2022 or earlier as directed:
 - a. Line management in consultation will consider how to resolve the matter in consultation with the employee. This will include writing to the employee outlining the concerns and considerations, directing the employee to comply, and inviting the employee to provide a written response in a reasonable timeframe.
 - b. Landcare NSW will consider each case and treat each case on its merits, taking into account personal

circumstances, business and team needs, public interest, due process, natural justice, relevant medical advice and the agency's legal duty to manage risks to workers' health, safety and wellbeing.

- c. Ongoing working from home is not an option for unvaccinated employees on an ongoing basis.
2. Landcare NSW will support line managers and Groups/Networks to deal with cases of unvaccinated employees/volunteers in roles for which vaccination is required. Dependent on individual circumstances, available actions may include:
 - a. providing reasonable short-term adjustments
 - b. withdrawal of duties on the basis that work cannot be safely undertaken
 - c. granting of leave with or without pay
 - d. offer counselling from a medical professional
 - e. misconduct action to address failure to follow a reasonable direction.

Proof of vaccination

1. Evidence of vaccination must be provided by employees in the form of either the COVID-19 digital certificate or an immunisation history statement.
2. Records of vaccination will be collected and maintained by the Work, Health & Safety team in accordance with existing policy and the *Health Records and Information Privacy Act 2002*.
3. The information may be used to inform action, including in the event of non-compliance with any relevant COVID-19 safety plans, policies or directions. The information may be disclosed to line managers and individuals responsible for managing health and safety in a workplace, including people nominated by the relevant team as responsible for COVID-19 safety at a specified site.
4. Any employee may request access to, and amendment of, their personal information, as set out in the agency's Privacy Management Plan. Vaccine status information will be destroyed when it is no longer needed.

Breach of this policy

1. Breach of this policy may lead to action being taken for misconduct.
2. Breach of this policy may include:
 - a. Providing false or intentionally misleading information about vaccination status, medical contraindication, or personal circumstances
 - b. Attending a workplace in breach of this policy
 - c. Refusing a reasonable direction to provide or show evidence of vaccination
 - d. Failing to attend a workplace in accordance with a reasonable management direction.

Roles and responsibilities

- *Employees*: understand and comply with the requirements of this policy.
- *Chair, EO's, Senior Team members and line managers*: Promote and support this policy. Exercise delegations with reference to this policy.

Definitions

- *Vaccination*: means a full course of COVID-19 vaccination as recommended by NSW Health. Note that any requirement for booster shots will be considered separately on the basis of advice from NSW Health.
- *Worker*: has the same meaning as outlined in [Section 7 of the Work Health & Safety Act 2011](#)
- *Workplace*: has the same meaning as outlined in [Section 8 of the Work Health & Safety Act 2011](#), which defines *workplace* as "a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work."
- *Workplace environment*: the work setting, social interactions and physical conditions that characterise a workplace.
- *Volunteer*: means a worker who is performance services for zero payment. However, for the purpose of this policy is a "Worker".