SARS-CoV-2 (Delta Strain) Guide Response Plan FY2021

Considerations for mandatory vaccinations

Version 1 – 18 September 2021
“Vaccination against COVID-19 is the most effective way to reduce deaths and severe illness from infections”

TGA July 2021
Map

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1. Purpose
WHY HAS SPC DECIDED TO CIRCULATE THIS GUIDE RESPONSE PLAN?

• This Response Plan is designed to guide businesses, employers and employees, and provide insights and information, in relation to the decision-making processes, implementation, key considerations and other relevant aspects of a mandatory vaccination plan or program for SARS-CoV-2.

• SPC considers it part of its corporate social responsibility to share its findings with Australian businesses, employers and employees in an effort to assist those who are considering implementing their own mandatory vaccination programs. It is our hope that SPC’s experiences will provide a useful starting point from decision-making and documentation perspectives.

• We note that:
  - This Response Plan is not all-encompassing. Context will also evolve over time and this Response Plan may not reflect the most current information, thinking or considerations on these matters.
  - Please note that everything in this Response Plan is subject to the Disclaimer on the final page. Circumstances for each business, employer and employee will be different. It is therefore critical that specific and contextualised advice be sought before implementing any mandatory vaccination plans.
2. Context, SPC Narrative and Timeline
Context

GLOBAL AND AUSTRALIA

- COVID safe protections appeared to fall short against **Delta strain**.
- Frequent, inconsistent, unreliable and unclear vaccination advice and availability has been unhelpful.
- Federal and state in-fighting and inertia has been unhelpful.
- “Vaccines continue to be highly effective in preventing hospitalisation and death”. **Centres for Disease Control (USA)**
- “80% full vaccination threshold for lock down minimisation”. **Doherty Report**
- “Vaccination against COVID-19 is the most effective way to reduce deaths and severe illness from infections”. **TGA**
- “**Delta variant** at least twice as contagious as WUHAN strain”. **RACGP**
- “COVID-19 vaccination is a key component of SARS-CoV-2 control with the overarching goal of protecting all people in Australia.” **ATAGI**
- ...Localised ‘lockdowns’ to prevent further outbreaks have impacted the mental health of many Australians.
  - March 21 – April 21: Lifeline calls up 18% on same time 2019, Beyond Blue up 31% and Kids Helpline up 10%

SPC

- Essential Services Food Processing Manufacturer with operations in Emu Plains and Shepparton
- NDIS provider
- Business continuity essential
- 730 workers at both sites outside of harvest season and more than 1000 in season
- 112 staff in Emu Plains work in close proximity
- Successful Covid Safe Plans in place
- Infection related shut downs
  - Jeopardising supply
  - Jeopardising casual worker pay
  - Risk of community spread
- Shepparton Workforce grows by +245 casual seasonal workers in December
• We are an essential service business providing food products to Australian consumers.
• Our existing COVID Safe Plans were “reasonably practicable” and effective in minimising the risk of harm through transmission of the known strains.
• SARS-CoV-2 (Delta) is a “game changer”; it’s much more contagious and poses an elevated threat to our people, their families, the community and our business.
• We feel a deep obligation to keep our people, and the communities in which they live, as safe as we possibly can.
• A new standard of “reasonably practicable” is necessary and our current COVID Safe Plans must be revised.
• In our opinion, and based on the advice of experts, a fully vaccinated workplace is the safest option for our people.
• In our opinion, governments are unlikely to do more than “encourage” vaccination except in very special circumstances.
• Clear direction, information and leadership must come from private enterprise, if the economy is to open up and lockdowns become the exception rather than the default position of government.
Timeline

BELOW IS AN EXAMPLE OF A TIMETABLE FOR ADOPTING A MANDATORY VACCINATION POLICY / PLAN (POLICY)

Consideration of Policy
- Legal / Regulatory
- Commercial
- Medical

Legal Advice
- Lawful and reasonable direction
- Key considerations
- Defence plan
- Preparation of key documents, including clauses and policies

