

Senate Standing Committees on Education and Employment

QUESTION ON NOTICE Date of hearing: 2 May 2023

Outcome: Workplace Relations

Department of Employment and Workplace Relations Question No. IQ23-000221

Senator Gerard Rennick on 2 May 2023 , Proof Hansard page 13

2 MAY 2023 | DEWR | *Educating Employees*

Question

Ms Huender: The department doesn't have an educational role. Certainly, the department worked with Safe Work Australia and the Fair Work Ombudsman to provide information to employers.

Senator RENNICK: According to your website:
"Skills and training includes initiatives to upskill and train you for the jobs of today and tomorrow through apprenticeships and training."

The government was forcing people to get a vaccine—and you are an arm of the government. I would have thought you would have to uptrain the employers, or the employees for that matter, since you are going along with the notion that people can be mandated, and that they are fully informed with another arm of the government—the immunisation handbook and health department, that says they have to be fully informed. This is coming from employers. What steps were coordinated between government and departments that ensured that the people that they are paid to represent and protect were fully informed about the risks of the vaccine?

Ms Huender: I'm not aware of what has happened in the skills part of the department. I can take that on notice. Certainly, in terms of across government, Safe Work Australia and the Fair Work Ombudsman work closely with the Department of Health and Aged Care around informing employers of their responsibilities in making lawful and reasonable directions.

Answer

The Employment and Workplace Relations portfolio's purpose is to enable access to quality skills, training and employment to support Australians find secure work in fair, productive and safe workplaces – supporting individuals and our nation to prosper.

The Skills and Training group delivers programs that help people develop the skills they need to gain employment and build their careers. The Skills and Training group also works with stakeholders to build strong sustainable skills and training systems to allow Australians to skill and reskill in response to changing technology and workforce needs.

Providing education to workers to inform them of the risks of COVID-19 vaccination is not a core function of the Skills and Training group. However, the department did work with the Fair Work Ombudsman, Safe Work Australia, the Office of the Australian Information Commissioner, and the Australian Human Rights Commission to develop guidance material to clarify the legal framework around vaccination and help businesses and workers make informed decisions about how to approach COVID-19 vaccination in the workplace.

The department also provided updated information and advice on COVID-19 vaccination for its programs, service providers, clients and stakeholders as required to respond to changing circumstances.

The Fair Work Ombudsman provides education, assistance, advice and guidance to employers and workers, including on workplace rights and obligations in relation to COVID-19 vaccinations. More information can be found at:

<https://coronavirus.fairwork.gov.au/>.

Safe Work Australia (SWA) has published industry specific COVID-19 information for businesses, small businesses, and workers on how to manage risks from COVID-19 in the workplace, including information about COVID-19 vaccines. More information can be found at: <https://covid19.swa.gov.au/covid-19-information-workplaces>.

The Australian Government Department of Health is responsible for providing policy advice to the Australian Government on public health matters and delivering related programs. The Department of Health was the lead agency for coordinating and delivering the Australian Government's public health response to the COVID-19 pandemic. As such questions related to the coordination of that response and any public education on the safety of COVID-19 vaccines would be best directed to the Department of Health.

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Senator Malcolm Roberts on 2 May 2023, Proof Hansard page 15

2 MAY 2023 | DEWR | *Impact on employment numbers in aged care*

Question

Senator ROBERTS: I appreciate the promptness. There are currently 9,080 job vacancies, as Senator Hanson said, in Queensland and 43,500 job vacancies nationally, according to your own website, just in aged care. That seems like a hell of a lot. Is it your testimony to the committee that vaccine mandates are not having any negative impact on employment numbers in aged care?

Ms Huender: I would need to take it on notice. As I explained earlier, I understand there is an aged-care workforce shortage. I'm not certain to what extent vaccination has played a role in that, if at all. I was aware there was an aged-care workforce shortage prior to the COVID pandemic as well, so I will need to take that on notice.

Senator ROBERTS: So you need to take it on notice and you cannot answer it now. But I am simply saying: Is it your testimony to this committee that vaccine mandates are not having a negative impact? Can you not answer that question?

Ms Huender: I can't at this point. I would like to have the facts behind me.

