



COVID-19 Mandatory Booster Vaccination – Guidelines

1. Purpose

The *COVID-19 Mandatory Booster Vaccination – Guidelines* (Guidelines) set out the requirements and provide a consistent approach across the WA health system for managing implementation of mandatory COVID-19 Booster vaccinations, in accordance with the [COVID-19 Mandatory Vaccination and Vaccination Program Policy](#) (Policy) and the [Booster Vaccination \(Restrictions on Access\) Directions \(No 2\)](#) (Booster Directions), or its replacement.

The Booster Directions were made pursuant to the *Public Health Act 2016* (WA) and signed by the Acting Chief Health Officer on 24 December 2021, then reissued by the Chief Health Officer on 7 January 2022.

The Policy revision issued on 16 September 2021 made it mandatory for all Employees in the WA health system to be Vaccinated against COVID-19 unless they have an exemption.

Further amendments to the Policy on 13 January 2022 mandate the requirement for non-exempt Employees of WA health system entities and those engaged under a contract for service arrangement to be administered a Booster vaccination in order to access and remain at a Health care facility and/or Residential aged care facility on and from 5 February 2022, in line with the Booster Directions.

The purpose of the Policy is to protect Employees, and the people in their care across Health care facilities and Residential aged care facilities from acquiring and transmitting COVID-19, a human coronavirus of pandemic potential and an urgently notifiable infectious disease.

2. Applicability

2.1 Employees working in Health care and Residential aged care facilities

The Policy and these Guidelines apply to all Employees employed in a Health care facility and/or a Residential aged care facility on a permanent, fixed-term or casual basis.

All Employees who are covered by the [Health Worker \(Restrictions on Access\) Directions \(No 3\)](#) (Health Worker Directions) and/or [Residential Aged Care Facility Worker Access Directions \(No 4\)](#) (Aged Care Worker Directions), or their replacements, are also covered by the Booster Directions.

All Employees of the Department of Health and Health service providers must be administered with a Booster dose of a COVID-19 vaccine registered by the Therapeutic Goods Administration and recommended for use as a single Booster dose by the Australian Technical Advisory Group on Immunisation (ATAGI), to enter or remain in a Health care or Residential aged care facility in connection with their employment, pursuant to the timeframes outlined at section 3.1 of these Guidelines. The access restrictions do not apply if an Employee attends a facility solely as a patient or visitor.

2.2 Contract for service and third parties

These Guidelines do not apply to individuals engaged or employed by third parties or under a contract for service arrangement, including contracted health entities, and labour hire firms who provide staff to supplement the permanent workforce.

Employers must ensure application of the Policy to third parties and contract for service arrangements, consistent with the Booster Directions. This will require liaison between the Employer's procurement officers and third party and contract for service providers, and may require amendments to commercial arrangements and contracts.

2.3 Volunteers and student placements

These Guidelines do not apply to volunteers or students on placement.

Employers must ensure application of the Policy to volunteers and students on placement who are not Exempt persons, consistent with the Booster Directions.

3. Mandatory Booster vaccination for Employees accessing a Health care facility and/or Residential aged care facility

3.1 Timeframes for Booster vaccination requirement

3.1.1 Eligibility dates and timeframes

Employees required as part of their employment to enter a Health care facility and/or Residential aged care facility are required to be administered a Booster vaccination against COVID-19 in accordance with the timeframes set out in **Table 1** below.

The Booster Directions take into account ATAGI advice in relation to Booster vaccine eligibility. In accordance with the Booster Directions, Employees must be administered a Booster vaccination within the following timeframes:

- Employees already eligible to receive a Booster vaccination when the Booster Directions commenced on 24 December 2021 must be administered the Booster vaccination by 5 February 2022.
- Employees who become eligible to receive a Booster vaccination after 24 December 2021 must be administered the Booster vaccination within one calendar month of becoming eligible, or by 5 February 2022, whichever is the latter.
- Where a person has already met the prescribed timeframe of four months or three months when ATAGI advice changes (i.e. on 4 January 2021 or 31 January 2021 respectively), that person's eligibility date will be the date of the ATAGI advice, not the date they retrospectively met the three or four month timeframe.

The Booster Directions further provide that the date a person first becomes eligible to receive a Booster vaccination does not change to a date earlier in time should the ATAGI recommendation change after a person has already become eligible to receive a Booster vaccination. Therefore once an Employee falls within one of the categories listed in **Table 1**, their eligibility date will not

change. Refer to **Appendix 1** for a more comprehensive table which outlines Booster vaccination dates, eligibility, Booster deadlines and access restrictions

Given access restrictions commence on and from 5 February 2022, the requirement to receive a Booster dose by 5 February 2022 means that the first cohort of eligible employees has a Booster deadline of 4 February 2022 to receive a Booster dose. From 5 February 2022 they will no longer be able to access the workplace.

