Right to Information Application (RTI 4960/23)

Scope of application

- 1. How many religious exemptions were submitted to Gold Coast University Hospital in relation to the HED12/21 vaccine mandate?
- 2. How many religious exemptions were submitted to Gold Coast University Hospital in relation to the HED12/21 vaccine mandate in the Protective services/security office specifically?
- 3. When considering RTI document 2984/22 containing statistical data- it shows that a total of 6 religious exemptions were approved statewide- what religions did those 6 approved exemptions represent (ie; catholic, Muslim, Buddhist etc)?
- 4. In considering those 6 approved exemptions, what types of information was provided to the HHS to verify/support the application (ie; letter from priest, personal information, copies of certificates)?
- 5. Out of the 6 people who were approved of a religious exemption, what employment stream did they belong to?
- 6. Out of the 6 people who were approved of a religious exemption, how many have returned to work?
- 7. Since 4 February 2022, how many additional religious exemptions have been approved statewide? In considering the approved religious exemptions since 4/2/2022, what religions were represented (ie; catholic, Muslim, Buddhist etc)?
- 8. Was there a independent panel that considered the Religious exemptions at GCUH or statewide? What Religious qualifications or employment position did the panel hold to consider the Religious exemption requests. Please provide official details.
- 9. Please provide the relevant criteria/framework used, or the relevant Qld Health Policy that was used to decide Religious exemptions in relation to the HED12/21 vaccine mandate.
- 10.Please provide any documentation or correspondences between Qld Health and the Queensland Human Rights Commissioner between 1/1/2021 and 1/6/2023 pertaining to the Human Rights aspect of the HED12/21 vaccine mandate.

Date range

Requested:

January 2021 to July 2023

Provided:

Item 1: data is provided from 1 November 2021 to 28 July 2023.

Items 3-6 relate to RTI 2984/22 from 1 November 2021 to 11 February 2022.

Item 7: Timeline is from 28 January 2022 to 28 July 2023.

Data Source

- Exemption data has been sourced from the Employees with Unresolved Vaccination Exemptions
 Report (EVER) database, as reported on a weekly basis by the Hospital and Health Services, the
 Department and Queensland Ambulance Service (QAS).
- Data is point in time and subject to change.

Response

Item 1 – Number of religious exemptions submitted to Gold Coast University Hospital.

This information was extracted from the Employees with Unresolved Vaccination Exemptions Report (EVER) – see *Attachment 1*

Item 2 – Number of religious exemptions submitted to Gold Coast University Hospital from Protective Services/Security staff

The existence of any documents is neither confirmed nor denied to protect the privacy of employees.

Items 3 to 6 - Documents relevant to the six matters referenced in RTI 2984/22 (religions represented, types of information provided by employees, employment stream, employment status)

Documentation was located for five of the six matters referenced in RTI 2984/22. No information was located for the sixth matter.

Upon review of each matter, it is clear that religious exemptions were **not** recommended by DOH to each of the Hospital and Health Services (HHSs). It is likely that temporary exemptions were granted on grounds other than religion, however DOH does not have access to final letters sent to individuals regarding their matters. This would need to be sourced from each relevant HHS.

The EVER database has identified that three of the six employees have returned to work after becoming compliant with Health Employment Directive 12/21.

See Attachment 2 (Items 2-5) See Attachment 3 (Item 6)

Item 7 – Number of religious exemptions approved Statewide since 4 February 2022, and the religions represented.

The DOH did not recommend any religious exemptions be approved.

It is likely that temporary exemptions were granted on grounds other than religion for four matters, however DOH does not have access to final letters sent to individuals regarding their matters. This would need to be sourced from each relevant HHS.

Item 8 – Information regarding the review panel

There are no specific documents relevant to this Item.

