

SPEAKOUT

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SPEECH PATHOLOGY
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Jas (left) and Gemma (right) at the SALT stall on Bundoora campus.

The new Mentor
Match platform

Addressing the
workforce shortage



Speech
Pathology
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VACCINATION RECORD KEEPING REQUIREMENTS

This article focuses on a recent change to vaccination record keeping requirements in Victoria. Please note that the rules and regulations regarding COVID-19 vaccination of health care workers differ from state-to-state.

SPA members should review the specific vaccination rules that apply in their jurisdiction, which can be accessed via the [Fair Work Ombudsman's website](#), or the health department's website of each state or territory.

NEW GOVERNMENT REQUIREMENTS

On 12 July 2023, WorkSafe Victoria released a statement reminding employers that pandemic regulations have now expired regarding the collection, recording, holding and use of COVID-19 vaccination information from specified persons attending a workplace. Employers were given 30 days to destroy these records by 11 August 2023.

However, the destruction of information requirement does not apply to employers that are permitted or required under other laws to collect, use, record, or hold vaccination information.

Also, a person's COVID-19 vaccination status is health information protected by other legislation such as the *Health Records Act 2001 (VIC)*.



MANDATORY VACCINATION OF HEALTHCARE WORKERS IN CERTAIN SETTINGS

Speech pathology services can take place in a variety of workplace settings. Under the *Health Services Amendment (Mandatory Vaccination of Healthcare Workers) Act 2020 (VIC)* healthcare workers in certain settings are required to have seasonal influenza and COVID-19 vaccines. In these cases, the destruction of information requirement does not apply.

Vaccination requirements under the *Mandatory Vaccination of Healthcare Workers Act 2020* apply to current and prospective employees (including contractors, locums and agency workers) and visiting medical officers (VMOs). Students and volunteers are not subject to directions by the Department of Health, however a health service may reasonably require that students and/or volunteers meet vaccination requirements before commencing roles or placements within the setting at their discretion.

All current and prospective healthcare workers covered by the *Mandatory Vaccination of Healthcare Workers Act 2020* must demonstrate evidence of their vaccination or exemption/contraindication to vaccination to their employer.

This vaccination requirement under the *Mandatory Vaccination of Healthcare Workers Act 2020* applies to all healthcare workers in:

- public health services
- public hospitals
- denominational hospitals
- private hospitals and day procedure centres
- ambulance services
- patient transport services that are engaged by a health service or Ambulance Victoria
- residential aged care services operated by a public hospital, public health service or denominational hospital
- Forensicare (influenza vaccine only).

COVID-19 VACCINATION AND RECORD KEEPING IN PRIVATE PRACTICE SETTINGS

In private practice settings, the onus is on the employer to manage infection control and meet their Work, Health & Safety (WHS) obligations. These obligations include protecting your staff from harm and maintaining a COVIDSafe workplace. As a healthcare setting, private practices are still permitted to require COVID-19 vaccination as an infection control measure, and the employer can still retain vaccination records. Best-practice advice is to keep the collection and handling of employees' personal information to a minimum.

COVID-19 vaccination and record keeping should be a component of your existing infection control policy and processes, which should include:

- information about your organisation's vaccination program and implementation plan
- how you manage communications, record keeping and privacy
- your processes for managing scenarios whereby an employee chooses not to be vaccinated
- employer and employee rights and responsibilities.

Practice owners intending to continue requiring COVID-19 vaccination as a condition of employment in their practice should also review their recruitment and onboarding processes, their privacy policy, and all employment agreements.

When reviewing your workplace protocols, make sure you keep in mind student placements, contractors, agency staff, and anyone who attends the workplace.

When COVID-19 vaccination is required by the private practice, these record keeping factors should be considered:

- Any personal information that you collect and maintain must adhere to privacy and anti-discrimination requirements, and be kept secure.

- You don't necessarily need to collect or store workers' personal information in order to validate the vaccination status of your workforce. Instead, for example, you can sight the vaccination evidence and note only the necessary information.
- Only collect, use or distribute the minimum amount of personal information reasonably necessary to maintain a safe workplace and/or comply with any government requirements.
- If vaccination status information is collected, you must advise employees how this information will be handled.

If your private practice does not require your staff to be vaccinated for COVID-19, then you can choose to destroy any previous COVID-19 vaccination records. The destruction of information requirement under the law still does not apply because as a healthcare setting, you are permitted to collect and store those records. However, destroying previous COVID-19 vaccination records may help keep your handling of employees' personal information to a minimum.

The destruction of information requirement does not apply in private practice healthcare settings.

COMMUNICATION AND MENTAL HEALTH SUPPORT WORKER VACCINATION

Any time private practice owners update their policies, employment agreements, or WHS protocols, they should consult with their team and provide ample opportunity for their staff to discuss any concerns.

It is best practice for private practice owners to take a compassionate approach to resolving any employee concerns. Always listen carefully and talk things through. In some instances, you may need to offer extra support services such as an Employee Assistance Program (EAP).

It is always important for speech pathologists and practice owners to understand their workplace rights and obligations. If you have any questions or require more detailed or tailored information, it is advisable to seek professional advice, whether this be through [the WHS authority in your jurisdiction](#), the [Fair Work Ombudsman](#) or an HR consultancy that works closely with the allied health sector such as [WorkPlacePLUS](#).

All SPA members receive special member benefits through WorkPlacePLUS for support with HR and IR issues. For more information, contact Anna on (03) 9492 0958 or visit www.WorkPlacePLUS.com.au.

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