



**COVID AWARE
WORKPLACES**



FACT SHEETS

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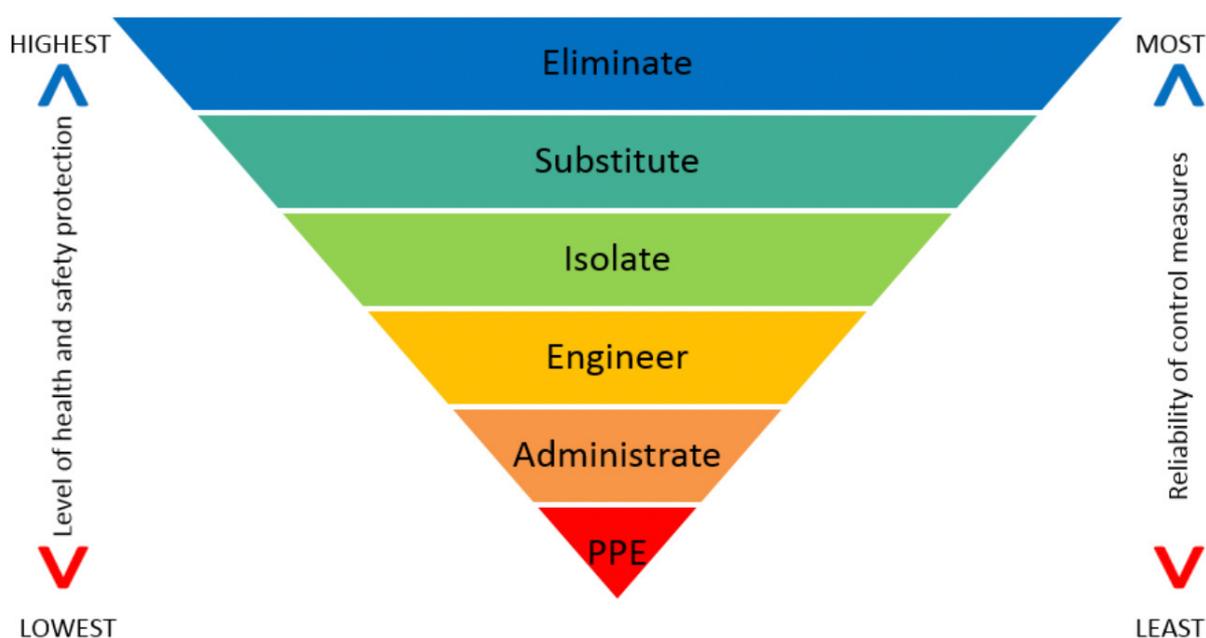
PRIVACY AT WORK



SUPPORTING WORKERS - PAID PANDEMIC LEAVE

COVID-19 is a **health and safety risk**. Employers and other duty holders (such as property managers/ owners) have obligations to ensure the health and safety of workers and others. They **must have a plan** on what will be done to protect and support workers, and health and safety representatives (HSRs) **must be consulted on this plan**.

As with any other risk, employers/PCBUs must consider how to implement the most reliable ways to prevent harm. This should involve the application of the **hierarchy of controls** (refer to the diagram below). The hierarchy of controls requires priority to be placed on the elimination of hazards, or isolation of people from exposure to harm where possible. Lower order administrative controls which focus on individual worker behaviours or the application of PPE should only be applied where higher order controls are not possible or effective.



Applying the hierarchy of controls to COVID-19 may require multiple measures to be implemented in a workplace.

The best risk control measure for preventing exposure to COVID-19 is physical distancing¹, together with other measures, such as providing paid leave to all workers who have reason to believe they have COVID-19.



STAY HOME WHILST SICK

Coronavirus is a highly contagious virus that spreads from people who have mild or even no symptoms of the illness. It is an important work health and safety, as well as public health measure to encourage workers who have been exposed to known cases of coronavirus or are sick to stay home and isolate.

For many workers who have no, or limited access to paid sick leave this will cause significant financial hardship which is likely to act as a disincentive to stay home. The absence of paid leave is a **health and safety risk** that must be managed and controlled.

WHAT IS PAID PANDEMIC LEAVE?

Paid pandemic leave, sometimes referred to as special paid leave or miscellaneous leave, is paid leave available to all workers, whether they be permanent, casual or labour hire who suspect they may have coronavirus (due to experiencing symptoms or close contact with a confirmed case) to isolate, get tested and rehabilitate if positive.

Whilst many Australian businesses and employers have implemented paid pandemic leave there are millions of workers, including over 3 million casual and insecure workers who have no access to any form of paid sick leave. This represents a **significant risk** to these workers, their workmates and the broader community as we face the challenge of guarding against a second wave of infection.

Australian unions have been campaigning for the Federal Government to introduce paid pandemic leave to ensure that no worker is put in a situation where they would be forced to choose between meeting their immediate financial needs and the health and safety of themselves, their workmates and close contacts.

WHAT CAN WORKERS DO?

Workers who do not have paid pandemic leave should work with their workmates, health and safety representatives and their employer to understand how the absence of paid pandemic leave is likely to increase the risk of exposure in their workplace.

