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| Mandatory vaccinations forworkers outside the home |
| FAQs  |
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# Frequently Asked Questions

The Chief Health Officer (CHO) has issued a [COVID-19 Mandatory Vaccination (Workers) Direction](https://www.dhhs.vic.gov.au/sites/default/files/documents/202110/covid-19-mandatory-vaccination-%28workers%29-directions.pdf) confirming that all workers who are, or may be, scheduled to work outside their home will need to be vaccinated against COVID-19 in order to work at authorised workplaces.

Under this direction, from Friday 15 October 2021, you will be required to collect, record and hold vaccination information about workers who are, or may be, scheduled to work outside a worker’s ordinary place of residence.

You must also ensure unvaccinated workers do not work outside the worker’s place of residence unless an exception applies under the CHO direction.

Vaccination information may be recorded in a variety of documents – including a letter from a medical practitioner, a certificate of immunisation or an immunisation history statement obtained from the [Australian Immunisation Register](https://www.servicesaustralia.gov.au/individuals/services/medicare/australian-immunisation-register).

In order to attend a workplace from 15 October, an employee must provide evidence to their employee they have:

* received at least their first dose of a COVID-19 vaccine, or
* a booking to receive their first dose by 22 October, or a [medical exemption](https://www.coronavirus.vic.gov.au/information-workers-required-to-be-vaccinated#faqs-for-workers).

# Eligibility

## What is the vaccination requirement for staff who need to leave home for work?

From **15 October 2021**, in order to work onsite at a work premises, you must provide evidence to your employer that you have:

* received at least your first dose of the COVID-19 vaccine, or
* a booking to receive your first dose by 22 October 2021, or
* a medical exception evidenced by an authorised medical practitioner.

From **26 November 2021**, you will also be required to provide evidence that you have received your second dose (unless you have a medical exception) to attend work.

More information on the vaccination requirement is available at: <https://www.coronavirus.vic.gov.au/information-workers-required-to-be-vaccinated>

## Who needs to leave home for work at the moment?

In metropolitan Melbourne, Mitchell Shire and Rural City of Mildura, only [authorised workers](https://www.coronavirus.vic.gov.au/authorised-provider-and-authorised-worker-list) are permitted to attend workplaces. All other workers must continue to work from home.

If you are based in regional Victoria and you can work from home, you should continue to do so. Your employer will have already let you know which workforces can attend workplaces, based on strategic and operational considerations.

## Do these directions overrule other vaccination-related provisions and requirements, including those set by the Federal Government?

The vaccination timelines for [workers who have existing vaccination requirements](https://www.coronavirus.vic.gov.au/information-workers-required-be-vaccinated) under Chief Health Officer (CHO) directions – including healthcare, residential aged care, education, freight and construction – are not changed by these directions.

For further information, refer to specific advice for [residential aged care](https://www.coronavirus.vic.gov.au/information-workers-required-be-vaccinated#residential-aged-care), [healthcare settings](https://www.coronavirus.vic.gov.au/information-workers-required-be-vaccinated#healthcare-settings) and [school, childcare and early education services](https://www.coronavirus.vic.gov.au/information-workers-required-be-vaccinated#school-childcare-and-early-education-services).

## Do live-in carers and foster carers have to be vaccinated under these directions?

People who work at home, including foster and live-in carers, are not required to be vaccinated under these directions but vaccination is strongly encouraged.

## Do volunteers need to be vaccinated?

Yes, the mandatory vaccination direction applies to volunteers who do unpaid work for select roles defined in the Directions (Clause 9) or the Coronavirus website: [www.coronavirus.vic.gov.au/information-workers-required-be-vaccinated](http://www.coronavirus.vic.gov.au/information-workers-required-be-vaccinated)

For non-mandated volunteer settings, it remains the volunteer or organisation’s decision to vaccinate or not (until a government health or legislative directive states otherwise). All individuals and organisations are encouraged to strongly consider their safety and that of their wider workforce (including volunteers), clients and stakeholders.