Board Approval
- Presentation of policy considerations and legal advice

Consultation
- Union and employees

Implementation
- Communications to employees and other stakeholders
- Adoption of policies
- Amendments to contracts

Education and Enforcement
- Deadlines
- Flexibility as required
- Dedicated support
- Engagement and dialogue
- Disciplinary action
3. Legal and Regulatory Considerations
### Summary of Key Legal and Regulatory Considerations

<table>
<thead>
<tr>
<th>WHS</th>
<th>Employment Law</th>
<th>Discrimination</th>
<th>Privacy</th>
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</thead>
</table>
| • Employers have an absolute duty to ensure health and safety of workers and other persons.  
• The high transmissibility of Delta and the potential for significant adverse health outcomes presents a major risk for persons in a workplace where there is personal contact.  
• Currently, vaccination is the most effective control measure to manage that risk. | • Centred around the concept of lawful and reasonable directions.  
• Basis of lawful and reasonable is both WHS compliance and employer prerogative to manage the business effectively and to protect its legitimate business interests.  
• Ensure compliance with industrial instruments.  
• Ensure compliance with health directives and public health orders. | • Consideration of the impact of the (very limited) circumstances that may impact on “protected attributes” under anti-discrimination laws, such as disability, age, race, religion.  
• Flexibility with respect to persons who have a genuine contraindication to being administered an approved COVID-19 vaccine. | • Important aspect of any policy includes verification of vaccinations status or medical contraindication.  
• Compliance with applicable privacy laws needs to be considered.  
• Need systems and processes to ensure confidentiality of medical information, as with other employment circumstances involving medical information or conditions. |
Legal and Regulatory Considerations

LAWFUL AND REASONABLE DIRECTIONS

• Employers will be lawfully permitted to require employees to become vaccinated against COVID-19 when doing so constitutes a ‘lawful and reasonable direction’.

• In considering whether or not it is lawful and reasonable to implement a mandatory vaccination policy, there are a number of considerations that must be taken into account, including:
  - The management prerogative of an employer to run its business as it sees fit, and to protect its legitimate interests.
  - Whether mandatory vaccination is justified on health and safety grounds, including the availability of other control measures, and consultation with workers and health and safety representatives.
  - Any relevant information or guidance from statutory bodies, government agencies and regulators including:
    o the availability of vaccines under the national COVID-19 immunisation roll out;
    o data protection implications, including with respect to requirements for employees to provide information on their vaccination status, verifying its accuracy and retaining that data;
    o restrictions on communications regarding COVID-19 vaccines imposed by the TGA; and
    o that vaccination is not suitable for everyone.
  - The operation of an industrial instrument, such as an enterprise agreement or contract of employment.

• Each of these factors will depend heavily on the specific circumstances of the workplace and each employee.

• At a high level, however, one of the key factors in assessing whether it will be reasonable to require employees to be vaccinated against COVID-19 are the health and safety risks in the workplace.
Legal and Regulatory Considerations

WHS LAWS – REASONABLY PRACTICABLE

• An employer can impose a mandatory COVID-19 vaccination policy if the direction is lawful and reasonable. In mandating vaccination, SPC is able to rely on its duties under the relevant WHS/OHS legislation, so far as reasonably practicable, including to:
  - eliminate risks to health and safety (including identifying and controlling risks to health or safety associated with potential exposure to COVID-19);
  - provide and maintain for employees a working environment that is safe and without risks to health (including the risk of COVID-19); and
  - monitor the health of employees.

• Employees have a duty under the WHS/OHS laws to take reasonable care for their own health and the health and safety of other employees who may be affected by their acts or omissions. They also have a duty to comply with their employer's lawful directions in respect of safety matters.

• The risks to the workforce are compounded, in SPC’s case, by the necessity for physical attendance at the workplace for the majority of employees working in close proximity of each other in processing roles. Social distancing and the effect of personal protective equipment have their limitations. At the height of the pandemic in the USA in 2020, the pig meat industry was devastated by COVID in working circumstances similar to those at SPC. Many other employers in Australia will face similar risks.