The process in DOH was as follows:

- Members of the Workforce Relations and Policy team reviewed the application.
- The Director of the Workforce Relations and Policy team made a recommendation to the delegate of the relevant HHS/DoH decision maker. As part of the recommendation the following documents were provided:
 - o Cover page including HR Act assessment and recommendation
 - Recommended letter response
 Reasonable adjustment checklist
- These documents were uploaded to a teams site which both Workforce Relations and Policy and the relevant HHS/DoH representatives had access).
- The HHS/DoH would consider the recommended letter and reasonable adjustment.

• Workforce Relations and Policy do not have visibility of the final decision made by the delegate.

It is unknown if any of the DoH/HHS employees involved in the process held a religious qualification.

See Attachment 4

Item 9 – Criteria/framework/Qld Health Policy in relation to the HED 12/21 vaccine mandate

See Attachment 5

Item 10 – Documentation/Correspondence between Qld Health and the Queensland Human Rights Commissioner

A significant number of documents were located regarding individual matters, however these were not considered to be directly relevant to the scope, as clarified by the applicant, as pertaining to information shared between Qld Health and the QHRC regarding the implementation of the HED12/21 vaccine mandate.

Nil relevant documents were located for this item.

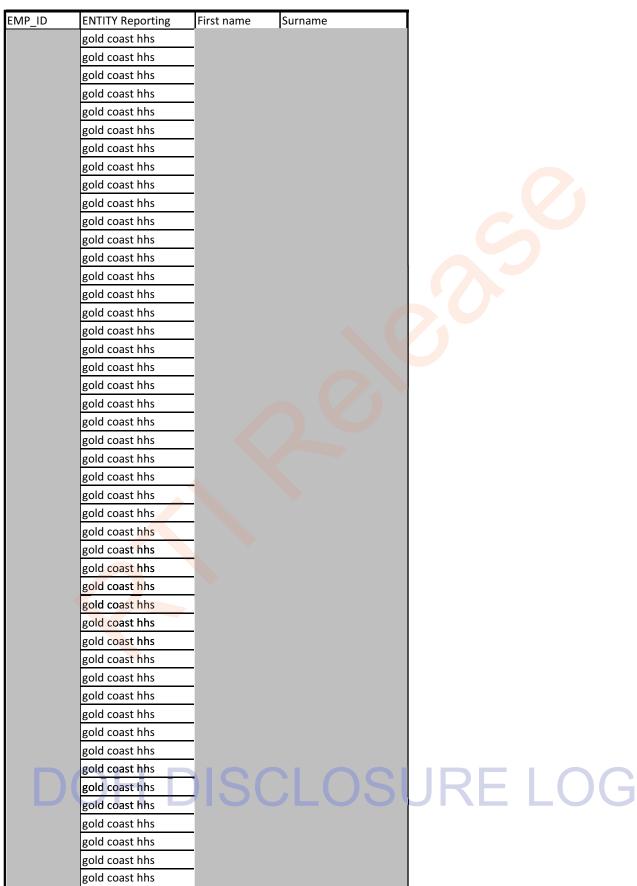


RTI 4960/23 - Attachment 1

Item 1. Number of religious exemptions submitted to Gold Coast HHS in relation to HED12/21

Source: EVER dashboard for period 1 November 2021 to 28 July 2023

Extracted: 5 September 2023



Reasonable Adjustment checklist

This checklist must be completed before utilising the recommended outcome letter provided in response to this employee's exemption application.

Has the employee submitted evidence of being vaccinated against COVID-19?		Yes	No
9		Yes	No
Is the employee currently wor remotely/flexibly 100% of the		Yes □	No 🗆
Is the employee able to work 100% of the time?	remotely/flexibly	Yes	No
Can the employee be tempor to a role which is not required enter a facility where care is p such time as they are willing ovaccinated?	to work in or provided until	Yes □	No 🗆
Can the employee access the entitlements until such time a willing or able to be vaccinate	s they are	Yes	No
Can any other reasonable ad implemented such that the en working in a role that is requirenter a facility where care is process.	nployee is not red to work in or	Yes	No 🗆
Comments:			
	whether it is appr	ny of the above questi copriate to use the rec	
Name:			
Signature:			
Date:			