For further information, please refer to the [COVID-19 factsheet for Victorian volunteers](https://www.volunteer.vic.gov.au/covid19).

## What if I am currently working from home and don’t know when I may be required to leave home for scheduled work?

All staff working from home are strongly encouraged to get vaccinated now. This will allow sufficient time to get both doses of the COVID-19 vaccination and ensure you are able to enter a worksite or work in the community when public health directions allow.

## Are religious beliefs a valid exception for workers requiring to be vaccinated against COVID-19?

Exceptions are only permitted for faith leaders and specified medical reasons, or in emergency and some critical unforeseen circumstances depending on the situation.

## What medical conditions could result in an exemption from being vaccinated?

There may be circumstances where an employee or contractor is defined as an excepted person due to a medical contraindication. It is recommended you discuss your medical condition with your medical practitioner to determine if you may be considered an excepted person.

An employee or contractor defined as an excepted person (therefore having a medical exemption), may continue to work in their substantive role with or without adjustments to their normal working arrangements, provided it is safe for them to do so and subject to the terms of any applicable Public Health Direction.

Where it is not safe for an excepted person to continue in their substantive position, reassignment to other duties – if available – may be considered on a temporary basis to an area of the employer’s operations for which there are no mandatory vaccination and reporting requirements.

More information on [exemptions is available here](https://www.coronavirus.vic.gov.au/information-workers-required-to-be-vaccinated#faqs-for-workers).

## What evidence do I need to submit to have a medical exemption considered?

Your employer will require medical evidence from one of the following suitably qualified medical practitioners:

* general practice registrar on an approved 3GA training placement
* a public health physician
* a general physician
* an infectious disease physician
* a clinical immunologist
* a gynaecologist
* an obstetrician
* a general practitioner who is vocationally registered
* a general practitioner who is a fellow of the Royal Australian College of General Practitioners
* a general practitioner who is a fellow of the Australian College of Rural and Remote Medicine.

Acceptance of any exception will be in accordance with the current Public Health Directions.

## Will there be exceptions to the vaccine mandate?

Where an employer or workplace setting is covered by a vaccination requirement issued by the CHO, then any exemptions will be listed in the direction. Generally, only medical grounds or emergency and/or safety-related purpose exemptions are permitted.

Where an employer, not covered by a mandatory vaccination direction issued by the CHO, seeks to make a lawful and reasonable direction, it will be up to them to decide applicable exemptions, in consultation with their employees and relevant unions. Any exemptions or limitation on exceptions must be consistent with the terms of the relevant contract of employment and with the employer’s legal obligations, including their obligations under occupational health and safety, industrial and anti-discrimination law.

## What happens if I fail to comply with the vaccination information requirement by 15 October 2021? Will I be able to keep working?

If you cannot provide your employer with evidence that you meet the vaccination requirements in the CHO Direction, you will be unable to attend your worksite from 15 October 2021. If inability to attend the worksite impacts your ability to perform your role, it may affect your employment.

Impacted employees may be required to take leave (paid or unpaid) for a period of time prior to the employer considering what steps to take which may include the termination of an employee’s employment. Personal leave, COVID leave or any other type of leave will not be approved for absences solely related to an employee being unvaccinated and unable to work.

Your employer may also face sanctions for non-compliance with the CHO Direction.

## Is this vaccination requirement legal?

Under the Public Health and Wellbeing Act 2008, the Chief Health Officer (CHO) has emergency powers that can be exercised where a public health emergency has been declared - which is currently the case in Victoria. These powers include the ability to issue required health directions.

In this instance, under the COVID-19 Mandatory Vaccination (Workers) Directions, the CHO requires that, from 15 October 2021, employers must:

* collect, record and hold vaccination information about workers who are, or may be, scheduled to work outside a worker’s ordinary place of residence, and
* ensure unvaccinated workers do not work outside the worker’s ordinary place of residence, unless an exception applies under the CHO directions.

## Is this vaccination requirement discriminatory towards staff who choose not to get vaccinated for personal reasons?

Vaccination status is not in itself a protected attribute under the Equal Opportunity Act 2010 (Vic) (EO Act).