Answer

There is no data available which identifies the workforce impacts for the care sector of mandatory vaccine requirements, nor does data exist that would allow for accurate estimation of any workforce impact.

The 2021 *Care Workforce Labour Market Study* undertaken by the former National Skills Commission identified that there are many factors that can influence workforce retention and turnover in the care sector. The study identified that there are a number of aspects of working conditions for the care and support workforce, highlighted by the Aged Care Royal Commission, that can erode job satisfaction and contribute to staff turnover. These include high workloads, work pressures, inadequate staffing and skill mixes, working conditions and arrangements including pay.

The study also identified that the care sector is highly reliant on the flow of skilled migrant workers, with around 30 per cent of workers born overseas. The closing of international borders amid the COVID-19 pandemic was the primary cause of the reduced inflow of migrant workers into the sector during 2020 and 2021.

A 2021 Committee for Economic Development of Australia (CEDA) report, *Duty of Care: Meeting the Aged Care Workforce Challenge*, found that progress in resolving workforce shortages in the care sector are primarily held back by wages, working hours, a lack of career progression, poor workforce training outcomes and negative public perceptions of the industry. A subsequent 2022 update of this CEDA report highlighted increased levels of attrition in the sector, which the report attributed to the amplification of these issues during COVID-19. This 2022 update also cited the impact of COVID-19 outbreaks in aged care facilities, resulting in even more difficult working conditions and staff themselves becoming sick.

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Senator the Hon Matthew Canavan on 2 May 2023, Proof Hansard page 17

2 MAY 2023 | DEWR | Advice from the Department of Health

Question

Senator CANAVAN: I realise I'm going to be out of time, so I'll quickly place something on notice. You said earlier that you rely on the Department of Health or health authorities for advice on these matters. Could you please, on notice, provide us when you received that advice from the Department of Health? Also, I'm keen to understand the first time you received that advice and any subsequent times you received advice on the legality or reasonableness of vaccine mandates from the Department of Health or any other agencies and departments of the Commonwealth government.

Answer

The Australian Government Department of Health and Aged Care (Department of Health) is responsible for providing policy advice to the Australian Government on public health matters and delivering related programs. The Department of Health was the lead agency for coordinating and delivering the Australian Government's public health response to the COVID-19 pandemic.

The Australian Health Protection Principal Committee (AHPPC) is the key decision-making committee for health emergencies. The AHPPC provided official health advice on managing COVID-19 health risks and recommendations to National Cabinet regarding public health order requirements, including vaccine requirements, throughout the pandemic. The first AHPPC statement on the coronavirus pandemic was made on 29 January 2020. The last statement was made on 8 September 2022. The advice provided by the AHPPC is available on its website at: [AHPPC statements | Australian Government Department of Health and Aged Care](#).

The Australian Technical Advisory Group on Immunisation (ATAGI) advises the Minister for Health and Aged Care on the National Immunisation Program (NIP) and other immunisation issues. ATAGI provided official health recommendations on the use of COVID-19 vaccine throughout the COVID-19 pandemic, which are published on its website, at: [Australian Technical Advisory Group on Immunisation \(ATAGI\) | Australian Government Department of Health and Aged Care](#)

During the relevant times, Workplace Relations Legal Division within the Attorney-General's Department considered official health advice provided by the Department of Health throughout the COVID-19 pandemic, in particular the official health advice provided by AHPPC and ATAGI.

In addition, the Australian Government Solicitor provided legal advice to the Workplace Relations Legal Division. The legal advice was provided on the following dates:

- 26 November 2020
- 24 December 2020
- 12 January 2021
- 9 March 2021
- 6 August 2021
- 9 August 2021
- 25 August 2021

We note that Safe Work Australia (SWA) has published industry-specific COVID-19 information for businesses, small businesses, and workers on how to manage risks from COVID-19 in the workplace, including information about COVID-19 vaccines. More information can be found at: <https://covid19.swa.gov.au/covid-19-information-workplaces>.

The Fair Work Ombudsman provides education, assistance, advice and guidance to employers and workers, including on workplace rights and obligations in relation to COVID-19 vaccinations. More information can be found at: <https://coronavirus.fairwork.gov.au/>.