

## COVID-19 (Coronavirus)

### Work (Occupational) Health and Safety and Workplace Relations Considerations

In light of the decision by the World Health Organisation on the 11<sup>th</sup> of March 2020 to declare COVID-19, the novel coronavirus, a pandemic (an infectious disease outbreak that spreads on a global scale), this Stop Press has been developed to notify members of some important Work (Occupational), Health and Safety (WHS) and Workplace Relations considerations during this time.

As per the Prime Minister's announcement on Sunday, the 15<sup>th</sup> of March, all international arrivals to Australia will now be required to self-isolate for 14 days. In practice, this means that all staff members who have returned from overseas on or after midnight on Monday, the 16<sup>th</sup> of March will need to self-isolate for 14 days from the time they left an affected area/s.

As part of fulfilling your WHS requirements, it would be appropriate to contact a staff member/s prior to their expected return to work date and confirm that they are aware of their obligation to self-isolate.

#### WHS.

As per Work Health and Safety legislation in normal circumstances, there is an obligation for businesses to do everything reasonably practicable to ensure the health and safety of anyone who enters the workplace (this includes workers, volunteers, customers etc.). This includes limiting the spread of illness (including COVID-19) wherever reasonably possible. Preventative measures to limit the spread of the virus include\*:

- Washing your hands often with soap and water before and after eating as well as after attending the toilet;
- Avoiding contact with others (including touching, kissing, hugging, and other intimate contact); and;
- Coughing or sneezing into your elbow
- Implementing social distancing measures\*\*

\*Information provided by the Department of Health

\*\*Information on social distancing available from the Department of Health at the following address:

<https://www.health.gov.au/sites/default/files/documents/2020/03/coronavirus-covid-19-information-on-social-distancing.pdf>

You should also consider disinfecting items such as communal computers/phones, reception desks, waiting areas etc.

In determining additional appropriate measures intended to fulfil obligations under work health and safety legislation, employers should:

- Engage in consultation with workers to identify potential hazards/risks and establish protocols to follow

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- Implement the agreed-upon measures and ensure there is clear communication (by multiple channels) of the established protocols to all workers
- Keep up to date with the official information released by government sources (e.g. the Fair Work Ombudsman, Safe Work Australia, Department of Health, state/territory health authority etc.)
- Ensure workers are given ongoing access to information released by government sources
- Limit individuals' access to the workplace where non-essential (e.g. consider conducting meetings with external clients by teleconference as opposed to face-to-face)
- Reconsider non-essential business travel
- Defer large staff meetings if possible
- Provide workers with access to support services to address queries or concerns, including employee assistance programs

If an employee is experiencing symptoms that suggest they are unfit for work such as fever, cough, runny nose or shortness of breath OR if they have come in close contact with anyone with these symptoms, it would be prudent to direct them not to attend the workplace and require them to obtain medical clearance from a doctor before returning.

### **Workplace Relations.**

If an employee cannot return from overseas due to travel restrictions or is required to self-isolate after returning from overseas, they should contact their employer immediately. They may take annual leave or leave without pay during this period. If they are unwell or are caring for someone who is unwell during this period, they may take personal/carer's leave.

If an employee wants to self-isolate – but has not been directed to do so (e.g. have not arrived from overseas), they may request to work from home (if feasible), otherwise they will need to apply for annual leave or leave without pay. If the employee is unwell or is caring for someone who is unwell, they may take personal/carer's leave.

If you direct an employee not to attend the workplace to fulfill your WHS requirements (i.e. they have not been directed to self-isolate by a government authority and have not chosen to self-isolate themselves), they will be entitled to normal pay until they receive evidence from a medical practitioner or other relevant authority that they are either fit for work (and therefore return to the workplace), or not fit for work (they then go on personal/carer's leave).

If a school closure results in your employee being forced to stay home to care for their child/children, they will likely be entitled to personal/carers leave for that period if they are a permanent employee.

For employees engaged on a casual basis, who do not have access to paid leave entitlements, the Government has announced measures to provide protections in the event that they need to self-isolate.

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When announcing the recent stimulus package, the Prime Minister confirmed that casual workers who contract COVID-19 and/or are directed to self-isolate may be eligible to receive a Newstart welfare payment. The usual waiting period for these payments will be waived, however, workers will still be subject to an assets test prior to receiving any payment.

For assistance accessing these payments, individuals should contact Centrelink (Services Australia) directly. Centrelink provides information on this matter at the following address:  
<https://www.servicesaustralia.gov.au/individuals/subjects/affected-coronavirus-covid-19>.

In the event that your business is directed to close by a government authority, it is likely that the Stand Down provisions of the Fair Work Act will apply. These provisions generally apply when a business is forced to close for reasons outside the employer's control. Keep in mind, these provisions were primarily designed with natural disasters/extreme weather in mind, but it is highly likely the same will apply if businesses are directed to close due to COVID-19.

As per the stand down provisions, you are not required to pay staff. They can still request to take annual leave or long service leave if applicable. Otherwise it is just leave without pay.

For more information on WHS and workplace relations considerations during this time, contact the PVCA HR Advisory Service on 1800 227 425.

For more information on the coronavirus, call the Public Health Information Line on 1800 004 599.

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