If an employee’s reason for not wanting the vaccine is not linked to a protected attribute under the Act, it is not deemed as discrimination.

Further information is available from the [Victorian Equal Opportunity and Human Rights Commission](https://www.humanrights.vic.gov.au/resources/explainer-mandatory-covid-19-vaccinations-and-your-rights/).

## When will the mandatory vaccination direction expire?

The current mandatory vaccination directions end at 11.59pm on 21 October 2021. The expectation is that they will be extended, and these requirements will continue under CHO directions at least until 26 November 2021. The fact that the current directions end on 21 October 2021 is not a basis to avoid compliance with these requirements.

## Can I still access income support if I cannot work because I am not vaccinated?

Eligibility for the $750 Covid Disaster Payment is based on hours of work lost as a result of public health restrictions.

If an employee declines to be vaccinated and as a result is furloughed, or laid off temporarily without pay, by their employer they remain eligible.

However, if the worker has their employment terminated by their employer for failing to comply with the vaccine requirements, they would no longer be eligible. They also won't receive the payment if the payment scheme ends.

A sole trader who chooses not to get vaccinated and therefore cannot work is not eligible for the Victorian Government’s Business Cost Assistance Program, as eligible recipients must be operating in a sector of the economy that’s been shut down.

# Getting vaccinated

## When am I considered to be fully vaccinated?

To be considered fully vaccinated, you must have been administered with two doses of a COVID-19 vaccine registered by the Therapeutic Goods Administration (TGA). This includes the Moderna, Pfizer and AstraZeneca vaccines.

You will be partially vaccinated if you have been administered with at least one dose of a COVID-19 vaccine registered by the TGA. Under the current vaccination directions, there is no requirement for staff to receive booster shots, but this may be considered in the future.

For more information about COVID-19 vaccines, visit <https://www.coronavirus.vic.gov.au/about-covid-19-vaccines>

## I have questions or concerns about the COVID-19 vaccines – who should I talk to?

You should talk to your medical practitioner if you have questions or concerns with regards to receiving a vaccine.

There are also resources provided by the Commonwealth Department of Health that you can refer to:

* [Is it true? Get the facts on COVID-19 vaccines](https://www.health.gov.au/initiatives-and-programs/covid-19-vaccines/is-it-true)
* [Are vaccines safe](https://www.health.gov.au/health-topics/immunisation/about-immunisation/are-vaccines-safe)
* [COVID-19 vaccine safety and side effects](https://www.health.gov.au/initiatives-and-programs/covid-19-vaccines/approved-vaccines/safety-side-effects)

## How do I get vaccinated?

You can book a vaccine appointment today by phoning the COVID-19 hotline on 1800 675 398.

COVID-19 vaccination appointments can be booked online:

* at a Victorian vaccination centre: [https://portal.cvms.vic.gov.au](https://portal.cvms.vic.gov.au/)
* at a participating doctor, community health service or local pharmacy via: [www.covid-vaccine.healthdirect.gov.au](http://www.covid-vaccine.healthdirect.gov.au)
* a local pharmacy via: [www.findapharmacy.com.au](http://www.findapharmacy.com.au)

The Victorian Government has also introduced a new neighbourhood pop-up model designed to support Victorians to get vaccinated with Pfizer at a convenient location, in a familiar setting, and in a culturally safe way. No bookings will be required at neighbourhood pop-ups, which will be placed within marquees on shopping strips, inside cultural and community centres, or within popular retail, food and gym outlets.

For information on vaccine eligibility and the centres where you can get vaccinated, visit [www.coronavirus.vic.gov.au/vaccine](https://vicgov-my.sharepoint.com/personal/tim_roman_dpc_vic_gov_au/Documents/www.coronavirus.vic.gov.au/vaccine)

## What assistance is available to help me get vaccinated?

Priority Pfizer vaccination appointments are also available for care services workforces delivering frontline activities. This includes people in:

* Residential care
* Family violence services
* Sexual assault services
* Child protection
* Housing
* Corrections.