• In SPC’s case, a determination was made that the existing controls for preventing transmission of earlier variants of COVID-19 infection were not going to be sufficient to manage the risks associated with the Delta variant. Appropriate vaccination requirements were identified as being far superior to the other available controls in reducing the workplace risk, and that it was reasonably practicable to implement in the circumstances.
# Legal and Regulatory Considerations

The Federal Government has proposed a four-tier system of risk for workplaces, as summarised below.

<table>
<thead>
<tr>
<th>Tier</th>
<th>Workplace</th>
<th>Key Features</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Direct contact with the COVID-19 virus</td>
<td>This includes workplaces where employees may be in direct contact with persons potentially infected with the COVID-19 virus, and therefore at higher risk of potentially becoming infected and acquiring the virus. This could include workplaces such as quarantine facilities, airports, airlines and front-line health workers. Some Tier 1 workplaces or occupations may be subject to public health orders.</td>
</tr>
<tr>
<td>2</td>
<td>Direct contact with persons vulnerable to risk of serious injury or death from COVID-19 infection</td>
<td>This includes workplaces where employees are working with people who are particularly vulnerable to the risk of serious injury or death from contracting COVID-19. This could include workplaces such as residential aged care and disability service providers. Some Tier 2 workplaces or occupations may be subject to public health orders.</td>
</tr>
<tr>
<td>3</td>
<td>Customer facing workplaces</td>
<td>This includes workplaces where employees are publicly facing in their daily work. This could include workplaces such as retail, hospitality, health and allied services, and education. Many Tier 3 workplaces are unable to continue to provide customer facing services during government imposed business restrictions and lockdowns, and may not be able to facilitate their staff in working from home arrangements.</td>
</tr>
<tr>
<td>4</td>
<td>Limited contact with customers</td>
<td>This includes the remainder of workplaces where employees are not in often close contact with others in the course of their work and are likely better able to accommodate working from home arrangements.</td>
</tr>
</tbody>
</table>

- For employers with workplaces in the first three tiers of workplaces, the health and safety risks associated with the transmission of COVID-19 in the workplace are much higher than in Tier 4. This may mean that vaccination as a precondition of work in some roles may be justified on health and safety grounds (and may also already be covered by state and territory public health orders). In other workplaces, the assessment is less clear and requires an analysis of the level of risk and the practicality of available control measures.

- It is important to note, however, that management’s prerogative to introduce a mandatory vaccination policy is not solely limited to first order considerations of health and safety. Other relevant considerations may include the employer’s desire to minimise the impacts of COVID-19 on the effective conduct of its business and to protect its:
  - reputation.
  - desirability as an employer of choice.
  - retention of staff.
  - financial and economic interests.
Legal and Regulatory Considerations

ANTI-DISCRIMINATION LAWS

- The key factor from a discrimination perspective is the approach taken with respect to employees who have medical conditions for which obtaining any of the available COVID-19 vaccinations is contraindicated. It will be important to carefully navigate such cases in order to avoid contravening obligations imposed by disability discrimination legislation.

- Businesses will need to consider whether it would be possible to exempt such employees from any requirement to become vaccinated. Alternatively, it may become necessary to consider whether any of the exceptions under any applicable discrimination law are enlivened, such as where it can be established that becoming vaccinated forms an inherent requirement of the role, or where any other approach would impose an unjustifiable hardship on the employer.

- Aside from disability discrimination legislation, employers will also need to be cognisant of obligations imposed by age discrimination legislation, as well as potential obligations with respect to religious discrimination or race discrimination in certain circumstances.
Verification of Vaccination Status and Privacy Laws

- An important aspect of a mandatory vaccination policy is verification of vaccination status. For any person, this would consist of one of two documents:

  1. a record of vaccination, which can be an immunisation history statement from the Australian Immunisation Register or a record contained in a Medicare online account; or

  2. a medical certificate stating that the person has a medical contraindication to receiving a Covid-19 vaccination.

- Businesses must consider the implications of requesting and holding information about a person’s vaccination status and, if relevant, information supporting a medical contraindication.

