

Demanding Safe Alternatives To Face to Face Activities



If your provider is asking you to attend a face to face:

Provider appointment;

Work for the Dole activity;

Job training or career skills activity;

Job interview

you can **decline to do so** if going would pose a risk to your health through potential exposure to COVID-19 - particularly if you are a person with a disability, are a person who cares for someone with a disability, or you have other risk factors.

If you refuse to attend, your provider may try to give you a demerit point under the Targeted Compliance Framework. Providers are not meant to give demerit points if you have a reasonable excuse for not attending and you let them know about it ahead of time.

To lower your chances of getting a demerit point for refusing to attend, you can call your provider ahead of time and let them know the reason you are refusing

to attend. You may find the scripts on the next page helpful. It refers to the rules providers have to follow when making these decisions.

If the provider imposes a demerit point on you anyway, get in touch with us by emailing advocacy@auwu.org.au (please note that we are not a legal service and are limited to providing general advocacy advice, but we can point you to other specialist organisations and services).

If your provider is telling you **to accept a job offer that would expose you to the risk of COVID** and you or someone you live with has a medical condition that may be aggravated by a COVID infection, you may be able to refuse the job offer as it is not 'suitable work'. However, note that refusing work carries a risk of your payment being cancelled and a 4 week non-payment period being imposed. If this happens to you, you may want to contact our Advocacy Hotline (1800 289 848) and seek free legal advice from your nearest social security rights legal centre.



What to say or write if you are being forced to attend a face to face “mutual obligation”:

I'm calling/emailing to let you know I will not be attending my [activity] on [date] unless it is changed to being online or over the phone. Attending this [activity] in person will expose me to the risk of COVID infection which is particularly dangerous to me due to [choose one that applies:]

- disability
- caring for a person with a disability
- being immunocompromised
- living with someone who is immunocompromised
- being a person on low income (and therefore 4 times more likely to die from a COVID-19 infection, as reported by the Australian Institute of Health and Welfare)

Under the Social Security Guide section 3.11.15, you cannot impose a demerit point on me for not attending a face to face activity without using reasonable excuse principles. An excuse is one that an ordinary member of the community would accept as reasonable in the circumstances. The COVID-19 virus continues to be widespread in the community, causing hundreds of deaths weekly. <If applicable: Because the [activity] has

in the past been conducted over the phone], it is reasonable to ask that we continue to do so in order to protect [my health/the health of people I care for/live with]>.

The latest policy settings announced by the Prime Minister on 30/09/2022 have focussed on protecting people in “at-risk populations”, a group which includes me based on the reasons I have just outlined.

Under the reasonable excuse principles, you must consider my [risk factors] because these affect my ability to comply with the demand that I attend a face-to-face activity and expose myself to the risk of COVID which could be seriously detrimental to my health.

I will not be attending this activity until I am able to do so in a way that is safe and it is not within your powers to impose a demerit for this, as I have a reasonable excuse which I am alerting you to ahead of time.

Having laid out the principle you must abide by, if you insist that I am still required to attend the face-to-face activity, I will report you to the Department of Employment and Workplace Relations.

What to say or write if you are being forced to accept work that would expose you to a risk of COVID

I'm calling/emailing to let you know I will not be accepting the offer of work at [employer] as it is not suitable work according under Social Security Guide Section 3.11.1.20.

This work is unsuitable because it may aggravate [my/family member's/housemate's/person I'm caring for] pre-existing [illness/

disability/injury]. I am attaching medical evidence of this condition in the form of [doctor's reports/scans/test results/other].

Under the Social Security Guide section 3.11.1.20, my decision to not accept unsuitable work cannot be subject to a financial penalty.