

# Vaccinations and workforce management: Questions to ask your business

It's top of mind for everyone: workforce management, while also managing the continuously-changing impact of COVID-19.

Workforce management can mean a multitude of things from one business leader to another. It's affected by a range of impacts depending on your sector, operations, supply chain, financial position, regulatory pressures – even your (no doubt ever-changing) strategy.

But at its core, across the board, it is managing your people against a backdrop of constant change caused by the global pandemic – but now in the context of vaccinations.

Every business is unique and every business will need expert advice on their specific circumstances. However, you can use this document as a starting point for the questions you can be asking your business now to see what you can reasonably expect of your people, what role your business can play in Australia's vaccination roll-out and how you can plan now.

**Using this document:** No document with detailed tips created today is likely to be current even tomorrow. In some cases, your sector might soon fall under a new public health directive where your people must be vaccinated, in others your workforce model will need to change again. Use this decision tree as a way to start conversations and plans in your business.



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# Ask your business...

## VACCINATIONS AND OUR PEOPLE

Offering staff flu vaccinations on site in Australia has proven successful with around six million doses administered a year. As more COVID-19 vaccines supply comes into the country so that everyone can access a vaccine, businesses will need to be part of the multi-layered roll-out, which now also includes an expanding pharmacy network.

### Should we be encouraging or influencing our people to get vaccinated?

Businesses and their leaders have been key already to COVID-safety protocols across the country, therefore this is another role we could play when it comes encouraging vaccinations for our people.

### If we do take a proactive approach and encourage vaccinations, and someone has an adverse effect – could we be liable?

Risk exposure is low to your business if one of your people suffer an adverse reaction to a vaccine. But you must be careful in how you encourage your people and always reflect public health messages. Check the Federal Safe Work (or State equivalent) website for messaging help.

### How do we access vaccines for our people?

Businesses can negotiate with a local supply unit and some industries have access to Federal Government supplies.

### What else can we do to play a role?

While supply issues means we are not yet to be able to run large scale vaccination programs at workplaces – like the annual flu vaccine which is offered by many workplaces now – there are some proactive things businesses can consider:

- Providing special paid leave for people to get vaccinated on work time, and not have to use their personal / carers' or annual leave.
- Some businesses have extended this to casual workers who don't have these leave entitlements.

#### TIP

Always share messages that reflect public health messages and consider communicating in languages and on the platforms your work population use (like WeChat).

#### TIP

Plan and stagger your people getting vaccinated. You need to account for varying side effects so not to have your workforce fall ill in one go, affecting your business continuity. Allow time between people and cohorts.

# PRIVACY AND OUR PEOPLE'S INFORMATION AND ROLES

## Do we need to ask our people if they are vaccinated and keep a record of it?

This becomes a privacy issue for businesses as you are dealing with your people's sensitive information and there are strict rules around what information can be collected. The reasons you need this information will vary industry to industry, even role to role, and due to other unique circumstances your business manages.

If vaccination is mandated for some workers, collecting information will be necessary. For example, the aged care sector is subject to a public health order requiring vaccination of applicable workers by 17 September 2021 – similar orders apply to other workers in limited industries / workplaces.

Ask your business:

- Is it reasonably necessary for the operations or nature of our business to know this information?
- Is there a compelling health and safety reason for us to know this information?

If you don't have clear answers as to why you need these records, issues can arise in the workplace and questions may be asked from your people about why you are collecting this information and what you will use it for. A careful and considered approach is recommended, including to mitigate discrimination risks.

## If our people work on other people's sites (or we share space or have others like suppliers or customers come on to our premises), can we ask if our people are vaccinated if this is required of others?

The principles are the same as above – you need a good reason to be collecting this information.

That may be easier to demonstrate if your clients, customers or other stakeholders are subject to a public health order. Like we see with aged care.

If not, you will need to proceed carefully. This is an area that will develop over the coming months and we need to watch and learn.

If someone on your team is reluctant to disclose that information, meaning the person can't be allocated to a client or task, it is likely to be reasonable for you to allocate someone else. But you need to think about what the person can do in the meantime – including whether provision of information (and their vaccinated status) really is crucial.



### HOW OTHERS HAVE MANAGED THIS

We have seen businesses run a live but anonymous (third party even) poll of who is vaccinated. This reports back to the leaders in percentage terms, allowing for a de-identified picture of the business which can help understand your risk profile.



### TIP

People's health and immunisation records are kept on the Australian Immunisation Register, which can be found also via their MyGov accounts. Australians who have been fully immunised against COVID-19 can store their digital vaccination certificates in their Apple and Google digital wallets.

## VULNERABLE AND AT-RISK PEOPLE IN OUR TEAMS

### Can we get in trouble for health and safety breaches if we let unvaccinated people on our premises?

This will be an evolving area of law so we recommend keeping across latest developments on the Safe Work websites and public health orders.

