Mandatory vaccination FAQs

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

The State Government has outlined a mandatory COVID-19 vaccination policy with a phased approach to a wide range of occupations and workforces in Western Australia.

This policy will enable industries and workforces to safely prepare for the continuity of services in the event of expected community transmission.

WA has consistently followed public health advice and safety measures and will continue to do so with its transition out of the pandemic.

Details of WA’s Safe Transition Plan are available online.

Mandatory vaccination

The State Government’s mandatory vaccination policy, including applicable occupations, is available online.

The Directions, which enforce the mandatory vaccination policy, are also available online.

What is the public health rationale for each industry group?

The phased approach is proportionate and based on the public health risk.

Group 1: First dose by 1 December 2021 and fully vaccinated by 1 January 2022:

- Workforces that:
  - are at higher risk of exposure
  - have a greater potential to transmit to vulnerable populations
  - are themselves critical to the functioning of our society.

- Some of these industries have been announced previously and are in the process of implementation.

Group 2: First dose by 1 January 2022 and fully vaccinated by 1 February 2022:

- Intended to:
  - protect the remaining vulnerable groups in the WA community
  - protect the critical infrastructure and services
  - ensure that workers who frequently interact with the community in their work settings are vaccinated to reduce their own likelihood of contracting COVID-19 and of spreading it to others.
Lockdown: Must be fully vaccinated to attend work during a lockdown or similar restrictions:

These workers will be required to be fully vaccinated to leave home to attend work, to decrease transmission risk and prevent the impact on the delivery of these services.

It is estimated that the industries in groups 1 and 2 represent about 60 per cent of Western Australia’s workforce. With the addition of the lockdown only group, it accounts for about 75 per cent of the workforce.

**Why is vaccination being mandated?**

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

By 22 November 2021, there had been more than 256 million confirmed cases of COVID-19 worldwide and more than 5.1 million deaths.

In Australia, the Delta variant strain is the dominant strain of COVID-19. The Delta variant is significantly more contagious than previous COVID-19 strains and there is emerging evidence that it leads to more severe outcomes, with nearly double the hospitalisation rate of those with the Alpha variant.

People who have not been fully vaccinated against COVID-19 are most at risk of hospitalisation and death.

**Why are people in my occupation required to be vaccinated?**

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. Some workforces are critical to the functioning of our society and there would be major impacts if they became infected with COVID-19.

Vaccination aims to reduce the public health risk associated with these cohorts continuing to move around the community, and/or work with vulnerable people, and to ensure the continuation of the services to the community.

**Why does WA have different rules on vaccination to other states and territories?**

Each jurisdiction has its own Chief Health Officer who provides advice, depending on the local situation and the state/territory transition plan. Each jurisdiction has different public health legislation that can be used for mandating vaccination, so the rules are different in each state/territory. The Communicable Diseases Network Australia has [guidelines on occupational groups which are at increased risk of exposure](https://www.health.gov.au/health-topics/coronavirus/covid-19-guidance-for-workplaces) and these have been included in the WA vaccine mandates.

Similar mandates are or have been implemented across all other Australian jurisdictions. For states and territories that have been in lockdown, the mandate has applied to a wide range of workers in those jurisdictions.

Penalties are applied in different jurisdictions, which range from $1000 to more than $20,000 for individuals and $5000 to more than $100,000 for the employer.

**Can I read the Chief Health Officer’s advice?**

Yes. The [Chief Health Officer’s COVID-19 advice](https://www.health.wa.gov.au) is published online.

In the lead up to nominated timeframes, the Directions and supporting documents will be [health.wa.gov.au](http://health.wa.gov.au)
Isn’t mandating vaccination against the law?

No. The Directions will not force anyone to be vaccinated against their wishes. The 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.

How is it legal to make me get vaccinated to work, if it hasn’t been voted in Parliament?

The Directions are implemented for public health reasons, based on emergency powers under the Public Health Act 2016.

Will more industries be added to the policy?

