

COVID-19 Vaccines to Create 'Complex Issues' for Employers

As Australia begins to release plans for its COVID-19 vaccination program, employers are being urged to consider their role in driving the take-up of vaccines, amid ongoing confusion as to whether vaccines can be mandated in specific workplaces.

Last month, the Therapeutic Goods Administration (TGA) granted provisional approval to the Pfizer/BioNTech COVID-19 vaccine, making it the first COVID-19 vaccine to receive regulatory approval in Australia.

The latest advice from Pfizer is that shipping and the first vaccinations are expected to begin in late February.

The federal government has reminded the public that those who need protection the most will get the vaccine first.

This includes aged care and disability care residents and workers, frontline health care workers, and quarantine and border workers. After this, the next phase will likely include other high-risk workers such as defence, police, fire, emergency and meatpacking workers.

Once the vaccination is made available to the general public, employers will then have to consider whether the vaccine will become a WHS requirement or simply a recommendation for their employees.

This will become a key consideration for employers with staff in direct and close physical contact with customers or the general public including hospitality staff, teachers, and retail workers.

Moray and Agnew Special Counsel Brian Jackson said the rollout of the vaccine over the coming months would "open up a range of complex issues for Australian employers."

A key issue is likely to be whether it is reasonable and lawful for an employer to require its employees to take the vaccine.

"What will be the issues around PPE? What will be the position around employees with allergies? What can an employer do if an employee refuses to take the vaccine? This is an evolving and challenging area of the law," Jackson said.

Jackson will be presenting a free webinar "The COVID 19 Vaccine – What are the Legal Issues for Employers?" on February 25 at 12:30 pm AEDT. Register here.

Safe Work Australia (SWA) has also released information on COVID-19 vaccines, reminding employers that a safe and effective vaccine is only part of keeping the community safe and healthy.

"This means you must continue to apply other COVID-19 control measures such as physical distancing, good hygiene and regular cleaning and maintenance even if your workforce is vaccinated," SWA says.

<https://myosh.com/blog/2021/02/04/covid-19-vaccines-to-create-complex-issues-for-employers/>

Contacts

Sarah O'LEARY

0434917358

mailto: sarah.oleary@myosh.com