



# Mandatory COVID-19 vaccination for disability support workers

## Background

1. The recent COVID-19 outbreak in the ACT resulted in an extended period of lockdown across the Territory with public health directions in force to limit the movement of people within the community and reduce ongoing virus transmission. The scale of risk with the current outbreak is far higher than the COVID-19 situation in 2020 due to the highly infectious 'Delta' variant of concern. There are significant and ongoing challenges being faced at a national level to suppress the spread of the virus, which is likely to continue into the future.
2. Disability support workers have a high likelihood of caring for people who are at higher risk of contracting COVID-19 and have therefore been particularly vulnerable to outbreaks resulting in higher rates of potential exposure to staff and patients.
3. All State and Territory Governments have implemented COVID-19 vaccination programs in their respective jurisdictions as part of the Commonwealth Government's *National COVID-19 Vaccination Policy* and the *National Plan to Transition Australia's National COVID-19 Response*. High vaccination rates will reduce the likelihood of COVID-19 outbreaks and will likely reduce the need for high level public health social measures, assisting to reduce the health, social and economic impacts which the COVID-19 pandemic has presented so far.
4. Although a fully vaccinated person may still be infected with the COVID-19 virus, vaccines authorised in Australia provide strong protection against severe illness and death and reduce the risk of onward transmission of COVID-19 to participants, workers within the disability sector and the wider community.
5. The Australian Health Protection Principal Committee (AHPPC) has recommended mandatory vaccination for disability support workers as a condition of work or entry to the recipient's accommodation if they are providing intensive supports to National Disability Insurance participants.

## Implementation

6. The ACT Chief Health Officer is intending to adopt the recommendation of AHPPC and implement the COVID-19 vaccination requirements for disability support workers through a Public Health Direction.
7. ACT Health Directorate and the Community Services Directorate will undertake a consultation process between 19 October 2021 to 26 October 2021 to inform the public health direction that will be notified on 28 October 2021.

8. The public health direction will be made under the *Public Health Act 1997* and will be valid for the duration of the public health emergency in the ACT due to COVID-19. Longer term mechanisms to mandate COVID-19 vaccination will be considered and implemented by the ACT Government if it is deemed necessary.

## Disability sector and workers covered under the direction

9. It is proposed that the public health direction will define a disability support worker as:
  - a. a person who is providing intensive disability support services to persons with disability and is engaged by a registered National Disability Insurance Scheme (NDIS) provider or a state or territory government.
10. Under the public health direction, 'intensive supports' provided by a disability support worker will be defined as listed under the *NDIS (Provider Registration and Practice Standards) Rules 2018*, to include:
  - b. assistance with daily life tasks in a group or shared living environment
  - c. group and centre based activities that assist people with disability to access community, social and recreational activities in groups involving skilled and experienced support staff
  - d. specialist supported employment which assist people with disability who have high support needs to maintain work in a social enterprise for example, sometimes referred to as Australian Disability Enterprises (ADEs)
  - e. assistance with daily personal activities - assistance with, or supervision of, personal tasks of daily life to develop skills of the participant to live as autonomously as possible
  - f. community nursing care to respond to the disability related health needs of a participant where that care is not the usual responsibility of the health system.
  - g. therapeutic supports to facilitate functional improvement aimed at adjustment, adaption, and building capacity for community participation.
11. The vaccination requirement would not apply to ad hoc providers or contractors that do not have direct contact with participants who engage with disability support services i.e. gardeners and other maintenance workers.
12. The proposed broad definitions for disability support workers and the services they provide will capture the necessary workforce to provide protection for people with disability during the public health response to COVID-19.

## Vaccination Evidence

13. Disability support workers will be required to provide evidence to their employer, or an authorised person as determined by their employer, of their vaccination status from the Australian Immunisation Register (kept under the *Australian Immunisation Register Act 2015 (Cwlth)*) to confirm they have received one or more doses of a COVID-19 vaccine.
14. Evidence of vaccination will be required to be provided as follows:
  - h. A minimum first dose of a Therapeutic Goods Administration (TGA) approved COVID-19 vaccine by no later than 1 November 2021; and
  - i. A second dose of a TGA approved COVID-19 vaccine by no later than 29 November 2021.
15. Disability support service providers will need to establish their own policies and mechanisms to record vaccination status of employees and other persons who are captured by the Direction as requiring vaccination.

## Exemptions

16. Some workers may not be suitable to receive a COVID-19 vaccination. In these instances, the Chief Health Officer may exempt a person (in writing) from mandatory vaccination who:
  - a. is unable, due to a medical contraindication, to receive a COVID-19 vaccination; or
  - b. for whom a COVID-19 vaccination is not reasonably available.
17. Exemptions will not be considered for disability support workers who hold a conscientious objection to the COVID-19 vaccination, and who refuse to get vaccinated on these grounds.
18. Requests for exemption must be made in writing to the Office of the Chief Health Officer, in accordance with the exemption policy published on the COVID-19 website. Exemption requests will be considered on a case-by-case basis.
19. Evidence of any exemption must be provided to the employer or authorised person of the health care operator before the disability support worker will be allowed to work.
20. The employer should consider putting in place risk mitigation measures and controls to manage workers who have received an exemption to manage work health and safety of the broader workforce.
21. It will be the responsibility of each employer and those responsible for the management of disability support services to implement measures, specific to their workplace, to reduce the risk of unvaccinated workers to the broader workforce and those who access disability support services.