

SPEAKOUT

THE MAGAZINE FOR AUSTRALIAN SPEECH PATHOLOGISTS

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NAVIGATING CHANGES TO VACCINATION ORDERS

Changes have recently been made to Pandemic Orders across various jurisdictions regarding COVID-19 vaccination of health care workers. The rules 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. Current information relating to the vaccination requirements for health professionals is also provided on the [SPA website](#).

It is important to note that speech pathology services can take place in a variety of workplace

settings. For example, speech pathologists might work in education, disability care or aged care settings. There may also be different vaccination requirements that apply between public or private healthcare settings. Practice owners, sole traders, independent contractors and speech pathologists who are employees must take into consideration the pandemic orders that apply to their specific workplace setting.

With vaccination mandates being lifted across a range of industries in most states and territories, the onus is on individual workplaces to manage their vaccination and infection control policies.

MAINTAINING A COVIDSAFE WORKPLACE

Even when public health orders ease, it is important for private practice owners to remember that under Work, Health & Safety (WHS) laws, they still have a duty to protect their staff from harm and maintain a COVIDSafe workplace. The same applies to sole traders, who have a responsibility to ensure their work practices do not cause harm or effect the health and safety of any contractors they engage, their clients or anyone else.

Practice owner and sole trader WHS responsibilities include:

- Having a COVIDSafe plan in place that is regularly updated.
- Implementing infection control measures - COVID-19 vaccination is one the control measures currently available.
- Providing clear direction, guidance, reassurance and support to employees and other key stakeholders.
- Ensuring that workers and other key stakeholders are in good health and do not attend the workplace if they are unwell.
- Notify your health and safety representatives (HSRs) and your workforce of any positive cases of COVID-19 and follow the record keeping, reporting and contact tracing requirements in to your jurisdiction.

Speech pathologists who are employees or independent contractors also have WHS responsibilities:

- Employees and independent contractors have a duty to take reasonable care for their own health and safety and to not adversely affect the health and safety of others.
- Speech pathologists and support staff who are employees must comply with any lawful and reasonable directions by their employers.

All states & territories require or encourage workplaces to have some form of a COVID-safe plan. Even if your private practice has already conducted a risk assessment, practice owners and sole traders should review the risk assessment and implement any control measures each time that there are changes to COVID restrictions, to address any risks.

For example, make sure your policies, procedures and systems address the following concerns:

- Who's in charge of preventing, responding to and reporting a COVID-19 outbreak in my practice?
- Do I have a good emergency plan in place?
- What infection control measures will I implement?
- What does social distancing mean in my practice?
- What forms of contact tracing am I implementing in my practice?
- What is my stance and approach on monitoring COVID-19 vaccination of my staff?
- What privacy, record keeping, and anti-discrimination measures will I implement?
- Am I providing sufficient accessible infection control communications and training to your staff?
- Am I providing sufficient leave entitlements and workplace adjustments to my staff?
- Am I providing sufficient accessible mental health support to my staff e.g. an employee assistance program?



CAN I STILL REQUIRE MY STAFF TO BE VACCINATED?

Where a public health order does not apply, private practice owners need to consider a range of factors, such as their WHS obligations and their workplace environments, to assess whether it is reasonable to continue to require their employees and contractors to receive COVID-19 vaccinations.

Meeting WHS obligations and reducing the risk of potential litigation from either employees or others (e.g. clients, visitors) will be one of the key justifications for practice owners continuing to mandate the COVID-19 vaccine in their workplace, regardless of public health orders.

An increasing number of Australian workplaces across a range of sectors have chosen to implement and maintain mandatory COVID-19 vaccination as a condition of employment (and/or on-site attendance).

The Fair Work Ombudsman advises that this is likely to be considered reasonable in healthcare settings because employees are required to have close contact with people who are particularly vulnerable to the health impacts of COVID-19.

It is also worth noting that on 31 March 2022, the Australian Health Protection Principal Committee (AHPPC) recommended maximising COVID-19 and influenza vaccination uptake and coverage as an important step in providing protection against both severe illness and infection.

Speech pathologists who are employees must comply with any lawful and reasonable directions by their employer. If private practice owners have lawfully mandated COVID-19 vaccination in their workplace, then employees must comply.

Ensuring that a vaccination mandate is lawful may include seeking professional advice and ensuring terms relating to COVID-19 vaccinations are included in employment contracts or agreements.

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.

Anna Pannuzzo
WorkPlacePLUS



REVIEWING YOUR POLICIES, PROCESSES AND AGREEMENTS

A tailored vaccination policy is the appropriate way for private practice owners to establish their approach to COVID-19 vaccination and provide clear guidance to their staff on mitigating the risks of infectious diseases such as influenza and COVID-19.

Your workplace vaccination policy will usually be a component of your existing infection control policy. It should include:

- information about your organisation's vaccination program and implementation plan
- how you will 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 make COVID-19 vaccination 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 contractors, agency staff, volunteers, and anyone who attends the workplace.

Any time that 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.

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