



NASRHP
NATIONAL ALLIANCE
OF SELF REGULATING
HEALTH PROFESSIONS

COVID-19 Vaccination Policy Statement

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Allied health professionals contribute to the health and well-being of the Australian public and play an essential role in supporting health care. COVID-19 vaccination is one part of a range of infection prevention and control measures to mitigate the risk of COVID-19 exposure.

This statement has been developed by peak professional bodies who are members of National Alliance of Self-Regulating Health Professions (NASRHP). This statement aims to support their NASRHP members and accredited/certified practitioners who are allied health professionals to understand their obligations and expectations regarding COVID-19 vaccinations, including the actions that are required to adhere to public health orders/directions issued by the Commonwealth or a State or Territory Government.

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 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.

NASRHP 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.

Do allied health professionals need to get the COVID-19 vaccine?

Individuals have the right to make personal choices about immunisation. However, that right may be affected by legal, employment and professional obligations, including health orders and directions and other laws introduced by Commonwealth, State and Territory Governments requiring certain workers, including allied health workers, to be vaccinated against COVID-19.

Allied health professionals need to comply with any legal requirements which apply to the practise of their profession and/or their employment – this includes any applicable Commonwealth, State or Territory public health orders/directions regarding mandatory COVID-19 vaccination. Further, to the extent an allied health professional is an employee, they may also be affected by and be required to comply with a requirement arising under their employment contract or any applicable enterprise agreement, or other registered workplace instrument.

Employers have obligations under work health and safety laws to provide and maintain a safe working environment. The management of COVID-19 exposure risk is part of that duty. An employer may seek to impose a mandatory vaccination requirement for employees in the absence of an applicable public health order or direction. In such circumstances, the test is whether such a direction is 'lawful and reasonable'.

What is 'lawful and reasonable' will depend on various factors including an employer's or a business's individual circumstances, an employee's individual circumstances, the nature of the work, the nature of clients serviced and the nature of the risks regarding COVID-19 exposure in that workplace. Relevant considerations in this regard include whether there are face-to-face consultations, whether the workplace activities involve a high risk of exposure to staff, clients and other visitors, and whether the clients are vulnerable people. Generally, an employer's direction must be proportionate to the risk being managed and necessary to avert that risk. Moreover, it must be consistent with relevant laws, including anti-discrimination

laws (more information on COVID-19 vaccinations and federal discrimination law is available [here](#)), and the allied health professional's professional and ethical duties. Employers and employees should be aware of their rights and responsibilities as outlined by the [Fair Work Ombudsman](#). [1]

Allied health professionals 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), if they are not vaccinated.

What are some potential consequences if an employee is not vaccinated?

The ability of an employer to provide a safe workplace may be affected if an employee is not vaccinated against COVID-19. In those circumstances, the employer and employee should have an open and transparent discussion about whether and how the employee might be able to continue to perform their duties. The issues outlined above regarding whether a requirement to be vaccinated is mandatory under a government order/direction, whether it is a lawful and reasonable requirement of the employer and the risks an unvaccinated worker in that workplace might pose to all affected stakeholders will be relevant considerations. In some cases, it may be possible for the employer and employee to agree on the implementation of reasonable adjustments to the employee's duties and/or the workplace to manage the relevant risks.

Do allied health students and allied health assistants need to get the COVID-19 vaccine?

Some public health orders and mandatory vaccination instruments/policies may apply to students and allied health assistants. Generally, allied health assistants should follow the same guidance provided for allied health professionals. To the extent an allied health assistant is an employee, the issues discussed above regarding the giving of a lawful and reasonable direction by an employer might also be relevant. Students should also follow any guidance issued by, and seek support from, the university in which they are enrolled.

Are there exemptions to getting vaccinated?

