

QCS Employment Direction 01/22

Effective Date: 30 June 2022

1. Purpose and Considerations

Consistent with the principles of *Corrections 2030*, the safety of our custodial environments, for both officers and prisoners, is Queensland Corrective Services' (QCS) number one priority. Having a COVID-19 vaccine is an important step in protecting against the serious effects of COVID-19.

This Direction outlines the COVID-19 vaccination requirements for QCS Staff Members working in a corrective services facility.

Corrective services facilities have been identified as vulnerable facilities by the Australian Health Protection Principal Committee (AHPPC). This is due to the density and vulnerability of the population in these centres, and limitations in being able to adopt the other public health mechanisms (such as the use of masks and socially distancing).

This Direction is considered necessary in order to:

- a. ensure QCS' compliance with workplace health and safety obligations to minimise the risk from COVID-19 to Staff Members as far as reasonably practicable; and
- b. maintain an essential workforce as a public safety agency.

This Direction has been implemented on the basis of health advice, risk assessments and a consultation process in workplaces subject to this policy, in the context of various legal obligations and operational requirements.

QCS Staff Members are encouraged to access official sources of information about COVID-19 vaccinations, and the risks of disease and illness associated with COVID-19. Information can be obtained from:

- Queensland Health <https://www.qld.gov.au/health/conditions/health-alerts/coronavirus-covid-19>
- Australian Government Department of Health – Therapeutic Goods Administration [COVID-19 vaccines | Therapeutic Goods Administration \(TGA\)](#)

2. Authority

The Direction has been developed in accordance with:

- The *Work Health and Safety Act 2011*
- sections 263 and 264 of the *Corrective Services Act 2006*
- sections 11 and 98 of the *Public Service Act 2008*; and

the ability at common law for the Chief Executive to give lawful and reasonable directions to employees in relation to their employment.

3. Application

This direction applies to all QCS Staff Members who seek to enter, work in or provide services in a corrective services facility as part of their role, including those who do not primarily work in a corrective services facility but must attend a corrective services facility to fulfill the requirements of their role.

4. Compliance

Compliance with this Direction is mandatory. QCS Staff Members who are not compliant may be liable for disciplinary action under the *Public Service Act 2008*.

5. Relevant legislation

- *Anti-Discrimination Act 1991*
- *Disability Discrimination Act 1992*
- *Corrective Services Act 2006*
- *Human Rights Act 2019*
- *Industrial Relations Act 2016*
- *Information Privacy Act 2009*
- *Public Service Act 2008*
- *Public Records Act 2002*
- *Work Health and Safety Act 2011*

6. Direction

The **COVID-19 vaccination requirements** for QCS are that all **Staff Members** who seek to enter, work in or provide services in a corrective services facility must be **fully vaccinated** with a **COVID-19 vaccine**.

Staff Members must provide evidence of complying with the COVID-19 vaccination requirements to a **Responsible Person** as soon as practicable after each dose of the COVID-19 vaccine.

Evidence of meeting the COVID-19 vaccination requirements, that can be relied upon as supporting evidence, includes:

- written confirmation of COVID-19 vaccination provided to the person as part of the vaccination process, such as a record of vaccine card; or
- an online or printed immunisation history statement for COVID-19 vaccination.

7. Transitional Provisions

If a Staff Member has been subject to a temporary exemption from receiving a COVID-19 vaccine then the Staff Member is directed to receive their first dose (if unvaccinated) or second dose (if partially vaccinated) within three days of the temporary exemption ending.

If applicable, the Staff Member must then receive their second dose within the medically recommended timeframe.

If a Staff Member has been on approved leave prior to the date of this Direction then they must ensure they are fully vaccinated prior to returning to work.

You must be fully vaccinated to enter a corrective services facility.

8. Prospective Staff Members

When offering a position to a prospective Staff Member, whose role requires them to enter, work in or provide services in, a corrective services facility, such that this Direction would apply to them, then the relevant advertising and engagement documentation must clearly state that engagement is subject to the person fully satisfying the COVID-19 vaccination requirements. Evidence of satisfying the vaccination requirements must be provided prior to appointment.

9. Exemptions

Where an existing Staff Member is unable to be vaccinated, they are required to complete an exemption application form.

Exemptions will be considered in the following circumstances:

- Where an existing Staff Member has a recognised **medical contraindication**; or
- Where an existing Staff Member has a genuinely held religious belief; or
- Where another exceptional circumstance exists.

If an existing Staff Member is granted an exemption, they will be required to comply with conditions of the exemption.

10. Review date

This Direction will be reviewed after the earliest of the following events:

- a. The Commissioner considers it necessary, having regard to the COVID-19 levels in the community and/or a specific corrective services facility; or
- b. 3 months has passed since the date of this Direction.

11. Definitions

Staff Member has the meaning given in the *Corrective Services Act 2006* (CS Act).

Corrective services facility has the meaning given in the CS Act.

COVID-19 vaccine is a vaccine for COVID-19 that is recognised and approved for use in Australia by the Therapeutic Goods Administration.

COVID-19 vaccination requirements means the requirement for a Staff Member to be fully vaccinated with a COVID-19 vaccine.

Fully vaccinated means a Staff Member who has received at least two doses of a COVID-19 vaccine and a week has passed.

Responsible Person means:

- a General Manager/Chief Superintendent or equivalent;
- Deputy General Manager/Superintendent or equivalent;

- the Staff Member's reporting line manager (at least AO6 level (or equivalent) or above);
- a Human Resources Manager; and
- a Correctional Manager.

Medical contraindication means a medical exemption recorded on the Australian Immunisation Register, or an Australian Immunisation Register immunisation medical exemptions form completed and signed by an eligible health professional for the COVID-19 vaccine.

12. Privacy

Queensland government agencies must deal with personal information in accordance with the privacy principles contained in the *Information Privacy Act 2009* (Qld). Agencies can lawfully collect vaccination status information where it is reasonably necessary for an agency's functions or activities.

The vaccination status information is being collected by QCS to ensure compliance with this Direction and ensure appropriate rostering.

This information will not be disclosed to any external entity, unless required by law.

13. Human Rights

Consideration has been given to the potential impacts on human rights in deciding on the COVID-19 vaccination requirements outlined in this Direction, including:

- a. the human rights of Staff Members that are likely to be limited by the vaccination requirements; and
- b. the human rights of vulnerable prisoners and Staff Members that are likely to be supported by the vaccination requirements.

It has ultimately been determined that any limitation on human rights of Staff Members is reasonable and justified in order to effectively manage the risk of severe illness from COVID-19 in corrective services facilities.



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Paul Stewart
Commissioner, Queensland Corrective Services
29 June 2022