- Advice should be taken on the potential application of the Privacy Act 1988 (Cth) and other relevant legislation applicable to a specific organisation.

Communications About Covid-19 Vaccinations

- The Therapeutic Goods Administration (TGA) regulates the advertising of therapeutic goods in Australia, including Covid-19 vaccinations. Any communication that seeks to promote Covid-19 vaccination, including vaccination policies or staff communications are subject to TGA regulation.

- The TGA has provided permissions and guidance as to how businesses can lawfully provide communications to employees and others.
4. Program of Work

...
Program of Work

SAFETY FIRST

Objectives

1. Staff that can be vaccinated against COVID-19 must be by 1 January 2022 as a condition of employment.
2. All visitors and contractors that can be vaccinated, must as a condition of engagement post 1 January 2022.
3. New employees (permanent and casual) to be fully vaccinated by 1 January 2022.

Guiding Principles

Focus on welfare and wellbeing

Support staff and pivot for matters outside their control.

Business Continuity

Empower staff with education and communication

Engage in open dialogue and consult with staff frequently.
<table>
<thead>
<tr>
<th>Stakeholder Engagement Activities</th>
</tr>
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<tbody>
<tr>
<td><strong>Government</strong></td>
</tr>
<tr>
<td>Engage Local (State) and Federal Representatives early and keep them informed of progress</td>
</tr>
<tr>
<td><strong>Union &amp; Industry Associations</strong></td>
</tr>
<tr>
<td>Engage AMWU in consultation as agreed in EA. Establish ongoing consultation mechanism with Health and Safety Representatives and Shop Stewards. Engage with AiG, BCA and VECCI</td>
</tr>
<tr>
<td><strong>Staff</strong></td>
</tr>
<tr>
<td>Establish communications plan and ecosystem: emails, tool box talks, mass meetings, virtual town halls, help line, EAP, FAQs, letters of support, staff support plans. Support line management communication activities</td>
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<tr>
<td><strong>Media</strong></td>
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<tr>
<td>Prepare media release and public narrative</td>
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<tr>
<td><strong>Legal (ER)</strong></td>
</tr>
<tr>
<td>Revise COVID-19 response policy, revise discipline procedure, prepare for conscientious objectors, develop model clauses for Employment Agreements</td>
</tr>
<tr>
<td><strong>Public</strong></td>
</tr>
<tr>
<td>Resource to deal with Social Media supporters and objectors. Report existing customer complaint and recruitment/people lines.</td>
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</tbody>
</table>
Program Milestones

BELOW ARE THE PROGRAM MILESTONES INSTITUTED BY SPC

- 5 August 2021
  Announcement

- 15 September 2021
  Registration record

- 31 October 2021
  First dose deadline

- 30 November 2021
  Second dose deadline

- January 1 2022
  Final deadline for site access and possible ongoing employment

- ✓ Dependent on vaccine availability
- ✓ Flexibility considered for individual circumstances
- ✓ Efforts to vaccinate acknowledged
- ✓ Evidence must be provided
- ✓ All records maintained by Safety and Human Resources
- ✓ Exemptions on medical/religious ground qualify
Consultation Features
GETTING CLOSE TO OUR PEOPLE

- Weekly meetings AMWU and shop stewards
- Onsite town hall meetings by shift
- Weekly virtual town halls with all staff
- Weekly toolbox talks (Q&A) with team leaders
- Frequent executive & management walk arounds
- One on one consultations on request
- FAQs updated and reissued as required
- Daily email and SMS updates
- Calls to staff
- Executive presence
Staff Support

