

MEMBER BULLETIN

Form No. MBN059

Can an employer direct an employee to have a COVID-19 vaccination?

The Commonwealth Government has announced the commencement of the COVID-19 Vaccination rollout across the country. Some members of the community will line up willingly and some will not.

As there are no new laws or public health orders, employers will not have the right to direct employees to have the COVID-19 vaccination or for that matter the Flu vaccination.

Employers should communicate with employees that they strongly encourage everyone to get vaccinated when it becomes available to them. They should also state that any employee with issues or concerns should discuss these with a nominated person (e.g. manager) in the organisation.

Although an employer may take disciplinary action up to and including dismissal should an employee refuse to follow a lawful and reasonable request or direction, there will be few situations to support such actions for refusal to be vaccinated.

Standing down employees who refuse to have the vaccination or refuse to work alongside an employee who has not been vaccinated is not an available remedy.

In the event that an employee does refuse the employer should consider:

- Does the employee work with people who would be vulnerable to severe disease if they contract COVID-19?
- Does the employee work in high-risk areas eg Hotel quarantine?
- Is the vaccination essential for the performance of the work?
- Is there a genuine reason why the employee refuses to have the vaccination?
- How will the refusal affect the work, health and safety responsibilities of the employer?
- Are there opportunities to redeploy the employee to alleviate safety issues?

It should be remembered that the COVID-19 Vaccination is only one of the control measures employers should have already implemented to ensure a safe and healthy workplace.

For more information contact ASIAL's Workplace Relations Advisor ir@asial.com.au or visit the [Fair Work Ombudsman website](#).

<https://coronavirus.fairwork.gov.au/coronavirus-and-australian-workplace-laws/health-and-safety-in-the-workplace-during-coronavirus/covid-19-vaccinations-and-the-workplace>