Table 1: Eligibility dates and timeframes to receive Booster vaccination

Category	Date of COVID-19 vaccination second dose	Booster deadline	Access restrictions commence
1A, 1B, 2A	On or before 4 September 2021	4 February 2022	5 February 2022
2B	5 September 2021 – 30 September 2021	4 February 2022 – 28 February 2022 (4 + 1 months after second dose)	5 February 2022 – 1 March 2022
3A	1 October 2021 – 31 October 2021	28 February 2022	1 March 2022
3B	On or after 1 November 2021	On or after 28 February 2022 (3 + 1 months after second dose)	On or after 1 March 2022

Note: All dates are inclusive

3.1.2 Definition of a month

Month has the same meaning as a calendar month, as defined by s 62 of the *Interpretations Act 1984* (WA). For example:

- A month beginning on 15 January ends on 14 February and a month beginning on 30 or 31 January ends on 28 February (or 29 February in a leap year).
- A period of six months beginning on 15 August ends on 14 February and a period of six months beginning on 30 or 31 August ends on 28 February (or 29 February in a leap year).

With regard to the Booster vaccination requirements, the following examples apply.

3.1.3 Examples where five month ATAGI recommendation applies

Example 1 – Employee already eligible for booster when Directions were issued – five month rule applies (Category 1A)

The Directions provide the following example:

If a person for the purposes of paragraph 14(a) received their second dose of a COVID-19 vaccination on 7 May 2021, the person would be eligible to receive a booster dose five months from when they received their second dose (i.e. from 7 October 2021) and must be administered their Booster vaccination before 5 February 2022.

In this example, five months from the second dose (7 May 2021) ends on 6 October 2021, consistent with the meaning of “month”. For the purposes of determining access restrictions, the Employee was notionally eligible to receive their booster on and from 7 October 2021, noting ATAGI only changed its recommendation from six months to five months on 12 December 2021.

Should the Employee remain without having a received a Booster dose, they are unable to enter their worksite on and from 5 February 2022.

Example 2 – Employee becomes eligible for Booster vaccination after 24 December 2021 but before 4 January 2022 (Category 1B)

An Employee who received their second dose of a COVID-19 vaccination on 28 July 2021 would not have reached the five month milestone by the time the Booster Directions were issued on 24 December 2021.

On 27 December 2021 the Employee would have reached five months since their second dose, consistent with the meaning of “month”. In accordance with the Booster Directions, the Employee must receive a Booster dose within one month of eligibility, being a notional Booster deadline of 27 January 2022.

However, given the Booster Directions state the Employee must be administered a Booster vaccination within one calendar month (i.e. on or before 27 January 2022), or by 5 February 2022, whichever is the latter, the Employee has until **5 February 2022** to receive the Booster vaccination.

Should the Employee remain without having a received a Booster dose, they are unable to enter their worksite on and from 5 February 2022.

3.1.4 Examples where four month ATAGI recommendation applies

Example 3 – Employee immediately caught by the four month rule when the ATAGI recommendation changed on 4 January 2022 (Category 2A)

An Employee who received their second dose of a COVID-19 vaccination on 7 August 2021 would not have reached the five month milestone, before ATAGI changed the recommendation to four months as of 4 January 2022.

While this Employee reached four months since their second dose on 6 December 2021, they were unable (i.e. ineligible) to actually receive a Booster dose until on or after 4 January 2022. In accordance with the Booster Directions, the Employee must receive a Booster dose within one month of eligibility, being a notional Booster deadline of 3 February 2022.

However, given the Booster Directions state the Employee must be administered a Booster vaccination within one calendar month (i.e. on or before 3 February 2022), or by 5 February 2022, whichever is the latter, the Employee has until **5 February 2022** to receive the Booster vaccination.

Should the Employee remain without having a received a Booster dose, they are unable to enter their worksite on and from 5 February 2022.

Example 4 – Employee reaches eligibility under four month rule after 4 January 2022, but before 31 January 2022 (Category 2B)

The Directions provide the following example:

If a person for the purposes of paragraph 14(b) received their second dose of a COVID-19 vaccination on 7 September 2021, from 4 January 2022, the person will become eligible to receive a booster dose four months from when they received their second dose (i.e. from 7 January 2022) and must be administered their Booster vaccination by 7 February 2022 (i.e. one calendar month after becoming eligible). The date that this person must be administered their Booster vaccination does not change retrospectively to 7 January 2022 when the ATAGI recommendation changes on 31 January 2022 to 3 months from the date the person became fully vaccinated.

