

POSITION STATEMENT:

COVID Vaccination

OCTOBER 2021

BACKGROUND

This position statement has been developed by Audiology Australia in line with the [National Alliance of Self-Regulating Health Professions' \(NASHRP\) COVID Vaccination Policy Statement](#) and in line with Allied Health Professions Australia's (AHPA) [COVID-19 Vaccinations Position Statement](#).

SUMMARY

Audiology Australia supports COVID-19 vaccination for all healthcare practitioners and believe all allied health practitioners should be vaccinated for their own protection and for the protection of the health care, aged care and disability systems more broadly.

Hearing health practitioners contribute to the health and wellbeing of the Australian public and play an essential role in supporting hearing health care. As allied health professionals, hearing health practitioners need to comply with the specific laws that apply to them, including any State or Territory public health order.

Complying with all relevant laws and regulations is also a requirement of the Audiology Australia [Code of Conduct Standard 16](#). As such, it is Audiology Australia's position that Audiology Australia members must comply with any public health direction that is relevant to them, including directions on mandatory vaccinations.¹

¹ **Disclaimer:** *The information in this document is current at the time of publication. However, information relating to COVID-19, including in relation to COVID-19 vaccination, is constantly being revised by government and other authorities and you should regularly refer to the relevant sources for the latest information. The information in this document is of a general nature; it does not constitute legal or any other advice. The issues discussed will be fact dependent. You should exercise your own professional judgement about whether and how this information applies to your circumstances and you should seek independent professional advice prior to making any decision involving any relevant matter. Audiology Australia makes no warranty or representation in relation to the content or accuracy of the material in this document and expressly disclaims all liability (including liability for negligence) in respect of the use of the information provided.*

BACKGROUND

In June 2021, the Australian Government commenced the launch of the national COVID-19 Vaccination Campaign as part of a range of infection prevention and control measures to manage and reduce the risks related to the transmission of COVID-19.

It is the Australian Government's policy that COVID-19 vaccines should be voluntary and free unless a State or Territory public health order, or a requirement in an employment contract or industrial instrument, is in place. The Australian Government's National Cabinet statement can be viewed [here](#).

State and Territory Governments can issue a public health order or direction during a state of public health emergency. The COVID-19 pandemic has been declared a public health emergency. A state of emergency grants special powers to State and Territory Governments, including, for example, restricting movement, preventing entry to premises, and mandatory vaccinations in order to reduce the pressure on the health system and minimise the risks of COVID-19 spreading in the community.

The Australian Health Protection Principal Committee (AHPPC) is the key decision-making committee for health emergencies, comprising of all State and Territory Chief Health Officers and chaired by the Australian Chief Medical Officer. The AHPPC has recommended mandatory vaccinations for all workers in health care settings as a condition of work. [1] To date, State and Territory Governments have issued public health orders requiring healthcare workers to be vaccinated against COVID-19 in line with the public health order or direction.

DO MEMBERS NEED TO GET THE COVID-19 VACCINE?

Individuals have the right to make personal choices about immunisation. However, Commonwealth, State and Territory Governments have made and may continue to make laws requiring workers to be vaccinated against COVID-19.

Members need to comply with specific laws that apply to them, such as a State or Territory public health order and other government legal instruments, as well as enterprise agreements, other registered agreements, employment or contractor contracts or variations to contracts which support these orders and instruments.

Outside of public health orders or directions, employers may introduce 'lawful and reasonable' policies/directions that require all staff/contractors to receive COVID-19 vaccines. What is 'lawful and reasonable' will depend on an employer's or a business's individual circumstances and nature of work and must comply with relevant laws, including anti-discrimination laws and the allied health professional's professional and ethical duties. Examples may include high risk workplaces, such as working with vulnerable people. Members should review their rights and responsibilities outlined by the Fair Work Ombudsman. [2]

Where members work in settings that do not require mandatory vaccination and they choose not to be vaccinated, they should use their professional judgement and consider the risk to themselves and the people they work with, including colleagues, clients, and patients (and their carers).

