



The registered business name of
Independent Contractors Australia
Incorporated Victoria No A0050004U
ABN: 54 403 453 626
www.selfemployedaustralia.com.au
PO Box 13103 Law Courts 8010 Vic

To heads of WorkSafe Authorities
Federal, Queensland, New South Wales, Victoria, ACT,
Tasmania, South Australia, Western Australia, Northern Territory.

13 August 2021

Dear

I write to ask for WorkSafe to urgently clarify its position and disseminate information concerning businesses and other organisations in your jurisdiction mandating COVID-19 vaccinations for their workers once the workers have had the opportunity to be vaccinated. Also, whether workers contravene their duties under work safety laws by attending their workplaces unvaccinated once they have had the option to be vaccinated.

As the responsible government authority with the statutory functions for the operation and administration of work safety laws, including the powers to investigate and prosecute contraventions, it is clearly up to WorkSafe to provide businesses and others with guidance on this matter.

The important questions to be answered by WorkSafe are:

- Firstly, whether or not it considers mandatory vaccination to be a reasonably practicable safety measure for businesses to take in order to comply with their duty to provide and maintain a safe working environment.
- Secondly, once employees have had the opportunity to be vaccinated, do such employees act unreasonably by attending their workplace if unvaccinated and in doing so contravene their obligations under your jurisdiction's work safety laws.

These are not questions that are impacted by the workers' particular work tasks or what a business's undertaking might be. As the last 18 months have taught us, it is abundantly clear that all workplaces, particularly indoor workplaces, are one of the principal environments for the spreading of the COVID-19 virus.

The Australian and state governments and their medical experts say that without a high percentage of the adult population fully vaccinated we will continue to suffer debilitating lockdowns with all the mental and physical health and economic consequences suffered to date.

International border controls, mandatory quarantine and State border lockdowns are only some examples of the many extraordinary and onerous restrictions upon the rights and liberties of all people that governments have implemented with a view to protecting the health, safety and wellbeing of their people from the COVID-19 pandemic.

Government health authorities state that the epidemiological evidence is clear. People who are fully vaccinated are significantly less likely to infect others with the COVID-19 virus.

All of this puts businesses and workers in the invidious position of not knowing what their duties, obligations and rights under work safety laws are in relation to COVID-19 vaccinations.

WorkSafe has a clear obligation to the community as the authority with the power to prosecute businesses and workers in these circumstances, to make its position on these important questions clear and transparent.

To avoid doubt, it is not for WorkSafe to take account of any other possibly conflicting State or national laws when considering its position on these questions. It is for WorkSafe to clearly enunciate and disseminate its position on these questions as it relates work safety law.

I look forward to WorkSafe's urgent responses to these critically important workplace health and safety questions.

With thanks

Ken Phillips
Executive Director