In this example, five months from the second dose (7 September 2021) ends on 6 January 2022, consistent with the meaning of “month”. The Employee is then eligible to have their booster on and from 7 January 2022, with a Booster deadline of 6 February 2022 (one month after becoming eligible).

Should the Employee remain without having a received a Booster dose, they are unable to enter their worksite on and from 7 February 2022.

3.1.5 Examples where three month ATAGI recommendation applies

Example 5 - Employee immediately caught by the three month rule when the ATAGI recommendation changed on 31 January 2022 (Category 3A)

An Employee who received their second dose of a COVID-19 vaccination on 2 October 2021 would not have reached the four month milestone, before ATAGI changed the recommendation to three months as of 31 January 2022.

While this Employee reached three months since their second dose on 1 January 2022, they were unable (i.e. ineligible) to actually receive a Booster dose until on or after 31 January 2022. In accordance with the Booster Directions, the Employee must receive a Booster dose within one month of eligibility, being a Booster deadline of 28 February 2022.

Should the Employee remain without having received a Booster dose, they are unable to enter their worksite on and from 1 March 2022.

Example 6 - Employee reaches eligibility under three month rule on or after 31 January 2022

An Employee receiving their second dose of a COVID-19 vaccination on 1 November 2021 will reach three months since that dose on 31 January 2022, the dates the rules change. Their Booster deadline is one month after that (28 February 2022). Access restrictions would then commence on 1 March 2022.

The Booster deadline for *all* Employees receiving a second dose on or after 1 November 2021 will be exactly four months after their second dose (i.e. three months post second dose plus a month to receive their Booster dose).

For example, an Employee who received their second dose on 2 November 2021 will have a Booster deadline of 3 March 2022 with access restrictions commencing from 2 March 2022, an Employee who received their second dose on 3 November 2021 will have a Booster deadline of 2 March 2022 with access restrictions commencing 3 March 2022, and so forth.

This will remain the case until ATAGI changes its recommendations.

3.2 Employers to issue directive to Employees

Pursuant to the Policy and Booster Directions, Employers must ensure compliance with the access restrictions provided for in the Booster Directions, and the requirement to be administered a Booster vaccination against COVID-19 provided for in the Policy.

It is recommended Employers issue a global directive by email to all Employees that it is a mandatory requirement to be administered a Booster vaccination against COVID-19 in accordance with the Policy, unless an exemption applies. This will constitute a Lawful Order.

Alternatively or in addition to the global directive, a Lawful Order may be issued on an individual basis at the Employer's discretion if deemed necessary in the circumstances, once it is established the Employee has not been administered a Booster vaccination, or no evidence of a Booster vaccination has been presented to the Employer (refer to sections 3.3 and 10 of these Guidelines).

The Lawful Order requires an Employee, in order to perform their duties and attend their worksite, to be administered a Booster vaccination against COVID-19.

An Employee who disobeys or disregards a Lawful Order may commit a Breach of discipline. Refer to section 4 of these Guidelines for information regarding non-compliance and disciplinary proceedings.

A link to a *Template – Global Directive (Lawful Order) – Booster vaccination* is available in the Resources at section 13 of these Guidelines. The same wording can be adopted when issuing a Lawful Order to an individual Employee.

3.3 Employers to determine level of compliance with the Policy

In accordance with the requirements of the Policy, Employers must determine which Employees have, or have not, been administered a Booster vaccination in order to determine their Booster vaccination status. Refer to section 10 of these Guidelines for information on evidence of Booster vaccination.

Where an Employer is unable to ascertain an Employee's Booster vaccination status, the Employer may write to the relevant Employee requesting evidence of Booster vaccination or evidence they are an Exempt person. Employers may provide Employees with a specific date by which to provide the applicable evidence.

The evidence provided will be for the purposes of determining:

- an Employee's ability to enter or remain at a Health care facility and/or Residential aged care facility in accordance with the Booster Directions; and
- an Employee's compliance with the requirement to be administered a Booster vaccination in accordance with the Policy.

Refer to the Resources at section 13 of these Guidelines for relevant templates:

- *Template – Request to provide evidence of vaccination – Booster vaccination.*
- *Template – Notice to Employees of requirement to be administered a Booster vaccination.*

Whether both sets of correspondence are required will depend on the circumstances of each case. The templates provide advance notice that if an Employee does not receive a Booster vaccination by the individual's Booster deadline, the Employee will be restricted from accessing their place of work in accordance with section 4.1 of these Guidelines.

4. Non-compliance with the requirement to be administered a Booster vaccination

4.1 Access Restriction Period

An Employee who has not been administered a Booster vaccination by the Booster deadline set out in section 3.1 of these Guidelines must not access their workplace, unless they are an Exempt person.