1. Employee details

Name:	- Constant	
Payroll ID:		
Job title:	Operations	
Work unit/area:		
Facility:		
Hospital and Health Service		
Line manager name:		
Line manager contact information		

2. Exemption request

Requirement: Cont whe med a let	An employee will be considered to have a medical contraindication for the purposes of applying for an exemption where they are unable to be vaccinated due to a recognised medical contraindication to the COVID-19 vaccine as outlined in a letter from their treating specialist medical practitioner.		
	A recognised medical contraindication is limited to include circumstances where the employee has a history of anaphylaxis or other recognised medical contraindications as outlined in the Australian Immunisation Handbook.		
☐ Tick box to confirm	I can confirm that I am unable to meet the COVID-19 vaccination requirements due to a recognised medical contraindication to the vaccine.		
Evidence requireme	nts		
that the employ have a recogn whether the machine COVID-19 vacue if the medical control or	yee is unable to receive any COVID-19 vaccination because they ised medical contraindication to the vaccine edical contraindication will permanently or temporarily prevent		
	I have attached a copy of the above documentation		

DOH DISCLOSURE LOG

Queensland Health's obligations and that approval will only be provided in exceptional

circumstances

Unable to receive any COVID-19 vaccine due to a genuinely held religious belief

An employee will be considered to have a genuinely held religious belief for the purposes of applying for an exemption where they are able to provide a letter specifying:

Requirement:

- their deeply held religious belief such that they are unable to receive any COVID-19 vaccine; and
- their affiliation or connection to the religious group from a religious leader or official.

I can confirm that I am unable to meet the COVID-19 vaccination requirements due to a genuinely held religious belief \boxtimes Tick box to confirm

Employee COVID-19 vaccine exemption application form Corporate Services Division HR Branch Effective date





Employee COVID-19 vaccine exemption application form Corporate Services Division HR Branch Effective date Page 6

Evidence requiremen	ts
An employee is require that:	ed to provide a letter from a religious leader or official certifying
 the employee h 	as an affiliation/connection to a religious group; and as a genuinely held religious belief such that they are unable to VID-19 vaccine.
N	I have attached a copy of the above documentation
Tick box to confirm	
It is important to be aw	are that exemption requests will be considered in accordance with

DOH DISCLOSURE LOG

Queensland Health's obligations and that approval will be only provided in exceptional

Employee COVID-19 vaccine exemption application form Corporate Services Division HR Branch Effective date

circumstances

Other exceptional circumstances

In extremely limited circumstances, an exemption may be granted where an employee can demonstrate other exceptional circumstances which preclude them from meeting the COVID-19 vaccine requirements. In this circumstance:

- Vaccine hesitancy and conscientious objection, by themselves, are not considered exceptional circumstances.
- Some other extenuating circumstance must exist.

Where this can be demonstrated, the employee's circumstances will be considered on an individual basis in accordance with Queensland Health's legislative obligations and industrial arrangements however exemptions will only be granted in exceptional circumstances.

Evidence requirements:

Requirement:

 Please briefly detail the extenuating circumstances which preclude your meeting the COVID-19 vaccination requirements below

It is important to be aware that exemption requests will be considered in accordance with Queensland Health's obligations and that approval will only be provided in exceptional circumstances

3. Employee certification

Please sign below to certify that the information provided in this application form and supporting documentation is true and correct

Employee signature	
Date	29 September 2021

Privacy Notice

Personal and health information collected by the Department of Health or by a Hospital, and Health Service (Queensland Health) is collected and handled in accordance with the Information Privacy Act 2009 (Qld). The personal and health information provided by you will be securely stored and only accessible by authorised employees of Queensland Health (or its agents). Personal and health information disclosed on this form may be used for the purposes of ensuring compliance with the Health Employment Directive 12/21, workforce rostering and planning.

