



# COVID-19 Vaccination Requirements Policy

People and Culture  
**Human Resources Branch**

D21/130865  
Version 02 – 3 December 2021

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## 1 Purpose

This policy states Fire and Rescue NSW's (FRNSW) COVID-19 vaccination requirements to provide a COVID-19 safe work environment for our people and to maintain capability and capacity for service delivery to the community. It is informed by NSW Government Department of Premier and Cabinet Circular C2021-16, [Guidance for Government Sector Agencies regarding COVID-19 Vaccinations for their Employees](#).

## 2 Scope and application

This policy applies to all FRNSW workers including:

- Firefighters and operational support personnel
- Administrative and trades staff
- Community Fire Unit Volunteers
- Consultants and contractors who attend FRNSW premises, locations or worksites, e.g. cleaners, service technicians, construction workers
- FRNSW Band members
- All people who are seeking to be employed or engaged by FRNSW.

This policy applies to COVID-19 vaccination requirements only. It does not apply to other vaccinations required or recommended by FRNSW.

## 3 Legal and policy framework

### 3.1 Legal framework

FRNSW follows advice and directives from the NSW Government, NSW Health and the Australian Department of Health in relation to COVID-19 vaccinations.

To manage the COVID-19 global pandemic as declared by the World Health Organisation in March 2020, the NSW Government issued a number of Public Health Orders including the [Public Health \(COVID-19 General\) Order 2021](#).

Further to the NSW Government Public Health Orders, on Monday 30 August 2021 the Department of Premier and Cabinet issued Circular 2021-16, [Guidance for Government Sector Agencies regarding COVID-19 Vaccinations for their Employees](#) including the following requirement:

*NSW Government agencies are responsible for keeping all employees and the communities they serve safe, which includes compliance with Public Health Orders.*

*For the safety of employees and all members of the community who interact with employees, the NSW Government expects all government sector employees who can be safely vaccinated, to do so at the earliest opportunity.*

In complying with Circular 2021-26, Public Sector Agencies, including FRNSW, have the power to give a direction to workers to be vaccinated against COVID-19 (and to provide proof of vaccination) if the direction is:

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

As an employer, FRNSW must also comply with the following legislation:

- Section 19 of the *Work Health and Safety Act (2011)* (the Act), which places a primary duty of care onto FRNSW to ensure, so far as is reasonably practicable, the health and safety of workers, and other persons affected by FRNSW work, is not put at risk.

Section 28 of the Act places duties on workers while at work to:

- take reasonable care for their own health and safety, and take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons, and
- comply, so far as the worker is reasonably able, with any reasonable instruction that is given to enable compliance with the Act, and
- co-operate with any reasonable policy or procedure relating to health or safety at the workplace.

### 3.2 Policy framework

The FRNSW [WHS Risk Management Framework Policy](#), which is informed by the *Work Health and Safety Regulation (2017)*, requires FRNSW to work through the hierarchy of control in determining the control that most effectively eliminates the hazard or minimises the risk in any given circumstance.

Application of the hierarchy of control is contained in the [Risk assessment for mandating the COVID-19 vaccination for FRNSW workers](#).

Through the risk assessment, FRNSW has determined the following:

- FRNSW is unable to eliminate the risk of workers catching or transmitting COVID-19 during the course of their work.
- Mandating COVID-19 vaccination is considered the highest level of reasonably practicable control available to reduce risk to FRNSW workers and others affected by FRNSW work.
- Administrative controls including physical distancing, infection prevention and control practices, diagnostic and surveillance Polymerase Chain Reaction (PCR) testing and Rapid Antigen Testing (RAT), and personal protective equipment (PPE) controls, are more effective when used in combination with COVID-19 vaccination.
- The combination of engineering, administrative and PPE controls provides the strongest level of risk mitigation against COVID-19 infection and transmission for FRNSW workers and others entering FRNSW premises, locations and/or worksites.