An Employee unable to attend work due to not having been administered a Booster vaccination is not entitled to be paid for the period of time they remain having not received a Booster vaccination, consistent with the No work - No pay Principle.

This Access Restriction Period (ARP) will remain in place while the Employee remains non-compliant with the Booster vaccination requirements. This may mean an Employee can no longer perform their role, potentially putting their employment at risk.

For the first two weeks of the ARP the Employer will not commence a discipline process. If at the conclusion of the two week period the Employee has not been administered a Booster vaccination, the ARP continues and the Employer may commence a disciplinary process.

An Employee may apply for an appropriate form of leave (e.g. accrued annual leave or long service leave) during the ARP in accordance with their Industrial Instrument. Leave applications will be considered on a case by case basis, taking into consideration operational and workforce requirements. Leave approvals should not exceed two weeks.

An Employee may also apply for a Temporary exemption as outlined at section 11 of these Guidelines . If the exemption is approved, the Employee can access the Health care facility and/or Residential aged care facility subject to the terms and conditions of the Temporary exemption.

If an Employee is administered a Booster vaccination after the ARP commences, and provides evidence of their Booster vaccination, they may be required to return to the workplace immediately.

In the event the Employer has approved leave during the ARP, the leave may be cancelled and the Employee required to return to work, subject to the terms of the relevant Industrial Instrument and consideration of the Employee's circumstances.

Employees should be advised in advance that the ARP will commence and the date on which it will commence, in the event the Employee remains without having received a Booster vaccination. The template correspondence outlined in section 3.3 of these Guidelines provides advance notice of the commencement of the ARP. If required, further notification can be issued using the *Template – Notification to Employee of commencement of ARP – Booster vaccination*, available in the Resources at section 13 of these Guidelines.

The process map at section 5 of these Guidelines provides further guidance on the operation of the ARP.

4.2 Discipline

After the first two weeks of the ARP has passed, the Employer may initiate disciplinary proceedings in accordance with the Discipline Policy and Procedures.

Any decision to initiate disciplinary proceedings, and subsequent disciplinary outcomes, will be considered on a case by case basis and compliant with the Discipline Policy and Procedures. Given the access restrictions provided for by the Booster Directions, termination of employment is a potential outcome for instances of non-compliance.

The No work - No pay Principle will continue to apply during the course of any disciplinary process therefore a decision to suspend with or without pay during the disciplinary process is not required.

Employees who have not been administered a Booster vaccination will remain unable to access the Health care facility and/or Residential aged care facility, unless they attend that facility solely as a patient or visitor.

If an Employer approves a period(s) of leave during a disciplinary process, each approval should be limited to a period of two weeks, subject to the provisions of the relevant Industrial Instrument.

Nothing in sections 4.1 and 4.2 of these Guidelines prevents an Employer deferring initiation of disciplinary proceedings.

The process map at section 5 of these Guidelines sets out the processes and timeframes for managing Employees who refuse or are yet to comply with the mandatory Booster vaccination requirement.

5. Management of Employees who have not received a Booster vaccination

Each step of the approach to management of Employees who have not been administered a Booster vaccination within their required timeframe is outlined in **Table 2** below.

Table 2: Process Map

Step	Action	Section
Step 1	Employer to ensure Employees are aware of the requirement to be administered a COVID-19 Booster vaccination through issuing a <i>Global Directive (Lawful Order)*</i> to all Employees. * The Employer may defer the global directive to a later step and/ or issue Lawful Orders on an individual basis.	3.2 & 3.3
Step 2	Employer may issue an Employee with <i>Request to provide evidence of vaccination – Booster vaccination and/or Notice to Employees of requirement to be administered a Booster vaccination</i> , where applicable.	3.3
Step 3	ARP applies on and from the date by which an individual Employee must have received their Booster vaccination. Employees are restricted from entering the Health care facility and/or Residential aged care facility, unless exempt. Apply No work - No pay Principle for the ARP. This may be substituted with approved leave. Issue <i>Notification to Employee of commencement of ARP</i> where required.	3.1 & 4.1
Step 4	After two weeks of ARP, the Employer may initiate disciplinary process on a case by case basis, consistent with the Discipline Policy and Procedures.	4.2

	<p>Employees are to be provided a letter of allegation and given at least one week to provide a response.</p> <p>Subject to the response received to the letter of allegation, Employees are then to be provided a letter of intended outcome and given at least one week to provide a response.</p>	
Step 5	<p>Completion of the disciplinary process, with potential outcomes including penalties up to and including termination of employment.</p> <p>Employees to be advised through a letter of outcome.</p>	4.2

Table 3: Additional temporary considerations

Additional temporary considerations		
Any step	The additional temporary considerations outlined at section 6 of these Guidelines can be considered on a case by case basis.	6

6. Additional temporary considerations

The maintenance of safe staffing levels and other workforce needs may require the Employer to consider temporary arrangements for Employees who have not been administered a Booster vaccination, in lieu of triggering the ARP and/or disciplinary proceedings. Given the duration of the Public Health State of Emergency as declared under the *Public Health Act 2016* (WA) is currently unknown, the following alternatives may be considered for implementation on a temporary basis only.

