Mandatory vaccination for workers

Keeping WA safe and increasing the uptake of COVID-19 vaccinations and booster doses is the highest priority.

Vaccination significantly reduces the risk of serious illness and death from COVID-19 and helps reduce the rate of transmission between people.

People who have not been fully vaccinated against COVID-19 are most at risk of hospitalisation and death. For more information on COVID-19 vaccine effectiveness, refer to the HealthyWA website.

A mandatory COVID-19 vaccination policy has been in place in Western Australia for a range of occupations and workforces. This is enforced by mandatory vaccination Directions.

Public health and social measures are in place to help safely manage COVID-19 in the community and keep Western Australians safe.

Healthcare workers captured in the vaccination mandates after 10 June 2022

Effective from 10 June 2022, the Restriction on Access (Mandatory Vaccination) Directions will apply to the following workforces:

- Healthcare and health support workers in hospitals and primary health care settings
- Workers in residential aged care facilities, and
- Workers in residential disability settings

This means workers in the sectors above must be triple dose vaccinated to be able to enter their work premise.

People providing support to individuals in a private residential (home) setting are not subject to mandatory vaccination requirements.

This will include all workers who are currently required to be vaccinated under the following Directions (which will remain):

- Health Worker (Restrictions on Access) Directions (No. 4)
- Primary Health Care Worker (Restrictions on Access) Directions (No. 3)
- Residential Aged Care Facility Worker Access Directions (No. 5)

In addition to these, there will be new Directions to restrict access to disability support accommodation facilities to vaccinated workers, called Disability Support Accommodation Worker (Restrictions on Access) Directions.

The Booster Vaccination (Restrictions on Access) Directions (No. 2) will continue to apply to those workers above who are covered by the Directions that persist beyond 10 June 2022.

The State’s overarching mandatory vaccination policy, which took effect from 1 December 2021 in a phased approach, was put in place to protect WA and safeguard essential services and businesses, before WA’s borders were removed.

The mandatory vaccine requirements formerly in place for other workforces were removed from 10 June 2022.
Identification of mandated sectors
The Chief Health Officer has determined that certain occupations and industries are at increased risk of exposure to COVID-19 or have a greater potential to transmit to vulnerable members of the community.

The amended policy aligns with national advice from Australian Health Protections Principal Committee (AHPPC), which supports mandatory vaccination for workers in these sectors. Mandates for these groups continue to be implemented in most other Australian jurisdictions.

The Chief Health Officer’s advice is published online.

Determining whether you fit into a mandatory vaccination category
If you were previously captured by the following Directions, these will remain:

- Health Worker (Restrictions on Access) Directions (No. 4)
- Primary Health Care Worker (Restrictions on Access) Directions (No. 3)
- Residential Aged Care Facility Worker Access Directions (No. 5)

In addition, people that work in disability support accommodation facilities will also continue to be required to be vaccinated to enter a disability support accommodation facility.

Vaccination significantly reduces the risk of serious illness and death from COVID-19 and helps reduce the rate of transmission.

Application to board members, contractors, volunteers, children, and others
The requirements for ad-hoc contractors vary depending on the relevant Directions. It is important to check how each Direction affects you.

Volunteers are not captured in a stand-alone Direction under the mandatory vaccination policy. Volunteers wanting to access a workplace that is captured by mandatory vaccination Directions will generally be subject to the same requirements as paid employees, unless specifically stated in the Directions.

Board members or others who regularly attend meetings at premises where vaccination is required must be vaccinated, unless specifically stated in Directions. Vaccination mandates apply to anyone 12 years or older who is affected by the Directions.

Women on maternity leave from their place of work do not need to be vaccinated however, you will not be able to work at a location if unvaccinated.

Pregnancy and breastfeeding
Pregnant women are a priority group for COVID-19 vaccination and are encouraged to discuss the timing of vaccination with their health professional.

Pregnant women have a higher risk of severe illness if they are infected with COVID-19 compared to non-pregnant women with COVID-19 of the same age. There is also an increased risk of complications for the baby during pregnancy.

