

FACT SHEET

CAN MY EMPLOYER DIRECT ME TO HAVE THE COVID-19 VACCINE?

The following is for information purposes only and should not be relied on as legal advice.

An employee must follow the lawful and reasonable directions of their employer. A refusal to do so may amount to misconduct and be grounds for dismissal.

Under workplace health and safety laws, employers have a responsibility to provide a safe working environment. Also, employees owe a duty to their employer to take reasonable care for their own health and safety and the health and safety of those who may be affected by their acts or omissions in the workplace.

So, is a requirement to have the COVID-19 vaccine, a lawful and reasonable direction?

As at the date of this post, there are no specific laws or public health orders in NSW regarding compulsory COVID-19 workplace vaccinations. Therefore, whether a direction to have the COVID-19 vaccine is lawful and reasonable, must be considered on a case by case basis.

Factors such as the type of work, industry, profession and potential for work health and safety risks, are all relevant considerations. Even within such circumstances, each employee's situation must be considered on a case by case basis. For example, an employee may have a legitimate reason not to be vaccinated, such as a medical condition, or there may be practicable alternatives to vaccination.

Another important consideration is whether COVID-19 vaccination is an inherent requirement of the employee's role. For example, certain types of workers and industries already have established vaccination requirements due to the health and safety risks associated with their work and industry.

Depending upon the circumstances, the dismissal or adverse treatment of an employee, based upon their refusal to have the COVID-19 vaccine, may not be valid or justified.

South West Sydney Legal Centre operates a specialist Employment Law Service. We can advise and assist eligible individuals with a wide range of employment issues. Call us on 9601 7777 Mondays, Tuesdays and Thursdays between 10am and 2pm for free phone legal advice. For more information visit our [SWSLC website](#)

South West Sydney Legal Centre can assist you with any questions or concerns.
Please go to the [Contact section](#) of our website to see the current telephone advice times.