



# ANMF NEWSFLASH

## COVID-19 Vaccination Requirements

The Tasmanian Government issued a public health directive on Saturday 14 August 2021 which has mandated the COVID-19 vaccination for staff working in the **aged care and disability sectors, COVID-19 testing sites and quarantine hotels and airports.**

Nurses and care workers employed in these sectors will be required to have had at least one COVID-19 vaccination by 16 September 2021. Employers will require employees to provide evidence of their vaccination.

The reasons for exemption will only include legitimate medical issues and if a vaccine has not been accessible prior to 16 September 2021. It is highly likely that any staff member who does not have a vaccination due to personal choice will not be able to continue working in these sectors.

The ANMF has lobbied both the State and Federal Governments to remove the mandate for vaccination in aged care because it is a flawed strategy (unvaccinated visitors can enter aged care facilities and pass on COVID-19, for example), it unfairly targets a select group of healthcare workers when the Federal Government is to blame for removing aged care workers from phase 1a of the vaccine roll out, and it could result in staff shortages in aged care facilities. However, once the public health order is made, the Australian Nursing and Midwifery Federation, Tasmanian Branch (ANMF) cannot prevent employers from requiring employees to be vaccinated.

### **Can an employee take sick leave to get vaccinated against COVID-19?**

Employees can't usually take sick leave to get vaccinated against COVID-19. This is because the entitlement to sick leave under most enterprise agreements and the National Employment Standards is only available when an employee is unfit for work because they are ill or injured. Employees may be able to take paid sick leave if they feel unwell after being vaccinated and can't work.



### **Do employers need to pay the employees travel costs or give them time off work?**

The employer should cover an employees' travel costs for vaccination and, if the vaccination appointment is during work hours, allow them to attend the appointment without loss of pay. In addition, the Federal Government have also provided employers with access to funds to pay any employee who becomes unwell due to a vaccination that precludes them from being able to work their usual shifts (including casuals). Speak with your employer if you need this support.

### **Can an employer take disciplinary action if an employee refuses to get vaccinated?**

An employer may be able to take disciplinary action, including termination of employment, against an employee for refusing to be vaccinated if the employees' refusal is in breach of the public health order.

Before taking any action, an employer should talk to the employee and discuss the employees' reasons for not wanting to get vaccinated. For example, the employee may have a medical condition that means the vaccine may not be safe for the employee to receive it. Employees have various protections against being dismissed or treated adversely in their employment including employers discussing re-deployment options with their employees, even if none are available. Employers should make sure that they follow a fair process and have a valid reason for termination, or it may breach unfair dismissal or adverse action laws under the Fair Work Act.

Members who believe their employment may be terminated due to vaccine refusal should contact the ANMF as soon as possible so that the ANMF can provide advice on the consultation and process your employer is required to follow when addressing each individual employees vaccination status.

It is a persons personal choice as to whether or not they wish to have the COVID-19 vaccination. However, due to the public health directive, employers will be able to terminate an employees' employment if they have chosen not to have a COVID-19 vaccination and work in the setting as identified in the public health order. Recent case law shows that similar terminations of employment have been upheld by the Fair Work Commission (FWC) and Unfair Dismissal Claims (UDC) in these types of scenarios have not been supported by the FWC.



In the event that you believe your employment is being threatened and you believe you meet the grounds for a medical exemption for the COVID-19 vaccine (and have the required medical evidence) or have legitimately not been able to access a vaccination, please contact ANMF members support for advice and support.

**The ANMF continues to support nurses, midwives, and care workers as the only union in Tasmania employing nurses and care workers to represent members. This is why our Organisers and Member Support Team are uniquely positioned to understand your experiences, represent you in your workplace, and offer industrial advice that's relevant to you.**

If you have any queries, please do not hesitate to contact our Member Support Team on 1800 001 241. Alternatively, email [membersupport@anmftas.org.au](mailto:membersupport@anmftas.org.au). Please note, email is the preferred and fastest way of contacting them.

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Authorised by Emily Shepherd, ANMF Tasmanian Branch Secretary  
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