Timing of vaccination doses
Currently, anyone aged 16 years and older who had their second COVID-19 vaccination three or more months ago is eligible for a booster dose.
Workers captured under the mandatory vaccination Directions must have a booster dose administered within one calendar month of becoming eligible.

Eligible people are encouraged to book their booster vaccinations as soon as possible via VaccinateWA, or at participating GPs and pharmacies. Visit Roll Up for WA for more information.

More detail is available in the Booster Vaccination (Restrictions on Access) Directions (No 2).

Temporary exemption of booster vaccination for COVID-19 cases

A person who has been diagnosed with COVID-19 is exempt from the booster vaccination Directions for a period of four months from the date of their infection, as per the Temporary Exemption of Class of Persons under paragraph 29 of the Booster Vaccination (Restrictions on Access) Directions (No 2).

For example, a person who was diagnosed on 7 February 2022 is exempt from the booster vaccination Directions until 6 June 2022. They must receive their booster vaccination by 7 June 2022 to enter, or remain at, a site that is subject to the vaccine requirements.

People who have been diagnosed with approved evidence of COVID-19 infection must present the evidence for inspection, recording and/or retention of a copy by the employer or the owner of the premises where the person works. This evidence must be in the form of:

- an SMS or email that the person has received from the Western Australian Department of Health confirming registration of the person’s positive rapid antigen test (RAT) result or confirming the person’s positive PCR test result.
- an SMS or email from another State or Territory health department confirming registration of the person’s positive RAT result or PCR test result.
- a printout from a pathology laboratory of the person’s positive PCR test result, or
- a doctor’s letter confirming that the person has been diagnosed with COVID-19 and the date of infection.

The purpose of the Directions

Directions restrict access of unvaccinated workers to workplaces for public health reasons. This is allowable based on emergency powers under the Public Health Act 2016.

The Fair Work Ombudsman also provided advice on 13 August 2021 that employers may be able to require employees to get vaccinated (via an employer Direction) where it is:

- required by a specific law (e.g. a Public Health Direction)
- permitted by an industrial instrument (e.g. award, agreement, contract)
- lawful and reasonable, as assessed on a case-by-case basis.

The Directions do not prevent a Commonwealth worker from performing their work duties or functions under a Commonwealth law.

Compliance

The Department of Health’s emergency officers are responsible for monitoring compliance. Where the Department is notified of non-compliance, emergency officers can investigate and request the employer provide evidence of the vaccination status of their employees.

If an individual does not comply with their obligations under the Directions, they may be prosecuted and face a fine of up to $20,000.

If a company does not comply with their obligations under the Directions, they may be
prosecuted and face a fine of up to $100,000.

A court will determine the circumstances under which maximum penalties apply. There may be cases where both an employee and an employer could be fined for the same set of circumstances, but the employee and the employer will have breached different sections of the Directions.

Evidence of vaccination status
The Chief Health Officer has approved the following forms of evidence as proof of vaccination against COVID-19:

- an Australian Government COVID-19 vaccination certificate or an Immunisation Statement recorded on the Australian Immunisation Register
- written confirmation issued by the WA Department of Health of the COVID-19 vaccination received by them
- a foreign vaccination certificate issued to the person which meets the criteria set out by the Australian Passport Office.
- a digital certificate contained in an approved app showing the COVID-19 vaccination received by that person.

Each organisation must inform their employees how to provide proof of vaccination in the approved format.

Storing the vaccination status of employees
It is at the discretion of an individual business where the vaccination status of employees is stored. Where evidence of vaccination status is provided, the Directions require all reasonable steps be taken to protect the records from misuse, loss, unauthorised access, alterations or further release.

These records must be stored for as long as the Directions are in place or the until the Public Health State of Emergency ends.

A worker will be in breach of the Directions if they fail to provide evidence of vaccination, as required under the Directions.

Removing Individual Healthcare Identifiers with proof of vaccination
Individuals can remove their Individual Healthcare Identifier when providing proof of vaccination. Where Directions allow, an immunisation history statement that is offered as proof of evidence may have the following information redacted:

- the person's Individual Healthcare Identifier (IHI)
- any record of the person's immunisation that was not a COVID-19 vaccination
- any information relating to non-COVID immunisations due under the National Immunisation Program (NIP).

