

What are the Health Directions?

The Minister for Health declared a public health emergency on 18 March 2020. The Minister for Health may declare a public health emergency under Section 48 of the *Public and Environmental Health Act 2011* (NT).

During a public health emergency, the Chief Health Officer may take the actions (including issuing health directions) they consider necessary, appropriate, or desirable to alleviate the public health emergency.

Where can I find the Health Directions?

The 'COVID-19 Directions (No.55) 2021: Directions for mandatory vaccination of workers to attend the workplace' can be found here:

https://coronavirus.nt.gov.au/_data/assets/pdf_file/0009/1058346/cho-directions-no55-2021.pdf

What do the Health Directions say?

A person must not attend the workplace if they have not received:

- a) the first dose of an approved COVID-19 vaccine by 13 November 2021; and
- b) two doses of an approved COVID-19 vaccine by 25 December 2021.

If a person does not comply with these Health Directions, they may be issued a fine of approximately \$5,000.

Who do the Health Directions apply to?

The directions apply to the following workers:

- a) A worker who, during the course of work, is likely to come into contact with a vulnerable person;
- b) A worker who is at risk of infection with COVID-19 because the worker, during the course of work, is likely to come into contact with a person or thing that poses a risk of infection;
- c) A worker whose workplace poses a high risk of infection with COVID-19; or
- d) A worker who performs work that is necessary for the operation or maintenance of essential infrastructure or essential logistics in the Territory.

Who is a vulnerable person?

A person is considered to be vulnerable to infection with the COVID-19 if:

- a) The person is under 12 years of age;
- b) The person cannot be vaccinated with an approved COVID-19 vaccine due to a contraindication to all approved COVID-19 vaccines;
- c) The person is an Aboriginal person; or
- d) The person is at risk of severe illness from COVID-19 for medical reasons such as being on immune suppressive therapy after an organ transplant or having chronic kidney, heart, liver or lung disease.

What happens if I have a medical condition that prevents me from getting any COVID-19 vaccines? Can I still go to work?

A person may attend their workplace without being vaccinated with an approved COVID-19 vaccine if the worker has evidence of a 'contraindication' to all approved COVID-19 vaccines.

What is a contra indication?

The Health Directions do not define what a 'contraindication' is. Speak to your GP or medical practitioner for further information.

How do I prove I have a contraindication?

- a) A person must provide one of the following certificates to prove that they have a 'contraindication':
- b) A medical certificate issued by a medical practitioner that certifies that the worker has a contraindication to all approved COVID-19 vaccines.
- c) A certificate issued by the Commonwealth that certifies that the worker has a contraindication to all approved COVID-19 vaccines.

I do not want to get the COVID-19 vaccine. Can I work from home?

The Health Directions do not prevent workers from working from home. A worker who has not received a COVID-19 vaccination can work at a place where the worker during the course of work:

- a) Is not likely to come into contact with a vulnerable person; and
- b) Is not likely to come into contact with a person or thing that poses a risk of infection with COVID-19; and
- c) Is not likely to be exposed to a high risk of infection with COVID-10.

Can I refuse to go to work because a co-worker isn't vaccinated against COVID-19?

- It is unlikely that you can refuse to attend your workplace on the basis that another co-worker has not been vaccinated against Covid-19.
- If you do refuse to attend your workplace because another co-worker is not vaccinated against Covid-19, your employer may be able to direct you to attend your workplace.
- If you have concerns about the safety of the workplace you should raise these concerns with your employer.

Can my employer terminate my employment if I refuse the vaccine?

An employer may take disciplinary action against you if your refusal to receive the vaccine breaches the Health Directions including terminating your employment.

If the Health Directions apply to your employment, your employer may make a reasonable and lawful direction for you to receive an approved COVID-19 vaccination. Failure to comply with this direction may result in termination of your employment.

If the Health Directions apply to your employment, you may be unable to perform the inherent requirements of your job. An inability to perform the inherent requirements of your job may result in termination of your employment.

You should discuss your concerns relating to the vaccine with your employer.

For further information, please call Darwin Community Legal Service on 1800 812 953