## 4 Policy principles

All new and existing firefighters, operational support personnel, administrative and trades personnel, and contractors, consultants, vendors and visitors who enter and/or work in FRNSW premises, locations or worksites are:

- required to be vaccinated against COVID-19 with Therapeutic Goods Administration (TGA) approved vaccines, and
- required to provide evidence of their vaccination status.

A further condition of employment for FRNSW workers is the requirement to remain fully vaccinated against COVID-19, including consideration of approved additional/booster vaccinations in the future.

FRNSW workers who have a COVID-19 Vaccine Medical Contraindication Certificate from a medical practitioner, in the form approved by the NSW Chief Health Officer, are considered to have complied with the mandatory COVID-19 vaccination. Continuation of their work in FRNSW premises will be assessed on a case-by-case basis.

FRNSW, as an employer, has the power to give a direction to workers 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.

## 5 Policy implementation

### 5.1 FRNSW Workers

Upon publication of this Policy, FRNSW workers, as defined in Section 2, will not be permitted to enter FRNSW premises, locations or worksites to perform duties from 0800 hrs on 17 December 2021 unless:

- the worker has had two doses of any of the Therapeutic Goods Administration (TGA) approved COVID-19 vaccines, and
- the worker remains fully vaccinated against COVID-19, including consideration of approved additional/booster vaccinations in the future.

The worker must have recorded their vaccination status in the Employee Self Service Portal (ESS) prior to 2359 hrs on 16 December 2021. This includes those on leave who intend to resume duty at, or after, 0800 hrs on 17 December 2021.

Workers currently on approved long term leave of absence including parental leave, sick leave or long service leave must provide evidence of their vaccination status prior to intended resumption of duty post 17 December 2021.

Workers are responsible for arranging their own vaccinations in their own time. However, FRNSW employees can access up to two hours of special leave to receive their COVID-19 vaccination if they cannot book their second appointment outside of work hours or do not have access to flexible work arrangements.

Contractors, consultants and visitors must check in to FRNSW premises using FRNSW-approved Service NSW COVID Safe check-in procedures. During the

check-in process, the individual will be asked to provide visual evidence of their fully vaccinated status to the FRNSW contact (or delegate).

## 5.2 Medical contraindication

NSW Health states most people with a medical or health condition can be safely vaccinated, and all workers are encouraged to speak with their treating practitioner about their personal circumstances.

An exemption to the requirements in 5.1 of this policy may be available for workers who are unable to be vaccinated due to a medical contraindication to the any TGA approved and available COVID-19 vaccines. A medical contraindication temporarily or permanently prevents people from receiving a vaccine, as it may increase their chances of a serious adverse event. Vaccination against COVID 19 does not constitute a reasonably practicable risk control for these individuals.

The worker is required to enter their medical contraindication status in ESS and provide a fully completed COVID-19 Vaccine Medical Contraindication Certificate in the forms approved by the NSW Chief Health Officer (accessible via [Service NSW](#) or [Services Australia](#)) before 0800 hrs on 14 December 2021, to the Health and Safety Branch who will confirm provision of information in ESS.

FRNSW workers presenting a COVID-19 Vaccine Medical Contraindication Certificate are required to work with their local FRNSW management and the Health and Safety Branch (People and Culture) to determine whether they can safely and effectively undertake tasks in FRNSW premises, locations or worksites.

FRNSW will determine how best to support the health and safety of workers in the context of FRNSW operations and the health and safety of all people on the FRNSW premises, location or worksite (including external venues and workplaces).

If a FRNSW worker with a COVID-19 Vaccine Medical Contraindication Certificate is unable to work safely in FRNSW premises, and is unable to work remotely, consideration will be given to identifying reasonable workplace adjustments.

Health and Safety Branch must be involved in determining any reasonable workplace adjustments and/or controls required, while also considering any potential impacts on the worker's fitness for duty and any subsequent decision making.

A FRNSW worker who has a temporary contraindication to the COVID-19 vaccine must obtain their vaccination within 45 days after the contraindication no longer applies.

