



LAW
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VICTORIA

LIV COVID-19 Vaccination Guideline

25 November 2021 – Version 1

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Version 1 – 25 November 2021

This document has been prepared by members of the LIV Workplace Relations Section, as workplace specific guidance for LIV members in relation to mandatory COVID-19 vaccinations and returning to work plans. Whilst this Guideline is current as of November 2021, the LIV understands that the issue of COVID-19 vaccinations is constantly evolving and will update its guidance where required.

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1. Introduction

FAQ's

The LIV is regularly updating its FAQ's in relation to mandatory vaccinations, following the introduction of the [COVID-19 Mandatory Vaccination \(Workers\) Directions \(No 8\)](#). The current [Chief Health Officer directions are available here](#).

Note: These questions and answers are still subject to final confirmation from the Department of Health and Human Services and have been compiled with the best of our knowledge based on Chief Health Officer Directions to date.

Ultimately, determining whether a particular activity is allowed is a matter of legal interpretation of the relevant Chief Health Officer directions. You will need to read all the new directions and form your own conclusions about whether the detail of the proposed activity is permitted or restricted.

Message from the LIV

LIV's views

1. The LIV calls for clearly defined parameters and guidance for mandating vaccinations as a pre-requisite to attending worksites, across all workplace settings. Businesses (including law firms) need:
 - certainty on this issue to ensure the health and safety of their employees,
 - reasonable notice of intended mandatory vaccination mandates, so that employers may obtain necessary guidance and consult with relevant parties; and
 - to be sure they avoid legal consequences from introducing vaccination policies.
2. There needs to be a conversation across the profession and businesses as to how workplaces will return to work:
 - there is no one-size-fits-all approach to this issue – the legal industry is very diverse, firms come in all different sizes and have varying resources available
 - law firms, like all businesses, have staff performing different roles with different degrees of public interface
 - a lot of our members are small businesses which need additional support to fulfil their OHS obligations - they shouldn't be subject to uncertain and onerous policies, and
 - a nationally consistent approach is desirable.
3. A clear path forward is vital so that we can:
 - balance the rights of all concerned

- return to worksites and alleviate the economic, educational, justice, mental health and community impacts of lockdown, and
- swiftly resume in-person court proceedings, so that the legal profession can meet the needs of their clients and the community in accessing justice and resolving disputes.

Objectives

The Objectives of this Guideline are to:

1. Provide a statement of facts to the best of the LIV's knowledge
2. Clearly outline different options available to employers and employees
3. Provide best practice responses for employers

2. Legal background

Pandemic Management Bill

[The Public Health and Wellbeing Amendment \(Pandemic Management\) Bill 2021](#) is currently being debated in the Legislative Council. The proposed laws will replace existing state of emergency powers (which are set to expire on December 15), empowering the premier and health minister of the day to declare pandemics and enforce health directions. Under the current system, the state's chief health officer, who is not an elected official, has these powers. The LIV's Position Paper on the Bill can be read [here](#).

The LIV's **key concerns** are summarised below:

- A pandemic declaration can be in place for an indefinite period of time and very wide powers are conferred on the Premier, the Minister for Health and Authorised Officers without effective checks and scrutiny;
- Many powers appear to be an unnecessary infringement on democratic rights and freedoms, with little oversight offered by a truly independent body;
- There appears to be no quantifiable timeframe for the maximum period of detention and the Bill is unclear as to where people are to be detained;
- The process for review of detention does not provide for an independent external merits review;
- Further concerns include the use of punitive and coercive approaches such as terms of imprisonment for aggravated offences, the abrogation of the privilege against self-incrimination, and the extended powers given to 'authorised officers'; and
- The protections relating to information gathered for public health purposes do not go far enough and the provisions relating to the use or disclosure of contact tracing information for other 'permitted purposes' should be carefully reconsidered.

