
[LEGAL NOTICE NO. 53]

HEALTH AND SAFETY AT WORK ACT 1996

Health and Safety at Work (General Workplace Conditions) (Amendment) Regulations 2021

IN exercise of the powers conferred on me by section 62 of the Health and Safety at Work Act 1996, and acting on the recommendation of the permanent secretary responsible for employment, productivity and industrial relations, after consultation with the National Occupational Health and Safety Advisory Board, I hereby make these Regulations—

Short title and commencement

1.—(1) These Regulations may be cited as the Health and Safety at Work (General Workplace Conditions) (Amendment) Regulations 2021.

(2) These Regulations come into force on the date of publication in the Gazette.

(3) In these Regulations, the Health and Safety at Work (General Workplace Conditions) Regulations 2003 is referred to as the “Principal Regulations”.

Regulation 3 amended

2. Regulation 3 of the Principal Regulations is amended by—

(a) renumbering the provision as regulation 3(1);

(b) in subregulation (1), deleting “The health and safety provisions for exempt workplaces are separately covered under the Mining Act 1965 and Quarries Act 1939.”; and

(c) after subregulation (1), inserting the following new subregulation—

“(2) Except for Part 14A, the health and safety provisions for exempt workplaces are separately covered under the Mining Act 1965 and Quarries Act 1939.”.

Part 14A inserted

3. The Principal Regulations are amended after regulation 52 by inserting the following new Part—

“PART 14A — COVID-19 VACCINATION

Definitions for this Part

52A. In this Part—

“COVID-19 vaccine” means a vaccine approved for use against COVID-19 by the permanent secretary responsible for health and medical services; and

“vaccination documentation” means documentation, in physical or electronic form, issued or approved by the permanent secretary responsible for health and medical services as evidence of vaccination.

Unvaccinated employer must not enter workplace

52B.—(1) On or after 1 August 2021, an employer must not enter the workplace unless the employer has received at least the first dose of the COVID-19 vaccine.

(2) On or after 1 November 2021, an employer must not enter the workplace unless the employer has received the second dose of the COVID-19 vaccine.

(3) Subregulations (1) and (2) do not apply in relation to an employer who—

- (a) is less than 18 years of age;
- (b) has a history of severe allergic reaction to any component of the COVID-19 vaccine, as verified by the permanent secretary responsible for health and medical services; or
- (c) for any other legitimate medical reason, has been exempted from vaccination by the permanent secretary responsible for health and medical services.

(4) An employer that contravenes or fails to comply with this regulation commits an offence and is liable to a fine of not more than \$1,500.

(5) In this regulation, “employer” includes, as applicable—

- (a) a sole trader, partner, trustee or director of an employer;
- (b) the board or other governing body of an employer;
- (c) if the employer does not have a board or other governing body, the chief executive officer of the employer;
- (d) for a ministry or department, the permanent secretary responsible for the ministry or department or the head of the ministry or department; or

- (e) if paragraphs (a) to (d) do not apply, the person designated as or performing the functions of the head of the employer, however that designation is expressed.

Employer must not permit unvaccinated worker to enter workplace

52C.—(1) On or after 1 August 2021, an employer must not permit a worker to enter the workplace unless the worker has received at least the first dose of the COVID-19 vaccine and produces vaccination documentation as proof of the same.

(2) On or after 1 November 2021, an employer must not permit a worker to enter the workplace unless the worker has received the second dose of the COVID-19 vaccine and produces vaccination documentation as proof of the same.

(3) Subregulations (1) and (2) do not apply in relation to a worker who—

- (a) is less than 18 years of age;
- (b) has a history of severe allergic reaction to any component of the COVID-19 vaccine, as verified by the permanent secretary responsible for health and medical services; or
- (c) for any other legitimate medical reason, has been exempted from vaccination by the permanent secretary responsible for health and medical services.

(4) An employer that contravenes or fails to comply with this regulation commits an offence and is liable to a fine of not more than \$10,000.

Unvaccinated worker must not enter workplace

52D.—(1) On or after 1 August 2021, a worker must not enter the workplace unless the worker has received at least the first dose of the COVID-19 vaccine.

(2) On or after 1 November 2021, a worker must not enter the workplace unless the worker has received the second dose of the COVID-19 vaccine.

(3) Subregulations (1) and (2) do not apply to a worker who—

- (a) is less than 18 years of age;
- (b) has a history of severe allergic reaction to any component of the COVID-19 vaccine, as verified by the permanent secretary responsible for health and medical services; or
- (c) for any other legitimate medical reason, has been exempted from vaccination by the permanent secretary responsible for health and medical services.

(4) A worker that contravenes or fails to comply with this regulation commits an offence and is liable to a fine of not more than \$500.

Closure of business

52E.—(1) If an employer has not received at least the first dose of the COVID-19 vaccine on or before 15 August 2021, an Inspector must order that the business be temporarily closed.

(2) A business that is closed under subregulation (1) may resume operations after the employer receives his or her first dose of the COVID-19 vaccine.

(3) If the employer whose business operations have resumed under subregulation (2) has not received the second dose of the COVID-19 vaccine within 8 weeks after his or her first dose of the COVID-19 vaccine, an Inspector must order that the business be temporarily closed.

(4) A business that is closed under subregulation (3) may resume operations after the employer receives his or her second dose of the COVID-19 vaccine.

(5) In this regulation, “employer” includes, as applicable—

- (a) a sole trader, partner, trustee or director of an employer;
- (b) the board or other governing body of an employer;
- (c) if the employer does not have a board or other governing body, the chief executive officer of the employer;
- (d) for a ministry or department, the permanent secretary responsible for the ministry or department or the head of the ministry or department; or
- (e) if paragraphs (a) to (d) do not apply, the person designated as or performing the functions of the head of the employer, however that designation is expressed.

Basis for dismissal

52F. If a worker has not received—

- (a) at least the first dose of the COVID-19 vaccine on or before 15 August 2021; or
- (b) the second dose of the COVID-19 vaccine before 1 November 2021,

such omission constitutes a basis for dismissal.

Extension of vaccination deadlines

52G.—(1) The Minister may extend any of the prescribed periods for vaccination under this Part for a specific area if the permanent secretary responsible for health and medical services determines that the COVID-19 vaccine will not be available for the area during the prescribed period.

(2) An extension under subregulation (1) must specify the new period for vaccination and the new period is deemed to be the prescribed period for the purposes of this Part in relation to the specified area.”.

Made this 8th day of July 2021.

P. K. BALA
Minister for Employment, Productivity and Industrial Relations