## 5.3 Therapeutic Goods Administration approved COVID-19 vaccines

NSW Health supports COVID-19 vaccination following SARS-CoV-2 infection, if the individual has fully recovered from their acute illness. In these circumstances FRNSW workers should discuss their status with their medical practitioner in the context of the exposure profile of their role e.g. frontline firefighter.

The reasonable accommodations that are put in place for individuals with Medical Contraindications will be periodically reviewed to ensure that they remain appropriate with consideration to:

- Updates to TGA approved and available COVID-19 vaccinations
- FRNSW worker safety
- Community safety and current Public Health Advice/Orders
- Operational requirements of FRNSW.

#### 5.4 Absence of a medical contraindication

Workers who have not provided their COVID-19 vaccination status or have not had two doses of a TGA approved COVID-19 vaccine by 17 December 2021, will be required to proceed on leave. These workers will have until 17 February 2022 to receive two doses of a TGA approved COVID-19 vaccine, or a termination of employment process may commence. FRNSW will discuss issues, process steps and circumstances directly with individual workers.

#### 5.5 Contracted workers

All new and existing contractual and service agreements entered into by FRNSW are to include the requirement for mandatory COVID-19 vaccination for workers who attend FRNSW premises, locations or worksites, including that the worker remains fully vaccinated against COVID-19.

FRNSW requires all contractors entering FRNSW premises, locations or worksites for the purpose of work to be under supervision of FRNSW workers and/or to undertake a FRNSW induction with a person with supervisory authority within the FRNSW premises, location or worksite.

The FRNSW induction process includes a requirement for all persons entering and working within FRNSW premises, locations or worksites to comply with this policy and produce evidence of their vaccination status when completing the FRNSW approved Service NSW COVID Safe Check-in before entering the workplace.

Contractors issued with a FRNSW employee number and ID card must enter their vaccination status in ESS, after which they are not required to show their vaccination status on check-in.

If a contracted worker is unable or unwilling to produce evidence of vaccination, contactless drop-off or collection arrangements can be made, otherwise alternative arrangements need to be in place to enable the provision of service.

Alternate arrangements require pre-planning and risk assessment and may include one-off arrangements for the contractor to undertake COVID-19 PCR or Rapid Antigen Testing prior to entry to FRNSW premises, limitations on the number of FRNSW workers present, enforced use of PPE and/or cleaning of FRNSW premises at the conclusion of work.

#### 5.6 Adverse reactions to COVID-19 vaccinations

In the unusual circumstances of a FRNSW worker having an adverse reaction following vaccination, or an unusually long-term reaction post vaccination, FRNSW will implement the existing Supported at Work processes in accordance with the [Management of Workplace Injury and Illness Procedure](#).

The Australian Government COVID-19 Vaccine Claims Scheme allows for individuals who have suffered a moderate to significant impact following an adverse reaction to a TGA approved COVID-19 vaccine to make a claim against the Scheme. For further information of the limited circumstances for eligibility to make a claim, see <https://www.health.gov.au/initiatives-and-programs/covid-19-vaccines/covid-19-vaccine-claims-scheme>.

## 5.7 Managing non-compliance for workers who have not been vaccinated against COVID-19

FRNSW workers have been given reasonable notice to be fully vaccinated by 17 December 2021.

It is the individual's responsibility to ensure they have received both doses of the COVID-19 vaccination by 17 December 2021 and to meet and comply with the requirements outlined in this policy.

If a FRNSW worker is unwilling to provide evidence of their COVID-19 vaccination status, or a COVID-19 Vaccine Medical Contraindication Certificate, FRNSW can direct the worker to provide evidence of their COVID-19 vaccination status and to not attend FRNSW premises, locations or worksites, and not to engage in FRNSW duties until evidence of vaccination is provided and policy requirements are adhered to.

### Reasonable directions

Managers, commanders and supervisors are expected to monitor vaccination status reporting for their teams and instigate appropriate action where there is non-compliance. The Health and Safety Branch will support managers by monitoring records of vaccination to ensure compliance. Where individuals do not comply within the required timeframe, they will be issued with a direction to comply.