Given the significant number of casual and insecure workers that have no paid sick leave workers should join the union campaign to encourage the Federal Government change the law to provide paid leave to these workers to protect the community and ensure that Australia does not experience a second wave of infections like has been seen in other countries. Workers can join the campaign by:

[Signing the petition for special paid leave \(paid pandemic leave\)](#)

[Email Work Health and Safety \(WHS\) Ministers about making workplaces safer](#)



PHYSICAL DISTANCING

COVID-19 is a health and safety risk. Employers have obligations to ensure the health and safety of workers and others. They must have a plan on what will be done to protect and support workers, and health and safety representatives (HSRs) must be consulted on this plan.

There are several factors that make protecting workers from contracting coronavirus and being exposed to SARS-CoV-2, difficult:

- Currently there is no vaccine available, so elimination of the hazard is not possible
- In 50% of cases the virus is transmitted from infected people who have no symptoms i.e. they don't know they are infected
- There is no specific treatment that kills the virus once it is replicating in our bodies
- Whilst many workers will experience mild symptoms, some workers, including more vulnerable workers (such as older workers and workers with pre-existing health issues) may experience more severe symptoms
- A significant number of people become very ill and COVID-19 can be fatal.

Given these factors we need to take a high level of precaution, as people's lives depend on it – an essential precaution is physical distancing.

Employers/PCBUs are legally required to consult with workers and their HSRs when identifying hazards at work and applying and reviewing control measures. Improving methods to prevent the spread of coronavirus will be much more effective when workers and their HSRs are asked for input and those ideas are considered.

THE BEST WAY TO PREVENT HARM

As with any other risk, employers/PCBUs must consider how to implement the most reliable ways to prevent harm. This should involve the application of the hierarchy of controls (diagram below), which requires priority to be placed on the elimination of hazards, or isolation of people from exposure to harm where possible, with lower order administrative controls which focus on individual worker behaviours or the application of PPE, only applied where higher order controls are not possible.

Applying the hierarchy of controls to COVID-19 may require multiple measures to be implemented in a workplace.

Elimination and substitution – are currently not feasible as there is no vaccine for coronavirus.

Isolation – this is where the hazard and workers are isolated from each other. In the case of SARS-COV-2 this is keeping our distance - physical distancing - in time and space. The intent of physical distancing is to limit person to person contact – **1.5 metres between people and if indoors, one person per 4 square metres.**

Working remotely - this may be working from home or working at a different location where there are



fewer people and it is easier to implement the distance of 1.5 metres between people. These options are likely to require the lengthening of time to carry out tasks, e.g. reducing the number of people working on any one task at a time. This will require a clear consideration of increased workload or work intensification.

Physical distancing will not be practicable for many workers, e.g. frontline workers caring or working with people or where task or safety requirements require more than one-person, e.g. equipment operation, confined space entry, working at heights etc. In most of these circumstances, control measures will rely on infection control measures through changing the way people work and the use of personal protective gear.

Paradoxically, some industries and workplaces will need to hire more workers to deal with increased workloads.

Working at a distance - if remote working or working from home is not practicable, the employer / PCBU must take measures to implement physical distancing (to 1.5 metres and, if indoors, 4 square metres per person). Here are some examples to assist when deciding what are the best measures for your work:

- Workstations moved or rearranged to keep people from being closer than 1.5 metres and in enclosed rooms with more than 1 person - every 4 square metres
- Small work teams and limits or restrictions on mixing between teams
- Perform tasks at different times when less people are around. This should be done by agreement with workers as changes to hours or locations could create other hazards, including psychosocial hazards
- Control handovers between shifts to minimise contact
- Divide and separate critical personnel and teams – via location, shift structures or onsite protocols
- Allocate work so that fewer workers are required to be in the one place at the same time
- Minimise and conduct work gatherings outside where people are not expected to be in close contact
- Change the flow or direction of people to decrease contact, e.g. ensure entrances and exits are separate, change how people move around the site
- Limit to one the number of people in vehicles or small spaces – without introducing other safety hazards
- Work at a slower pace so that less workers need to physically interact with each other
- Use technology to decrease contact between workers
- Change the timing and location of breaks to make sure 1.5 metres of separation is achievable. This should be done by agreement with workers. Workers must be given the appropriate breaks as per normal according to awards and enterprise agreements - it is very important not to increase fatigue and other hazards
- Provide room calculators to make it easier to follow the four-square metre rule

Limiting face to face contact is essential in preventing the spread of the virus. Physical distancing by itself will not be enough – a combination of controls is necessary.



Engineering controls:

- Physical barriers to separate people - Perspex barriers can be used to create a physical separation (of course, these will need to be cleaned very regularly)
- Use equipment which increases the distance between people or decreases the time that people must be close together – without introducing other safety hazards
- Improve air circulation – open windows, air-conditioning - increase outdoor intake
- Minimise close contact with colleagues, customers and clients including minimising cash transactions and the need to exchange paperwork and other materials.