The mandatory vaccination policy is based on health advice, which is determined on the likelihood of the worker being exposed to COVID-19 and the risk of spreading the virus, particularly to vulnerable groups. The broader public health impacts of an outbreak in a particular cohort of people also has also been considered.

WA’s mandatory COVID-19 vaccination policy is a phased approach encompassing a wide range of occupations and workforces in Western Australia, which reflects the public health risk in this State at the time of the imposing of requirements.

The advice will be reviewed if the situation evolves and requires adjustments to the mandate.

WA has consistently followed the public health advice and further inclusions to the industries mandated could be considered to better protect the community.

How can I be sure proper risk assessment has been done for my business/industry/agency?

The Chief Health Officer has mandated vaccination in workforces based on public health grounds. The Chief Health Officer’s decision to mandate workforces is informed by many sources including:

- referring to evidence-based literature as it becomes available
- learning from the experiences of other jurisdictions of Australia and other countries
- consulting with counterparts in other jurisdictions.

Why aren’t other workers mandated to have the COVID-19 vaccine?

There is no blanket policy for everyone to be subject to a mandatory vaccination. The mandatory vaccination policy is based on health advice, which is determined based on likelihood of the worker being exposed to COVID-19 and onward transmission of the virus, particularly to vulnerable groups. The broader public health impacts of an
outbreak in a particular cohort of people has also been considered.

WA’s mandatory COVID-19 vaccination policy is a phased approach encompassing a wide range of occupations and workforces in Western Australia.

This will enable these identified industries and workforces to safely prepare for the continuity of services in the event of expected community transmission.

A significant number of public sector agencies are included in the mandates, where there is a risk.

**Are the Directions applicable to a person employed or engaged in a Commonwealth workplace?**

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

All persons in the WA community are encouraged to be vaccinated against COVID-19 if they are eligible for a COVID-19 vaccine.

**If I don’t have face-to-face or close contact with clients or members of the public, why do I need to be vaccinated to work?**

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 the virus to vulnerable members of the community. Some workforces are themselves critical to the functioning of our society and there would be major impacts if they became infected with COVID-19.

Vaccination aims to reduce any transmission risk associated with these cohorts continuing to move around the community and to ensure the continuation of the services to the community.

**Does the mandate apply to contractors?**

Yes, it does apply to contractors. The specific requirements for ad-hoc contractors vary depending on the relevant Directions. It is important you check how each Direction may affect you.

**Are volunteers required to be vaccinated?**

Volunteers are not captured in a stand-alone Direction under the mandatory vaccination policy.

Volunteers wanting to access a workplace which is captured by the mandatory vaccination directions will generally be subject to the same requirements as paid employees, unless stated specifically in the Direction.

**Does the mandatory vaccination policy apply to all ages?**

The policy applies to anyone 12 years or older who is affected by a Direction.
Compliance

What evidence do employees need to demonstrate their 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

The Chief Health Officer has approved the following forms of evidence for exempt people:

- 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.

More information is available in the Directions.

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

What happens if I don’t get vaccinated by the nominated timeframe?

From the date specified in the Directions, an unvaccinated employee without an exemption will not be able to access their workplace. Workers should seek employer advice about the consequences of not being able to access their workplace.

Failing to comply with the Directions without a reasonable excuse is an offence punishable by a fine of up to $20,000 for individuals and $100,000 for the employer.

Who is responsible for compliance?

Each employer or person in charge of the workplace must ensure that employees are vaccinated or exempt from vaccination.

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.

Employers will be required to keep records of staff vaccination status and ensure unvaccinated staff are not permitted to work.

It is an offence for a person to fail, without reasonable excuse, to comply with any of the Directions.

This is punishable by a fine of up to $20,000 for individuals and $100,000 for the employer.
How can employers make sure their staff are complying with the policy?

