



NEW SOUTH WALES  
BAR ASSOCIATION

## NEW SOUTH WALES BAR ASSOCIATION COVID 19 Vaccination Policy and Procedure

### Introduction

This policy applies to all employees and contractors of the New South Wales Bar Association (the Association), and all visitors ('visitors' includes members) to the Association's premises. As well as the reception and office area, the Association's premises includes the Common Room and Library. This policy forms part of the employment agreement between the Bar Association and its employees.

The purpose of the Policy is to summarise the obligations of all staff, contractors, and visitors who attend the Association premises with respect to managing the risks associated with the COVID 19 pandemic.

The obligations outlined in this Policy arise as a result of:

1. *Work Health and Safety Act 2011* and regulations; and
2. Public Health Orders, in particular *Public Health (COVID-19 General) Order 2021* passed under the *Public Health Act 2010*.

For the purposes of this policy, 'vaccination' means treatment provided to an individual with an approved vaccine to produce immunity against a disease for the benefit of individuals and the community. The Association agrees that vaccination is an important tool for maintaining the health and wellbeing of all employees and visitors to its premises, and the wider community and is committed to providing, as far as practicable, a safe workplace for its employees and visitors free from recognised hazards.

The Association requires its employees and contractors to be fully vaccinated against COVID-19, unless they have been granted a medical exemption. The Association also requires all visitors who wish to enter the Association's premises to be fully vaccinated against COVID-19, unless they have been granted a medical exemption.

The goal of this policy is to protect employees, contractors and visitors, including their family members, and the broader community, from infection and to assist the Association with managing the spread of COVID-19.

### Workplace Health and Safety

The Association has an obligation under the *Work Health and Safety Act 2011* to protect the health and safety of its staff as well as workers engaged, or caused to be engaged by the Association, as far as reasonably practicable, including to eliminate, or if that is not reasonably practicable, minimise the risk of exposure to COVID-19 in the workplace. The

Association also needs to ensure that the health and safety of others is not put at risk from work carried out as part of its business.

Public health orders relating to the COVID 19 pandemic, *Public Health (COVID-19 General) Order 2021* (Public Health Order), require certain measures to be complied with in order to reduce the risk of the spread of COVID 19.

Measures that currently apply to the Association's premises are:

1. Requiring check in with a QR Code upon entry to the premises; and
2. Not allowing more persons on the premises than equal to 1 person per 2 square metres of space.

It is acknowledged that subsequent orders can be made at any time that may change the above requirements and all effort will be made to update this Policy to ensure it is current.

Prior to this policy coming into effect, all staff were encouraged to become vaccinated against COVID 19 and have been given time off work in order to do so through the use of their personal leave. Time off will continue to be granted where employees may require a booster as may be recommended by the Government from time to time. It is acknowledged that even if a person is fully vaccinated, they can still contract COVID 19 and pass it on to others, but the incidence of severe illness and hospitalization reduces dramatically where a person is vaccinated.

The Association has other control measures in place to reduce the potential transmission of COVID 19 within its premises including the installation of sneeze guards, hand sanitizer, sanitising spray for high touch points used by staff in the office e.g. photocopiers and microwave, encouraging staff who are unwell to stay at home, and extra cleaning throughout the day by CCL of high touch points e.g. lift buttons and door handles on top of the usual daily cleaning. Further details of these control measures are outlined under the heading 'Other COVID Safe Measures within the Association's Premises' and are also contained in the Bar Association's COVID Plan for full details of other control measures in place.