- Dedicated resources, staff support desk and email
- Dedicated landing page on intranet
- Guest expert speakers and education sessions
- 2 days additional leave if suffer vaccination side effects (perm employees)
- Proforma letters of support for doctor visits
- 1 day paid leave for casual staff
- 2 hours time off to attend vaccination appointment
- Weekly updates on adjustments to rules
- $50 gift voucher on full vaccination
- Personal registration support
- Paper based notification program
- Collaboration with vaccine hub on registration
<table>
<thead>
<tr>
<th>Considerations</th>
<th>Risk</th>
<th>Proposed Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical exemption</td>
<td>An employee refuses on medical and religious grounds to be vaccinated.</td>
<td>Dealt with on a case by case basis. Medical records to be provided to Wellbeing and Rehabilitation advisor. Bespoke safety precautions to be developed with employee.</td>
</tr>
<tr>
<td>Vaccine availability</td>
<td>Vaccine of choice is not available. Literacy concerns impeding registration.</td>
<td>Allow flexibility on timelines. Provide letters of support from SPC to doctor. Secure cooperation with local vaccination clinics where possible.</td>
</tr>
<tr>
<td>Vaccine refusal</td>
<td>An employee refuses to provide confirmation of their vaccination status.</td>
<td>Disciplinary action which could include the termination of employment. The Company will comply with its obligations under its enterprise agreement, where applicable, and at general law prior to terminating any employee’s employment.</td>
</tr>
<tr>
<td>Record privacy</td>
<td>Privacy Act requirements linked to collating and storing of personal medical information.</td>
<td>Ensure confirmation of vaccination is kept in central location where Safety and HR staff have access.</td>
</tr>
<tr>
<td>On-site vaccination programs</td>
<td>Currently there is uncertainty around indemnity from workers compensation claims for on-site vaccination programs if an employee has an adverse reaction or becomes ill.</td>
<td>Work with health authorities to coordinate off-site locations for vaccination program and assist employees with the process.</td>
</tr>
<tr>
<td>Workers Compensation</td>
<td>SPC may be deemed liable if an employee contracts COVID-19 from our workplace or fellow worker or suffers extensive negative side effects.</td>
<td>Seek legal advice.</td>
</tr>
<tr>
<td>Management</td>
<td>Government health directives and orders.</td>
<td>Pursue regular consultation sessions with union and build frequent comms with staff. Leverage line management.</td>
</tr>
<tr>
<td>Vaccination complacency</td>
<td>Employee will be slow to react and may not meet timelines.</td>
<td>Omni channel communications required: Tool Box Talks, Virtual Town Halls and updates, emails and text reminders, paper based forms and closed drop-in boxes and education session provided.</td>
</tr>
</tbody>
</table>
5. Model Policies, Clauses and Engagement

White label Word templates available
Requirement to be vaccinated

As of 1 January 2022, it will be a requirement of attending any SPC worksite that any Worker must be Fully Vaccinated against COVID-19, unless they have been granted an exemption by SPC 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 Workers will be required to provide evidence acceptable to SPC of being Fully Vaccinated. SPC will accept for these purposes a copy of your Immunisation History Statement, or alternatively a copy of your COVID-19 Digital Certificate (both of which can be obtained through your MyGov account). These documents should be emailed to xxxx@email.com.au. If you require assistance in obtaining this evidence, please contact xxxx@email.com.au.

Purpose

The purpose of this policy is to facilitate the protection of the health and safety of all people who attend any of SPC’s workplaces by requiring all such persons to be fully vaccinated against COVID-19.

Application

This policy applies to any visitors as well as all employees (permanent or casual), contractors, labour hire personnel, interns or secondees who may be performing work at any of SPC’s workplaces in Australia (Workers).

This policy applies with immediate effect, noting the interim arrangements as set out below.

Definitions

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

- **Approved Vaccine** means any COVID-19 vaccination that has been provisionally registered for use in Australia by the Therapeutic Goods Administration.
- **Fully Vaccinated** means having obtained the manufacturer’s recommended dosage of any Approved Vaccine. For example, where a two-dose schedule is recommended by the manufacturer, a person will be considered fully vaccinated when they have received both doses of the vaccine.
- **Recognised Contraindication** means a contraindication or reaction to an Approved Vaccine that is recognised by the manufacturer of that vaccine.
Vaccine availability

- SPC recognises that not all Workers may be able to access an Approved Vaccine at present.
- Any Worker who is not currently Vaccinated must by 15 September 2021 provide evidence to SPC of confirmed bookings to become Vaccinated.
- The appointment for the first dose of an Approved Vaccine must be prior to 31 October 2021, and the appointment for a second dose must be prior to 30 November 2021.
- SPC will accept screenshots of an email or text message by way of evidencing a Worker’s appointment to obtain an Approved Vaccine.
- Any Workers who are unable to make a booking for an Approved Vaccine due to current access limitations can email xxxx@email.com.au for further information.
- SPC will continue to monitor the advice from the Department of Health and will inform all Workers of any developments.