The Directions impose an obligation on the employer or person 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 which ensures employees are aware of their requirement as an employee to be vaccinated against COVID-19, in accordance with the Directions and where necessary, prioritise vaccinations 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
- arranging access to vaccinations during work hours
- facilitating attendance at state-run vaccination clinics
- ensuring access to interpreters or translated documents for culturally and linguistically diverse employees.

As an employer, or person in charge of a workplace, how do I restrict access by unvaccinated persons?

In line with the mandatory vaccination requirements, it is up to an individual employer or person in charge of a workplace to determine how they restrict access to a worker to a workplace if they are not vaccinated, or do not have an exemption.

Apart from personally asking all contractors and visitors to a workplace to see their vaccination status, are there any other ways someone in charge of a workplace can be sure they are complying with the Directions?

Where required by the Directions, the person or organisation in charge of a workplace must take all reasonable steps to ensure that workers who attend the workplace are vaccinated or exempt. An organisation may consider the following suggested steps:

- Place a sign at the entry point to the workplace stating that, by entering the workplace, the worker is confirming that they are vaccinated or exempt as legally required under the Directions.
- Incorporate a declaration as a part of a workplace check-in process that states the person has complied with the mandatory vaccination requirements for that workplace.
- Include a clause in agreements, work orders or purchase orders, detailing that by agreeing to provide the goods or services the contractor or supplier declares that their employees and contractors who will attend the workplace are vaccinated or exempt in accordance with the Directions.
- Provide a letter to the contractor to ensure that as a contractor they:
  - are aware of the Directions;
  - have met their obligations to collect and maintain a record of the vaccination status of their direct employees;
  - are not to roster on or permit any of their employees into the workplace who are not compliant with the Directions; and
• must ensure that any of their subcontractors are similarly informed of their obligations.

What would be considered reasonable steps for your workplace will not necessarily be the same in other workplaces, and you may wish to take advice on what would be reasonable steps for your circumstances.

**What should an employer do if evidence of vaccination is not provided?**

Employers will be required to ensure unvaccinated staff do not enter the workplace specified in the Direction. They will also be required to keep records of proof of vaccination status for workers.

A worker will be in breach of the Directions if the worker fails to provide evidence of vaccination as required under the Directions. Failing to comply with the Directions is an offence, punishable by a fine of up to $100,000 on the employer.

Employers can also choose to [issue Employer Directions](http://health.wa.gov.au), should they choose to do so, from which they may be able to take other action.

**How/where should businesses keep information related to their employee’s vaccination status?**

It is at the discretion of an individual business where the information is stored.

Where evidence of vaccination status is provided, the Directions require all reasonable steps are taken to protect the records from misuse and loss and unauthorised access, alterations or further release.

**How long does a business need to keep information related to their employee’s vaccination status?**

Evidence of an employee’s vaccination status must be stored for as long as the Directions are in place or the until the Public Health State of Emergency ends.

**If a business’ operations fall under different categories, how do people know which mandate requirement applies to them?**

In some instances, the activities of a business could be affected by two or more Directions, which are dependent on the work being completed. Businesses will need to implement the Direction requirements that affects workers completing each activity. If a worker is affected by two mandates with two different dates, then the earlier dates apply.

In addition, multiple Directions could apply to staff working within the same building, with different staff affected by different Directions.

**How do I know if I do not fit into a mandatory vaccination category?**

The Department of Health is doing extensive consultation and communication with industry and stakeholder groups regarding the mandatory vaccination policy to be sure the industry knows if they are captured by the mandatory vaccination policy. Resources are being published specific to industry groups. You are also encouraged to speak with your industry peak bodies, where available.

Even if you are not captured by a Direction, everyone who is eligible for a COVID-19 vaccine should get the vaccine now. Vaccination significantly reduces the risk of serious illness and death from COVID-19 and helps reduce the rate of transmission.

health.wa.gov.au
Can I get vaccinated during work time?
Staff are encouraged to speak to their employer about workplace vaccination policies.