To make a priority appointment, phone the Coronavirus Hotline on 1800 675 398. For more information about reserved appointments, see the [Reserved Pfizer appointments webpage](https://www.coronavirus.vic.gov.au/who-can-get-vaccinated#reserved-pfizer-vaccine-appointments).

Additionally, Disability Liaison Officers (DLOs) help people with a disability access health services, including vaccinations. DLOs can:

* help book a COVID-19 vaccination
* help organise [group bookings for service providers or groups of people with disability](https://www.coronavirus.vic.gov.au/group-bookings-service)
* provide advice to vaccine and testing sites on how to improve access for people with a disability
* help you get a vaccination if you’re not able to attend a [vaccination centre](https://www.coronavirus.vic.gov.au/vaccination-centres).

Contact a DLO by completing this online form [Request for Disability Liaison Officer support](https://forms.office.com/pages/responsepage.aspx?id=H2DgwKwPnESciKEExOufKHqFVz-ZINNMsVpe1OhQHXRUNjMwOFJCQkE0TlZIVFBYQVVWWVhXVlJGSy4u) or emailing DLOcoordinator@dhhs.vic.gov.au.

## What steps can employers take to assist their workers get vaccinated for COVID-19?

Employers can choose to support their workers by:

* providing leave or paid time off for employees to get vaccinated
	+ for example, the Victorian Government has provided public sector employees with half a day of paid leave to get each shot of the vaccine, and encourages all private sector employers to provide similar allowances for employees
* helping to ensure employees have access to reliable and up-to-date information about the effectiveness of vaccinations
* where employees do not wish to be vaccinated, or don’t yet have access to vaccinations, exploring other options including alternative work arrangements where possible.

## I am pregnant, am I required to be vaccinated?

* COVID-19 vaccination is recommended by the Australian Government for women who are pregnant, breast feeding or planning pregnancy. Further information about COVID-19 vaccinations and pregnancy can be accessed here: [COVID-19 vaccination – Pregnancy, breastfeeding, and COVID-19 vaccines | Australian Government Department of Health](https://www.health.gov.au/resources/publications/pregnancy-breastfeeding-and-covid-19-vaccines-english)
* You should seek advice from your treating health professional if you are concerned about any potential risks. If you are pregnant and choose not to be vaccinated, please contact your manager as soon as possible to discuss this.

# Proof of vaccination status

## What proof of vaccination do I need to provide to my employer?

Evidence of vaccination can be in the form of documentation provided by any of the following:

* [COVID-19 digital certificate](https://www.health.gov.au/initiatives-and-programs/covid-19-vaccines/certificates) through the Commonwealth Government’s [myGov website](https://www.servicesaustralia.gov.au/individuals/subjects/getting-help-during-coronavirus-covid-19/covid-19-vaccinations/how-get-proof),
* A medical certificate and/or document from the employee’s vaccination provider
* Immunisation statement from the [Australian Immunisation Register](https://www.servicesaustralia.gov.au/individuals/services/medicare/australian-immunisation-register).

## Will my manager or colleagues be able to view my vaccine status?

Your status will generally be visible to a restricted number of leaders and direct managers, to confirm compliance with the public health direction.

Your vaccine information will be held in accordance with your employer’s obligations under the Health Records Act 2001.

Your personal medical information will not be shared with your manager or supervisor for the purpose of meeting the CHO’s direction. However, your manager or supervisor will be advised if you are compliant with the direction and are permitted access to your workplace.

## Can people other than my employer ask for evidence of my vaccination status (such as a client)?

All workers scheduled to work outside the home are lawfully required to be vaccinated. However, information about your vaccination status is [sensitive information](https://www.oaic.gov.au/privacy/covid-19/privacy/your-privacy-rights/your-personal-information/what-is-personal-information/#SensitiveInfo) and is afforded a higher degree of protection under the Privacy Act. Consent must be freely given.