Employers should take the following into account when making decisions around the management of Employees who have not been administered a Booster vaccination. These considerations include, but are not limited to:

- skill and experience mix of the workforce;
- operational requirements;
- safe staffing levels and patient safety;
- workload;
- workforce shortages and ability to attract Employees;
- leave liability; and
- fairness and equity for Employees.

Decisions regarding the below are to occur on a case by case basis.

6.1 Working remotely

Employers may use their discretion to facilitate remote working arrangements on an interim basis and where operationally viable. This option will only be available for Employees who have

access to the required technology and/or appropriate equipment and can perform their duties remotely. Decisions should be consistent with applicable Employer policies.

6.2 Access to accrued leave

An Employee may request to access accrued leave entitlements including annual leave, long service leave, accrued days off or time off in lieu, consistent with requirements in the relevant Industrial Instrument.

Approved leave may be taken during the ARP, including during a disciplinary process, for a maximum of two weeks per approval, during which the No work - No pay Principle would otherwise apply as outlined at section 4.1 of these Guidelines.

Where pregnant Employees raise concerns in relation to complying with the Booster Directions, an Employer should discuss options with the Employee such as bringing forward their period of maternity or parental leave.

6.3 Adjustment of timeframes

In addition to the information above, Employers must consider adjusting timeframes in relation to Lawful Orders, the ARP and commencement of disciplinary proceedings, where Employees are absent on leave.

7. Employees on secondment or leave

7.1 Employees on secondment

Employers will advise Employees who are temporarily seconded outside the WA health system of the requirement to be administered a Booster vaccination under the Policy and Booster Directions. Sufficient information should be provided so that Employees fully understand the requirements and what they must do to comply in order to return to work for their Employer once the secondment arrangement ends. This communication should occur sufficiently in advance of the Employee's scheduled return to their role within the WA health system to enable Employees to be administered a Booster vaccination as required under the timeframes outlined at section 3.1 of these Guidelines, by the time they return.

7.2 Employees on leave

Employers will advise Employees who are on a period of leave or who have an existing leave booking that will extend beyond the time by which they will be required to receive a Booster vaccination of the requirements under the Policy and Booster Directions. Sufficient information should be provided so that Employees fully understand the requirements and what they must do to comply in order to return to work. This communication should occur sufficiently in advance of the Employee's scheduled return from leave to enable Employees to be administered a Booster vaccination as required under the timeframes outlined at section 3.1 of these Guidelines, by the time they return. Any Employee requests to extend existing leave or for further periods of leave should be considered in accordance with section 6.2 of these Guidelines.

8. New Employees

Employees who commence employment in a Health care facility and/or Residential aged care facility after the relevant date outlined in the Health Worker Directions or Aged Care Worker Directions, must provide evidence of being Vaccinated against COVID-19 (or evidence of being an Exempt person) before they commence employment.

Where relevant, new Employees must also provide proof of having been administered a Booster vaccination, subject to the person's eligibility for a Booster dose and the timeframes prescribed at section 3.1 of these Guidelines.

Pre-employment screening processes include consideration of new Employees' COVID-19 vaccination and Booster vaccination status.

9. Access to vaccinations

Employers may provide priority access to COVID-19 Booster vaccinations for Employees, where practicable, in order to facilitate compliance with the Booster Directions and Policy. Employees having difficulty accessing a Booster vaccination within the Booster deadlines prescribed at section 3.1 of these Guidelines should advise their line manager immediately.

Employees seeking to receive a COVID-19 Booster vaccination during work hours must request line manager approval in advance and will be allowed reasonable paid time off during work time to receive a vaccination.

While Employers are not obliged to release casual Employees during work time to be administered a Booster vaccination, Employers should consider requests on a case by case basis, with the aim of maximising vaccination uptake within the workforce.

Employees who experience an adverse reaction to a COVID-19 vaccination and are unable to attend work can access COVID-19 leave under [Government Sector Labour Relations Circular 6/2020](#) if they do not have any personal or sick leave entitlements. This includes casual employees.

