

Authorised by: Chief Executive Officer

Classification: Official: Sensitive

COVID-19 Vaccination Requirements

Responsible executive:	Jacinta Mackey Chief Financial Officer and Head of Corporate Services
Approval date:	8 September 2022
Review period:	September 2023



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1. Objective

The purpose of this COVID-19 Vaccination Policy (Policy) is to ensure all Ports Victoria (PV) Employees and Workplace Participants have information about PV's COVID-19 vaccination requirements.

2. Scope

This Policy applies to:

- any Employee who attends or may be required to attend a PV worksite
- for the purposes of this policy, and associated documents, Board Directors are considered employees of the organisation and are required to meet the specified standards,
- all Workplace Participants who have been assigned to perform work at a PV worksite.

PV operates in a dynamic, rapidly evolving, and widespread environment. We are continuing to embed effective mechanisms to respond to, and manage, the evolving nature of infection risk to protect the workforce and the Victorian community from COVID-19 by providing safe and secure workplaces.

3. Policy Statement

The following principles underpin this Policy regarding the vaccination requirements:

- PV is responsible for providing a safe work environment, consistent with the duties of employers under the *Occupational Health and Safety Act 2004* (Vic) [OHS Act]. Both infection and serious illness resulting from COVID-19 are workplace health and safety risks.
- Vaccination is a reasonably practicable measure that will assist to control the risks to health of Employees, Workplace Participants and the community PV serves, reducing the risk of transmission of COVID-19 in the working environment of PV and the health consequences of contracting COVID-19.
- Vaccination provides an extra layer of protection to Employees and other Workplace Participants, their families, and the community, over and above the [Pandemic \(COVID-19\) Response Plan](#) already in place to help minimise the risk of transmission of COVID-19. ATAGI has recommended that all individuals aged 16 years and over receive a COVID-19 booster dose from three months after their last primary course to maintain their up-to-date Vaccination Status.
- Accordingly, to ensure that PV discharges its obligations under the OHS Act, Employees and Workplace Participants may only attend Worksites if they have an up-to-date Vaccination Status.

4. Vaccination requirements

4.1. Evidence of Vaccination Status

1. Employees and Workplace Participants are required to provide evidence of their Vaccination Status to PV through their manager or PV's nominated delegate, the People and Culture Advisor, including whether they are up-to-date, under-vaccinated or an excepted person. Employees and Workplace Participants must provide this evidence within any timeframes specified by PV and/or any timeframe set by any relevant legal health obligations.
2. Employees and Workplace Participants are required to provide evidence of their Vaccination Status in accordance with the method of collection specified in the [PV COVID-19 Vaccination Procedure](#).

3. If an Employee or Workplace Participant does not provide evidence of their Vaccination Status by the timeline specified by PV, or any additional Pandemic Orders should they occur; PV will treat them as Overdue.
4. Despite paragraphs 1 - 3 above, where a Workplace Participant is employed by a third party, the employer of the Workplace Participant must confirm with PV that the Workplace Participant has an up-to-date or excepted person Vaccination Status. Failure to do so will most likely result in the Workplace Participant being refused entry to a PV Worksite.
5. Information pertaining to an Employee's or Workplace Participant's Vaccination Status and evidence will be stored by PV's delegate securely in PV's enterprise systems in accordance with the *Health Records Act 2001 (Vic)*, Victorian Protected Data Security Standards and PV's Protected Data Security Plan. Both PV and its authorised service provider will dispose of this information as required by law or in compliance with PV's retention and disposal authority.
6. PV senior management will receive high-level Vaccination Status reports about Employees and Workplace Participants from the delegate and PV will not disclose this information for any purpose other than the primary purpose for which it was collected unless PV is required, authorised, or permitted to do so, whether expressly or impliedly, under law.

4.2. Vaccination requirements

7. Subject to the exception in paragraphs 10 and 11 below, only Employees who provide PV with evidence of their up-to-date Vaccination Status are permitted to work for PV outside their ordinary place of residence, including to attend Worksites.
8. Subject to the exception in paragraphs 10 and 11 below, Workplace Participants will only be permitted to perform work for PV at Worksites if they have provided PV with evidence of their up-to-date Vaccination Status, or their employer has confirmed with PV that their Vaccination Status is up-to-date (as applicable).
9. When recruiting, the advertising and engagement documentation should clearly state that the engagement is subject to the person providing evidence to PV confirming their Vaccination Status as up-to-date or as an Excepted Person. The person must provide evidence of Vaccination Status as part of the recruitment or on boarding process.

