

## **Senate Standing Committees on Education and Employment**

### **QUESTION ON NOTICE** **Date of hearing: 2 May 2023**

**Outcome: Fair Work Ombudsman (FWO)**

**Department of Employment and Workplace Relations Question No. IQ23-000227**

Senator Pauline Hanson on 2 May 2023, Proof Hansard page 36

#### ***Employee death from COVID: if an employer does not mandate vaccination***

##### **Question**

Senator HANSON: If the employer doesn't mandate vaccination for the employees and one of them gets sick with COVID and dies, there's no comeback on the employer whatsoever?

Mrs Volzke: That was certainly one of the issues that was agitated early on in the pandemic, and I think it demonstrates the complexity and intersection of the relevant laws here. It's not just about—

CHAIR: If I can interrupt, there was a question asked by Senator Hanson before, and the Fair Work Ombudsman was answering the question but it went dead at our end, so Hansard wouldn't have picked up the full response. If you're able to take that question on notice and come back with a reply, that would be helpful.

##### **Answer**

**The Fair Work Ombudsman has provided the following response.**

The Fair Work Ombudsman (FWO) is an independent statutory agency that provides education assistance and advice about Australian workplace laws as prescribed by the *Fair Work Act 2009 (Cth)* and, where appropriate, impartially enforces those laws.

Workplace injuries and fatalities are outside the FWO's jurisdiction. Where an employee suffers an injury or dies while at work, employers may have a duty under Commonwealth, state or territory work health and safety laws. Questions relating to an employer's workplace health and safety obligations should be directed to Safe Work Australia or the relevant state or territory work health and safety agency.