Administrative controls:

- Improve and increase cleaning especially of shared areas, facilities like washrooms and meal areas, tools and equipment, all hard surfaces. This should include in between shifts or where new workers are entering an area
- Additional pop-up handwashing stations or facilities, providing soap, water and Health Department approved hand sanitiser in as many spots as possible
- All workers must be given the time and access to the facilities and equipment needed to protect themselves and others.

Personal protective equipment

Depending on the work this will include eye protection, respiratory protection, clothing, gloves etc. Protective equipment must not be shared between people and as much as possible not reused. The Health Department provides advice about workers who need PPE and for what tasks. It is important that PPE is not used unnecessarily as there is currently a global shortage and PPE stockpiles must be managed carefully.

If it is to be reused proper cleaning of PPE to the appropriate standard is essential.

If possible, don't wear work clothes home. Never shake out clothing before placing in the washing machine and use the hot/warm wash cycle. Employers should provide laundering facilities for workers to wash uniforms, especially where close contact with others has occurred in the workplace.

Training and information

For these controls employers/PCBUs have general obligations to train, supervise and provide workers with information to enable working in a healthy and safe manner to prevent the spread of coronavirus and protect everyone from COVID-19.

Workers and their HSRs must be consulted about all measures being taken and HSRs have the right to request a review of risk controls.

REFERENCES

www.actu.org.au/coronavirus

Links to Government advice can be found here:

www.actu.org.au/coronavirus/medical-alerts

www.health.gov.au

www.safeworkaustralia.gov.au



TRANSPORT TO AND FROM WORK

Warning - no changes can be made to start and finish times outside of what is provided for in Award and/or Enterprise Agreements for the workplace or your work.

For staggering of start and finish times

- **Where applicable, penalties rates will apply and**
- **Everyone has the right to refuse unsociable hours.**

Any changes to start and stop times must be discussed with workers and their union delegates and HSRs. Agreements must be reached on the what changes are to be made, for how long and the date for review.

TRANSPORT RISKS

As more people return to work, it will become increasingly difficult to practice physical distancing when travelling to and from work.

Employers need to consult with workers about what agreed measures can be put in place to help prevent the spread or contracting of COVID 19.

In some cases, sites may be able to discuss with local transport providers more suitable timetabling to make it easier to travel outside peak times.

Some measures to consider include:

1. Where practicable and safe, rotate groups of workers so that some are working at home whilst others come to the workplace.
2. For travelling in private vehicles:
 - Avoid car-pooling when coming to and from work
 - Encourage people to sit as far apart as possible in vehicles
 - Encourage cleaning and wiping down all interior touch points inside vehicles before and after travelling
 - Put in place arrangements that eliminates or reduces the need for workers to travel together in vehicles.
 - Limit passengers in vehicles



3. Public transport:

- Offer staggered work times to be able to avoid peak hour – however, this must be done in accordance with arrangements for working hours [see above]
- Encourage commuters to practise good hand and respiratory hygiene
- Hand washing facilities and/or hand sanitisers need to be available at every entry and exit point

4. Building entry and exit

- Continue to allow remote working where practical and safe
- Control entry numbers to buildings by considering staggered start and finish times (as per relevant industrial agreements and in consultation with affected workers)
- Provide bins with lids, for tissues etc at every building entry and exit point.
- Review end of trip facilities and provide additional cleaning. Many workers may choose to cycle or walk to work to avoid public transport. Building owners and managers should consider additional measures to encourage this and minimise 'end of trip' risks.

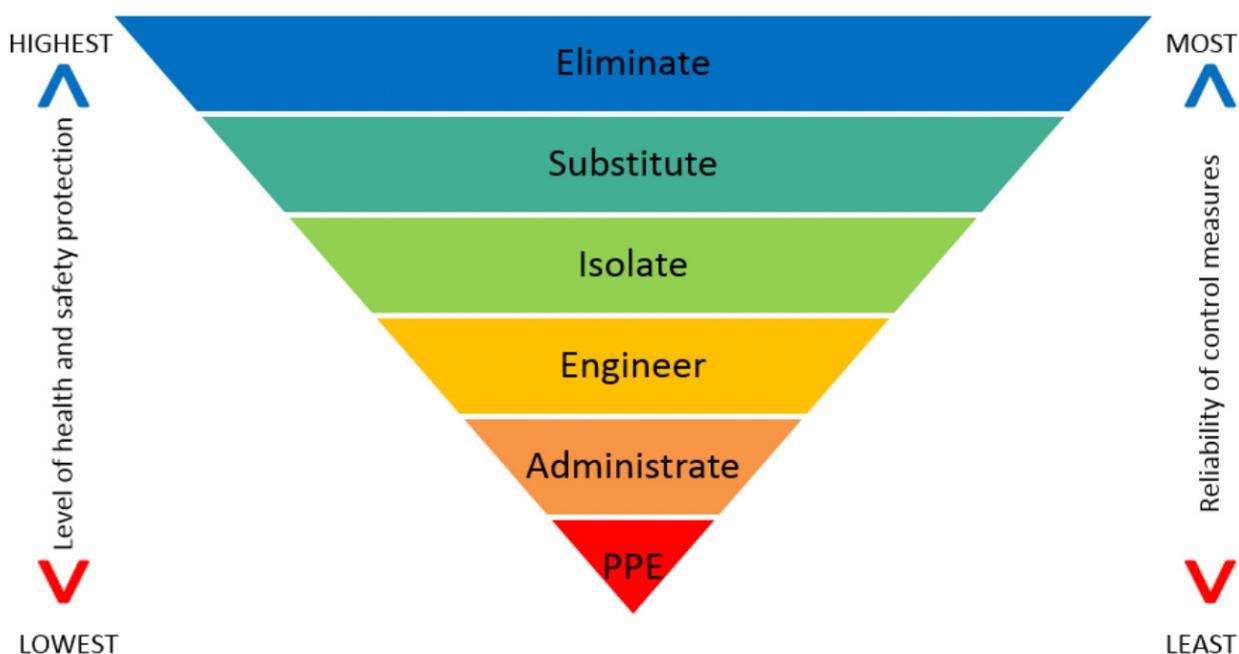
If people are healthy the Australian Health Authorities have not endorsed the wearing of face masks, except for high risk settings such as health care.