POSITION OF AUDIOLOGY AUSTRALIA

Audiology Australia supports the national COVID-19 Vaccination Campaign. Members need to comply with the specific laws that apply to them, such as a State or Territory public health order. Complying with all relevant laws and regulations is also a requirement of the Audiology Australia [Code of Conduct Standard 16](#). Therefore, it is Audiology Australia's position that members must comply with any public health direction that is relevant to them, including directions on mandatory vaccinations.

DO STUDENTS NEED TO GET THE VACCINE?

Some public health orders and mandatory vaccination instruments/policies may apply to students. Students should follow the guidance and seek support from the university in which they are enrolled.

ARE THERE EXEMPTIONS TO GETTING VACCINATED?

If individuals cannot get a vaccine for medical reasons, they may be able to obtain an exemption. For a full list of valid and invalid medical reasons, visit the [Services Australia website](#).

Members who do not wish to have a vaccine due to personal beliefs (such as religious beliefs) may need to apply for an exemption where vaccinations have been mandated. More information on COVID-19 vaccinations and federal discrimination law is available [here](#).

Work situations may be impacted if a person is not vaccinated and the employer has a legal obligation to ensure the workplace is safe for all employees, members of the public and individuals receiving services. This could include alternative work arrangements or restrictions on working in high-risk environments, such as working with vulnerable people. Members should discuss work arrangements with their employer as soon as reasonably practical.

Clients and patients may request to only receive services by vaccinated individuals. However, while a client has the right to ask their health professional about their vaccination status, a health practitioner has the right to protect the privacy of their own health information. Members must balance their right to maintain their own privacy against their duty to provide accurate information to clients and their duty to provide all information which might be relevant to a client's decisions regarding care and treatment. In some circumstances – for example where a client is immunocompromised – a health professional's vaccination status may be relevant to that client's decision regarding whether to consult that health practitioner. Further, if a health professional chooses not to disclose their vaccination status the client may also decide not to consult the practitioner. In any event, health professionals must not mislead or give inaccurate information to a client or patient in accordance with the Code of Conduct.

DO MEMBERS NEED TO SUPPLY EVIDENCE OF BEING VACCINATED OR MEETING AN EXEMPTION?

Vaccination status information falls under the *Privacy Act 1988* (Cth). Employers will need to ensure they comply with privacy obligations regarding how they collect this type of information.

An employer may ask an employee to provide information about their vaccination status and an employee may voluntarily provide it. However, in most circumstances, employers cannot require their employees to provide information regarding their vaccination status.

There are limited circumstances where an employer may have the right to require an employee to provide information regarding their vaccination status. Employers need to consider the relevant factual circumstances and have regard to matters including the workplace, the employee's circumstances and the types of clients being consulted. An employer would also need to consider the following issues:

- Is there any law, including any regulation, which requires employees to provide this information?
- Is there any law which permits the employer to collect the information?
- Does the employee's agreement (or an industrial instrument) require them to provide the information to the employer?
- Is it otherwise lawful and reasonable for the employer to give a direction to an employee to provide this information?

If there is a mandatory vaccination policy that applies (such as under a public health order), workers/contractors may need to provide proof of vaccination.

The Fair Work Ombudsman states *"If an employer has provided a lawful and reasonable direction to be vaccinated for coronavirus and an employee complies, the employer can also ask the employee to provide evidence of their vaccination"* [3].

Employers may be able to ask for evidence of an exemption in similar circumstances as outlined above, such as when a public health order mandates vaccination.

CAN MEMBERS PROVIDE INFORMATION ABOUT VACCINATIONS?

Members should use their professional judgements and consider their scope of practice and best available evidence when providing health information and advice. This includes providing accurate information about vaccines in line with current evidence and Australian guidelines.

Members have a professional responsibility to abide by the [Code of Conduct](#). Spreading or disseminating false or misleading information about vaccines that is not consistent with Department of Health information and guidelines (whether in person, on social media or in other types of advertising) may lead to disciplinary action.