This information will not be disclosed to other third parties without consent unless the disclosure is authorised or required by or under law. For information about how Queensland Health protects your personal information, or to learn about your right to access your own personal information, please see our website at http://www.health.qld.gov.au/qlobal/privacy

For your rights as a Queensland Health employee, please consult the Office of the Information Commissioner's guidelines at: https://www.oic.qld.gov.au/guidelines/for-government/guidelines-privacy-principles/collection/covid-19-vaccination-and-my-privacy-rights-as-a-queensland-health-employee.

The following vaccination information is requested or as required to support Queensland Health's obligations to provide a safe workplace under section 19 of the Work Health and Safety Act 2011, Health Employment Directive 12/21 and other instruments including Public Health Directions issued in accordance with the Public Health Act 2005, as well as an overall response in controlling the COVID-19 pandemic.

DOH DISCLOSURE LOG

Employee COVID-19 vaccine exemption application form Corporate Services Division HR Branch Effective date

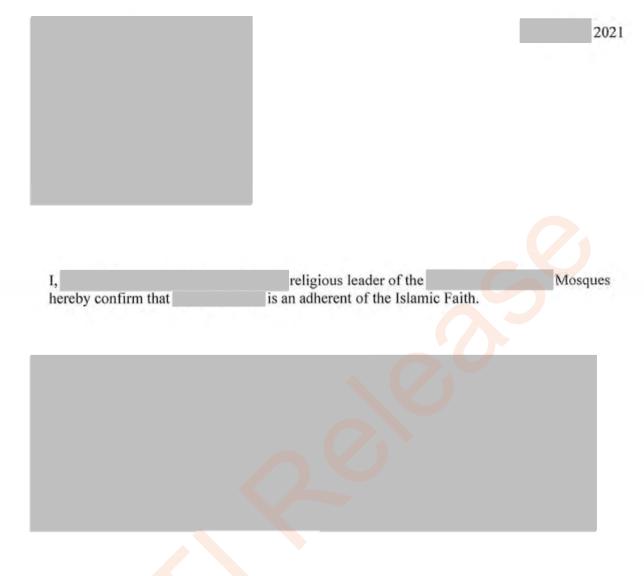
Version Control

Version	Date	Comments
1	20 September 2021	To be published on QHEPS



DOH DISCLOSURE LOG

Employee COVID-19 vaccine exemption application form Corporate Services Division HR Branch Effective date



Cover Page: Exemption Recommendation Form

1.1. Application summary

Employee Name	
HHS/DoH	

1.2. Category of exemption application - Religious belief

Religious belief/s stated	Supporting Evidence Provided
Please detail:	Yes/No – please detail:
Mosques	Dated 05/10/2021
Islamic Faith	Religious Leader

1.3 Human Rights Assessment

1.3.1 What is the proposed decision?

(section 20)

☐ Grant exemption request (no conditions) – The propos	sed decision is compatible with human rights
☐ Grant exemption request (with conditions) — The prop step	osed decision limits human rights – proceed to next
☐ Refuse exemption request – The proposed decision lin	nits human rights – proceed to next step
1.3.2 Which human rights are limited by th	e proposed decision?
☑ Right to equality and non-discrimination (section 15)	☑ Freedom of expression (section 21)
☑ Right to life (section 16)	☐ Taking part in public life (section 23)
☑ Protection from torture and cruel, inhuman or	□ Cultural rights – generally (section 27)
degrading treatment (section 17)	☐ Cultural rights – Aboriginal peoples and Torres Strait
☐ Freedom of movement (section 19)	Islander peoples (section 28)
☑ Freedom of thought, conscience, religion and belief	☐ Fair hearing (section 31)

DOH DISCLOSURE LOG

☐ Right to health services (section 37)

1.4	on the hu		the need to conta	nce between the impact in, or respond to, the
protec	t life and ensure		h system. The proposed d	nan rights outweighs the need to ecision is not compatible with
	ighs the impact		아무리 아이들은 이번 아이들이 되었다.	e the readiness of the health system sion is compatible with human
1.5	Recomme	endation of the Ex	emption Committ	tee
		Ongoing exemption granted	Time limited exemption granted	Exemption declined
0.70	the relevant mmendation			
		me-limited), please note any	y alternative arrangements	or conditions required:
It is re	nstances, includ oyee, the <mark>ir colle</mark> s	e delegate decline the exer ing their religious belief, ar	e necessarily outweighed ng health services safe and	basis that their individual by the requirement to keep the I ensure the ongoing readiness
Rache Direct	el Borger R	BOYGE		
711	1421.			
	DOF	+ DISC	LOSUI	RELOG