WORKPLACE CLEANLINESS AND HYGIENE

COVID-19 is a **health and safety risk**. Employers and other duty holders (such as property managers/ owners) have obligations to ensure the health and safety of workers and others. They **must have a plan** on what will be done to protect and support workers, and health and safety representatives (HSRs) **must be consulted on this plan**.

As with any other risk, employers/PCBUs must consider how to implement the most reliable ways to prevent harm. This should involve the application of the **hierarchy of controls** (refer to the diagram below). The hierarchy of controls requires priority to be placed on the elimination of hazards, or isolation of people from exposure to harm where possible. Lower order administrative controls which focus on individual worker behaviours or the application of PPE should only be applied where higher order controls are not possible or effective.



Applying the hierarchy of controls to COVID-19 may require multiple measures to be implemented in a workplace.



The best risk control measure for preventing exposure to COVID-19 is physical distancing¹, together with other measures, such as cleaning and improved hygiene.

Cleaning is important as the virus which causes COVID-19 can survive on hard surfaces for a few days. The virus is then transferred from a person's hands to their face and it is then breathed in.

Removal of the virus that causes COVID-19 requires thorough **cleaning** followed by **disinfection**.

The mechanical process of cleaning removes dirt and grime. This needs to be done with a detergent solution (as per manufacturer's instructions). Detergent-impregnated wipes may be used but should not be used as a replacement for the mechanical cleaning process.

Following cleaning with detergents, disinfectants are used to kill the virus. Disinfectant may not kill the virus if the surface has not been cleaned with detergent first.

There are very clear guidelines for cleaning in health settings which can be accessed by [clicking here](#).

Safe Work Australia information adapts that information for workplaces and what cleaning to do if there is a suspected or confirmed case of COVID 19. [Click here](#) to access guidance which will help determine the appropriate level of cleaning.

WHERE TO CLEAN

This information is to assist workers and HSRs, when consulting with employers/PCBUs about what areas need to be cleaned.

Routinely clean frequently touched hard surfaces – these are a few examples to prompt thinking about which surfaces are most commonly touched in your workplace:

- door handles, handrails, trolleys
- light switches
- bench, desk and tabletops
- frequently touched handles on machinery, tools and equipment
- steering wheels, control panels
- washing facilities, taps.

Workplaces should clean surfaces at least daily or in between changes of shift or when new workers are entering other areas or using shared equipment or furniture; once clean, surfaces should be disinfected regularly. The disinfectant used should be one for which the manufacturer claims antiviral activity,

meaning it can kill the virus (such as chlorine-based disinfectants). At least 10 minutes contact time is required to kill viruses.

¹ [Click here](#) to view the ACTU's Coronavirus (COVID-19) advice on physical distancing.



Cleaning of facilities, such as tabletops and meal areas should occur after meal and break times. Areas where there is lots of pedestrian traffic or places where members of the public attend should be cleaned more regularly.

For many hard surfaces such as tool handles, the use of alcohol-based wipes before and after use will decrease the chances of contamination.

Alcohol-based hand sanitizer stations should be available throughout the site and workers should be given time and access to handwashing facilities. This encourages good hand hygiene.

HAND HYGIENE

Soap and water are the most effective method of removing the virus from our hands. The soap breaks the outer layer of the virus. Wash for 20 seconds. Alcohol-based hand sanitizer can be used at other times (e.g. when hands have been contaminated from contact with surfaces). Cleaning hands also helps to reduce environmental contamination.

PERSONAL PROTECTIVE EQUIPMENT

Depending upon the work this may include eye protection, respiratory protection, clothing, gloves etc. Protective equipment must be cleaned between uses and must not be shared. If it is to be reused proper cleaning is essential.

Remember: cleaning is one of the control measures that must be used but it must be accompanied by measures that implement physical distancing and improved hygiene.



