

Introduction

The spread of the virus in workplace settings in Melbourne has seen the number of COVID-19 infections grow rapidly, so a mandatory vaccination requirement is designed to keep the community safe while at work and prevent you from bringing the virus home.

On 8 October, the Acting Chief Health Officer released the [COVID-19 Mandatory Vaccination \(Workers\) Directions](#) stating that new vaccination requirements will come into force for all onsite workers across Victoria from Friday 15 October.

These directions apply to all workplaces across Victoria, including universities and TAFEs. These requirements replace previous directions for specific worker categories, such as health, education and construction workers.

Under the new direction, staff and students will not be allowed on campus unless they have provided the university with proof of vaccination (or intention to be vaccinated) by Friday 15 October. Details on how to do this are provided below.

Summary of Directions from the Acting Chief Health Officer

The purpose of these directions is to impose obligations on employers in relation to the vaccination of **workers**.

These directions commence at 11:59 pm on 7 October 2021 and end at 11:59 pm on 21 October 2021

Employer must collect, record and hold vaccination information

If a staff member is, or may be, scheduled to work outside the employee's ordinary place of residence on or after the **relevant date**.

Booking information — partially vaccinated and unvaccinated workers

If the employer collects information that a worker is **partially vaccinated**, the employer must also collect, record and hold information about whether that worker has a booking to receive, by the **second dose deadline** that will cause the worker to become **fully vaccinated**.

If the employer collects information that an employee is **unvaccinated**, the employer must also collect, record and hold information about whether that worker has a booking to receive, by the **first dose deadline**, that will cause the employee to become **partially vaccinated**.

An employer must comply with the obligations as soon as reasonably practicable after the commencement of these directions.

Employer must ensure unvaccinated workers do not work outside ordinary place of residence

On or after the relevant date, an employer of an employee must not permit an employee worker who is unvaccinated to work for that employer outside the worker's ordinary place of residence.

If an employer does not hold vaccination information about an employee, the employer must treat the worker as if the worker is unvaccinated.

Exception — booking by first dose deadline

An employer may, between the relevant date and the first dose deadline, permit an employee who:

- a) is unvaccinated; and
- b) has a booking to receive, by the first dose deadline, a dose of a COVID-19 vaccine that will cause the worker to become partially vaccinated,

to work for that employer outside the employee's ordinary place of residence.

Notification to current employees

An employer must, as soon as reasonably practicable after the commencement of these directions, inform each staff member who is, or may be, scheduled to work outside the worker’s ordinary place of residence on or after the relevant date that:

- we are obligated to collect, record and hold vaccination information about our employees; and
- we are obligated on and after the relevant date, not to permit an employee who is unvaccinated to work outside their ordinary place of residence unless an exception applies under the directions.

Notification to new employees

If an employer engages a new staff member who is, or may be, scheduled to work outside their ordinary place of residence on or after the relevant date, we must inform the staff member as soon as reasonably practicable after engaging the worker that:

We are obligated to collect, record and hold vaccination information about them; and

We are obligated on and after the relevant date, not to permit them if unvaccinated to work outside their ordinary place of residence unless an exception applies under these directions.

Exception — exceptional circumstances

An employer is not required to comply if one or more of the exceptional circumstances specified below applies.

The exceptional circumstances are:

- a staff member is required to perform work or duties that is or are necessary to provide for urgent specialist clinical or medical care due to an **emergency situation** or a **critical unforeseen circumstance**; or
- a staff member is required to fill a vacancy to provide urgent care, to maintain quality of care and/or to continue essential operations due to an emergency situation or a critical unforeseen circumstance; or
- a staff member is required to respond to an emergency; or
- a staff member is required to perform urgent and essential work to protect the health and safety of workers or members of the public, or to protect assets and infrastructure.