The LIV's **key recommendations** are summarised below:

1. To strengthen the mechanism for effective oversight by empowering the Ombudsman (or an alternative specifically empowered independent officer of the Victorian Parliament) to act in real time to review, monitor, investigate and report on the impact of pandemic orders and to require the Minister for Health to act as soon as possible in response to matters raised by the Ombudsman (or alternative independent officer of the Victorian Parliament) in his or her review.
2. To resource and adequately empower the Scrutiny of Acts and Regulations Committee ('SARC') to ensure that pandemic orders can be appropriately scrutinised.
3. To amend section 165AK(4) so that it is more targeted and specific about what it seeks to achieve. This section provides for orders to be made on the basis of protected attributes, which includes one's political belief or activity which on its face seems to be disproportionate to the purposes of protecting public health.
4. To expressly provide that those empowered by the Bill are required to properly consider and act compatibly with human rights in carrying out functions and making decisions in accordance with section 38 of the Charter and that section 32 of the Charter applies to all aspects of the Bill. The LIV is of the view that the application of the Charter to the Bill should be unambiguous.
5. The Bill should provide for an accessible external merits review of all decisions relating to detention and that VCAT be given jurisdiction.
6. To increase the likelihood of public confidence and compliance – there should not be a 'law enforcement' emphasis behind the creation of lockdown laws. Terms of imprisonment should not apply in respect of matters arising from the Bill and are excessive in the context of breach of pandemic laws.
7. That section 212A be removed as there is no justification to abrogate a person's right not to comply with a requirement to provide information on the basis that the information might incriminate the person or make them liable to a penalty, particularly where the legislation allows the derivative use of compelled evidence.
8. The LIV notes that s.165CX of the Bill provides for a review of the new Part within two years of commencement. The LIV recommends that such review be robust and independent and take place within 12 months of the commencement of operation of the new Part.

Mandatory vaccination of authorised workers

Directions:

Since the first [COVID-19 Mandatory Vaccination \(Workers\) Directions](#) ('the Directions') commenced at 11.59PM 7 October 2021, the Directions have been regularly updated. The purpose of these

Directions is to *'impose obligations upon employers in relation to the vaccination of **workers**, in order to limit the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-02**) within the population of those workers'*.

Background:

On 1 October 2021, the Victorian Government **announced** mandatory vaccination requirements for all authorised providers and authorised workers who are not working from home. A worker (as identified under Schedule 1 of the Directions) will need to be fully vaccinated by 26 November 2021.

The law in action

Under current workplace laws, an employer may set a policy for mandatory vaccinations if it is a “reasonably practicable” step in considering the health and safety of its employees under the Occupational Health and Safety Act and that it doesn't go against the Fair Work Act or relevant state anti-discrimination legislation.

The legal question is whether it is a reasonable and lawful direction that an employer can direct an employee to be vaccinated, and whether it is an inherent requirement of the role to be vaccinated.

The determination of what is considered “reasonable” is open to interpretation

There are multiple factors that could determine whether mandatory vaccinations are a reasonably practicable step, including (but not limited to):

- the size of the business' office space
- the number of employees within the business
- any underlying medical conditions of employees within the business, and
- the frequency with which employees are in direct contact with one another, with clients and with the public.

The Victorian Equal Opportunity and Human Rights Commission (**'VEOHRC'**) website¹ lists a range of things will likely be relevant to whether it is 'reasonably necessary' or 'reasonably practicable' to require customers and visitors to be vaccinated.

¹ VEOHRC, 'Explainer: Mandatory COVID-19 vaccinations and your rights', *Victorian Equal Opportunity & Human Rights Commission* (Web Page, September 2021)
<<https://www.humanrights.vic.gov.au/resources/explainer-mandatory-covid-19-vaccinations-and-your-rights/>>.

Does the direction amount to discrimination?

The VEOHRC has issued public advice that vaccination status is not a protected attribute under section 6 of the Equal Opportunity Act. Discrimination law doesn't apply to everyone who chooses not to get vaccinated, only for people who have one of the other protected attributes in the Equal Opportunity Act – those with certain disabilities or medical conditions may not be able to get the vaccine for medical reasons².