SAFETY GEAR (PPE)

Many jobs require the use of safety gear/personal protective equipment. To prevent the spread of COVID 19 increased cleaning and attention to proper fit, storage in cleaned environments is even more important

In other settings there will be an increased need to use additional PPE. PCBU's (Persons Conducting a Business or Undertaking)/employers need to check public health advice on what is appropriate.

Remember: PPE cannot take the place of other, more effective control and preventative measures. In some settings, like health etc, gloves are essential. But gloves are generally not required for general infection prevention and control and are not a substitute for hand hygiene.

When using PPE to prevent the spread or contracting COVID 19, the personal protective equipment must be:

- clean and hygienic and in good working order;
- suitable to minimise risks of transmission of infectious agents having regard to the nature of the work and any hazard associated with the work; and
- a suitable size and fit and reasonably comfortable for the worker who is to use or wear it; and
- maintained, repaired or replaced so that it continues to minimise risk to the worker who uses it.

Note: The use of PPE may create additional hazards and risks that need to be considered and controlled.

Workers who use the PPE must be given with information, training and instruction in the proper use and wearing of personal protective equipment, and the storage and maintenance of personal protective equipment.

Some simple questions are – note, these apply to all PPE :

- Has the correct PPE been identified based on the hazard and worker work activity?
- Are workers trained in the correct fitting, use, removal, cleaning, storing and disposal of PPE?
Remember: if the PPE doesn't fit it doesn't protect the worker.
- Is there a sufficient supply of relevant PPE required to allow a safe return to work?
- Has the PCBU/employer identified, selected and sourced the PPE needed and arranged enough supplies of it?
- What are the arrangements for the cleaning, inspection, maintenance and disposal of PPE, where appropriate?
- Have workers been given information and instruction about all of the above?



MENTAL HEALTH

The COVID-19 pandemic has forced workers to rapidly adjust to new working environments and conditions, in particular, working from home. This has meant that workers, their representatives and employers have had to work together to transition quickly to new work from home arrangements. Consequently, major changes to the work environment and the way work is performed have increased the potential risks to workers' health and safety.

Working from home in the current context of COVID-19 will be a very new and difficult experience for most workers. Some will be working in environments which are not conducive to working productively and others will be juggling multiple roles within the household, like caring for children or sick relatives. For some workers, including those living with family and domestic violence, home may not be a safe or healthy working environment. It is also important that employers adopt and clearly communicate reasonable and realistic expectations around productivity and performance in these changed circumstances to alleviate any anxieties that workers may be feeling. In the event that it is not possible to make work safe and healthy at home, an alternative work environment must be provided so far as reasonably practicable.

Employers have a duty to ensure the health and safety of employees including their psychological health. This duty extends to work that is being conducted remotely or from home. Employers must take a systematic, consultative approach to identifying and managing health and safety risks related to working from home – both physical and psychological. Physical and psychological health and safety is interrelated. Failure to effectively manage work-related psychological health and safety can lead to both psychological and physical injuries. Similarly, failure to effectively manage physical health and safety can lead to psychological injury.

RISKS TO PSYCHOLOGICAL HEALTH AND SAFETY

Hazards that present particular risks to psychological health and safety while working from home may include, but are not limited to:

- Increased workload and work demands
- Low job control, isolated work
- Role ambiguity
- Long working hours
- Fatigue
- Increased work-related stress
- Increased emotional effort in responding to stressful situations



- Lack of adequate tools or resources
- Poor communication and management of change
- Increased exposure to violence and harassment¹

MANAGEMENT OF RISKS

In consultation with workers, their unions and health and safety representatives (HSRs), employers must develop a plan to eliminate or minimise risks to the psychological health and safety of workers who are working from home. This plan must:

1. Identify what risks to the psychological health and safety of workers exist and which workers are affected;
2. Assess those risks, including their likelihood and potential to harm workers' psychological health and safety;
3. Implement controls that eliminate or minimise the risks so far as reasonably practicable; and
4. Monitor and review the implemented controls.

This approach requires full cooperation of employers, HSRs, workers and their unions - it is essential that everyone feels supported to report and discuss health and safety issues while working from home.

MANAGEMENT OF RISKS – WORKING FROM HOME

The ACTU has released guidance for workers and unions which provides general advice on what can be done to ensure that employers are managing risks to working from home². Ways in which employers should manage risks to psychological health and safety can include:

- Discussion and agreement with workers in terms of how work and performance will be managed, expectations communicated and how development, progression, reward and recognition needs will be met.
- Acknowledging that work is being performed during a crisis; employers should alleviate workers concerns about meeting unrealistic performance expectations during this difficult time.
- Regular check-ins with workers to find out how they are coping with work and any new arrangements and determine any support required.
- Discussion and agreement on setting clear boundaries with workers in relation to start and finish times and breaks.
- Provision of advice and training to guide workers on how to make their working environment healthy and safe.
- A plan to communicate with and keep workers updated while they are working from home.

¹ ACTU - [CORONAVIRUS \(COVID-19\): PSYCHOLOGICAL HEALTH AND SAFETY AT WORK](#)

² [ACTU - Coronavirus workplace checklist](#)



- An adequate procedure in place for workers to report risks to health and safety or if they are injured or ill.