Refer to the Fair Work Ombudsman for further details on workplace rights and obligations: [Fair Work Australia COVID-19 vaccinations: workplace rights and obligations](#)

## Definitions

In this policy, the following terms have the meaning as set out below:

- **Approved Vaccine** means any COVID-19 vaccination that have been provisionally registered for use in Australia by the Therapeutic Goods Administration.
- **Fully Vaccinated (applies to persons aged 16 and over)** – schedule 6 of the Public Health Order defines a fully vaccinated person as someone who:
  - (a) Has had 2 doses of a COVID-19 vaccine, or
  - (b) has a medical contraindication certificate issued to the person, or
  - (c) has a medical contraindication recorded on the Australian Immunisation Register that prevents the person from receiving a COVID-19 vaccine.
- **Vaccination certificate** means the Australian Government COVID-19 digital certificate or Covid passport. Please note that if you receive a COVID-19 Pfizer, AstraZeneca or

Moderna vaccine while overseas, you can register your vaccination on the [Australian Immunisation Register](#) (AIR) when you return to Australia.

## Vaccination Requirements

The Association acknowledges that pursuant to the current Public Health Order it is not obliged to ensure that no 'unvaccinated adult' is on its premises. However, in view of the obligations under the Work Health and Safety Act, and in the interests of ensuring, so far as is possible, the health and welfare of those who work at or visit its physical premises, the Association has developed this COVID 19 Vaccination Policy and Procedure.

The Association recognises the importance of a significant level of the population being vaccinated and to that end requires all employees, contractors and adult visitors (over the age of 16 years) to its premises to be fully vaccinated, including any booster shots that may be recommended after the initial two-dose has been given.

### **Disclosure of Health Information**

In order to comply with this policy, it may be necessary to request vaccination information from employees, contractors and visitors to the premises. In doing so, the Association acknowledges that it is not legally able to compel disclosure of health information from employees, contractors or visitors to its premises. Despite this, information will be requested from all persons visiting the Association's premises so that the risk of COVID 19 being introduced into the premises can be assessed and appropriate measures taken to minimise that risk. The intention is to ensure as far as practicable the health and safety of all who visit the Association's premises. It is not the intention of the Association to unlawfully discriminate in the provision of services against any person through the implementation of this policy.

The Association will view the health record that is disclosed by consent and may keep a record of vaccination status, but unless required to do so by a Public Health Order, the Association will not retain a copy of the health record. The vaccination status record will not be disclosed to third parties.

### **Association Employees and contractors**

The Association acknowledges that, generally, personal health management outside of a person's employment is their own affair. However, health related matters that impact on or affect the health and safety of an employee and visitors to the Association's premises, or the Association's business interests or reputation or those of its members or clients are a proper focus for Association policy. Accordingly, employees and contractors must follow the following guidelines:

- All employees and contractors are required to be Fully Vaccinated against COVID-19, unless they have been granted an exemption by the Association in accordance with this policy. Vaccination must be undertaken on the advice of an accredited health practitioner (including health practitioners at any authorised COVID-19 vaccination centres).
- All new employees must be fully vaccinated against COVID 19 and either advertising of future employment positions will reflect the vaccination requirement, or the requirement will be discussed during a job interview before any job offer is made.

- All employees and contractors may be asked to provide evidence acceptable to the Association of being Fully Vaccinated. Further evidence may also be required in the future of any booster which may be recommended. The Association will accept for these purposes, staff allowing their Manager, the Director, Shared Services and HR, or the Deputy Executive Director to view a copy of their Immunisation History Statement, or a copy of their COVID-19 Digital Certificate (both of which can be obtained through their MyGov account). A copy of an employee's digital certificate will not be kept by the Association.
- All employees will continue to be able to access their personal leave to attend a recognised provider to receive any vaccines required, including any recommended booster shots.
- If any employee has a significant reaction to the vaccine, they may access any personal leave they have available.

### **Visitors to the Association premises ('visitors' includes members)**

In the interests of protecting Association employees and all visitors to its premises (including the Library and Common Room for events), the Association has determined that all visitors over the age of 16 must be fully vaccinated against COVID 19 within the definition provided.