Exemptions

- SPC understands that not all Workers 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 who have such a medical condition are required to provide medical evidence satisfactory to SPC 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 Worker’s medical condition gives rise to a Recognised Contraindication in respect of all Approved Vaccines. SPC reserves the right to contact the issuing medical practitioner to verify the authenticity of any such medical certificates.
- Any Worker who is unable to become Fully Vaccinated for any other reason, including by reason of a sincerely held religious belief, religious practice or religious observance, must email xxxx@spc.com.au prior to 15 September 2021. Requests for an exemption will be considered by SPC on a case-by-case basis.
- In order to ensure the health and safety of Workers at SPC’s workplaces, individuals granted an exemption may be subject to conditions or restrictions related to their job, facility access and/or safety requirements (e.g. masking).
Information provided to SPC

- Any information provided to SPC in accordance with this policy will be treated confidentially by SPC, and will be used only for determining compliance with this policy, and to enable SPC to undertake statistical analysis with respect to vaccine coverage amongst its workforce.
- Any Worker who provides information to SPC in accordance with this policy is expected to provide accurate and truthful information to SPC. Failure to do so will be considered serious misconduct, and may result in termination of employment.

Obtaining information about vaccination

- We advise you in the first instance to consult with your accredited health practitioner about any concerns you may have in relation to receiving an Approved Vaccine, including the process for obtaining an Approved Vaccine.
- Information about making a booking to receive an Approved Vaccine can be found:

Financial assistance

- Workers are encouraged, where possible, to be vaccinated outside of regular working hours. However, personal circumstances may make this difficult for some.
- For permanent employees covered by the SPC Operations Shepparton (Food Preservers) Enterprise Agreement 2020, two hours of ordinary time pay will be offered for you to receive a vaccination against Covid-19.
- Similarly, subject to production plans, at our production facilities, all employees who attend appointments inside of rostered hours will not be deducted for time away from the workplace.
- Additionally, for permanent staff up to two days’ (1 day for Casual staff) special purpose leave will be available to staff who experience a negative reaction after receiving a dose of an Approved Vaccine. Applications for more time off if employees are unwell after receiving a dose of an Approved Vaccine will not be unreasonably withheld by SPC. All time off must be approved by your line manager. Periods of absence of 3 days or more require a medical certificate.
- Additionally, all staff who on the advice of an accredited health practitioner, become Fully Vaccinated will be provided a gift voucher of $50 on providing evidence to SPC of their vaccination in accordance with this policy (regardless of whether the staff member was Fully Vaccinated before or after the commencement of this policy).

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<thead>
<tr>
<th>State/Territory</th>
<th>Contact Information</th>
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</thead>
<tbody>
<tr>
<td>All other States and Territories</td>
<td>Check your State / Territory Government health department website for details</td>
</tr>
</tbody>
</table>
Compliance

• Employees of SPC who fail to comply with this policy will be subject to disciplinary action, which may include termination of employment.

• For all other Workers, compliance with this policy is a condition of accessing any of SPC’s worksites. SPC reserves the right to refuse entrance to any Worker who does not comply with this policy.

Operation of this policy

• SPC will be continuously monitoring and assessing the operation of this policy in line with the latest information from Government and health authorities. SPC may amend, withdraw or replace this policy from time to time at its sole discretion.
WILL I BE ELIGIBLE FOR THE VOUCHER IF I AM ALREADY VACCINATED?