Vaccination exemptions
Exemptions on medical grounds must be obtained from the Australian Immunisation Register using the IM011 form. This must be completed by your GP or specialist medical
practitioner (not all specialists can use the form) and be submitted to the Australian Immunisation Register for assessment.

Where an exemption is provided, this must be given to your employer and other workplaces where you are required to demonstrate evidence of vaccination as proof of exemption.

A person may apply to the Chief Health Officer for a temporary exemption. Applications and supporting documentation must be submitted to COVIDVaccinationExemption@health.wa.gov.au. A temporary exemption will last for only a limited time and may be subject to terms and conditions.

As it can take time to finalise an application for a temporary exemption, and you may be contacted to provide further information, please submit the Exemption Application Form well in advance (10 business days) of the time the exemption is required.

You may also wish to also apply to the Chief Health Officer for a temporary exemption if you have applied for a medical exemption and are waiting for it to be finalised.

You do not need to apply for a temporary exemption if:

- you already have a valid medical exemption
- you are performing a specific duty that is exempt under the Directions
- you have had COVID-19 infection within the last 4 months
- you are listed in the Directions as an exempt person.

See the Temporary Exemption of Class of Persons under Paragraph 29 of the Booster Vaccination (Restrictions on Access) Directions (No 2) for more information.

**Law enforcement functions**

The law enforcement functions under the Directions is intended to refer to those who investigate crimes and make arrests, such as the Police Force of Western Australia and the Australian Federal Police.

A regulatory or compliance function that is generally carried out in the course of a person’s duties of their employment is not a law enforcement function for the purpose of these Directions. A person will not be considered an exempt person in these circumstances and should be vaccinated to perform their work tasks.

More information is available in the Directions.

**Evidence of vaccination exemption**

The following forms of evidence of vaccination exemption have been approved by the Chief Health Officer:

- a COVID-19 digital vaccination certificate or immunisation history statement issued to the person showing a medical exemption recorded on the Australian Immunisation Register for that person
- a temporary exemption issued to the person by the Chief Health Officer or a person authorised by the Chief Health Officer for that purpose
- a declaration of exemption issued to the person by the Chief Health Officer or a person authorised by the Chief Health Officer for that purpose
- a foreign vaccination certificate issued to the person which meets the criteria set out by the Australian Passport Office.
- a digital certificate contained in an approved app showing the COVID-19 vaccination received by that person.

More information is available in the Directions.

Managing vaccination exemptions in the workforce

If an employee is unvaccinated due to an exemption, the employer should assess the risk to the employee in the workplace and provide advice to them on an individual basis.

This risk assessment will need to consider the amount of COVID-19 transmission in the community, which may require a change to the employee's role. In general, as the risk of COVID-19 changes in our community, the employer could consider:

- requiring the employee to use additional personal protective equipment to further protect themselves from infection or transmission to others
- temporary deployment to work in areas with a lower risk
- requiring the employee to perform other duties consistent with their contract of employment
- allowing the employee to work remotely on a temporary basis.

Responsibility for compliance

Each employer or person in charge of the workplace must

- ensure that employees are vaccinated or exempt from vaccination
- keep records of staff vaccination status and ensure unvaccinated staff are not permitted to work.

Employees are required to comply with the Direction to provide evidence to an employer of their vaccination status and to not enter or work at a location if unvaccinated.

Workers should seek advice from their employer about the consequences of not being able to access their workplace.

Ensuring employee compliance with the mandatory vaccination policy

The Directions impose an obligation on the employer or persons in charge of the facility to collect and record the vaccination status of workers. From this record, employers will be able to determine the level of compliance within their workplace.

Employers should facilitate a proactive approach that ensures employees are aware of their requirement to be vaccinated against COVID-19, in accordance with the Directions and, where necessary, prioritise vaccination for employees.

Courses of action aligned to the proactive approach may include, but are not limited to:

- meetings with employees
- information sessions
- consultation forums, including union representation
- access to vaccinations during work hours (staff are encouraged to speak to their employer about their workplace vaccination policies)
- facilitating attendance at state-run vaccination clinics

health.wa.gov.au
• ensuring access to interpreters or translated documents for culturally and linguistically diverse employees.

