

Policy on Workplace Vaccination

COSBOA recommends small business people:

1. Strongly encourage their staff obtain a COVID-19 vaccine
2. Create a policy that deals with vaccination and includes provisions like:
 - a. Provide paid personal/ carer's leave to get a vaccine
 - b. Allocate paid personal/ carer's leave for any reactions, and if no entitlement exists, create a provision
 - c. Allow vaccination exemption on a case-by-case basis.

COSBOA's policy position is based on advice from the Australian Government Fair Work Ombudsman and Attorney General that it is unlawful to make vaccination mandatory, except in certain circumstances like aged care and quarantine.¹

Given employers cannot enforce vaccination to make their workers safe, it follows that employers cannot be responsible for liability from COVID-19 arising in the workplace. COSBOA acknowledges employers take all other reasonable steps to mitigate risk according to public health advice. The position also considers Safe Work Australia's advice that employers are protected from litigation if they do everything that is reasonable and lawful to protect the health and safety of their staff.²

COSBOA is calling for greater clarity in the form of a national, consistent policy for mandatory COVID-19 vaccination which would include a framework for medical exemptions.

COSBOA recommends that employers seek to work with their workers to encourage vaccination and that all communications contain four important elements, namely:

- (a) a discussion of why the business believes it is important for staff to receive a vaccine
- (b) if the employer is choosing to offer affordable and meaningful incentives for staff to receive a vaccine
- (c) links to sources of reliable information designed to counter some of the vaccine myths that are circulating in the community, and
- (d) a clear statement that staff are not being forced to receive a vaccine.

[An example of such a communication is available here from one of our members.](#)

¹ Fair Work Ombudsman 2021, *COVID-19 vaccinations and the workplace*. Available here: <https://coronavirus.fairwork.gov.au/coronavirus-and-australian-workplace-laws/covid-19-vaccinations-and-the-workplace>.

² Safe Work Australia 2021, *General industry information: vaccination*. Available here: <https://www.safeworkaustralia.gov.au/covid-19-information-workplaces/industry-information/general-industry-information/vaccination?tab=tab-toc-employer>.