10. Evidence of vaccination

As outlined at section 3.2 of these Guidelines, Employers will implement procedures at the local level to determine the scope of Booster vaccination coverage for their workforce in order to determine each Employee's Booster vaccination status. Employers are to determine the date by which evidence of Booster vaccination is required and refer also to information regarding Lawful Orders at section 3.2 of these Guidelines. Where evidence of Booster vaccination is requested, Employees are required to provide such evidence as soon as practicable.

Evidence must be a form of evidence of COVID-19 vaccination approved by the Chief Health Officer. Information regarding evidence of vaccination approved by the Chief Health Officer is available on the [WA Government website](#).

An Employee who provides evidence of Booster vaccination, or evidence they are an Exempt person, subsequent to the relevant date in Booster Directions will be permitted to enter the Health care facility and/or Residential aged care facility.

Further information is also included in the [Frequently Asked Questions](#) for the Health Worker Directions.

11. Exemptions

11.1 Exempt persons

The Booster Directions provide for exemptions to the access restrictions, for example a Medical Exemption or a Temporary exemption. An Exempt person will not be required to comply with the mandatory Booster vaccination requirement as outlined in the Policy, for the period of the exemption.

Exemptions may be permanent or temporary. If an Employee is an Exempt person, they are required to comply with the terms and conditions of any exemption.

Temporary exemptions may only be issued by the Chief Health Officer, or a person authorised by the Chief Health Officer to issue an exemption.

Exemptions will only be issued by the Chief Health Officer in exceptional circumstances. The Chief Health Officer has issued guidance on the circumstances when exemptions may be granted.

Information regarding applying for an exemption is available from the [WA Government website](#) and [Australian Government website](#). Further information is also included in the [Frequently Asked Questions](#) for the Health Worker Directions.

11.2 Managing Employees with an exemption

The Booster Directions provide that an Exempt person can access their workplace. Therefore, the steps below may only need to be considered where the level of risk to the Employee, patients and visitors renders such a response appropriate in the circumstances. As the risk of transmission and severe disease remains present for Employees with an exemption to varying degrees, these Employees should discuss their circumstances with their Employer.

The course of action taken by an Employer should be proportionate to the level of risk posed to the Employee, patients and visitors, taking into consideration the reason for the Employee's exemption, whether the exemption is permanent or temporary, the level of risk posed by their workplace and the extent of community spread of COVID-19 at the time.

For example, where practicable, the Employer may take the following steps for Employees with an exemption:

- requiring an Employee to wear additional personal protective equipment to further protect them from infection or transmission to others;

- temporary deployment to work in areas with a lower risk;
- requiring an Employee to perform other duties consistent with their contract of employment;
- allowing an Employee to work remotely on a temporary basis.

Further directions relating to COVID-19 and other requirements under the *Public Health Act 2016* (WA) may be subsequently issued by an authorised public health officer or emergency officer.

12. Further information

- [ATAGI statement on the Omicron variant and timing of COVID-19 booster vaccination](#)
- [Australia’s COVID-19 vaccine and treatment strategy](#)
- [Australia’s COVID-19 vaccine national roll-out strategy](#)
- [Booster Vaccination \(Restrictions on Access\) Directions](#)
- [MP 0153/21 COVID-19 Mandatory Vaccination and Vaccination Program Policy](#)
- [COVID-19 Mandatory Vaccination – Employee Restrictions on Access to Health Care Facilities – Guidelines](#)
- [COVID-19 Mandatory Vaccination – Employee Restrictions on Access to Residential Aged Care Facilities – Guidelines](#)
- [Direction for healthcare and health support workers – Frequently Asked Questions](#)
- [MP 0127/20 Discipline Policy](#)
- [Health Services Act 2016 \(WA\)](#)
- [Health Worker \(Restrictions on Access\) Directions \(No 3\)](#)
- [Residential Aged Care Facility Worker Access Directions \(No 4\)](#)
- [Public Health Act 2016 \(WA\)](#)
- [Public Sector Management Act 1994 \(WA\)](#)

13. Resources

Resources and templates are available on the [Industrial Relations Supplementary Information website](#):

- Template – Global Directive (Lawful Order) – Booster vaccination
- Template – Request to provide evidence of vaccination – Booster vaccination
- Template – Notice to Employees of requirement to be administered Booster vaccination
- Template – Notification to Employee of commencement of ARP – Booster vaccination

14. Definitions

The following definitions are relevant to these Guidelines.

Definitions contained in any replacement Health Worker Directions, Aged Care Worker Directions or Booster Directions will prevail over the definitions below to the extent of any inconsistency.

