



# 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

### 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 31 December 2021 and fully vaccinated by 31 January 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 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](#) 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](#) is published online.

In the lead up to nominated timeframes, the Directions and supporting documents will be made available on the [wa.gov.au](http://wa.gov.au) website.

### **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.

### **Will the mandate apply to contractors?**

Yes, it will apply to contractors frequently working at that location (covered by the Direction) but is not intended to pick up incidental visits by contractors (e.g. infrequent deliveries).

### **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 policy will generally be subject to the same requirements as paid employees, unless stated specifically in the Direction.

The State Government's mandatory vaccination policy, including applicable occupations, is available [online](#).

### **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, or
- written confirmation issued by the WA Department of Health of the COVID-19 vaccination received by them, or
- an International COVID-19 Vaccination Certificate issued by the Commonwealth Government

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 will 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.

### **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, should they choose to do so, from which they may be able to take other action.

### **How/where should businesses store the evidence of 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.

### **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.

### **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.

### **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.

**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.

**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.

**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.

**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

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.

**Vaccines**

Go to HealthyWA for general information about [COVID-19 vaccines in Australia](#) and [opportunities to get vaccinated](#).

**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](mailto: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 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 \$5000 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.

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**This document can be made available in alternative formats on request for a person with disability.**

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