Current advice remains to focus on workplace prevention strategies, including good hygiene, physical distancing and ensuring no one comes to work sick.

### If it is deemed appropriate for someone to be vaccinated, can we change their roles or responsibilities if they refuse?

If vaccination is essential for the person to their job, ie as required by public health orders, an employer should consider what other work it can provide for an unvaccinated worker. But, you would need to consider this person's employment contract, current and proposed duties, reasons for not being vaccinated and what risk they pose to your business (and people, customers, clients, suppliers, residents etc). In some cases, an employer may have little choice but to consider dismissal – but a careful approach will be needed to mitigate the legal risks. Given this is a new situation for many employers and employees alike, it is important that open and proactive conversations are had given we all have the common goal of wanting everyone to come to work and to remain safe. For instance, honest conversations like: if we can't alter your duties or change your role, then termination is a reality, so let's make it work for all.

### Do we have people in our workforce who are immune-compromised, vulnerable or more at risk of COVID-19 complications?

Your workforce may be made up of people who are more at risk given their immune system. For instance, on dialysis, chemotherapy or other immune suppressants. The science tells us they aren't protected by the vaccine as much given their bodies may be unable to build the required antibodies.



#### HOW OTHERS HAVE MANAGED THIS

Some businesses have been able to justify in very specific terms why the business or roles are high health risk – for instance working in cold food storage. This could give you reason to restrict who works in certain areas, redirect workers away from certain areas and/or to collect sensitive health information so you can prioritise who to contact should an outbreak happen.



#### HOW OTHERS HAVE MANAGED THIS

Businesses doing this well are the ones who remain agile with their systems and protocols and ensure minimal exposure to risk. They have educated and empowered leaders on the ground to make calls for you as they are across local news better and can act fastest.

## RAPID TESTING

### How can we ensure these people are kept safe?

We must make allowances for these people and be careful not to over-reinforce the message: ie you now have two jobs, come back to work as per usual.

Indigenous adults have been identified as a priority group for the COVID-19 vaccine. This is because of the higher risk of developing serious illness from COVID-19 due to a number of factors.

These groups should be given priority access and options in the workplace: for instance, paid leave to access the vaccine.

### Would we consider rapid testing our people?

Screening questions and temperature checks have largely become BAU as you enter work premises.

There is a growing trend for rapid testing – using it or seeking more information and pilots occurring in some sectors.

### How does it work?

The tests pick up the protein (or antigen) that is shed by people who are infective to others. The tests use a simple nasal swab (self collected) mixed with fluid and applied to a test cartridge like a pregnancy test. They must be provided through a health company and be supervised (in person or remotely) by health professionals.

Results come back in around 10 minutes and the tests cost under \$20.

### We thought rapid testing wasn't yet recommended in Australia?

While rapid testing is not part of Australia's current formal widespread COVID-19 response, it has now been adopted as part of NSW Health's response to the current outbreak in Sydney at critical businesses and at aged care facilities.

Rapid testing is a good way to ensure business continuity – especially as the country gets more vaccinated and we head towards national targets like 70 per cent vaccinated. It is excellent for spotting what could be a super spreader, and sending them home to isolate. Rapid tests are used around the world and there are better quality tests than others. Respond Global uses tests that are recognised by the Department of Health and can detect a range of variants, including Delta.



#### WHAT OTHERS HAVE DONE

Some businesses have engaged health practitioners outside the usual HR team so they can advise on specific issues and approaches.

## How could rapid testing requests affect our employment arrangements?

Rapid testing is voluntary and, in effect, your people can refuse it and still attend work if not prevented by a public health order.

You need to do the work to understand if rapid testing is something your business or sector needs to make compulsory to manage applicable risks. Like anything, options must be looked at before taking action against employees who do not participate. For example:

- Does rapid testing help meet my health and safety obligations?
- Is rapid testing necessary to help my business continue to operate in the event of an outbreak?
- Can this person do something else or adjust their role if they refuse to be tested?
- Ask the business and units: is it an inherent requirement that I know this information about this person?



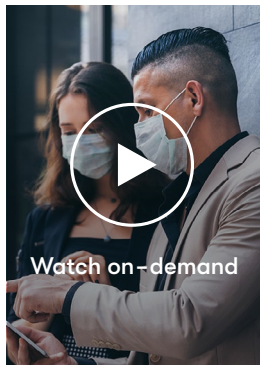
### HOW OTHERS HAVE MANAGED THIS

We have seen businesses embed rapid testing into HR records like a drug and alcohol test and not medical records.

It has allowed businesses to be more stringent with their contractors and terms of engagement.

### VACCINATIONS AND WORKFORCE MANAGEMENT WEBINAR

New lockdowns across the country. Anyone under 60 can request the AstraZeneca vaccine. Vaccinations becoming mandatory for aged care workers by September. A lot can change in a matter of days and has done when it comes to the impact of COVID-19 across the country.



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