Term	Definition
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Booster deadline	Booster deadline means the last calendar day on which an Employee may receive a Booster dose to comply with the Booster Directions, before access restrictions commence the next day.
Booster dose	Booster dose has the same meaning as Booster vaccination.
Booster vaccination	Booster vaccination means a Booster dose of a COVID-19 vaccine registered by the Therapeutic Goods Administration and recommended for use as a single Booster dose by ATAGI.
Booster vaccination requirements	Booster vaccination requirements has the same meaning as prescribed in the Booster Directions. These requirements are outlined at section 3.1 of these Guidelines.
Booster vaccination status	Booster vaccination status means whether an Employee has complied with the Booster vaccination requirements or whether they are an Exempt person.
Breach of discipline	Breach of discipline means an act or omission committed by an Employee as defined at section 161 of the <i>Health Services Act 2016</i> (WA) and section 80 of the <i>Public Sector Management Act 1994</i> (WA).
Contracted health entity	A non-government entity that provides health services under a contract or other agreement entered into with the Department CEO on behalf of the State, a health service provider or the Minister.
COVID-19 vaccination	COVID-19 vaccination means a COVID-19 vaccination registered by the Therapeutic Goods Administration, which for the purposes of these Guidelines does not include a Booster dose.
Discipline Policy and Procedures	Discipline Policy and Procedures means: <ul style="list-style-type: none"> • Discipline Policy - MP 0127/20; • Employer policies and procedures; • Commissioner's Instructions; • <i>Public Sector Management Act 1994</i> (WA) Part 5; and • <i>Health Services Act 2016</i> (WA) Part 11; as applicable in the circumstances.
Employee	Employee means an employee employed pursuant to Part 3 of the <i>Public Sector Management Act 1994</i> (WA) or as defined in section 6 of the <i>Health Services Act 2016</i> (WA).

	For the avoidance of doubt, for the purposes of this Policy Employees include all Health care workers and Health support workers as defined in the Health Worker Directions, and Residential aged care facility workers as defined in the Aged Care Worker Directions.
Employer	Employer means the employing authority of the Department of Health or a Health service provider.
Exempt person	<p>Exempt person means a person:</p> <ul style="list-style-type: none"> • With a medical exemption. Immunisation medical exemption criteria is available from the Australian Government website. • With a temporary exemption. For example a person may be granted a temporary exemption if they have been vaccinated overseas with a vaccine that has not been approved by the Therapeutic Goods Administration or if they are in an area where vaccine availability is limited and they have made every effort to obtain a vaccine. • Performing a specific duty as outlined in the Health Worker Directions or Aged Care Worker Directions. • Of the kind listed in the Health Worker Directions or Aged Care Worker Directions as exempt. • Otherwise declared to be exempt, which will only occur in exceptional circumstances. <p>Decisions on Temporary exemptions will be considered by the Chief Health Officer on a case by case basis and may be subject to terms and conditions.</p>
Health care facility	Health care facility has the same meaning as prescribed in the Health Worker Directions.
Health care worker	<p>Health care workers include:</p> <ul style="list-style-type: none"> • all those who provide health, medical, nursing, pathology, pharmaceutical, social work or allied health services to a patient at the health care facility in any capacity; • assistants in nursing, orderlies and hospital service assistants • students on placement; and/or • ambulance officers. <p>The Health Worker Directions at Column 1 of Schedule 1 sets out who is a health care worker, with Column 2 of Schedule 1 setting out the exemptions from the definition of health care worker.</p>
Health service provider	Health service provider means a health service provider established by an order made under section 32(1)(b) of the <i>Health Services Act 2016 (WA)</i> .

Health support worker	<p>Health support workers include those who provide goods or services at a Health care facility, both in a paid and in a voluntary or unpaid capacity. This includes:</p> <ul style="list-style-type: none"> • a person employed or engaged by a third party, including contracted health entities and labour hire firms who provide staff to supplement the directly employed workforce; • a direct care worker including a personal care worker; • administrative staff including those working in administration, management or reception services; • ancillary staff including cleaners, laundry staff, gardeners, food preparation services, security officers and maintenance services • those providing lifestyle and social care, for example music or art therapy; and/or • a person who provides commercial activities at premises that constitute a Health care facility e.g. a person operating a kiosk on hospital premises. <p>The Health Worker Directions at Column 1 of Schedule 2 sets out who is a health support worker, with Column 2 of Schedule 2 setting out the exemptions from the definition of health support worker.</p>
Industrial Instrument	<p>Industrial Instrument means an industrial agreement or award registered pursuant to the <i>Industrial Relations Act 1979</i> (WA), and legislation where applicable. Current industrial agreements and awards can be found here and legislation can be found here.</p>
Lawful Order	<p>Lawful Order means a direction made by the Employer to an Employee.</p>
Medical exemption	<p>Medical exemption means a medical exemption recorded on the Australian Immunisation Register and displayed on the individual's Immunisation History Statement.</p>
No work - No pay Principle	<p>No work - No pay Principle means the common law principle by which an Employee who does not undertake work as required pursuant to their contract of employment, is not entitled to be paid.</p>
Residential aged care facility	<p>Residential aged care facility means a facility at which accommodation, and personal care or nursing or both, are provided to a person in respect of whom a residential care subsidy or a flexible care subsidy is payable under the <i>Aged Care Act 1997</i> (Cth).</p>
Residential aged care facility worker	<p>Residential aged care facility worker means a person listed at Column 1 of Schedule 1 of the Aged Care Worker Directions.</p>