4.3. Excepted persons

10. An Employee or Workplace Participant may be permitted to attend Worksites if they are an Excepted Person and have provided acceptable certification to PV to substantiate this or, if a Workplace Participant is employed by a third party, their employer has confirmed with PV that they are an Excepted Person. Prior to granting such permission, PV will carry out a risk assessment and endeavour to put measures in place to allow the Employee or Workplace Participant to continue performing their work, while ensuring the health and safety of the Employee or Workplace Participant and others in the workplace (e.g. ensuring they can do their work with limited or no contact with other people, personal protective equipment or other reasonable safety measures such as RAT or PCR testing).
11. If it is not reasonably practicable for the Employee who is an Excepted Person to continue to work in their substantive position, PV will consider further reasonable adjustments.

5. Compliance with this Policy

12. Employees who do not comply with the directions outlined in this Policy may be subject to disciplinary action, and/or if appropriate, to a show cause process relating to their capacity to undertake the role, which may result in termination of employment.
13. Workplace Participants who do not comply with the directions outlined in this Policy may have their contract for the provision of services with PV terminated.

6. False or misleading information

14. While any applicable Pandemic Order made under the *Public Health and Wellbeing Act 2008* (Vic) (**PHWA**) is in force, it is an offence under the PHWA for a person to make an entry about vaccination status that is false or misleading in records required to be kept under the mandatory vaccination pandemic orders.
15. An Employee or Workplace Participant who provides false or misleading information to PV about their Vaccination Status, regardless of the Pandemic Order in force, including medical evidence, if substantiated, is fraudulent. It may also constitute serious misconduct and be grounds for discipline or termination under the applicable Enterprise Agreement.

7. Information and support

Further information and supports are available:

- Employees should discuss their individual circumstances with their doctor to seek their own medical advice in order to provide informed consent
- PV's [COVID-19 information on the PV intranet](#)
- PV encourages Employees to access the [EAPs](#)
- COVID-19 translated information for Employees from culturally and linguistically diverse backgrounds, including fact sheets, promotion materials and details of interpreter services is available at [Translated information about COVID-19 | Coronavirus Victoria](#).

8. Definitions

Acceptable Certification	for the purpose of determining an employee's status as an Excepted Person is: In any case: <ul style="list-style-type: none">• a current COVID-19 digital certificate issued by Services Australia that states that the person is unable to receive a dose, or a further dose, of any COVID-19 vaccine that is available in Australia; or• a printed version of the COVID-19 digital certificate referred to above; or• a current Immunisation History Statement displayed through the Medicare App, that states that a person is unable to receive a Booster Dose that is available in Australia; or• a printed version of the Immunisation History Statement referred to above; or• In relation to a Temporary Medical Exemption, a certificate from a medical practitioner that certifies that the person has a specified valid reason for a temporary exemption, where that reason is one of those specified in the "ATAGI Guidance on acute major medical conditions that warrant a temporary medical exemption relevant for COVID-19 vaccines", as updated from time to time (last updated 25 February 2022).
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ATAGI	means the Australian Technical Advisory Group on Immunisation
Employee	includes employees, Board Directors and contractors engaged by the Employer.
Excepted Person	means an employee who holds Acceptable Certification that they are unable to receive a dose, or a further dose, of any COVID-19 vaccine that is available in Australia due to: <ul style="list-style-type: none"> • a Medical Contraindication; or a • a Temporary Medical Exemption.
Medical Contraindication	means a contraindication to a COVID-19 vaccine in accordance with ATAGI Clinical Guidance on COVID-19 vaccine contraindications, as updated from time to time (last updated 21 February 2022).
Pandemic Order	means a pandemic order under s 165A(1) of the <i>Public Health and Wellbeing Act 2008</i> (Vic).
RAT or PCR testing	Testing for COVID-19 with either a rapid antigen test (RAT) or polymerase chain (PCR) test.
Temporary Medical Exemption	means an exemption made by a medical practitioner in accordance with "ATAGI Guidance on acute major medical conditions that warrant a temporary medical exemption relevant for COVID-19 vaccines", as updated from time to time (last updated 25 February 2022). Current ATAGI guidance indicates that valid reasons for a temporary medical exemption may include: <ul style="list-style-type: none"> • For a mRNA COVID-19 vaccine, inflammatory cardiac illness within the past 3 months, e.g. myocarditis or pericarditis; acute rheumatic fever or acute rheumatic heart disease (i.e. with active myocardial inflammation); or acute decompensated heart failure; • For all COVID-19 vaccines: <ul style="list-style-type: none"> • Acute major medical condition (e.g. undergoing major surgery or hospital admission for a serious illness); • Confirmed SARS-CoV-2 infection, where vaccination can be temporarily deferred up until 4 months after the infection. • Any serious adverse event attributed to a previous dose of a COVID-19 vaccine, without another cause identified, and with no acceptable alternative vaccine available. • If the vaccinee is a risk to themselves or others during the vaccination process this may warrant a temporary vaccine exemption. <p>In accordance with current ATAGI guidance, temporary exemptions for acute major medical illness for longer than six months are not recommended in the first instance.</p>
Up-to-date	means, for the purposes of vaccination status, vaccination in line with ATAGI guidance, as updated from time to time. Current ATAGI guidance indicates Up to date means: <ul style="list-style-type: none"> • For individuals aged 16 years and over:

