



Public Service Association of NSW

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In reply please quote: SH:cr

8 October 2021

Daniel Rumbold
Director, HR and IR Business Partners
Department of Regional NSW
105 Prince Street
ORANGE NSW 2800

By email: daniel.rumbold@regional.nsw.gov.au

Dear Mr Rumbold,

Re: DRNSW COVID-19 Risk Assessments

Thank you for the opportunity to consult on these risk assessments. The Public Service Association of New South Wales (PSA) has been actively working with Departments to encourage prioritisation of vaccines for critical workers to ensure the safety of staff at work, as well as other improved controls to ensure risk of infection are minimised at work. We have also advocated for greater access to vaccination for our regional members who have had limited supply during the vaccine roll out.

Despite organised criticism of this pro-safety stance from a minority, we remain willing to work with the Department to ensure everyone's safety is ensured through the COVID-19 pandemic.

Having said this, there are elements of the risk assessments as provided that may not meet the three elements of a vaccination direction ie. 1. Lawful; 2. Reasonable, and 3. Within the Scope or Subject Matter of the employees' employment.

The categorisation by the Fair Work Ombudsman that the agency has used warns against using vaccination as the only control to make work safe and the FWO states that it may not be reasonable and lawful in all circumstances. We believe that the risk assessment may come across the following problems depending on the circumstances of the individuals.

Lack of Health Order

We would like to acknowledge that it is difficult to make these judgements and assessments without the guidance of a specific health order or the knowledge of future health orders.

PPE and Other Controls

The document fails to list risk elimination/substitution controls such as meeting through electronic mechanisms. See page 2 of the Risk Assessment Process document. There is no reference to different types of PPE requirements for different roles, or engineering controls and we are advised that these are not present in all workplaces. There should be a listing of corresponding mandatory PPE, Administrative and engineering controls to assist workplaces manage minimum requirements in consultation with staff.

Risk Assessment bias

Examples of this include comments made to workers who are field workers working with mostly animals on a daily basis without close face-to-face contact with other people at work, where much of their communication has been undertaken through electronic mechanisms for the last 18 months. The comments refer to the likelihood that they would be made to undertake mandatory vaccinations as a category 3 worker rather than recommended as a category 4.

Dates and Uncertainty

Workers who have been working from home also have proven that they can do so for 18 months. There is uncertainty from the state government about what happens after 1 December, 2021 in relation to access for unvaccinated people due to confusing commentary from Ministers at the daily government conferences including the comment from Minister Dominello that some liberties would be restored to unvaccinated people after 1 December 2021. Members in the regions have also reported a level of anxiety due to cancellations of bookings, and also the requirement for some members to drive in dense areas over an hour and half to access a vaccine clinic. There are also no dates supplied in the draft risk assessment by which any such recommendation of mandatory vaccination would be required. The dates included in industries governed by several Health Orders to date, extend a requirement for second vaccination into the next year.

Education vs Mandate

We have identified through surveys of our membership that there has been a lack of education on vaccination, and also a lack of availability in the regions until very recently which makes a mandate date difficult. We have found agencies where there is no prior education and a mandate implemented, that a percentage of workers have searched for information from elsewhere where they are led towards sources of vaccine misinformation. Where an educative process has been approached prior to vaccination, staff have been able to ask questions and test their doubts in a more informed environment.

Regular Workplace Third Parties

Contractors, Co-tenants and Students can often work closely on a regular basis with DRNSW staff. Is there a requirement for example for all adult students, contractors, and co-tenants who work with DRNSW to be vaccinated? If these are not required to be vaccinated, why not, as transmission occurs regardless of the vocation of the infected person?

Unvaccinated

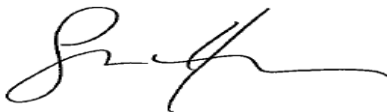
We have seen that there may be a small percentage of people who end up being unvaccinated due to medical contra-indications or other concerns. This may be due to a recent experience of cancer, history of severe reactions to vaccines, underlying co-morbidities, a recent COVID-19 infection, which clinical guidance for medical contra-indications is available on the NSW Health website. What measures if any are being provided to ensure that these people are supported and safe for them to attend the workplace despite their inability to become vaccinated?

Minister Toole's comments

“Deputy Premier Paul Toole said workers in regional areas who have received one vaccination dose will be permitted to return to their workplace from October 11 and will be given a grace period until November 1 to receive their second dose.” We are unaware of what Minister Toole refers to as far as any health order or direction, or whether he is referring to workers for Department for Regional NSW. Can you clarify whether these comments are directed to DRNSW, as this would be extremely difficult to comply with.

The Association looks forward to ongoing discussions regarding addressing these issues and Shane Howes can be contacted on phone number 92200900 or 0407494770 or by email showes@psa.asn.au to have further discussions on these issues raised above.

Yours sincerely,



Shane Howes
for Stewart Little
General Secretary