Recent decisions of the Fair Work Commission have confirmed that a direction to be immunised (against influenza) may constitute a lawful direction. In doing so, the Fair Work Commission has found that such a direction is neither inherently discriminatory³ nor an assault or battery.⁴

Fair Work Commission & Fair Work Ombudsman

On 27 September, the Fair Work Commission upheld a decision by an employer to mandate vaccination (in this case a flu vaccine) where it was reasonable in the circumstances (in this case a health care worker)⁵. Whilst the decision supports an ability of Australian employers to direct employees to be immunised in high-risk industries (such as aged care and childcare), employers should continue to exercise caution before challenging medical evidence by employees to justify their refusal.⁶

The Fair Work Ombudsman's mandatory vaccination guidance can be read [here](#), and currently advises:

"In some cases, employers may be able to require their employees to be vaccinated against COVID-19. Employers should exercise caution if they're considering making COVID-19 vaccinations mandatory in their workplace and get their own legal advice."

Current legal challenges to the mandatory vaccination directions

The Supreme Court of Victoria is currently hearing the matter of [Simon Harding Ors v Brett Sutton Ors](#), where 129 plaintiffs are seeking relief in relation to Victorian directions concerning mandatory COVID-19 vaccinations. The plaintiffs work in the healthcare, construction and education sectors and are also authorised workers and employers. The LIV is continuing to monitor these proceedings.

² Ibid.

³ *Ms Maria Corazon Glover v Ozcare* [2021] FWC 2989 (Ozcare); *Jennifer Kimber v Sapphire Coast Community Aged Care Ltd* [2021] FWCFB 6015.

⁴ *Ms Bou-Jamie Barber v Goodstart Early Learning* [2021] FWC 2156 (Goodstart).

⁵ *Jennifer Kimber v Sapphire Coast Community Aged Care Ltd* [2021] FWCFB 6015.

⁶ DLA Piper, 'Refusing the job, a valid reason for dismissal in Australia The Full Bench of the Fair Work Commission upholds the dismissal of an unvaccinated worker', *Lexology* (Online Article, 29 September 2021) <<https://www.lexology.com/library/detail.aspx?g=8f560703-98e0-40b6-97e8-e15f07c61098>>.

3. Information for Employers

COVID-19 Vaccination Scheme

The Australian Government is developing a COVID-19 Vaccination scheme (also referred to as the [No Fault COVID-19 Indemnity Scheme](#)) for people who suffer a moderate to significant impact following an adverse reaction to a Therapeutic Goods Administration (TGA) 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.

Scheme details

From 6 September 2021, Australians who suffer injury or loss of income due to the administration of a COVID-19 vaccine or due to an adverse event that is considered to be caused by a COVID-19 vaccine, will be able to register their intent to claim from the Scheme's webpage [here](#). The Scheme will be backdated to 22 February 2021 and will be administered by Services Australia.

The Federal Government is also developing a portal to formally submit claims and documentation, and those who [register their intent to claim](#) will be contacted once this portal has been established and they are able to submit the formal claim.

The Scheme will cover the costs of injuries above \$5,000 due to a proven adverse reaction to a COVID-19 vaccine. The TGA will provide guidance on recognised adverse reactions as part of their established surveillance program, and claims will be assessed by independent experts on a case-by-case basis, with compensation paid based on their recommendations.

Evidence of injury

Evidence of an adverse event is not required when registering intent to claim, however specific evidence is required to later substantiate a claim between \$5,000 to \$20,000.

WorkSafe Victoria currently [advises](#) the following:

*“Under legislation, only a **significant reaction** [emphasis added] to the vaccine may be considered an injury. More significant reactions could include severe fever, blood clots, allergic reactions (anaphylaxis), seizure, or stroke. Workers will not be entitled to compensation if they suffer only mild symptoms due to the vaccine, such as feeling tired, headache, nausea, dizziness, or redness where the injection was given.”*

Interaction with workers compensation

Whilst the COVID-19 Vaccination Scheme provides a simpler route of compensation for employees who suffers illness or injury from an employer-mandated COVID vaccination, an employee can still pursue a claim for workers' compensation for personal injury.