Key definitions

Vaccination status

A person’s **vaccination status** is one of the following:

Status	Definition
Fully vaccinated	A person is fully vaccinated if the person has received two doses of a COVID-19 vaccine
Partially vaccinated	A person is partially vaccinated if the person has received one dose of a COVID-19 vaccine and is not an excepted person
Unvaccinated	A person is unvaccinated if the person has not received a dose of a COVID-19 vaccine and is not an excepted person
Excepted person	<p>A person is an excepted person:</p> <p>If the person holds certification from a medical practitioner that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine due to a medical contraindication; or</p> <p>If the person holds certification from a medical practitioner that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine due to an acute medical illness (including where the person has been diagnosed with SARS-CoV-2)</p>

Vaccination information

For the purposes of the directions, **vaccination information** is information about a person's vaccination status and includes information that is derived from a record of information that was made under, or in accordance with, the **Australian Immunisation Register Act 2015** of the Commonwealth.

Note: Vaccination information may be recorded in a variety of documents, such as a letter from a medical practitioner, a certificate of immunisation or an immunisation history statement obtained from the Australian Immunisation Register.

Dates

For the purposes of these directions:

- a) **first dose deadline** in relation to a **worker** means by the 22 October
- b) **relevant date** in relation to a **worker** means by 15 October
- c) **second dose deadline** in relation to a **worker** means by 26 November.

Worker-specific definitions

For the purposes of these directions:

Higher education worker means a person who works at or in connection with:

- (i) a university;
- (ii) a vocational education and training institute;
- (iii) a technical and further education institute;
- (iv) an adult community and further education institute;
- (v) a registered training organisation; or
- (vi) any other facility undertaking post-compulsory education or training.

Medical contraindication means one of the following contraindications to the administration of a **COVID-19 vaccine**:

- anaphylaxis after a previous dose;
- anaphylaxis to any component of the vaccine, including polysorbate or polyethylene glycol;
- In relation to AstraZeneca: history of capillary leak syndrome; or thrombosis with thrombocytopenia occurring after a previous dose;
- In relation to Comirnaty or Spikevax: myocarditis or pericarditis attributed to a previous dose of either Comirnaty or Spikevax; or the occurrence of any other serious adverse event that has been attributed to a previous dose of a COVID-19 vaccine by an experienced immunisation provider or medical specialist (and not attributed to any another identifiable cause); and been reported to State adverse event programs and/or the Therapeutic Goods Administration;

Medical practitioner means:

- a) a general practice registrar on an approved 3GA training placement; or
- b) a public health physician; or
- c) a general physician; or
- d) an infectious disease physician; or
- e) a clinical immunologist; or
- f) a gynaecologist; or
- g) an obstetrician; or
- h) a general practitioner who is vocationally registered; or

- i) a general practitioner who is a fellow of the Royal Australian College of General Practitioners (RACGP); or
- j) a general practitioner who is a fellow of the Australian College of Rural and Remote Medicine (ACRRM);

Penalties

- 1) Section 203 of the PHW Act provides:

Compliance with direction or other requirement

- 1) A person must not refuse or fail to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199.

Penalty: In the case of a natural person, 120 penalty units; In the case of a body corporate, 600 penalty units.

- 2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply with the direction or requirement.

Note: section 209 of the PHW Act provides for infringement notices to be served on any person who has refused or failed to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal.

- 2) Section 210 of the PHW Act provides:

False or misleading information

- 1) A person must not—
- a) give information that is false or misleading in a material particular; or
 - b) make a statement that is false or misleading in a material particular; or
 - c) produce a document that is false or misleading in a material particular—

to the Secretary, a Council, the Chief Health Officer or an authorised officer under this Act or the regulations without indicating the respect in which it is false or misleading and, if practicable, providing correct information.

Penalty: In the case of a natural person, 60 penalty units; In the case of a body corporate, 300 penalty units.

- 2) A person must not make an entry in a document required to be kept by this Act or the regulations that is false or misleading.

Penalty: In the case of a natural person, 60 penalty units; In the case of a body corporate, 300 penalty units.

- 3) In a proceeding for an offence against subsection (1) or (2) it is a defence to the charge for the accused to prove that at the time at which the offence is alleged to have been committed, the accused believed on reasonable grounds that the information, statement or document was true or was not misleading.