INTERNAL CHECKLIST

Review	
Category	required for response: Religion
	Risk/Consultation/WHS
	Vaccine Hesitancy/safety of the vaccine
	Free and Informed consent
	Other
	ues to address in free text field (e.g. I acknowledge your 300 lication which summarise topics covered):
habe app	medicin winding and a solution.
-	
Letter bo	
Date of re	eligious letter: 5 10 21
Religion a	and contact from letter:
	Mogves religioùs leader
Affiliation	made: Yes/ no
Response	Islamic Faith
Ø,C	Letter completed CLOSURE LOG
V	Recommendation sheet

Queensland Health

Employee COVID-19 vaccine exemption application form



About this form

This form is to be used by employees to seek an exemption to the COVID-19 vaccination requirements set out in *Health Employment Directive No. 12/21* (HED 12/21) and HR Policy *B70 Employee COVID-19 vaccination requirements* (QH-POL-486) in the following circumstances only:

- Where the employee has a recognised medical contraindication to the COVID-19 vaccine.
- Where the employee has refused the COVID-19 vaccine on grounds of a genuinely held religious belief.

In extremely limited circumstances, an employee may also use this form to detail other exceptional circumstances which preclude them from meeting the COVID-19 vaccine requirements. In this circumstance:

- Vaccine hesitancy and conscientious objection, by themselves, are not considered exceptional circumstances.
- Some other extenuating circumstance must exist.

Where this can be demonstrated, the employee's circumstances will be considered on an individual basis in accordance with Queensland Health's legislative obligations and industrial arrangements however limited exemptions will be granted.

This form and all relevant supporting documentation should be provided to your line manager who will consult with the local Human Resources team as required in relation to your request for exemption.

It is important to note the following in relation to requests for exemptions:

- Applications for exemptions will be considered on a case-by-case basis to determine whether an exemption is possible in the circumstances.
- Where an exemption is granted, it may be temporary, permanent or conditional in nature.
- Exemptions will only be granted in exceptional circumstances.





Enquiries to:

First name Last name

Title

Unit / Branch

Telephone: File Ref: Telephone Number C-ECTF-Number Queensland Health

Dear

I refer to your employment as [Position], [Division], [Facility], [Hospital and Health Service/Department of Health] and your application for an exemption to the *Health Employment Directive No.* 12/21 – Employee Covid-19 vaccination requirements (the Directive)/ HR Policy B70 Employee COVID-19 vaccination requirements (the Policy).

Your application for an exemption based upon a genuinely held religious belief has been refused.

Background

On 11 September 2021, the Director-General, Queensland Health on the advice of the Chief Health Officer, issued the Directive mandating that all Queensland Health employees who work in or enter a facility where care is provided will be required to be vaccinated.

Further on 25 October 2021 the Director-General issued a direction to all Queensland Health employees via email to all staff that from 1 November 2021 there can be no employee working in a facility where care is provided without being fully vaccinated.

The Directive and Policy provides that an exemption may be provided in certain circumstances.

Your exemption application

In your application dated 29 September 2021, you sought an exemption from the requirement to be vaccinated outlined in the [Directive/Policy] on grounds of an objection due to a genuinely held religious belief.

To support your exemption application, you provided supporting documentation from

dated 5

October 2021, which outlined:

- Your deeply held religious belief such that you are unable to receive any COVID-19 vaccine; and
- Your affiliation or connection to the religious group.

Assessment of your application

In assessing your application for an exemption, consideration was given to all the information available including your application, any supporting evidence provided by you, and the requirements of your role.