# Employer responsibility

## What are the obligations of employers?

Employers of workers in these listed categories from 15 October, or operators of residential aged care, construction, healthcare or education facilities from specified dates, are responsible for complying with these vaccination requirements and must collect, record and hold vaccination information for any worker going on-site.

Employers of workers in the listed categories must not permit a worker who doesn't meet these requirements to work outside their home.

In the current restrictions authorised workers must have a permit if they are working on site in metropolitan Melbourne and Restricted LGAs.

From 15 October, employers must not allow anyone who is working away from home who has not received their first vaccination or made an appointment to receive their first dose by 22 October (or who isn’t exempt) to work on site. All relevant workers must have provided evidence of their first dose vaccination status by 22 October otherwise they will not be able to leave home to undertake work.

## What ability do employers have to ask for the vaccination status of a worker?

Employers are able to ask for evidence of a worker’s vaccination status if these requirements apply to them.

The worker can choose not to disclose, but that worker will then be considered unvaccinated for the purposes of work and must not be allowed to continue working outside their home.

## Who is considered an employer for the purposes of COVID-19 vaccination requirements?

An employer means a person who employs or engages a person for work (including volunteers, contractors and students on placement), or who owns, operates or controls a work premises. This includes a person who is self-employed. The work premises can be operated for-profit or not-for-profit purposes.

## Which representative of the employer should be responsible for checking the vaccination status of workers? (e.g., HR or site manager)

There is no set way employers must collect, record and hold workers’ vaccination information.

Employers can tailor the process to suit their organisation and employees, so long as they meet that requirement.

## What information should be recorded by employers?

A record should include:

* the name of the worker or individual accessing the site
* their vaccination status
* their vaccine appointment booking (if relevant)
* who sighted the evidence
* the date the evidence was sighted
* the nature of that evidence (for example, COVID-19 vaccine digital certificate, immunisation history statement, or medical exception letter or certificate).

## What data and privacy requirements do employers need to meet?

All details should be recorded and securely kept for the duration necessary to confirm compliance with the COVID-19 Mandatory Vaccination Directions.

Any personal or health information (including about vaccination status) collected, used, managed, stored, disclosed, or transferred must be in accordance with relevant Federal (Privacy Act 1988) and Victorian (Privacy and Data Protection Act 2014, Health Records Act 2001) legislation.

This includes informing employees about why their COVID-19 vaccination status is being collected, collecting only the minimum amount of information required, disclosing the information on only a ‘need-to-know’ basis and taking reasonable steps to keep the information secure.

## If a worker from another company attends my site, who is responsible for checking their vaccination status?

Their own employer.

Employers are responsible for their employees, contractors, volunteers or students on placement.

Note, the requirements are different for residential aged care facilities, construction sites, healthcare facilities, and education facilities including childcare. In these cases, the operator of the site or workplace must ensure any worker at the premises meets the requirements.

## What evidence of vaccination must employees seek from new workers?

When an employer engages a new worker who is, or may be, scheduled to work on-site for a role specified in the Directions, the employer must inform the worker, as soon as reasonably practicable after engaging the worker, that:

* the employer is required to collect, record and hold vaccination information about the worker under the mandatory vaccination direction, and
* the employer cannot permit a worker who is unvaccinated to work for that employer on-site, unless an exception applies under the directions.

## Can an employer request the vaccination status of employees who are not subject to a mandatory vaccination direction?

The COVID-19 pandemic doesn’t automatically make it reasonable for employers to direct employees to be vaccinated against the virus or to report their vaccination status to their employer. Any direction to employee cohorts not covered by a mandatory vaccination requirement to report vaccination status must be implemented consistently with the terms of the relevant contract of employment, and/or the relevant enterprise agreement, the OHS Act, the Victoria Charter of Human Rights and Responsibilities, advice issued by the Fair Work Ombudsman, applicable anti-discrimination laws and consistent with public health advice.

In order to provide a safe work environment, employers may request employees provide information in relation to their vaccination status. This information may assist employers to determine what COVID-safe protocols are required at the workplace (including working from home arrangements).