If the claim is for \$5,000 or less, the claim may still be covered by workers compensation schemes if employers are found to have induced or encouraged employees to be vaccinated. This is likely to be the case if:

- the employer has introduced a policy of mandatory vaccination; or
- the employer has strongly encouraged vaccination by facilitating or incentivising vaccination, for example, providing onsite vaccination services.

Key take-away messages

[HR Legal](#) provides the following key take-away messages for employers, in handling potential claims for compensation relating to the COVID-19 vaccine:

1. Communication about the COVID-19 Vaccination Scheme ('the Scheme')

Consider communicating with their workplace about the Scheme so that employees know they have an alternative, easier avenue for receiving compensation rather than through instituting a legal claim should they suffer an injury associated with the COVID-19 vaccine if mandated in the workplace, and/or contract COVID-19 in the course of their duties.

2. The Scheme may not offer complete protection from a workers' compensation claim or legal claim

Be aware that the Scheme may not be a no-fault indemnity scheme in the traditional sense, and employees may still be able to lodge workers' compensation or legal claims in response to adverse reactions to a COVID-19 vaccine, unless otherwise confirmed by the relevant government authority.

3. Plan ahead

Have a process in place to record and address where an employee suffers an injury associated with the COVID-19 vaccine if mandated in the workplace, and/or contracts COVID-19 in the course of their duties, including to accommodate time off work (whether paid or unpaid).

Messaging in support of COVID-19 vaccinations

The LIV understands that many employers may feel uncertain as to how to encourage their employees to be vaccinated, and that there are varying views as to whether the boundary lies between encouragement and coercion.

SafeWork Australia [advises](#):

“You can encourage your workers to get a COVID-19 vaccination, if they are able to. Workplaces are recognised as a key setting for health promotion. You can help your workers find out more information about the vaccines by directing them to the [Department of Health website](#). You can also develop your own informational material to support COVID-19 vaccination, provided certain conditions are met.”

The Therapeutic Goods Administration (TGA) has issued guidance on [communicating about COVID-19 vaccines](#), and provides the following compliant example:

“Happy Workers Co sends an email to their staff, using their own branding, indicating they encourage all eligible staff to receive the COVID-19 vaccine as recommended by the Government, and on the advice of a health practitioner. In the email they offer additional paid leave and an Uber ride to attend a vaccination appointment.”

The LIV provides the following best practice advice for employers, in relation to messaging in support of COVID-19 vaccinations:

- Whilst an employer can legally mandate employees to be vaccinated under a relevant public health order, an employer must still provide an opportunity for an employee to provide any reason(s) as to why they may refuse to be vaccinated.
- In encouraging employees, employers should provide approved information about vaccines and directing them to links or access to government and recognised health orders and information.
- Additionally, when discussing the issue with employees, employers may wish to avoid using the politicised term ‘mandate’ in favour of objective language such as: “a condition of entry” or “as a condition of your employment” where such terms may apply.
- Providing employees with an opportunity to receive vaccinations including during work hours (when appointments may be available) – this could include providing paid time off, flexibility around start and finish times (to facilitate appointments) and making it clear that full-time and part-time employees can use any accrued sick leave where they become ill following a vaccination.

Managing unvaccinated employees

Q: What if an employee is not exempt and is failing or refusing to be vaccinated?

1. Consider the employee's grounds for not complying and consult with them about those grounds.
2. If there is scope to allow the person an exemption, consider whether or not to grant an exemption and the terms of that exemption.
3. If there is no scope to allow an exemption, or an exemption is not to be granted:
 - (i) consider giving the person a limited period of time to comply and determine what leave arrangements will be put in place during that period; and
 - (ii) if the individual remains non-compliant:
 - if the employer is mandating the vaccination – explore other options (for example, extended leave of absence with no guarantee of being able to return; arranging a telehealth appointment with a GP to explain the pros and cons of vaccination) and, if considered appropriate, commence a disciplinary process; or
 - if the vaccination requirement is imposed by PHOs – consider whether the employee's non-compliance is sufficient to bring the employment relationship to an end.