I have decided to refuse your application for an exemption on the grounds of a genuinely held religious belief.

Findings on material questions of fact

In deciding your application, I make the following material findings of fact:

- 1. You are employed at [INSERT];
- 2. You have not received COVID-19 vaccinations as required by the [Directive/Policy];
- You have applied for an exemption to the COVID-19 vaccination requirement under the [Directive/Policy] on the ground of a genuinely held religious belief, namely Islamic Faith;
- 4. You have provided supporting documentation as part of your exemption application.

Evidence or other material on which material questions of fact were based

Relevant material on which the findings on material questions of fact were based included:

- The [Directive/Policy];
- 2. Your application for an exemption; and
- 3. The supporting documentation you provided.

Reasons for decision

Your individual circumstances, including your religious belief and the connection of that religious belief to the requirements under the [Directive/Policy], were balanced against the purposes of the vaccination requirements.

I have had regard to the intention of the [Directive/Policy], specifically the requirement to ensure the readiness of the health system in responding to the COVID-19 pandemic, to protect the lives of employees, patients and the community they serve.

The [Directive/Policy] contemplates the high degree of risk to public health associated with work performed in healthcare settings and will ensure Queensland Health can provide a safe environment for both employees and patients.

On balance, I consider that there is no less restrictive means other than vaccination which would sufficiently ensure the safety of yourself, other staff members and patients.

In making this decision, I am mindful that Queensland is transitioning to an environment where COVID-19 is endemic, it is inevitable that every Queenslander will eventually be exposed to COVID-19. Safe and effective vaccines for COVID-19 that prevent severe illness and reduce transmission are now widely available and endorsed by regulatory authorities globally and including Australia's Therapeutic Goods Administration (TGA).

High vaccination coverage among workers in settings with the potential for exposure to COVID-19, particularly those serving vulnerable cohorts, will be a key determinant of health outcomes for Queenslanders and the impact of COVID-19 on health care delivery across the State. Limiting transmission within a workplace through the protection of COVID-19 vaccination will also reduce the likelihood of workplace outbreaks and staff shortages.

Human Rights consideration

I am also satisfied that my decision to refuse your exemption application is compatible with human rights. While this decision engages or limits a number of your human rights,

including your right to freedom of thought, conscience, religion and belief and your right to freedom of expression, I am satisfied that those limits on human rights are justified by the need to ensure the readiness of the health system in responding to the COVID-19 pandemic, and to protect the lives of employees, patients and the community they serve. The purpose of protecting your colleagues, and people accessing health services from the risk of COVID-19 through vaccination promotes their human rights to life and health, as well as your own. These are important considerations and should be given weight at this particular time. There are no other less restrictive yet effective ways to achieve those purposes.

Lawful directions

I am issuing you with the following lawful direction.

As you have not received the required dose of a COVID-19 vaccine in accordance with the [Directive/Policy], and do not have an approved exemption, I am directing you to comply with the [Directive/Policy].

You must receive the required dose and provide written confirmation that that you have complied with the requirement to be vaccinated against COVID-19 within seven (7) calendar days of receipt of this letter. This confirmation must be provided to [insert local contact details].

Should you fail to follow this lawful direction, you may be liable for disciplinary action pursuant to section 187(1)(d) of the *Public Service Act 2008*.

Review

If you are not satisfied with my decision in relation to your application, you may write to the [Health Service Chief Executive/Director-General] within 14 days of receipt of this letter, to application a review of this decision. Your application should clearly state the reasons you are not satisfied with the decision and what action you believe would resolve these matters and be sent to [Email Address].

Additional requirements under the 'Workers in a healthcare setting (COVID-19 Vaccination Requirements) Direction'

While a separate matter and not considered as part of the assessment of your application, it is important to note that you are also subject to the vaccination requirements of the Workers in a healthcare setting (COVID-19 Vaccination Requirements) Direction (CHO Direction).

This direction applies to you as a health worker, independent of the requirements under the [Directive/Policy] and will continue to do so until such time as it is revoked or repealed. An exemption under the [Directive/Policy] will have no effect on the requirements under the CHO Direction which will still apply.