	<ul style="list-style-type: none"> • having completed an appropriate primary course of a Therapeutic Goods Administration (TGA) approved or recognised vaccine; and • if six months has passed since the completion of that course, having received a booster dose. • For children and adolescents aged 5-15 years, having completed an appropriate primary course of a TGA approved or recognised vaccine. • For severely immunocompromised individuals aged 5 years and over: <ul style="list-style-type: none"> • having completed an appropriate primary course of a TGA approved or recognised vaccine; and • if six months has passed since the completion of that course, having received a third dose. • For individuals who have had prior COVID-19 (including asymptomatic SARS-CoV-2 infection): <ul style="list-style-type: none"> • having completed an appropriate primary course of a TGA approved or recognised vaccine; and • if both six months have passed since the completion of that course and four months have passed following their infection, having received a booster dose.
Overdue	is the Vaccination Status of a person who does not have an up-to-date Vaccination Status and is not an Excepted Person.
Vaccination Status	means one of the following: <ul style="list-style-type: none"> • Up to date; or • Not up-to-date but is not an Excepted Person; or • Excepted Person.
Workplace Participant	includes contractors, subcontractors, consultants, service providers, employees of a contractor or subcontractor, employees of a labour hire company, apprentices, trainees, students gaining work experience, volunteers or any other individuals employed by a third party to perform work for PV.
Worksite	means any location that an Employee or Workplace Participant is required to attend outside their ordinary place of residence, including, but not limited to; an office, a vehicle, a client site or any site where field work may be performed. It is not a requirement that these locations be exclusive or shared PV sites.

9. Revision and approval

This policy should be reviewed by the Policy Owner as required, or at least every three years. Authorisation must be obtained before the updated version of the policy is published.

Policy Owner	Policy Approver	Date Approved	Review Date
CFO/Head of Corporate Services	Chief Executive Officer	8 September 2022	September 2023

9.1. History

Version	Date	Name	Reason
1.	16 March 2022	Boris Stojanovic	Initial draft
2.	26 April 2022	Jacinta Mackey	Review
3.	27 June 2022	Boris Stojanovic	Final amendments following Board feedback and consideration of support material from PV
4.	7 September 2022	Boris Stojanovic	Finalisation of document for public release

No.	Title of supporting documents
1.	Supports for Victorian Public Service and Victorian Public Sector employees getting a COVID-19 vaccination: https://www.vic.gov.au/vps-guidance-note-covid-19-vaccination-rollout
2.	Coronavirus (COVID-19) guidance note for the Victorian Public Service and Sector: https://www.vic.gov.au/coronavirus-covid-19-guidance-note-victorian-public-service-and-sector