MANDATORY VACCINATION POLICY AND WORKPLACE LAWS

The Australian Government has indicated that businesses have a legal obligation to keep their workplaces safe and to eliminate or minimise so far as ‘reasonably practicable’ the risk of exposure to COVID-19. If there is a mandatory vaccination policy that applies (such as under a public health order), workers/contractors may need to provide proof of vaccination.

The Fair Work Ombudsman has indicated that employers can direct employees to be vaccinated if the direction is lawful and reasonable – this will need to be assessed on an individual basis. For a direction to be lawful, it needs to comply with any employment contract, award or agreement, and any Commonwealth, State or Territory law that applies. [4] Employees may refuse a direction to be vaccinated if there is a legitimate reason. [5] In circumstances where an employee’s refusal is in breach of a specific law or a lawful and reasonable direction requiring vaccination and no legitimate reason is provided, employers may be able to consider taking disciplinary action. [6]

The Australian Human Rights Commission (AHRC) has provided guidance on COVID-19 vaccinations and federal discrimination law in the context of employment and the provision of goods and services. The AHRC has indicated that individuals, businesses, and service providers should carefully consider the position of vulnerable groups in the community before imposing any blanket COVID-19 vaccination policies or conditions in the workplace outside of a public health order or direction. More information on COVID-19 vaccinations and federal discrimination law is available [here](#).

WHO SHOULD MEMBERS DIRECT QUESTIONS TO?

| Query | Agency/ Person | Contact/ View |
|-----------------------------------------------|-----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Support and advice | Ethics Officer, Ethics Review Committee (ERC) | Email: ethics@auderc.org.au Phone: (03) 9940 3911 |
| Vaccine exemptions | Education provider (for students) | |
| | Employer (for employees) | |
| Mandatory requirements and obligations | Audiology Australia | Email: info@audiology.asn.au Phone: (03) 9940 3900 |
| | State and Territory Health Departments | ACT Public Health Directions NT Chief Health Officer Directions NSW Public Health Orders and restrictions QLD Chief Health Officer public health directions |

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|-------------------------------------------|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | SA Emergency Declaration and Directions Tas COVID-19 Resources, including Current Directions VIC Directions issued by Victoria's Chief Health Officer WA COVID-19 State of Emergency Declarations |
| COVID-19 Vaccines | Australian Technical Advisory Group (ATAGI) | Refer to ATAGI advice |
| | Therapeutic Goods Administration (TGA) | Refer to COVID-19 vaccines |
| Reporting vaccination side effects | TGA | Refer to Reporting suspected side effects associated with a COVID-19 vaccine |

MORE INFORMATION

Members are advised to review the links below for more information:

Allied Health Professionals Association (AHPA): [COVID-19 Vaccinations Position Statement](#)

Australian Chamber of Commerce and Industry, 2021, COVID-19 Vaccinations and the Workplace – Employer Guide: [ACCI-Employer-Vaccine-Guide-16-Aug-2021.pdf \(australianchambercovid.com\)](#)

National Alliance of Self Regulating Health Professions: COVID Vaccination Policy Statement: <https://nasrhp.org.au/2020/04/08/newmember/>

Office of the Australian Information Commissioner- For employees: [COVID-19: Vaccinations and my privacy rights as an employee](#)

Office of the Australian Information Commissioner- For employers: [Coronavirus \(COVID-19\) Vaccinations: Understanding your privacy obligations to your staff](#)

Safe Work Australia: [COVID-19 Information for Workplaces](#)

Services Australia Proof of Vaccinations: <https://www.servicesaustralia.gov.au/individuals/subjects/getting-help-during-coronavirus-covid-19/covid-19-vaccinations/how-get-proof-your-covid-19-vaccinations>

References

[1] Australian Government Department of Health: [Australian Health Protection Principal Committee \(AHPPC\) statement on mandatory vaccination of all workers in health care settings](#)

[2] to [6] Fair Work Ombudsman: [COVID-19 vaccinations: workplace rights and obligations](#)