Do I still need to be vaccinated if I am on maternity leave from my place of employment?
No. However, you will not be able to enter or work at a location if unvaccinated.
Pregnant women are a priority group for COVID-19 vaccination and are encouraged to discuss the decision in relation to 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.

Are board members required to be vaccinated?
Board members or others regularly attending meetings at premises where vaccination is required must be vaccinated, unless specifically stated in Directions.

Can someone who is not my employer make me show them evidence of my vaccination status to attend a workplace?
Yes, you can be asked to provide evidence of your vaccination status to your employer OR by the person in charge of a workplace which you attend for work.
Yes, you can be directed to do so by an emergency officer who is a person authorised for emergency management purposes under the Public Health Act 2016 OR a nominated officer who is a person authorised by the Chief Health Officer for the purposes of a Direction.

Can someone who is not my employer store a copy of my vaccination status to attend a workplace?
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 on to the 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.

As an employer or someone in charge of a workplace, do I need to do anything to manage the contact between employers, contractors and visitors to a workplace who must be vaccinated and those who do not?
There is no requirement for an employer or someone in charge of a workplace to manage the contact between people who must be vaccinated and those who do not.
All people are encouraged to comply with COVID-safe behaviours such as maintaining a physical distance where possible and practising good hand and cough hygiene. Where relevant, businesses should ensure they are complying with the contact register requirements and COVID Safety Plans to help protect the community.

health.wa.gov.au
Enforcement

How will mandatory vaccination be enforced?

Business and industries are required to comply with the mandate and keep a record of the vaccination status of their staff, with staff and employers required to provide evidence if directed by an emergency officer or a nominated officer (a person authorised by the Chief Health Officer for the purposes of a Direction).

Employers or owners or occupiers or persons apparently in charge of relevant premises must keep records of the vaccination status of their employees (and other visitors where directed) and ensure that no one is rostered on or permitted to enter the worksite without being vaccinated or holding a valid exemption. Individuals must not enter their workplace without being vaccinated or holding an exemption from the date set out in the relevant Directions. The individual must also provide an approved form of evidence of their vaccination status to an emergency officer or a nominated officer if directed and must provide such evidence to their employer or others if required under the Directions.

The Department of Health’s emergency officers and the nominated officers are responsible for monitoring compliance and where the Department is notified of non-compliance, they 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, then 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.

Under what circumstances will maximum penalties be applied?

A court will determine under what circumstances maximum penalties apply.

Is it possible to issue multiple fines for the same breach?

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.

Lockdown

What happens if there is an outbreak or WA goes into lockdown before the nominated mandatory vaccination deadline?

Everyone who is eligible for a COVID-19 vaccine should get the vaccine now. People should be prepared now so they can work in the event of an outbreak or lockdown.

Affected workers must be fully vaccinated to attend their workplace.

Depending on the COVID vaccine, there is at least three weeks between the first and second doses to be fully vaccinated.

Recommended intervals between doses are:

- Comirnaty (Pfizer): 21-42 days (or 3-6 weeks)
- Spikevax (Moderna): 28-42 days (4-6 weeks)
- Vaxzevria (AstraZeneca): 12 weeks

health.wa.gov.au
For people who are severely immunocompromised, the recommended interval for the third dose is 2 to 6 months after the second dose of vaccine.

In the event of an outbreak or lockdown, people will still be able to leave their home for a COVID-19 vaccine.

**If we go into lockdown soon, does the requirement to be vaccinated to work come into effect for the lockdown cohort immediately?**

The Chief Health Officer will provide advice regarding the restrictions for lockdowns depending on the circumstances at the time of the lockdown.

**Will visitors be allowed at workplaces such as a hospital where the vaccine is mandated for workers?**

This will depend on the public health risk posed by visitors to each relevant workplace. The position will be made clear in each of the Directions.

Vaccination significantly reduces the risk of serious illness and death from COVID-19 and reduces the rate of transmission. It is strongly encouraged that visitors to any establishment are vaccinated to reduce the public health risk.