Guidance material has also been published by most regulators which outlines measures which employers should be taking to protect workers psychological health at home. Particular control measures which could also be considered include:

- Individual agreements between workers and the employer about the type of work that can be performed safely at home, resources and support required and the design of the new working arrangements³.
- Allowing workers additional autonomy and control over how they perform their duties at home⁴.
- Making sure that the employee assistance program (EAP) can be accessed and is regularly communicated to workers⁵.
- Providing workers with assistance in terms of transiting required resources from the workplace to the worker's home. For example, chairs and other ergonomic equipment which support concentration, reduce fatigue and risk of physical injury and encourage motivation⁶.

MANAGEMENT OF RISKS — VIOLENCE AND HARASSMENT, INCLUDING FAMILY AND DOMESTIC VIOLENCE

For some workers, physically attending a workplace limits their exposure to family and domestic violence, as well as providing economic security and access to support networks. The evidence is clear that work and financial security is a crucial factor in supporting people to leave and recover from family and domestic violence⁷. For some workers, COVID-19 will mean more time in unsafe home environments, either through a requirement to work from home and/or reduced working hours. In this situation, risks to workers psychological and physical health and safety can be minimised by:

- Consulting with workers regularly about their health and safety needs while working from home, including ensuring adequate access to HSRs and other union representatives.
- Offering and widely communicating the availability of entitlements such as paid family and domestic violence leave to attend appointments or make arrangements to leave an unsafe home situation, flexible work arrangements and other entitlements which support workers experiencing family and domestic violence⁸.
- Ensuring that online or telephone discussions about risks of family and domestic violence are conducted confidentially and safely.

3 WorkCover Queensland - [health and safety for telecommuters](#)

4 WorkSafe Victoria - [minimising the spread of coronavirus \(COVID-19\): Working from home](#)

5 WorkSafe Victoria - [minimising the spread of coronavirus \(COVID-19\): Working from home](#)

6 Coronavirus: ATO should pay to create safe home work environments, says union

7 See for example Cortis N & Bullen J (2015), Building effective policies and services to promote women's economic security following domestic violence: state of knowledge paper, Australia's National Research Organisation for Women's Safety, Landscapes, Issue 07, August at pp 2 and 8; and Victorian Royal Commission into Family Violence Report, Volume IV, Chapter 21 'Financial Security', 93

8 Fair Work Ombudsman - [Employer Guide to Family and Domestic Violence](#)



- Considering the provision of security devices for all workers that can be triggered in the event of an emergency.
- Providing referrals to appropriate counselling, legal, health, financial and other family and domestic violence support services.
- Providing a safe, secure and accessible reporting mechanism, including nominated contact officers with adequate training and skills.

Prior to the onset of the COVID-19 pandemic, it was accepted that family and domestic violence is a workplace issue with a real and tangible impact on workers and employers. As result, the majority of Australian employers now provide some kind of support for workers experiencing family and domestic violence. However, only 30 percent provide access to paid leave, leaving too many workers with the impossible choice between their safety and their paycheck. The increased requirement to work from home and reduced financial security caused by COVID-19 has greatly increased the risk of family and domestic violence. This has a significant impact on workers, and consequently, increased the need for employers to assess these issues and take reasonable steps to keep workers safe.

MANAGEMENT OF RISKS — REVIEW AND EVALUATION

Managing risks to workers health and safety in the home context will be uncharted territory for many employers and workers. This is why it is more important than ever to review any new arrangements to make sure that they are keeping workers safe from harm. The best way to review and assess arrangements is for employers to consult with workers, HSRs and their unions. This can be facilitated in many ways, even when working from home and social distancing arrangements are in place:

- Provide HSRs and unions with the resources and time to consult with workers. This includes providing a phone or computer, if appropriate, and providing them with paid time to have these conversations.
- Train HSRs on how to use data collection tools, such as online surveys.
- Collaborate with HSRs to develop data collection tools and agree on a plan to gather responses from workers who are at home.
- If an HSR has not completed paid training, arrange to enroll them in a mutually agreed course that is available online.
- Always facilitate communication between the HSR and workers working from home and encourage workers to contact them if there is an issue.
- Ask the EAP provider to report on the enquiries that have been made. Most providers will be able to provide the number of sessions accessed and the trends in enquiries.

Properly reviewing and evaluating risk control measures requires full cooperation of employers, HSRs, workers and their unions. It is essential that everyone feels supported to provide feedback, speak up and participate in the process.



CONSULTING WORKERS

CONSULTING WORKERS AND HEALTH AND SAFETY REPRESENTATIVES (HSRS)—WHAT CAN YOU DO?

Health and safety law requires a Person Conducting a Business or Undertaking (PCBU)/employer to consult with workers and their HSRs about matters relating to health and safety. Just about everything at work can influence health and safety, e.g. change in workplace layout, introduction of a new production line, change to safe working procedures, changes in rosters or staff levels etc. There is an obligation to “consult” on all these types of matters.