Employee Assistance

I understand this may be a difficult time for you. [Insert HHS/Department of Health] genuinely cares for your health and wellbeing. With this in mind, if you are having difficulty and would like to discuss this with a counsellor you are encouraged to do so. Employee Assistance offers a confidential counselling service which is free of charge to all employees of for up to six sessions per calendar year. Access to this service is by self-referral by contacting [insert EAP details here]

Questions

Should you have any questions regarding the contents of this letter, please contact [insert local HR details and contact person].

Yours sincerely

[Name]

[Position title]



Prepared by: name

position title branch/unit title telephone no.

date

Submitted through: name

position title branch/unit title telephone no.

date

Cleared by: name

position title branch/unit title telephone no.

date

Queensland Health

Employee COVID-19 vaccine exemption application form



About this form

This form is to be used by employees to seek an exemption to the COVID-19 vaccination requirements set out in *Health Employment Directive No. 12/21* (HED 12/21) and HR Policy *B70 Employee COVID-19 vaccination requirements* (QH-POL-486) in the following circumstances only:

- Where the employee has a recognised medical contraindication to the COVID-19 vaccine.
- Where the employee has refused the COVID-19 vaccine on grounds of a genuinely held religious belief.

In extremely limited circumstances, an employee may also use this form to detail other exceptional circumstances which preclude them from meeting the COVID-19 vaccine requirements. In this circumstance:

- Vaccine hesitancy and conscientious objection, by themselves, are not considered exceptional circumstances.
- Some other extenuating circumstance must exist.

Where this can be demonstrated, the employee's circumstances will be considered on an individual basis in accordance with Queensland Health's legislative obligations and industrial arrangements however, it is expected that there would be limited applications that would meet exemptions requirements.

This form and all relevant supporting documentation should be provided to your line manager who will consult with the local Human Resources team as required in relation to your request for exemption.

It is important to note the following in relation to requests for exemptions:

- Applications for exemptions will be considered on a case-by-case basis to determine whether an exemption is possible in the circumstances.
- Where an exemption is granted it may be temporary, permanent or conditional in nature.
- Exemptions will only be granted in exceptional circumstances.



1. Employee details

Name:	Click or tap here to enter text.
Payroll ID:	Click or tap here to enter text.
Job title:	Click or tap here to enter text.
Work unit/area:	Click or tap here to enter text.
Facility:	Click or tap here to enter text.
Hospital and Health Service	Click or tap here to enter text.
Line manager name:	Click or tap here to enter text.
Line manager contact information	Click or tap here to enter text.

I am applying for an exemption based on (tick all that apply):

- ☐ Medical contraindication go to section 2a
- ☑ Genuinely held religious belief go to section 2b
- ☐ Other exceptional circumstances go to 2c

There is no requirement to complete all exemption categories in section 2.

DOH DISCLOSURE LOG

Employee COVID-19 vaccine exemption application form Corporate Services Division HR Branch

Effective: 20 September 2021

Page 2

	An employee will be considered to have a genuinely held religious belief for the purposes of applying for an exemption where they are able to provide a letter specifying:
Requirement:	 their deeply held religious belief such that they are unable to receive any COVID-19 vaccine; and their affiliation or connection to the religious group from a religious leader or official.
Tick box to confirm	I can confirm that I am unable to meet the COVID-19 vaccination requirements due to a genuinely held religious belief
Evidence requirement	nts
that: the employee the employee	ed to provide a letter from a religious leader or official certifying has an affiliation/connection to a religious group; and has a genuinely held religious belief such that they are unable to OVID-19 vaccine.

I have attached a copy of the above documentation

It is important to be aware that exemption requests will be considered in accordance with Queensland Health's obligations and that approval will be only provided in exceptional

DOH DISCLOSURE LOG

Employee COVID-19 vaccine exemption application form Corporate Services Division HR Branch

Tick box to confirm

circumstances

Effective: 20 September 2021

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