



## NSW Public Health Order:

### Mandatory Vaccinations for all NNSW School Employees from Nov 8, 2021

#### Preamble:

Seventh-day Adventist Schools (North New South Wales) Ltd employs over 800 full and part time staff in support of the provision of Early Childhood to HSC educational services, across 12 sites in NSW; educating well over 4,000 students from Gosford in the south to the Tweed River in the north.

Seventh-day Adventist Schools (North New South Wales) Ltd is acutely aware of the impact on our communities of the COVID19 virus and in turn takes its civic responsibilities seriously. Seventh-day Adventist Schools (North New South Wales) Ltd does seek all NNSW schools to be 'a part of, not apart from' the communities in which they reside and therefore seek to consistently uphold the statutory and legislative underpinnings of those civic norms.

This is first and foremost represented in the Seventh-day Adventist Schools (North New South Wales) Ltd compliance and adherence with Public Health Orders, as published by the NSW State Government. All employees are reminded, as expressed in the employee Code of Conduct, that whilst individuals have freedom to express personal views, the use of social media to express those said views should be used with consideration and care, so that those views are not misrepresenting their status as an employee of Seventh-day Adventist Schools (North New South Wales) Ltd and its adherence with the Public Health Order.

In a broader context, the Seventh-day Adventist Church General Conference Executive Committee, as the world church's highest authority, makes this positional statement:

*"The Seventh-day Adventist Church places strong emphasis on health and well-being. The Adventist health emphasis is based on biblical revelation, the inspired writing of E.G. White (co-founder of the Church), and on peer-reviewed scientific literature. As such, we encourage responsible immunization/vaccination, and have no religious or faith-based reason not to encourage our adherents to responsibly participate in protective and preventive immunization programs. We value the health and safety of the population, which includes the maintenance of "herd immunity".*

*We are not the conscience of the individual church member and recognize individual choices. These are exercised by the individual. The choice not to be immunized is not and should not be seen as the dogma nor the doctrine of the Seventh-day Adventist Church".*

Therefore,

- Seventh-day Adventist Schools (North New South Wales) Ltd see vaccinations, including the covid vaccinations, as in alignment with the theological underpinnings of the Seventh-day Adventist Church.
- Seventh-day Adventist Schools (North New South Wales) Ltd see mandatory vaccinations, as a result of a Public Health Order for all school employees, as not breaching biblical, church organisational and/or religious freedoms.
- Seventh-day Adventist Schools (North New South Wales) Ltd) see mandating vaccinations in a pandemic as being in harmony with personal rights and freedoms in the context of our pre-existing and shared civic responsibility to care for our communities; and in turn as a business entity, to provide a safe and secure workplace (school) for clients and employees alike.

### **Mandatory Vaccination Company Position and Expectation Statements:**

- Seventh-day Adventist Schools (North New South Wales) Ltd require all school based employees (full time, part time and casual) to be fully vaccinated by November 8, 2021, as per the PHO dated September 23, 2021, in order to attend work on site as of November 8, 2021.
- Seventh-day Adventist Schools (North New South Wales) Ltd school based employees will need to complete a 'Vaccination Status Declaration Questionnaire' form by CoB Wednesday, October 6, 2021. This will be delivered and administered electronically via CONFLUENCE and available to access from Friday, Oct 1.
- All Volunteers and Contractors who attend a Seventh-day Adventist Schools (North New South Wales) Ltd school site on, and after, November 8 will also need to supply, on request, evidence of their double dose vaccination status to enter.
- Between Tuesday October 5 and Friday October 8, 2021, all NNSW school based employees will operate under the relevant 'Stay at Home Orders / School Level Expectations' befitting their LGA, and may attend work in person on site whilst staff vaccination levels are confirmed.
- On Friday October 8, an additional 'Update to Employees' will be published following an upcoming information release on Tuesday Oct 5, from the NSW government, via AISNSW, mapping out the journey further through to November 8 for fully, partially and unvaccinated employees.

## **Vaccination Status Declaration Questionnaire:**

Employees will be asked to **show evidence of double vaccination** or explain their reasons for not meeting this requirement via an online form, accessed via CONFLUENCE. The form will guide the employee through a range of questions broadly addressing the following areas:

### **1. Awaiting first and/or second doses.**

These employees, if unable to work remotely off site in a meaningful way under Alternative Working Arrangements until they receive their vaccinations, will need to access their accrued leave as applicable under the relevant Enterprise Agreement, or take Leave Without Pay, until double dosed.

### **2. Medical Exemption**

Those seeking exemption under medical grounds will be required to provide a **Medical Contraindication Certificate** which can be requested via a GP. This certification may (each case will be assessed individually) allow for ongoing employment on site, and if so, will require the employee to undertake regular 'covid testing' as required by the employer, on a case by case basis.