**Demonstrating evidence of vaccination status to visit a workplace**

Visitors to a workplace can be asked to provide evidence of your vaccination status to your employer OR to the person in charge of a workplace that you attend for work.

You can be directed to demonstrate evidence of vaccination status by an emergency officer who is a person authorised for emergency management purposes under the *Public Health Act 2016*

A person in charge of a workplace may need to keep a record of your vaccination status, but they are not obliged to keep the actual vaccination certificates of the employee or the people coming onto the work site.

A person in charge of a workplace can keep a copy of the record of your vaccination status for the purposes of complying with a Direction, including any of the approved forms of evidence, if they chose to.

**Businesses whose operations fall under different vaccination categories**

In some instances, the activities of a business could be affected by two or more Directions. For example, multiple Directions could apply to staff working within the same building, with different staff affected by different Directions.

Businesses will need to implement the Direction requirements that affect workers completing each activity.

**Community Care Sector employees who work with vulnerable people**

After 10 June 2022, the Restriction on Access (mandatory vaccination) Directions will apply to the following workforces:

- Healthcare and health support workers in hospitals and primary health care settings;
- Workers in residential aged care; and
- Workers in residential disability settings.

Workers currently captured by the vaccination mandate under the *Community Care Services Worker (Restriction on Access) Direction (No 3)* will no longer be required to be vaccinated to enter their workplace, except for those entering a *disability support accommodation facility*.

While some community care workers may have contact with vulnerable people, the Chief Health Officer advises that it is no longer proportionate to apply the vaccine mandate broadly in this sector.

Workplaces are encouraged to maintain a very high vaccination rate amongst their employees by using a variety of strategies, including consideration of an employer direction under the *Work Health and Safety Act 2020* or other internal arrangements.

**Visiting workplaces that are subject to proof of vaccination**

Visitors to some workplace, such as hospitals, must be vaccinated under the *Proof of Vaccination Directions (No 6)*.

**Vaccines**

Go to HealthyWA for general information about [COVID-19 vaccines in Australia](https://www.healthywa.wa.gov.au/immunisation/covid-19-vaccines) and opportunities to get vaccinated.

[health.wa.gov.au](https://health.wa.gov.au)
COVID-19 vaccine side effects

The Australian Government has implemented a claims scheme to compensate people who suffer a moderate to significant impact following an adverse reaction to a Therapeutic Goods Administration approved COVID-19 vaccine.

The scheme provides a simple, streamlined process to reimburse/compensate eligible people for their injuries, without the need for complex legal proceedings.

The scheme covers the costs of injuries $1000 and above due to administration of a TGA approved COVID-19 vaccine or an adverse event that is considered to be caused by a COVID-19 vaccination.

More information is available here.

COVID-19 vaccine safety

All vaccines undergo rigorous testing to ensure they are safe before being made available to people in Western Australia.

The Australian Government is responsible for selecting and purchasing vaccines. Vaccines will be available to Australians only once the TGA has proven them safe and effective for use.

In the past, developing and licensing a vaccine has taken a decade or longer, but some COVID-19 vaccines have been registered and used within 12 months of the virus being discovered.

Some of the reasons behind this rapid progress include:

- Unprecedented funding and collaboration between vaccine developers and governments around the world. Financial risks have been taken, such as building manufacturing facilities even before a vaccine is available.

- Technology has evolved to make vaccine development faster than in the past. Previously, viral vaccines could only be developed after growing the virus in a lab, which takes time. Newer technologies build vaccines using the genetic code for the virus, so researchers around the world were able to start their work as soon as the genome for the virus was released in January 2020.

- Some steps of the clinical development and assessment processes have been done at the same time, instead of one after the other, as is usually the case. This has reduced the time it takes to complete the work, without omitting important steps.

Large clinical trials also progress more quickly if a disease is widespread, as is the case with COVID-19 in many countries, as a significant difference between the unvaccinated and vaccinated groups can be detected sooner than for a rare disease.