**If I'm a barber, hairdresser, beautician, or offer a similar service, does this policy apply to me during a lockdown?**

At this stage, the policy does not capture these occupations and based on the health advice, these occupations may not be able to work in the event of a lockdown or similar restrictions.

Everyone eligible for the COVID-19 vaccine should get vaccinated now.

Vaccination significantly reduces the risk of serious illness and death from COVID-19 and helps reduce the rate of transmission. The mandatory vaccination policy is based on health advice, which is informed by industry and workforce risk profiles.

**For the lockdown cohort, can businesses decide to close during a lockdown or other similar restrictions meaning their workers do not need to get vaccinated?**

Yes, businesses can decide to close during a lockdown. However, if a business in this cohort decides to open during a lockdown or similar restrictions, workers must be vaccinated to attend work. Everyone eligible for a COVID-19 vaccine should get vaccinated now.

**If I choose not to get vaccinated and can’t work during a lockdown, can I return to work when the lockdown ends?**

Yes. Once the lockdown or other similar restrictions end, you will be able to return to work. However, everyone who is eligible for a COVID-19 vaccine should get the vaccine now.

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

health.wa.gov.au
Exemptions

What is the exemption process?

Exemptions on medical grounds must be obtained from the Australian Immunisation Register using their IM011 form. This must be completed by your GP or specialist medical practitioner (not all specialists can use the form) and submitted to the Australian Immunisation Register for assessment. Where an exemption is provided, this must be given to your employer as proof of exemption.

A person may apply to the Chief Health Officer for a temporary exemption. Applications and supporting documentation must be submitted 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 days) of the time that an exemption is required.

You may wish to also apply to the Chief Health Officer for a temporary exemption until your medical exemption application is finalised.

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

- you have a medical exemption
- you are performing a specific duty which is exempt under the Directions
- you are listed in the Directions as an exempt person.

If I perform a specific duty such as a law enforcement function as part of my duties, am I considered an exempt person?

A law enforcement function 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.

What can be accepted by an employer or someone in charge of a workplace or venue as proof of exemption?

Employers or someone in charge of a workplace or venue can accept proof of exemption as listed in the Chief Health Officer’s Approved Form of Evidence of COVID-19 Vaccination under the Restrictions on Access Directions. This includes:

- a COVID-19 digital vaccination certificate or an immunisation history statement showing a medical exemption recorded on the Australian Immunisation Register; or
- a temporary exemption from the Office of the Chief Health Officer, signed by the Chief Health Officer or someone else who the Chief Health Officer approves; or
- a declaration of exemption from the Office of the Chief Health Officer, signed by the Chief Health Officer or someone else who the Chief Health Officer approves.

More information is available in the Directions.

health.wa.gov.au
If I am exempt, can I still come to work or enter other venues, such as prisons, which require vaccination?

Yes, if you have a proof of exemption, you will be able to work and/or enter all venues which require vaccination under the mandatory vaccination Directions.

The mandatory vaccination Directions restrict access only for people who are not vaccinated and not exempt. If you have a valid exemption, the mandatory vaccination Directions do not restrict you from being able to work or visit other venues which require vaccination, such as prisons.

I have an employee who has an exemption. Do I need to treat them any differently at work?

If someone is unvaccinated due to an exemption, as the employer you should assess the risk to the employee in the workplace and provide advice to employees 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.

Vaccines

Go to HealthyWA for general information about COVID-19 vaccines in Australia and opportunities to get vaccinated.

If I get the COVID-19 vaccination, who is liable if I experience side effects?

The Australian Government is developing a claims scheme for people who suffer a moderate to significant impact following an adverse reaction to a Therapeutic Goods Administration (external site) approved COVID-19 vaccine.

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

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

Further information is available here.

If the Government is making me get vaccinated to work, how can they prove it is safe?

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 (external site) 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.

Last Updated 20 December 2021 V3
This document can be made available in alternative formats on request for a person with disability.

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