The Fair Work Ombudsman indicates that standing down an employee should only occur after considering all other options. The Fair Work Ombudsman checklist includes the following steps:⁷

- Where applicable, workers who have the ability to work from home should be encouraged by an employer to follow that course of action.
- Failing this, a change to duties, hours of work, rostering, or redeployment may be a solution. Please note that before taking such actions, an employer should review their employee's employment contract, any other relevant workplace policies, and award rules if applicable.
- Employees may be encouraged to access paid or unpaid leave entitlements for such a time as the issue may be resolved. Variations on entitlements may be available under awards.

⁷ Fair Work Ombudsman, 'Stand downs', *Coronavirus and Australian Workplace Laws* (Web Page, 4 November 2021) <<https://coronavirus.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-leave-and-stand-downs/stand-downs#before-standing-down-employees-checklist>>.

Q: What can I do if another employee, or other employees refuse to work with other unvaccinated employees?

Where an employee is unvaccinated, this may cause tension in the workplace where colleagues feel uncomfortable to work alongside that person. However, this is not the only concern which an employer must regard; being unvaccinated creates additional risk for that person themselves which must be managed under WHS laws.

SafeWork notes that because of the diminished risk of being seriously harmed by COVID-19 following vaccination, a vaccinated worker may not be able to rely on WHS laws to cease work because a colleague is unvaccinated.⁸ It is also noted that because a vaccinated person may be a carrier for the virus unknowingly, any unvaccinated person they work with remains at risk of infection and serious health concerns. Therefore, an employer may owe a duty for managing unvaccinated employees for their own wellbeing.⁹

Best practice for managing OH&S risks with wider public

- How employers must respond to public health orders of mandatory vaccinations in the legal profession.
- Best practice tips for managing potential COVID-19 risks with intersecting clients and members of the public.

When managing risks in the workplace, particularly when clients or members of the public may be visiting onsite, employers must ensure that “the work of your business or undertaking does not put the health and safety of other persons...at risk of contracting COVID-19”.¹⁰

Actions which employers may take to reduce this risk include:

- Requiring the practising of physical distancing at the workplace;
- Requiring the practise of good hygiene and mask wearing on site; and
- Requiring non-essential visits (including from family or friends) to be limited.¹¹

⁸ Safe Work Australia, ‘General Industry Information: Vaccination’, *COVID-19 Information for Workplaces* (Web Page, 12 October 2021) <<https://covid19.swa.gov.au/covid-19-information-workplaces/industry-information/general-industry-information/vaccination>>.

⁹ Ibid.

¹⁰ Safe Work Australia, ‘General Industry Information: Duties under WHS laws’, *COVID-19 Information for Workplaces* (Web Page, 12 October 2021) <<https://covid19.swa.gov.au/covid-19-information-workplaces/industry-information/general-industry-information/duties-under-whs?tab=tab-toc-employer>>.

¹¹ Ibid.

OH&S evidentiary requirements

- What evidence employers need to satisfy their OH&S obligations where employees do not have a vaccination.

Dealing with privacy issues

- *COVID-19 Mandatory Vaccination (Workers) Directions (No 8) Part 2* – state obligations on an operator to collect, record and hold vaccination information.