### **3. Refusal**

Seventh-day Adventist Schools (North New South Wales) Ltd understand that for some, mandatory vaccinations represent an action they are unwilling to comply with.

Whilst acknowledging the ability of an employee to choose, Seventh-day Adventist Schools (North New South Wales) Ltd see compliance with these Public Health Orders relating to the Education sector as non-negotiable for employees who seek to remain working for Seventh-day Adventist Schools (North New South Wales) Ltd.

Employees who refuse to be vaccinated by November 8, 2021, and do not have a Medical Contraindication Certificate, still may though access any relevant accrued leave as per the relevant Enterprise Agreement.

Once this leave has been depleted, the employee, if applicable under the relevant Enterprise Agreement, may access 'Special Leave' or in the absence of a 'Special Leave' provision, will have their employment closed.

Employees who choose to resign instead of accessing any accrued leave will have their legislated entitlements paid out in full as per the terms of the relevant Enterprise Agreement.

*NB: Long Service Leave is an agreed period of leave that suits the timing of both the employee and the employer; it is not automatically granted. In this case however, where there is no real alternative for staff to wait for a 'better time', LSL will be in most cases granted depending on the staffing needs of the school at the time.*

## **Frequently Asked Questions:**

### **Q. I am a non-teaching employee. Must I be double dosed by November 8, 2021?**

A. Yes. All school employees of Seventh-day Adventist Schools (North New South Wales) Ltd who are presenting for work on November 8, are to be vaccinated.

### **Q. What if I have had one dose but the second dose is scheduled for after November 8, 2021?**

A. If you cannot be allocated to Alternative Working Arrangements (Working from Home), you must take leave as per the relevant Enterprise Agreement until you have had your two doses.

### **Q. Can I work from home?**

A. Alternative Working Arrangements will be considered on a 'case by case' basis by each school, according to the employees' job description and school need.

### **Q. How do I get a Medical Contraindication Certificate?**

A. From your GP.

### **Q. If I have a Medical Contraindication Certificate does that allow me to automatically remain working on site?**

A. No. It does allow though a consideration of Alternative Working Arrangements that may include access to the school site, but this is considered on a case by case basis, inside both the relevant Public Health Orders and the school's WHS responsibilities as relating to the role in question.

### **Q. What if I want to wait for the Novovax or another approved vaccination not yet available?**

A. If you cannot be allocated to Alternative Working Arrangements (Working from Home), you must take any accrued leave as per the relevant Enterprise Agreement, or, Leave Without Pay (maximum of one term), until you have had your two doses.

### **Q. Will I get a payout of my entitlements if I resign?**

A. Yes. All applicable entitlements in accordance with the EA are paid out to employees with their decision to conclude their employment, no matter the situation.

### **Q. Will I get a payout of my entitlements if my employment is terminated by the employer?**

A. Yes. All applicable entitlements in accordance with the EA are paid out to employees if their employment is terminated by the employer.

**Q. What happens after December 1, 2021, when vaccinated and unvaccinated have the same opportunities / freedoms in the community?**

A. Public Health Orders are both community based and sector based. On December 1, 2021 the community response to DELTA in the relevant PHO is set change; the Education Sector PHO will remain in force.

**Q. Can the school refuse my request for Long Service Leave?**

A. Yes. LSL is based on the needs of the school AND the employee.

In the context though of the PHO, LSL will be considered with a favourable bias towards the employee, however, if the number of applications from any one school exceeds the school's ability to staff and provide a service, then the request may be denied.

**Q. Can I use sick leave to extend the period of time before I make a decision on getting vaccinated?**

A. No. Accrued Sick Leave is available to employees for sickness only, through the existing leave form process, or for more than one day, via a Medical Certificate.

A Medical Certificate from a GP is different to a Medical Contraindication Certificate: Medical Certificates are for illness and Contraindication Certificates are for exemption from vaccination.

As outlined in the EA's "In situations where the Employer may have concerns regarding the nature of an illness where sick days are taken, the Employer may request a meeting, in writing with the teacher, to clarify the situation. The teacher will be given the opportunity to respond, and if the Employer requires further evidence, may require the teacher to produce a medical certificate from a doctor nominated **by the Employer**. If a teacher fails to attend a meeting with the Employer without a valid reason or fails to provide a medical certificate as requested, paid sick leave will not be granted if the claim for sick leave is considered invalid.

From EA 19.3(v) from teacher EA. (NB: both Admin and Support EAs contain a similar clause)

**Privacy Resources:**

<https://www.oaic.gov.au/privacy/covid-19/covid-19-vaccinations-and-my-privacy-rights-as-an-employee/>

<https://coronavirus.fairwork.gov.au/coronavirus-and-australian-workplace-laws/covid-19-vaccinations-and-the-workplace/covid-19-vaccinations-workplace-rights-and-obligations#providing-evidence-of-vaccination>