### **Exemptions**

The Association recognises that not all employees and visitors will be able to receive an Approved Vaccine, including due to medical conditions for which there is a Recognised Contraindication to receiving any of the Approved Vaccines. Any employees or visitors who have such a medical condition may be asked to provide medical evidence satisfactory to the Association of the medical condition and the reason for which they are unable to receive any of the Approved Vaccines. Any medical certificate provided in this respect must be issued by a duly qualified medical practitioner with a current and valid registration and must clearly identify the medical condition, and specify that the medical condition gives rise to a Recognised Contraindication in respect of all Approved Vaccines. The Association reserves the right to contact the issuing medical practitioner to verify the authenticity of any such medical certificates.

Requests for an exemption will be considered by the Association on a case-by-case basis and those requesting an exemption will be provided with an opportunity to discuss their reasons and a written response will be provided after careful consideration of the request.

In order to ensure the health and safety of all employees and visitors at the Association, individuals granted an exemption may be subject to conditions or restrictions, and/or may be subject to extra safety requirements if wishing to come into the Association's premises e.g. wearing a mask.

### **Requesting Information**

Care should be taken when obtaining vaccination information as it is a type of health information and is considered to be sensitive.

If an employee intends to have a meeting on the Association's premises, that employee will need to request information about the vaccination status of the proposed visitors. Any event to be held in the Common Room is to be either invitation only, or prior registration is to be required – this is to also ensure the number attending does not exceed the number allowed under the Public Health Order. The fact that all who attend an event are required

to be fully vaccinated will be clearly stated in all advertising material and/or invitation that is sent out regarding the event.

Given the sensitive nature of the information sought, the following approach is recommended:

- Prior to requesting information about any person's vaccination status, they are to be informed that they are not obliged to disclose their vaccination status and should only do so if they freely consent and feel comfortable doing so;
- They are to be informed that the information is being requested in compliance with Association policy which has been implemented to protect all visitors to the premises and address the risks associated with COVID-19;
- the information is being requested so the Association is able to comply with its obligations to protect the health and safety of all visitors, as well as Association employees, some of whom might be particularly vulnerable to the effects of COVID-19; and
- the information may be used to determine whether the person is able to:
  - (a) visit the premises for a meeting, to visit the Library, or attend an event;
  - (b) whether the meeting can instead be conducted by electronic means; and
  - (c) any additional procedures or precautions that might be implemented during a person's visit to the premises e.g. the requirement that they wear a mask.
- If the visitor confirms that they are fully vaccinated or have a medical contraindication with evidence of this, there is no restriction to them being on the Association's premises so long as they comply with any other requirements, including use of face masks as appropriate, maximum number of persons at the premises, and use of QR Codes to check in.
- If a proposed visitor:
  - (a) does not wish to provide confirmation of their vaccination status, or
  - (b) confirms that they are unvaccinated *without* a medical contraindication certificate or registration,the visitor is not to visit the Association or if they are already present they are to be asked leave immediately.

### Other COVID Safe Measures within the Association's Premises

In addition to the requirement that all employees, contractors and visitors to the Association's premises are to be fully vaccinated, the Association has the following additional COVID safe measures in place to protect the health and safety of all individuals who visit its premises. For full details refer to the Association's Infectious Diseases COVID-19 Safety Management Plan.

#### **Service NSW QR Codes**

Each separate premises (Main office and Common room, offices located in Lockhart Chambers, and the Library operated by the Association has a unique QR code that all employees and visitors to the premises must use to check in.

#### **Social Distancing**

Posters are placed throughout the premises reminding employees and visitors to maintain social distancing of 1.5 metres apart.

### **Sneeze Guard Protection**

Tall 'sneeze guards' to protect employees and visitors have been installed on the Library returns and enquiries desk, and the reception desk. There is also a portable bar table with sneeze guard in the foyer area for the use of LARS employees to meet with LARS applicants as well as other Association employees who may need to meet from time to time with visitors who attend the office.

### **Temperature Checking**

The Association will not generally temperature check its employees when they attend the premises. Temperature checking may be required by employees and visitors who attend the premises for meetings, events and/or the Library premises – this will be considered on a case by case basis.