Health and safety law is based around the assumption that communication and consultation are essential to improving working conditions. Everyone has a contribution to make. As a representative of the work group, HSRs need to be talking with members of the work group about their health and safety concerns.

WHAT IS CONSULTATION?

Consultation under health and safety law is quite different to the sometimes “vague” approach to consultation practiced by some managers.

Health and safety law sets out:

- When consultation must happen
- What is consultation
- Who is involved
- The steps required.

WHEN CONSULTATION MUST HAPPEN

The law says that managers must consult with workers and their HSRs whenever:

- Identifying hazards and assessing risks
- Making decisions about what to do about risks
- Making decisions about facilities at work
- Proposing changes that may affect health and safety
- Making decisions about resolving health and safety issues, monitoring the health of workers or conditions at work.



That's a big list – it means that management has an obligation to consult for nearly every change of this type that happens at work.

THE MEANING OF CONSULTATION

Consultation requires the sharing of ideas and taking those ideas and/or suggestions into account when making decisions. So, consultation is more than talking to workers. It is not enough for management to talk to HSRs and workers about “what” they are doing – that is an exchange of information – it is not consultation. It is also not just providing draft documents for feedback because this can narrow the options for dealing with health and safety issues and input from workers.

SUMMARY OF HSRS POWERS AND RIGHTS

There are small differences between states and territories, but the basics are the same.

Training

- Attendance at an approved HSR training course – some unions are approved to conduct training
- The training course is to be chosen by the HSR, in consultation with the PCBU/employer
- Paid leave to attend training.

Information and consultation:

- Enquire into any health and safety risk
- Receive information concerning hazards
- Be consulted on issues affecting health and safety of work group members.

Actions HSR can take:

- Inspect where your work group members work, immediately in case of an immediate risk or incident
- Inspect where your work group members work, at any time after giving reasonable notice
- Investigate complaints
- Monitor what the PCBU/employer has done on health and safety
- Accompany an Inspector
- Be present at an interview with an Inspector or employer and workers (you need the consent of all the workers involved)
- Request the establishment of a Health and Safety Committee
- Represent members of another work group if there is a serious risk



- Represent members of another work group if you are asked and the HSR for that work group is absent.

Actions HSRs can take if risks aren't controlled:

- Request a review of risk control measures if: –
- the control measures are not working –
- before a change that is likely to create a new/different risk –
- a new risk/hazard has been identified or –
- consultation indicates a review of risk controls is needed.

Issue a Provisional Improvement Notice (PIN) requiring the PCBU/employer to take certain actions. HSRs must have consulted with the PCBU/employer about the health and safety issue. Under Work Health and Safety (WHS) law this right exists only after the HSR has attended an approved training course. So, training is essential. In Victoria HSRs have this right as soon as they are elected, regardless of whether they have been trained.

Direct that unsafe work stops until it is safe — if there is an imminent or immediate risk to health and safety, a HSR can direct work to cease. Under WHS law this right exists only after the HSR has attended an approved training course. So, training is essential. Again, Victorian HSRs have this right as soon as they are elected.



WORKERS COMPENSATION AND CORONAVIRUS

Disclaimer – This is general guidance only. You should seek advice from your union on your specific industry and circumstances. Applicable enterprise agreements, awards, employment contracts or workplace policies may have more generous conditions for injured and ill workers.

Injured or ill workers can apply for workers compensation payments to cover lost wages and medical and rehabilitation expenses, if their illness or injury occurred in the course of their employment.

Eligibility for workers compensation depends on the way in which the scheme in your state or territory defines an eligible worker, a work-related injury or illness, and the required connection between the injury or illness and your work. In all jurisdictions, work must be a 'substantial' or 'significant' contributing factor to the injury or illness.

Workers who are exposed to COVID-19 at work and subsequently contract the virus will have an entitlement to claim lost wages and medical expenses arising from the illness. Each claim will be considered on its individual merits, and given the potential difficulty in tracing exposure of COVID-19, it is important that you report any potential exposure as soon as it occurs.

You may be required to obtain a medical opinion that the illness or injury occurred in the course of employment. You should seek advice from your union if you intend to make a workers' compensation claim arising from COVID-19.

INFECTION RISKS AT WORK

Significant risks of infection at work include:

- Close contact with a confirmed or suspected case of COVID-19, or something they have touched
- Failure of measures to increase physical distancing
- Breaches of infection control measures, such as cleaning of surfaces that people are in contact with e.g. reception desks, meal tables, kitchen areas etc and easy access to soap and water
- Inadequate Personal Protective Equipment

WHO CAN APPLY FOR WORKERS COMPENSATION?

Workers who contract COVID-19 and have been exposed to a confirmed case of COVID-19 at work should apply for workers compensation.

Workers who contract COVID-19 and who are engaged in work with significant opportunities for exposure (for example, teachers, child-care workers, retail workers, cleaners, healthcare and



community sector workers) can also consider applying for workers compensation, even if they have not to their knowledge been exposed to a confirmed case at work.