The Office of the Australian Information Commissioner (OAIC) provides [information](#) regarding privacy principles which employers must have regard to when collecting information about their employees, including information regarding their vaccination status. Typically, it is a requirement that employers gain the consent of their employees before collecting their personal information, including health information. However, because the Victorian Government has required authorised workers and providers to be vaccinated to work on site, employers of authorised workers may collect their health information without consent as evidence of complying with this mandate.¹²

For private sector employers, it is worth noting that Australian Privacy Principles ('APPs') do not apply to the handling of information once it has been collected and is directly related to the employment relationship. However, this exception to the APPs is restricted where the employee is a contractor, sub-contractor, volunteer or is a prospective employee.¹³

Irrespective of whether the APPs apply or there is a valid exception in place, best practice tips should be followed by employers with respect to the health information of employees, including:

- Accurately recording the information collected, and ensuring its continued accuracy and security;
- Limit the use and disclosure of employee vaccination status except where necessary to prevent and manage COVID-19;
- Regularly review whether continued retention of the information is required as the vaccination roll-out progresses and Government advice changes over time.¹⁴

For public sector employers, please refer to the OAIC website for further information regarding the necessary [assessments](#) which must be undertaken with respect to gathering vaccination status information.

¹² Office of the Australian Information Commissioner, 'Coronavirus (COVID-19) Vaccinations: Understanding your privacy obligations to your staff' (Web Page) <https://www.oaic.gov.au/privacy/guidance-and-advice/coronavirus-covid-19-vaccinations-understanding-your-privacy-obligations-to-your-staff#_Required_or_authorized>.

¹³ Ibid.

¹⁴ Ibid.

4. Information for Employees

Objections and exemptions to vaccinations

Q: What are the current grounds for objection to vaccination, and what is the likely probability of each ground in succeeding?

The [COVID-19 Mandatory Vaccination \(Workers\) Directions](#) ('the Directions') provide limited circumstances where workers are exempt from the requirement to receive a COVID-19 vaccination to work on site. These circumstances include medical contraindication to the vaccine as well as acute illness.¹⁵ In both circumstances, proof must be provided by certification from a medical practitioner.¹⁶

The Directions provide no other exceptions to mandatory vaccination requirements for working on site, including political or religious reasons. However, the engagement of anti-discrimination legislation following the introduction of vaccination requirements in workplaces is uncertain. Under section 18 of the Equal Opportunity Act 2010 (Vic) ('EOA'), it may be considered discriminatory to require employees to receive a vaccination against their religion. Although the Charter of Human Rights and Responsibilities ('the Charter') acknowledges the freedom of expression under sections 15(1) and 15(2), it is also noted that these rights may be limited for the protection of public health under section 15(3).

The issue remains in flux with unsettled legal challenges to the Directions on foot at the time of this guideline's writing. Employees should have regard to the development of these challenges with respect to their rights and obligations for vaccination requirements as related to their employment.

Human rights implications

As noted in the above section, the Charter and EOA contain provisions which may be engaged by COVID-19 vaccination directives. For further analysis into the human rights implications of such directives, please see the [HRLC](#) and [VEOHRC](#) websites.

¹⁵ Department of Health, 'Medical exemption to COVID-19 vaccination guidance' (Webpage, updated 7 November 2021) <<https://www.health.vic.gov.au/medical-exemption-to-covid-19-vaccination-guidance-word>>.

¹⁶ Ibid.

Currently due to the pandemic the Directions have demonstrably engaged and limited certain rights held within the Charter. For example, some of the following rights have been limited:

- the right to life (s 9);
- the right to not be subjected to medical treatment without full, free and informed consent (s 10(c));
- the right to move freely within and to enter and leave Victoria (s 12);
- the right to freedom of thought, conscience, religion and belief (s 14); and
- the right to peaceful assembly and freedom of association with others (s 16).

The issue of mandating vaccines engages human rights, including:

- the right to life
- the right to health
- the right not be subjected to medical treatment without consent
- the right to equality and non-discrimination
- the right to privacy
- freedom of religion.

When can human rights be limited?

Section 7(2) of the Charter provides that limitations on rights are permissible if they are demonstrably justified when the following relevant factors are taken into account:

- the nature of the right; and
- the importance of the purpose of the limitation; and
- the nature and extent of the limitation; and
- the relationship between the limitation and its purpose; and
- any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve.

