



Six Step Self-assessment Checklist

Under *COVID-19 Directions (No. 55)*
*2021: Directions for Mandatory
Vaccination of Workers to Attend the
Workplace*, am I required to be
vaccinated in order to attend my
workplace?

Last updated 19 October 2021.

1. Am I a worker?

Section 7 of the *Work Health and Safety (National Uniform Legislation) Act 2011* (NT) states:

Meaning of worker

(1) A person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as:

- (a) an employee; or
- (b) a contractor or subcontractor; or
- (c) an employee of a contractor or subcontractor; or
- (d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or
- (e) an outworker; or
- (f) an apprentice or trainee; or
- (g) a student gaining work experience; or
- (h) a volunteer; or
- (i) a person of a prescribed class.

(2) For the purposes of this Act, a police officer is:

- (a) a worker; and
- (b) at work throughout the time when the officer is on duty or lawfully performing the functions of a police officer, but not otherwise.

(3) The person conducting the business or undertaking is also a worker if the person is an individual who carries out work in that business or undertaking.

Note:

- The above list is not exhaustive.
- Businessowners may also be 'workers' under subsection 3 above.

If yes to question 1, proceed to question 2. If no, the mandatory vaccination

Directions do not apply to you.

2. Am I a worker who, during the course of work, is likely to come into contact with a vulnerable person?

A *vulnerable person* means a person who is considered, under direction 3, to be vulnerable to infection with COVID-19.

Direction 3 states that a person is considered to be vulnerable to infection with COVID-19 if:

- (a) the person is under 12 years of age; or
- (b) the person cannot be vaccinated with an approved COVID-19 vaccine due to a contraindication to all approved COVID-19 vaccines; or
- (c) the person is an Aboriginal person; or
- (d) the person is at risk of severe illness from COVID-19 for medical reasons, such as being on immune suppressive therapy after an organ transplant or having chronic kidney, heart, liver or lung disease.

What workers are likely to come into contact with a vulnerable person?

The Schedule to the Directions states: Workers who, during the course of work, are likely to come into contact with a vulnerable person include the following:

- (a) workers who work with children, such as teachers, childcare workers, tutors, gym coaches and swimming instructors;
- (b) workers who work with disabled persons, elderly persons or other persons vulnerable to infection with COVID-19, such as legal service providers, disability care workers and personal carers;
- (c) workers who directly face customers or patients in health care and ancillary health care services;
- (d) workers who work in a community consisting of mostly Aboriginal people (including family outstations and town camps);

- (e) workers who provide community services;
- (f) workers who directly face customers in retail services, financial or hospitality industries and other service industries.

Note:

- The above list is not exhaustive.
- To determine whether a person is a vulnerable person, a worker can ask the person directly or assume they are vulnerable if the worker is unsure. If a person does not disclose their vaccination status to a worker, the worker should assume the person is vulnerable.

If yes to question 2, Direction 4(a) applies meaning, unless you have a medical exemption, you need to receive two doses of an approved COVID-19 vaccine by the required dates in order to attend your workplace.

If no, proceed to question 3.



3. Am I a worker who is at risk of infection with COVID-19 because, during the course of work, I am likely to come into contact with a person or thing that poses a risk of infection?

Examples:

The Schedule to the Directions states: Workers who are at risk of infection with COVID-19 because they, during the course of work, are likely to come into contact with a person or thing that poses a risk of infection include the following:

- (a) health care workers in hospitals and emergency departments;
- (b) police and emergency service workers;
- (c) workers in quarantine facilities or other quarantine places;
- (d) border control workers;
- (e) workers at other places to which symptomatic people may go, such as medical clinics, respiratory clinics and pharmacies.

Note:

- The above list is not exhaustive.

If yes to question 3, Direction 4(b) applies meaning, unless you have a medical exemption, you need to receive two doses of an approved COVID-19 vaccine by the required dates in order to attend your workplace.

If no, proceed to question 4.

4. Am I a worker whose workplace poses a high risk of infection with COVID-19?

Do I work in a workplace?

Section 8 of the *Work Health and Safety (National Uniform Legislation) Act 2011* (NT)

states:

Meaning of *workplace*

A *workplace* is a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work.

In this section *place* includes:

- (a) a vehicle, vessel, aircraft or other mobile structure; and
- (b) any waters and any installation on land, on the bed of any waters or floating on any waters.

Which workplaces pose a high risk of infection?

The Schedule to the Directions states: Workplaces that pose a high risk of

infection with COVID-19 include the following:

- (a) correction and detention facilities;
- (b) shelters for persons experiencing homelessness or other forms of adversity;
- (c) mining sites;
- (d) food processing and distribution facilities;
- (e) cold storage facilities and abattoirs;
- (f) cruise vessels as defined in direction 5 of my COVID-19 Directions (No. 5) 2021.

Note:

- The above list is not exhaustive.

If yes to question 4, Direction 4(c) applies meaning, unless you have a medical exemption, you need to receive two doses of an approved COVID-19 vaccine by the required dates in order to attend your workplace.

If no, proceed to question 5.

5. Am I a worker who performs work that is necessary for the operation or maintenance of essential infrastructure or essential logistics in the Territory?

Examples:

The Schedule to the Directions states: Essential infrastructure or essential logistics in the Territory include:

- (a) electricity generation facilities, electricity networks and electrical installations;
- (b) liquid natural gas and other gas facilities;
- (c) water supply and distribution infrastructure;
- (d) sewerage treatment facilities;
- (e) telecommunications systems;
- (f) roads;
- (g) COVID-19 emergency operations centre.

Note:

- The above list is not exhaustive.

If yes to question 5, Direction 4(d) applies meaning, unless you have a medical exemption, you need to receive two doses of an approved COVID-19 vaccine by the required dates in order to attend your workplace.

If no, proceed to question 6.

6. Am I permitted to attend the workplace, despite not receiving an approved COVID-19 vaccine, on the basis that I have a medical exemption?

Exemption requirements:

Direction 8 states: Despite directions 6 to 7, a worker may attend the worker's workplace without being vaccinated with an approved COVID-19 vaccine if the worker has evidence of a contraindication to all approved COVID-19 vaccines.

Evidence of exemption requirements:

Direction 9 states: The evidence required for direction 8 is one of the following certificates:

- (a) a medical certificate issued by a medical practitioner that certifies that the worker has a contraindication to all approved COVID-19 vaccines determined in accordance with the *Clinical guidance on use of COV/0-19 vaccine in Australia in 2021*, or any successor guidelines, issued by the Australian Technical Advisory Group on Immunisation (ATAGI);
- (b) a certificate issued by the Commonwealth that certifies that the worker has a contraindication to all approved COVID-19 vaccines.

If yes, you may be permitted to attend the workplace without being vaccinated.

If no, and you also answered no to questions 1, 2, 3, 4 and 5, you may also not be required to receive two doses of an approved COVID-19 vaccine in order to attend the workplace. Please seek legal advice if you remain unsure about whether you need to be vaccinated in order to attend the workplace.

End of self-assessment.

