

## MANDATORY VACCINATIONS FOR AUTHORISED WORKERS IN VICTORIA FAQ

**Union members understand the power of Solidarity. Solidarity is hope over fear. Everyone who can get a vaccine and does stands in solidarity with their family and community.**

United Workers Union has always supported Australia's vaccination program based on advice by Australian health professionals, and we continue to listen to the advice of health professionals as the experts through this process.

[Read our full statement on vaccination here.](#)

- **Q: What can I do to avoid taking the vaccine?**
- A: [If you have a genuine medical reason, you can get a medical exemption indicating contraindication to the vaccine.](#) You can work from home or take leave so you do not have to go to work.
- **Q: Can my employer require me to share medical information such as my vaccination status?**
- A: Yes, if you are an authorised worker or more than likely for any worker. Under the health order, your employer won't be allowed to let you on site from 15 October 2021 unless they know your vaccination status. The operator of a business is required under the health orders to hold information about vaccination status of authorised workers.
- **Q: Can I get an exemption from the vaccine mandate because of my religious or political views?**
- A: No. No religion has said getting vaccinated goes against their beliefs. It is unlikely to be discrimination under Commonwealth laws and Victorian discrimination law does not apply in relation to public health orders (as it is a direction by a statutory authority).
- **Q: If I choose to not get vaccinated and cannot go to work due to a public health order does my employer have to keep my job open for me?**
- A: No.
- **Q: Can I demand that my employer allow me to take all my accrued leave if I am refusing to get vaccinated?**
- A: No. Leave is taken by agreement. If you are refusing to do something that is an inherent requirement of your job, such as getting vaccinated, then an employer can refuse to allow you leave as there is no likelihood of you returning to work.

- **Q: I did not need to provide proof to be exempt from wearing a mask, why is this different?**
- A: The health orders allowed individuals to claim a mask exemption with no proof. Employers will be required to check vaccination status of workers before letting them on site.
- **Q: The state of emergency in Victoria is going to come to an end in December, won't the health orders disappear then?**
- A: The state of emergency has been extended multiple times and can be extended again.
- **Q: Will the union run a dispute against my employer about the mandate?**
- A: No, there is no avenue to dispute through the company because this is not company policy. It is not an industrial issue; it is the law.
- **Q: What if I have a negative reaction to the vaccine?**
- A: [A commonwealth government scheme provides no fault compensation for anyone who suffers a loss of \\$5000 or more.](#)

Other questions about mandatory vaccines:

- **Q What about the constitution?**
- A: The constitution gives the States and territories the power to legislate on healthcare. The Constitution confers the following rights on individuals – religious freedom, trial by jury and just compensation on government acquisitions.
- **Q What about the bill of rights?**
- A: We don't have a bill of rights in Australia like they do in America. Victoria has a charter of human rights, but the Victorian human rights website makes clear that: "There is no protected attribute in the Equal Opportunity Act that directly protects a person from discrimination on the basis of their vaccination status or their opposition to vaccines."
- A protected attribute is a disability or medical condition. The Equal Opportunity Act states that discrimination will not be against the law if it is authorised by legislation. Which public health orders are.
- **Q What about the Nuremburg principles?**
- A: Domestic law trumps international 'principles.'
- **Q Don't I have a right to refuse vaccination?**
- A: Yes, but the business/others also have the right to be safe and feel safe. These rights can exist at the same time. Government can't force you to be vaccinated, but government can

make it a condition to be vaccinated if you are to do certain work or go certain places.

- **Q: What about that fair work commissioner who was against mandatory vaccination?**
- A: Yes, it was a dissenting judgment of 1/3 commissioners so even though that opinion was publicly made, it was the dissenting (minority) judgment so doesn't hold weight.
- **Lawyers in Australia have crowd funded more than \$1,000,000 over the past 18 months to challenge public health orders. Not one challenge has been successful.**