Section 7(2) recognises that Charter rights are not absolute and must be balanced against one another and against other competing private and public interests. This means the decision – maker must undertake a proportionality analysis between the protection of Charter rights (which may conflict with one another) and the need to limit those rights to achieve other legitimate purposes (*PJB v Melbourne Health* (2011) 39 VR 373; [2011] VSC 327 [307]–[308]).

Limiting rights such as the right to movement has been demonstrably justified during the COVID-19 pandemic in order to achieve the purpose of reducing the spread of COVID-19.

The LIV notes that proportionality and the justification of limiting rights are evolving with case numbers surging however this needs to be balanced with the steady increase in vaccination rates and also the directions currently in place that mandate mask wearing and social distancing.

The government should continuously monitor the proportionality of vaccine mandates and scrutinise whether certain mandates for certain industries are necessary at any given time.

Your privacy rights

- (a) Information about a person's vaccination status is sensitive health information and needs to be treated as such in accordance with the Privacy Act 1988 (Cth) and the employer's privacy policy.
- (b) An employer can require an employee to disclose information about their vaccination status if:
 - (i) such disclosure is required under the relevant Public Health Orders ('PHOs'); or
 - (ii) the information is reasonably necessary for one or more of the employer's functions or activities (e.g. to assist in a WHS risk assessment, to discharge other WHS obligations, to ensure compliance with a PHO or vaccination policy).
- (c) In most cases (other than when required by law or a PHO), the employee will need to give their consent (express or implied) to the disclosure.
- (d) When requesting proof of vaccination status from an employee, the employee should be informed of:
 - (i) the reason for the request;
 - (ii) what is being requested (for example, is it a copy of an immunisation status or COVID vaccination certificate?);
 - (iii) the consequences if the employee refuses to provide the information; and
 - (iv) whether the information will be disclosed to any third parties.

5. Support

Where to access further support

The LIV offers COVID-19 specific information and resources for the legal profession on the [COVID-19 Hub](#). For further support, practitioners may wish to access the following LIV services:

Practice Support Line (Existing Service)

Access support via the Practice Support helpline regarding starting, managing and closing a legal practice, human resources, day to day practice issues and requirements and obligations under the Legal Profession Uniform Law.

T: 03 9607 9378

E: practicesupport@liv.asn.au

Employment Law Advisory Service (New Service)

Providing confidential advice to members with respect to employment law issues arising from the impact of COVID-19.

The service is available to:

- Individuals with personal employment law queries related to the COVID-19 pandemic.
- Practitioners, Managing Partners or Legal Practitioner Directors of an Incorporated Legal Practice with enquiries related to the conduct of their practice, where their practice has no more than 5 PC holders (unless otherwise agreed on a case by case basis).

Contact us for a referral:

T: 03 9607 9378

E: practicesupport@liv.asn.au

Infection Control and COVIDSafe Planning (New Service)

Providing advice on infection control principles and the development of a COVID Safe Plan for your legal practice.

Contact the Practice Support Line for a referral:

T: 03 9607 9378

E: practicesupport@liv.asn.au

The LIV notes that information relating to COVID-19 is regularly being updated and recommends that members seek independent legal advice in relation to any specific issues i.e. potential dismissal of an unvaccinated worker.

Below is a list of external resources, which may be relevant to your workplace:

- Fair Work Ombudsman: [COVID-19 vaccinations: workplace rights and obligations](#)
- Australian Government Business - COVID-19 vaccinations and your business: <https://business.gov.au/risk-management/emergency-management/coronavirus-information-and-support-for-business/covid-19-vaccinations-and-your-business>
- Lander & Rogers Employer's Guide: <https://www.landerson.com.au/guide-to-living-with-covid-19>
- Australian Council of Trade Unions (ACTU) Workplace, Union and Industry Workplaces: <https://www.actu.org.au/coronavirus/unions-and-industry-resources>
- JobWatch COVID-19 Q&A's: <https://jobwatch.org.au/resources/covid-19/>