If workers refuse to provide evidence or advise they are non-compliant with this policy, managers, commanders and supervisors should discuss this with the worker and **advise them they are unable to remain on FRNSW premises, locations and/or worksites, or to engage in FRNSW duties.**

### 17 December 2021

Once the prescribed mandatory vaccination date has been reached at 0800 hrs on the 17 December 2021, all workers who are non-compliant with this policy will be directed not to attend for duty or enter the workplace and will be encouraged to immediately access their existing accrued personal leave entitlements (annual/recreation leave, long service leave, consolidated leave or leave without pay), or a combination of these leave types.

Sick Leave, Personal Carer's and Special Leave are not available to cover leave due to non-compliance with this policy.

Failure to declare vaccination status for the purpose of accessing leave may be in breach of the *Fire Brigades Regulation 2014* and/or the [Code of Conduct and Ethics](#) and may result in misconduct action being taken in accordance with Division 2 section (35)(2) of the *Fire Brigades Regulation 2014* or section 69 of the *Government Sector Employment Act 2013*.

### Management action

Workers will be subject to management action if they fail to comply with COVID-19 vaccination requirements by the required timeframes, including:

- Mandatory COVID-19 vaccination
- Mandatory COVID-19 vaccination status reporting
- COVID-19 Vaccine Medical Contraindication Certificate submission (where applicable)

These workers will be required to remain on leave until they are contacted by FRNSW with further instruction. The worker will be contacted within 14 days after entering on to leave. It may be determined that the worker has refused to comply with a reasonable direction of FRNSW.

Failure to comply with this reasonable direction and to remain non-compliant may be viewed as a breach of the *Fire Brigades Regulation 2014* and/or the [Code of Conduct and Ethics](#) and may result in misconduct action being taken in accordance with Division 2 section (35)(2) of the *Fire Brigades Regulation 2014* or section 69 of the *Government Sector Employment Act 2013*. Such action may ultimately lead to termination of employment.

### **Permanent Firefighters**

Workers classified as permanent firefighters who have not provided their vaccination status will be classified as non-compliant for the period of leave.

Permanent firefighters will be required to utilise a minimum of two months of leave if they have not provided their status prior to 0800 on the 17 December 2021 or a time period of leave as determined by FRNSW. This is in-line with the [Procedure for Long service leave quotas for permanent firefighters during peak holiday periods and special events](#) (Version 03 – 5 December 2012).

Permanent firefighters within a Clause 28 area who have not provided their vaccination status will be transferred to an alternative SAM board within their Clause 28 Transfer Register Area.

### **Clause 28 Areas**

Any permanent firefighter vacancies within a Clause 28 area resulting from this action will be filled through the normal country relief process. If the permanent firefighter is not able to comply with policy requirements within a period of two months from 17 December 2021, Zone Management will review and may consider this position as vacant and initiate filling of this position through the accepted transfer register process as prescribed in the *Crown Employees (Fire and Rescue NSW Permanent Firefighting Staff) Award 2021*.

Should a permanent firefighter within a Clause 28 Transfer Register Area (who has not provided their vaccination status) subsequently provide evidence of compliance within the two month period, they will be redeployed to a station within the Transfer Register Area they were assigned to, prior to the prescribed mandatory vaccinated date of 17 December 2021.

### **GSA Areas**

Any permanent firefighter vacancies within GSA areas resulting from this action will be filled through the relevant transfer process or as applicable.

Any firefighters waiting for a vacancy to transfer to that station will be considered by Zone Management to be appointed on a permanent basis. This will be a decision made by Zone Management to ensure the maintenance of staffing is sufficient to maintain operational capability.

Where a GSA permanent firefighter (who has not provided their vaccination status) subsequently provides evidence of compliance within the two month period, they will then be redeployed to a suitable alternative position to meet the staffing needs of FRNSW.

### **Operational Support Positions**

Permanent firefighters within Operational Support positions who have not provided their vaccination status will be transferred to an alternative SAM board in the applicable Operational Support Directorate.