A mandatory COVID-19 public health order/direction issued by the Commonwealth Government or a State or Territory Government may exempt certain people from being required to receive a COVID-19 vaccine. As at the date of this publication, most of the recognised exemptions under such orders/directions are based on medical grounds – that is, a person must have a medical contraindication to the administration of a COVID-19 vaccine. Further, a person relying on such an exemption is usually required to provide evidence in support of the exemption. If an employer imposes a mandatory vaccination requirement, it would be prudent to establish a process regarding how exemptions might be managed.

Are allied health professionals required to disclose their personal vaccination status to clients?

Clients and patients may request an allied health professional to disclose their vaccination status; they may have a preference to only receive services from vaccinated health professionals. While a client has the right to ask their health professional about the health professional's vaccination status, a health professional has the right to protect the privacy of their own health information. Allied health professionals 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 professional. Further, if a health professional chooses not to disclose their vaccination status, the

client may decide to not receive services from that practitioner. In any event, health professionals must not mislead, or give inaccurate information to, a client or patient.

Do allied health professionals need to supply evidence of being vaccinated or meeting an exemption to their employer?

A person’s vaccination status information constitutes ‘sensitive information’ under the *Privacy Act 1988* (Cth). Employers will need to ensure they comply with relevant privacy obligations regarding their collection and management of this type of information.

A COVID-19 public health order/direction issued by the Commonwealth Government or a State or Territory Government may make it mandatory for employers to collect vaccination status information from employees and/or for certain workers to provide this information to their employer. To the extent such an order/direction is in place, allied health professionals and employers who are subject to it would be required to comply with its requirements.

Where there is no public health order/direction issued by a Government regarding the disclosure of COVID-19 vaccination status, an employer may request an employee to provide information about their vaccination status and an employee may voluntarily provide it. Whether an employer is able to compel an employee to provide information regarding their vaccination status in those circumstances requires a consideration of the issues outlined above regarding whether it is reasonable and lawful for an employer to direct an employee to receive a COVID-19 vaccination.

The following considerations will be relevant:

- Is there any law (including any Government direction/order) which requires employees (in that industry) to provide this information?
- Is there any law which permits or requires 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?
- How will an employer comply with applicable privacy requirements regarding the collection and management of vaccination status information?

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”*. [1]

Who should allied health professionals direct questions to?

For further information, please contact the relevant organisations as outlined below.

| Query | Contact |
|---|---|
| Exemptions | Allied Health Professionals – Employer Students – Education provider |
| Mandatory requirements and obligations | Professional bodies State and Territory Departments |
| Vaccinations | Commonwealth, State and Territory Governments: |

| | |
|--|---|
| | <ul style="list-style-type: none"> • Australian Technical Advisory Group on Immunisation and • Therapeutic Goods Administration |
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Can allied health professionals provide information about vaccinations?

If an allied health professional proposes to provide information or advice regarding COVID-19 vaccination, they must exercise their professional judgement and consider whether giving the information or advice falls within their scope of practice. Any information and advice given must be accurate and based on credible scientific evidence and, where relevant, in accordance with Australian laws and guidelines.

Allied health professionals have a professional responsibility to abide by their profession specific Code of Conduct or Code of Ethics, as well as the National Code of Conduct for Health Care Workers where applicable. Spreading or disseminating false or misleading information about vaccines or information that is not based on credible scientific evidence or information that is not consistent with Australian laws and guidelines in person, on social media or in other types of advertising may constitute a breach of an allied health professional's ethical or professional duties and may lead to disciplinary action.

References

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

More information

Allied health professionals are advised to review the below links for more information.

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

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

Office of the Australian Information Commissioner:

- [COVID-19: Vaccinations and my privacy rights as an employee](#)
- [Coronavirus \(COVID-19\) Vaccinations: Understanding your privacy obligations to your staff](#)
- [National COVID-19 Privacy Principles](#) to guide personal information handling during the pandemic

Australian Chamber of Commerce and Industry: COVID-19 Vaccinations and the Workplace – Employer Guide: <https://australianchambercovid.com/wp-content/uploads/2021/08/ACCI-Employer-Vaccine-Guide-16-Aug-2021.pdf>

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>

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