• Yes. Please provide a record of your full vaccination to xxxx@email.com.au

HOW WILL SPC MANAGE STAFF WHO CAN TAKE THE VACCINE AND CHOOSE NOT TO?

• SPC is of the view that it is both reasonable and lawful to mandate vaccination for our staff to keep them safe. If a staff member chooses not to be vaccinated without a medical exemption or other legitimate reason, they have failed to follow a reasonable and lawful direction of their employer. The Company will comply with its obligations under its enterprise agreement, where applicable, and at general law prior to terminating any employee’s employment.

• We trust that it does not need to come to this and that staff who fit into this category discuss their concerns with us in the hope that issues can be resolved. Discussion with employees who fall into this category are likely to commence on the 16th of September in accordance our timelines (which are dependent on vaccine availability).

DOES THIS MEAN ALL VACCINES WILL BE MANDATED GOING Forward E.G. HEPATITIS, INFLUENZA ETC.

• No.

I HAVE BEEN TRYING TO BOOK IN FOR A VACCINATION BUT THE VACCINE ELIGIBILITY CHECKER INDICATES I AM NOT ELIGIBLE?

• We know these things are beyond your control and understand this may well impact on your ability to register and receive your vaccinations in time. We are grateful that you are trying and do acknowledge the booking difficulty you and others may be experiencing. We will support and recognise your efforts. Please keep trying and let us know how you are going by emailing xxxx@email.com.au or speak to someone in P&C or Safety. SPC is prepared to review its timelines, particularly where vaccine availability is a problem for you.
Model Employment/Agreement Clauses

THE FOLLOWING PROVISIONS ARE PROVIDED AS STARTING_POINT TEMPLATES AND SHOULD BE DISCUSSED ON A CASE-BY-CASE BASIS WITH LEGAL ADVISORS BEFORE BEING INCLUDED IN RELEVANT DOCUMENTS

Employees

It is a condition of employment that all employees who are eligible to receive the COVID-19 vaccination must be fully vaccinated in order to perform duties at any of our workplaces.

If you are not medically eligible to be vaccinated against COVID-19, you must provide the Company with evidence acceptable to the Company of having a health condition for which obtaining a COVID-19 vaccination is contraindicated. Examples of such evidence include a medical certificate from a duly qualified registered medical practitioner that sets out the basis of why you are not eligible to obtain a COVID-19 vaccination. Should you provide such a medical certificate, you consent to the Company contacting the medical practitioner in order to verify the authenticity of any documents provided.

The Company will consider other circumstances where there is a genuine reason for which you are unable to receive a COVID-19 vaccination, and this will be determined on a case by case basis. In such cases, you will be required to provide additional documentation or evidence to the satisfaction of the Company. Failure to provide such information limits the Company’s ability to assess your ability perform your duties at any of our workplaces and for it to meet its work health and safety and other obligations, which may result in the Company taking action including but not limited to requiring you to leave, or remain away from, work, or ending your employment.

Contractors

The Company requires that any person attending any of its premises who is eligible to receive a COVID-19 vaccination must be fully vaccinated. Any personnel provided by the Service Provider under this agreement (Service Personnel) must comply with this requirement and provide evidence acceptable to the Company in order to be permitted entrance to its premises.

If any Service Personnel are not medically eligible to be vaccinated against COVID-19, the Company must be provided with evidence acceptable to the Company of the relevant Service Personnel having a health condition for which obtaining a COVID-19 vaccination is contraindicated. Examples of such evidence include a medical certificate from a duly qualified registered medical practitioner that sets out the basis of why the individual is not eligible to obtain a COVID-19 vaccination. Any such medical certificate will only be accepted by the Company if the relevant individual consents to the Company contacting the issuing medical practitioner in order to verify the authenticity of any documents provided.
At SPC, we have implemented rigorous safety plans at all our sites in response to the pandemic. These plans have ensured your health and safety, job security, as well as business continuity for the essential service we provide to the broader community and the country.