### **Extra Cleaning Measures**

CCL's cleaners who are who are contracted to clean the Bar Association's premises are cleaning all:

- frequently touched surfaces such as countertops and door knobs in and around the office on a regular basis;
- rotating touch point cleaning of all common touch points in the building, and specifically the lift landing buttons and lift car call buttons several times each day, this includes all common area door handles on Ground, Basement and Sub basement areas, toilet handles on every floor, all fire stairs door handles, balustrades and touchpoints as well as handrails on the concourse; and
- Taps, sinks, flush buttons in toilets, as well as the toilets.

Anti-viral spray and wipes/tissues are located in the office near each photocopier and microwave in the office so users can wipe them down before and after use.

### **Hand Hygiene**

Hand hygiene is paramount. Posters have been placed around the Association's premises and toilets encouraging everyone to wash their hands regularly. Automatic dispensing hand sanitizer stations are located in the entrance to the main office, Library and Common room areas as well as large pump bottles dispersed around the premises.

### **Masks**

Where it may not be mandatory to wear a mask in the Association's premises, staff are encouraged to wear them at any time if they wish to and in situations where they cannot effectively social distance. The Professional Development Department may also mandate or 'encourage' the use of masks when holding large 'events', including Conferences, Bar Exams and Bar Practice Course - each separate COVID-19 Plan that is developed for the event/conference will outline any such requirement and it will be advised to all participants prior to the event/conference taking place.

### **Signage around the premises**

In addition to the signage displaying the QR code, signage has been placed around the premises notifying all employees and visitors to not enter the reception, Library or office if they have COVID-19 symptoms and also reminding all individuals about washing their hands and social distancing. These signs will be regularly reviewed to ensure they remain adequate, including when the rules are changed over such things as the requirement for

visitors to wear masks. CCL have also placed signage in and around the building and lifts reminding people about social distancing.

### Protecting Employees performing work outside of the Association's Premises

To best protect employees during the performance of their work duties outside of the Association's premises, the following procedure has been developed:

1. Prior to attending another location, employees are to confirm whether that location has a COVID-19 policy or procedures to minimise risks of COVID-19.
2. So far as is possible, the employee attending another premises should not touch any other person or thing while in the other premises and are to maintain social distancing whilst visiting the other premises.
3. The employee must check in on arrival at the other premises, using the QR Code or alternative check-in method.
4. The employee will utilise hand sanitiser or wash hands immediately upon return to the Association's premises.
5. If an employee, after having made enquiries of the policy or procedures in place to minimise the risk of COVID 19 at the premises they are to visit, feels uncomfortable or unsafe about visiting the premises due to the lack of policy or enforcement of procedure, the employee has the right to decide in the circumstance not visit the other premises. This includes the situation where not enough information has been provided to make a fair assessment of the policy and procedures at the other premises.

### Process for Visitors on the Premises

When a person arrives at the Association's premises, the following procedure should be observed by either the Receptionist, Librarians, Event Manager or other employee assisting in running an event, the visitor will be asked:

1. if they have checked in using the QR code;
2. to provide proof of their vaccination status, if they are willing to share this information;
3. if they have had any symptoms of Covid in the past 7 days;
4. if required under a separate COVID Plan, if they are willing to have their temperature checked.

In the event that a visitor who attends the Association premises becomes abusive towards Association employees as a result of the above procedure, the employee will seek assistance from the Deputy Executive Director, Executive Director or an available Manager.

### Breach of Policy

Vaccination status of employees and visitors will be monitored, including when new health recommendations/orders are made in future including such matters as booster shots. Any employee or visitor to the Association's premises identified as breaching this policy will be subject to appropriate action.

For further information on this policy please contact The Director Shared Services and HR, Deputy Executive Director or the Executive Director.

Please note that this policy may be revoked or amended at any time and staff will be notified if either occurs.

Endorsed by Bar Council at meeting held on 18 November 2021