SCHEDULE 1 —WORKERS

Row	Worker (Column 1)	Relevant date (Column 2)	First dose deadline (Column 3)	Second dose deadline (Column 4)
13.	higher education worker	15 October 2021	22 October 2021	26 November 2021

Frequently asked questions (FAQs)

Question	Response
I am required to be on campus from Monday 18 October 2021 what does this mean for me and what do I need to do to comply?	<p>To be able to attend any of our Victorian campuses from Monday, 18 October 2021 you will need to upload into Employee Self Service (ESS) a copy of your vaccination information.</p> <p>Log in to ESS using your University credentials, go to 'Create new form', select 'Vaccination Record/Request form' and follow the prompts to submit your documents.</p> <p>Acceptable documents include a letter from a medical practitioner, a certificate of immunisation or an immunisation history statement obtained from the Australian Immunisation Register.</p>
How can I obtain my vaccine evidence?	<p>How you get proof depends on your situation. You can download your COVID-19 vaccination statement via your MyGov account – it is a very easy process to download to your PC or phone, to print or keep, as evidence of vaccination. If you do not have a MyGov account or are unsure, you can go to www.my.gov.au to login or set up an account.</p> <p>If you received your immunisation at your GP, and have trouble accessing MyGov you can request a letter from your GP as evidence of vaccination.</p> <p>A letter from your GP confirming a first-dose appointment before 22 October may also be submitted as evidence by the 15 October deadline</p> <p>Visit the Services Australia how to get proof web page to find the best way for you.</p>
What happens if I am not yet booked in for my vaccination?	<p>If you are not yet booked in for your vaccination you will need to provide evidence by 15 October 2021, that you are booked in for your first vaccine dose by 22 October 2021 to be able to attend any of our Victorian campuses.</p>
I am currently performing my position off campus and can continue to do so for the foreseeable future, do I have to provide my vaccination records?	<p>The University is encouraging all staff to be vaccinated against COVID-19, and while some staff may not need to return to the campus this year, we are hoping that the majority of our staff can return in the new year to bring 'life' back into our campuses for our students.</p> <p>We are encouraging all of our staff to be vaccinated and take advantage of the \$20 incentive payment by uploading their evidence to ESS by 15 October 2021.</p>
I am not planning on getting vaccinated what does that mean for me and my position?	<p>If the duties that you are currently performing require you to be on campus from 18 October 2021 and you do not have a valid medical reason for not being vaccinated then, unfortunately, the University will be required to stand you aside from your duties. Please contact the HR COVID-19 hotline on (03) 5122 6300 between 8:30 am–5:00 pm to discuss your individual situation.</p>
I have a valid medical reason for not getting vaccinated, what do I need to do?	<p>If you have a valid medical contraindication, as outlined in the health directions, for not being able to be vaccinated, you will need to submit this evidence via ESS. Once this has been reviewed and approved you will be able to return to work on any of our campuses.</p>
I am a casual/sessional staff member, how do I submit my vaccination record?	<p>If you are a casual or sessional staff member you can submit your vaccination records via ESS. Log in with your University credentials, go to 'Create new form', select 'Vaccination Record/Request form' and follow the prompts to submit your documents. For issues accessing your account, please log a support ticket with ITS.</p>

Question	Response
How does the \$20 incentive payment work?	<p>The University encourages all staff to be vaccinated. For staff who submit required vaccination records or medical exemption on ESS by Friday 15 October, the University will deposit \$20 (tax free) into your bank account by 4 November – which we encourage staff to spend within your community or donate to a charity of your choice.</p> <p>To be eligible for this payment you must be a current paid staff member between the period of 15 October and 4 November (including casual and sessional staff).</p>
Will I receive the \$20 incentive payment after the 15 October if I am still required to be vaccinated to return to campus?	No. The \$20 incentive is only available to those eligible staff that upload the required documents by 15 October 2021.
What happens with my evidence of vaccination?	<p>As with all your HR records, these remain confidential and are only viewed by those involved in compliance activity in relation to keeping records as required by the public directions.</p> <p>Deans, Directors and line managers will receive a report each week to advise who does not have evidence of vaccination recorded in the system, and those staff will not be able to come onto campus until that evidence is provided.</p>

Further questions

If you have any further questions please contact the HR COVID-19 hotline on (03) 5122 6300 between 8:30 am–5:00 pm or email hr.hotline@federation.edu.au.