We know that the Delta variant of SARS-CoV-2 poses a new and increasing threat to your safety, our business and community. It is highly transmissible, is active in over 96 countries and was described by the World Health Organisation as “the fastest and fittest variant.” Recent evidence also suggests that infections with the Delta variant may be associated with more severe disease, as leading to hospitalisation and in some cases death.

The executive team and board believe it’s time to go further as our existing “reasonably practicable steps” to minimise risk do not go far enough to protect you from the highly contagious and deadly risks of the Delta variant. We therefore are mandating that all staff, contractors and visitors be vaccinated by late this year as a condition of entry to any SPC facility or office.

A fully vaccinated workforce will ensure that SPC can continue to deliver an essential service while helping Australia return to an open economy. Lockdowns are not a sustainable solution. We know first-hand how this effects our mental health and the impact on the economy. Australia needs to open up again, local businesses need to open, families need to connect, and friends need to gather. The only path forward for our country is through vaccination.

As a Company, we believe it is the right thing to do and we must go further to minimise risk and to protect the people we care about from the Delta variant.

These are mandatory requirements for all casual and permanent staff as well as contractors as a condition of working at any SPC location.

We will provide you with regular updates including how to record your vaccination internally at SPC. We are working on those arrangements now and will keep you posted with regular updates. In the meantime, please feel free to send vaccination confirmation notifications of certificated and any other queries to xxxx@email.com.au.

If you would like to speak with me about any safety concerns, my door is always open. SPC will provide full support to our employees through regular updates and through our EAP and Mental Health Program, WE CARE. You can email me at xxxx@email.com.au.

We acknowledge this is new and will continue to monitor the efficacy of this policy and respond accordingly.
WHY WASN’T THERE PROPER CONSULTATION WITH THE WORKERS ON THIS BEFORE GOING TO THE MEDIA?

• In accordance with our consultation obligations in the Enterprise Agreement, the AMWU were advised by phone 15 minutes after the Board made a definite decision to introduce major change and by email 5 minutes after that. Staff comms were issued before going to the media.

HOW IS SPC GUARANTEEING SUPPLY OF THE VACCINE AND WHAT VACCINE IS SPC INTENDING FOR ITS WORKERS?

• The availability and supply of vaccines is a matter of both State and Federal Governments. We do not have authority to guarantee supply, however we are exploring partnerships with local providers and offering individualised support to staff who may be experiencing difficulties with access to the vaccines.
IF A WORKER IS REFUSES TO BE VACCINATED, WHAT IS THE COMPANY INTENDING TO DO WITH THAT WORKER?

• This will depend on the reasons behind a worker refusing to be vaccinated. SPC is of the view that it is both reasonable and lawful to mandate vaccination for our staff to keep them safe. If a staff member chooses not to be vaccinated without a medical exemption, they will have failed to follow a lawful and reasonable direction. In such cases the Company may take disciplinary action which could include the termination of employment. The Company will comply with its obligations under its enterprise agreement, where applicable, and at general law prior to terminating any employee’s employment.

• We trust that it does not need to come to this and that staff who fit into this category discuss their concerns with us, in the hope these issues and concerns can be resolved. Discussion with employees who fall into this category are likely to commence on or around the 15th of September in accordance our timelines (which are dependent on vaccine availability).

HOW IS THE INFORMATION PROVIDED BY WORKERS PROTECTED BY PRIVACY AND WHO HAS ACCESS TO THE INFORMATION?

• Access to this information is restricted to Human Resources and Safety personnel. Information provided will be subject to the same level of privacy all other sensitive personal information.

IF A WORKER BECOMES SERIOUSLY ILL OR DIES WHAT COMPENSATION IS THE COMPANY GOING TO PAY TO THEIR FAMILIES?

• The choice of vaccination and indeed the choice whether to vaccinate or not, is for the employee to make. Our advice has been, and will continue to be, that staff consult with a registered medical practitioner or their General Practitioner before making their choice and provide their consent to receive the vaccination.
Contact Information
Contact Details

PLEASE CONTACT US IF YOU HAVE ANY QUESTIONS OR WOULD LIKE TO ARRANGE A TIME TO DISCUSS

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General Disclaimer

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