### **Retained (On-Call) Firefighters**

Retained (On-Call) firefighters who have not provided their vaccination status will be recorded as non-operational within SAP/Manager Self Service.

Where a Retained (On-Call) firefighter (who has not provided their vaccination status) subsequently provides evidence of compliance within the two-month period, arrangements will be made to discuss their circumstances and possible management action or return to work.

## **5.8 Providing false or misleading COVID-19 vaccination information**

The [Public Health \(COVID-19 General\) Order 2021](#), Section 6.4(3) states:

*A person must not provide, display or produce to another person information or evidence, including vaccination evidence, purporting to show the person is a fully vaccinated person, unless the information or evidence is true and accurate.*

If workers are found to be, or suspected of being, in breach of these requirements, then investigation and disciplinary action may be undertaken by FRNSW, including termination of employment.

## **5.9 Managing records of COVID-19 vaccination**

FRNSW, having provided a lawful and reasonable direction to be vaccinated for COVID-19, can ask a worker to provide evidence of their COVID-19 vaccination or a COVID-19 Vaccine Medical Contraindication Certificate. FRNSW will manage such evidence to ensure FRNSW workers can be safely made available to attend locations where COVID-19 may be present. The information will be managed in accordance with the FRNSW *Privacy Management Plan*.

All FRNSW workers are required to maintain up to date records of their COVID-19 vaccination status through the ESS Portal. Failure to provide vaccination information in ESS will be considered as 'non-compliance'.

FRNSW accepts records from the Australian Immunisation Register as proof of vaccination for COVID-19. The Australian Immunisation Register website gives information on how to access your vaccination record.

FRNSW also accepts the Australian Government's COVID-19 digital certificate.

Commanders and supervisors have access via the Manager Services tab in ESS to confirm COVID-19 vaccination status of their workers.

Duty and Zone Commanders can access the COVID-19 vaccination status of permanent firefighters via SAM.

## 6 Monitoring and review

The COVID-19 IMT and/or People and Culture Directorate will monitor the Australian Vaccination Rollout Strategy and advice and directives from the Australian Department of Health and NSW Health.

This policy will be reviewed if changes to Australian or NSW Government policy impact FRNSW workers or operations.

## 7 Support and Advice

Advice and support regarding this policy is available from:

- COVID-19 IMT (while in operation)
- Line Managers
- Health and Safety Branch
- People and Culture (Director Human Resources and Organisational Development)
- Industrial Associations (FBEU, PSA and AMWU)
- FRNSW Employee Assistance Program (EAP) – 1300 360 364
- FRNSW Chaplain, Major Lindsay Smith – 0418 869 280
- FRNSW Wellbeing Coordinator – 0448 295 725

Contractors and consultants should discuss this policy with their organisation or agency.

## 8 Further information

For information on COVID-19 vaccinations in NSW and how to get a COVID-19 vaccination, see the NSW Health [COVID-19 Vaccination](#) website.

For information on vaccination records, see the [Australian Immunisation Register](#) website.

For information on FRNSW COVID-19 risk control measures, see the [COVID-19 Portal](#) on the intranet.

## 9 Document information

### 9.1 Document control

<b>Policy Manager</b>	Executive Director People and Culture
<b>Contact Officer</b>	Director Human Resources and Organisational Development
<b>Contact No</b>	02 9265 2800
<b>Document type</b>	Policy
<b>Applies to</b>	<input checked="" type="checkbox"/> Firefighters <input checked="" type="checkbox"/> Community Fire Unit Members <input checked="" type="checkbox"/> Administrative and Trades Staff <input checked="" type="checkbox"/> Contractors and Consultants
<b>Status</b>	Approved
<b>Security</b>	Unclassified
<b>File Reference</b>	FRN21/646-009
<b>Review Date</b>	1 December 2022
<b>Rescinds</b>	COVID-19 vaccinations policy (Version 01)
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### 9.2 Revision history

Version	Date	Status	Reference	Details
01	2 July 2021	Rescinded	D21/76042	
02	3 December 2021	Approved	D21/130865	