

From: Phoebe Dangerfield
Sent: Friday, 19 November 2021
To: Narelle Barnes
Subject: Return to Office

Hi Narelle

Thank you for the reminder about consultation closing.

PSA submits the following feedback:

Vaccination Requirements

PSA is concerned that the agency is considering placing personal health information on a staff member's personnel file. It is our strong contention that the agency, in order to minimise its' risk, should reconsider storage of health records. We are aware of another Department where someone has passed confidential vaccination certificate details to a third party and suggest that PSC does not want to find itself in a similar situation. Other areas are sighting the documentation then noting it on a central register maintained in People and Culture, thus fulfilling obligations while maintaining confidentiality, ensuring appropriate record keeping and reduction of risk.

While we understand the requirement to deal with matters effectively under WH&S legislation, there are considerations to be made under other legislation, such as the *Health Records and Information Privacy Act 2002*, the Privacy Principles from which include: Ensure the health information is stored securely, not kept any longer than necessary, and disposed of appropriately. How long is necessary, in the agency's view, and how will it dispose of the material appropriately if it has been placed on individuals' personnel files?

We would also point to the fact that despite concerns, employees cannot know about the vaccination status of their colleagues and trust that the agency will be reminding staff that it is not appropriate to interrogate each other.

Employees who do not comply

It would be helpful for further clarity or detail in relation to the processes and potential outcomes under the GSE Act and Rules. Where a matter moves to determining misconduct for refusing to be vaccinated the agency should take particular care in adhering to the Act and Rules and in ensuring procedural fairness is provided which includes putting the allegation to employees in advance of a decision and, if the matter so progresses, giving them the opportunity to respond to a proposed penalty. It would also be incumbent upon the employer to prove that all avenues to retain employment had been considered, which would include identifying whether other roles that are not frontline can be offered. PSA notes that the Novavax vaccine is considered likely in the near future to be added to the current three being used in this country, and that there may be those who would feel more comfortable accessing it, is PSC agreeable to employees waiting for this vaccine?

PSA looks forward to the Department's response to our concerns.

Regards

Phoebe Dangerfield
Industrial Officer
Public Service Association of NSW

Hi Phoebe,

Thanks again for your feedback. I'm pleased to share the below responses to the PSA concerns. These updates are referenced in final policy (attached).

- The PSC will request the sighting of COVID-19 vaccination certificates rather than employees emailing their certificates to reduce data collection and minimise privacy risks. (see page 5. 1.5 Reasonable Directions, page 1.7 COVID-19 Vaccination Requirements – Evidence of Vaccination Status). A register will be kept by People & Engagement in a secure folder in Objective.
- Further details are included in relation to procedural fairness requirements under the PSC Code of Ethics and Conduct, GSE Act and GSE Rules. (see page 11. 1.7 COVID-19 Vaccination Requirements – Employees who do not comply)
- The PSC is open to considering short-term exemptions submitted by employees.

The PSC Senior Leadership Team has reviewed and discussed consultation feedback. Documents have been amended accordingly.

The Commissioner has shared with staff her intention to give a direction by the end of this week, that COVID-19 vaccination will become a PSC condition of employment. This communication is scheduled to go out today, with the attached final Policy and supporting documentation available on the PSC intranet.

Thanks,

Narelle

Narelle Barnes (She/Her)

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