## Can an employer make being vaccinated a condition of employment for future recruiting?

In most cases, yes. An employer in an affected industry may require a prospective employee to be vaccinated against COVID-19, as long as they are not contravening anti-discrimination or equal opportunity legislation. This is true particularly in industries where there may be health and safety risks as a result of COVID-19 exposure. Such a requirement should be consistent with the terms of the relevant contract of employment, and/or the relevant enterprise agreement, the OHS Act, the Victoria Charter of Human Rights and Responsibilities, advice issued by the Fair Work Ombudsman, applicable anti-discrimination laws and consistent with public health advice. Employers should seek their own advice if in any doubt.

## My staff or clients are asking about the vaccination status of my employees, what can I tell them?

Employees have the right to privacy regarding their vaccination status. Where a client, a member of the general public, or another employee requests evidence that staff have been vaccinated, employers must ensure their response complies with their relevant privacy obligations and, in particular, ensure they do not disclose any information about an individual’s personal, vaccination or health status without their consent.

Responses to such requests for information should be limited to confirming that all necessary steps have been taken to ensure compliance with relevant public health directions so that the safety of clients, visitors and staff is protected.

## What if my employees are required to attend a third-party’s workplace to which a mandatory vaccination order is in place as part of their ordinary duties, but they refuse or are unable to confirm their vaccination status to the third-party site operator?

Where employees are unable to perform their ordinary duties because they refuse or are unable to confirm their vaccination status to a third-party site operator, the employer should ensure unvaccinated workers do not work outside their ordinary place of residence. If an employer does not hold vaccination information about an employee, the employer must treat the employee as if they are unvaccinated.

## Will employees who are exempt or waiting for their appointment be required to wear full PPE? What level of protection will they be required to wear?

Workers with temporary exceptions are required to wear, at a minimum, a surgical mask and face shield at all times that they are present at the work premises. Noting that hospital PPE guidance may be more stringent depending on the area or type of work undertaken.

These exemptions are intended for temporary use only to assist a healthcare provider manage urgent or unforeseen circumstances. This means a circumstance that the operator of a work premises could not reasonably have foreseen nor planned for which results in a critical need for staff.

## What if a casual or labour hire worker holds a medical exemption from being vaccinated – will this impact their employability?

Holding a medical exemption will not impact the workers employability or eligibility to apply for roles. However, when the organisations undertake a risk assessment during the recruitment process, it may be a consideration depending on the nature of the role and the degree of engagement with community.

## Whose responsibility is it for a worker to be vaccinated?

It is the responsibility of the authorised worker to get a COVID-19 vaccination, but it is the responsibility of the employer to ensure their workers meet the vaccination requirements, ensure unvaccinated workers do not work outside their place of residence after the relevant dates, and collect and record employee vaccination information.

## Our organisation provides services at people’s homes. Are the residents required to be vaccinated for us to perform work at the residence?

No. These requirements only apply to workers.

Chief Health Officer Directions about [staying safe](https://www.coronavirus.vic.gov.au/how-we-live) while present in another person’s home for a permitted reason must be followed.

## I am an employer and I have an employee that won't get vaccinated. What am I required to do?

If the employee does not have a medical exemption, the employer is required to take reasonable steps to prevent entry of unvaccinated workers, or workers who choose to not disclose their vaccination status.

## What steps should an employer take to ensure that any disciplinary action taken with respect to a vaccination or attendance requirement is upheld?

To ensure any disciplinary action taken with respect to a vaccination or attendance requirement is upheld, employers should:

* clearly explain the obligations on employees including reporting requirements and timing for implementation
* identify the consequences for employees who fail to comply with the requirement
* ensure COVID safe work practices are in place, maintained and communicated to employees
* have appropriate procedures and mechanisms for dealing with employees who are Excepted Persons or have specific vulnerabilities
* ensure implementation timeframes are reasonable
* ensure any directions to employees are lawful and reasonable
* comply with relevant enterprise agreement requirements, particularly with respect to misconduct/discipline, consultation and OHS requirements, and
* comply with all legislative requirements, including anti-discrimination obligations.

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