Access Restriction Period (ARP)	<p>Access Restriction Period (ARP) has the following meaning:</p> <ul style="list-style-type: none"> • The period of time during which an Employee who has not received a Booster vaccination and who does not have an exemption is restricted from accessing a Health care facility and/or Residential aged care facility, pursuant to the Booster Directions. • Includes the period during which disciplinary proceedings are underway.
Temporary deployment	Temporary deployment means moving an Employee within a Health care facility and/or Health service provider.
Temporary exemption	Temporary exemption means an exemption approved by the Chief Health Officer or a person authorised by the Chief Health Officer for that purpose whether in relation to an individual or a class of persons and subject to any terms and conditions specified in that approval.
Vaccinated	Vaccinated means fully vaccinated or partially vaccinated in accordance with the staged approach outlined in the Health Worker Directions and Aged Care Worker Directions.
WA health system	WA health system means, for the purposes of these Guidelines, the Department of Health and Health service providers, but not contracted health entities.

15. Approval

Approval by	Nicole O’Keefe, Assistant Director General
Approval date	13 January 2022
Published date	13 January 2022

The owner of these Guidelines is the **Assistant Director General, Strategy and Governance Division**.



APPENDIX 1

Eligibility dates and timeframes to receive Booster vaccination

- All dates are inclusive.
- Subject to dates of ATAGI recommendation remaining as stated in the *Booster Vaccination (Restrictions on Access) Directions (No 2)*.

Category	Date of second dose	Date reach eligibility for Booster vaccination (as recommended by ATAGI)	Notional one month Booster deadline	Actual Booster deadline & commencement of access restrictions	Refer to example at section 3.1
ATAGI recommendation - eligible for Booster vaccination five months after second dose					
1A	On or before 25 July 2021	On or before 24 December 2021 (date Booster Directions were issued)	N/A	Booster vaccination required <i>by</i> 5 February 2022 Booster deadline 4 February 2022 Access restrictions 5 February 2022	Example 1
2B	26 July 2021 – 4 August 2021	25 December 2021 – 3 January 2022	25 January 2022 – 3 February 2022	Booster vaccination required <i>by</i> 5 February 2022 as this is later than the notional deadline(s) Booster deadline 4 February 2022 Access restrictions 5 February 2022	Example 2

Category	Date of second dose	Date reach eligibility for Booster vaccination (as recommended by ATAGI)	Notional one month Booster deadline	Actual Booster deadline & commencement of access restrictions	Refer to example at section 3.1
ATAGI recommendation - eligible for Booster vaccination four months after second dose					
2A	5 August 2021 – 4 September 2021	4 January 2022 (Employees are already four months post-second dose when ATAGI recommendation changed on 4 January 2022)	4 February 2022	Booster vaccination required by 5 February 2022 as this is later than the notional deadline Booster deadline 4 February 2022 Access restrictions 5 February 2022	Example 3
2B	5 September 2021 – 30 September 2021	4 January 2022 – 29 January 2022	4 February 2022 – 28 February 2022	Booster deadline 5 February 2022 – 28 February 2022 Access restrictions 6 February 2022 – 1 March 2022	Example 4
ATAGI recommendation - eligible for Booster vaccination three months after second dose					
3A	1 October 2021 – 31 October 2021	31 January 2022 (Employees are already three months post-second dose when ATAGI recommendation changed,	28 February 2022	Booster deadline 28 February 2022 Access restrictions 1 March 2022	Example 5

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Category	Date of second dose	Date reach eligibility for Booster vaccination (as recommended by ATAGI)	Notional one month Booster deadline	Actual Booster deadline & commencement of access restrictions	Refer to example at section 3.1
		on and from 31 January 2022)			
3B	On or after 1 November 2021	On or after 31 January 2022	On or after 28 February 2022	<p>Booster deadline On or after 28 February 2022</p> <p>Access restrictions On or after 1 March 2022</p> <p>Access restrictions commence after four months from date of second dose (eligible after three months plus further month to receive a Booster dose), from this point forward</p>	Example 6

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