PSYCHOSOCIAL RISKS AT WORK

For many front-line workers, the COVID-19 pandemic will already have significantly increased the risk of some workers experiencing greater occupational violence and harassment at work, for example in retail, transport and healthcare. These are already high-risk industries for occupational violence and harassment, and the virus will have exacerbated these risks.

For workers who have regular physical contact with people as an inherent part of their job, inadequate infection control measures may cause them serious anxiety. Workers who work with groups of people indoors are at higher risk than the general population.

Employers must take all reasonably practicable measures to protect workers from experiencing physical or psychological harm as a result of increased psychosocial risks arising from COVID-19.

Workers who suffer a physical or psychological injury at work as a result of psychosocial risks related to COVID-19 can consider making a claim for workers compensation.

WORKING FROM HOME

Health and safety laws apply to working from home as well. If you become ill or injured as a result of COVID-19 in the course of working from home, you should seek medical advice and consider making a claim if work is a significant or substantial cause of your illness or injury.

In the case of COVID-19 exposure in a home office environment, you should contact your union for advice. These are emerging issues and are yet to be tested in the workers compensation system.

TO MAKE A CLAIM FOR WORKERS COMPENSATION FOLLOW THESE BASIC STEPS:

1. Notify your employer in writing via accident book or email or other means as soon as you become ill or have been diagnosed.
2. Visit your doctor, **not the company doctor**. You have a right to visit the doctor of your choice. Tell your work history to the doctor. Obtain a medical certificate. Your employer is not entitled to come to this appointment and it is advised that if you would like a support person with you that you should bring a friend or family member (subject to appropriate protections relating to COVID-19).
3. If your employer or their representatives insist that you must attend their doctor, it is essential you get that request in writing. Inform your employer that you are getting advice. Contact your union.
4. Do not let an employer representative attend your medical appointment. Medical



- appointments are private. If a case conference is organised, then speak to your union and make sure you have a support person or representative with you, always.
5. Get your doctor to fill out the workers compensation forms if applicable in your state or territory. (see links below)
 6. Fill out your section and provide the completed claim form to your employer along with any medical certificate. This can be provided by email.
 7. If your employer refuses to or delays in notifying the insurer, then do it yourself. Your union may assist in this. Some states and territories have online notification/reporting systems.
 8. Keep copies of everything, including details of:
 - a. when and how you believe you were exposed,
 - b. your symptoms and when you started experiencing them,
 - c. when you told your employer,
 - d. when you visited the doctor,
 - e. when your employer or their insurer spoke with you – either in person or over the phone.
 9. Speak to your union delegate. Never meet with anybody without your delegate and request all questions be in writing.
 10. If there is a case of COVID-19 at work the Health Department may ask you to provide details of who you have been in contact with. Follow their instructions. If you contract COVID-19 your privacy may not be guaranteed as contacts will need to be followed up by the Health Department.

SEE ALERTS FOR FURTHER INFORMATION ABOUT COVID-19

Remember: if you are unsure --- ask for help. Talk to your delegate or union.

[Comcare: Coronavirus \(COVID-19\)](#)

[Queensland: Novel coronavirus \(COVID-19\) FAQs](#)

[Western Australia: COVID-19 Coverage of Injury & Disease](#)

[Victoria: WorkSafe Claims Process for Workers](#)

[New South Wales: Workers Compensation](#)

[South Australia: Report an Injury or Make a Claim](#)

[Northern Territory: WorkSafe Information for Workers](#)

[Tasmania: WorkSafe COVID-19 Workers Compensation](#)

[Australian Capital Territory: Access Canberra Workers Compensation](#)



PRIVACY AT WORK

The COVID-19 pandemic is presenting a range of privacy challenges at work. Health information about a worker can be particularly sensitive and must be handled appropriately by employers. However, privacy laws do not prohibit the collection, use and disclosure of health information to the extent that it is necessary to prevent and manage COVID-19 risks at work.

It is crucial for employers to have clear workplace policies and processes which ensure that personal and health information is only collected when necessary, stored securely, and used or disclosed only for lawful and proper purposes, including to ensure the health and safety of workers and others. Policies should also consider and assess any privacy issues arising from changed working arrangements.

PRIVACY LAWS

Employers collect, disclose, use and store personal and health information about employees frequently for many different purposes. Privacy obligations vary depending on whether the employer is public or private and the jurisdiction the employer is in.¹

Generally, employers are obliged not to use or disclose personal or health information other than for the purpose it was collected, unless the consent of the worker is provided. Even if consent is not provided, there are exemptions allowing use or disclosure in certain limited circumstances – for example, to prevent imminent harm to someone.

‘Personal information’ is defined by the *Privacy Act* as information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether true or not, and whether written or not. ‘Health information’ is a subset of personal information, and is defined as information or an opinion about an individual’s health (including an illness, disability or injury) at any point in time; or an individual’s expressed wishes about the future provision of health services, or a health service provided, or to be provided, to an individual.

‘Use’ and ‘disclosure’ of information are not the same thing. An entity ‘uses’ information when it handles information *within* the entity but retains effective control over the information. For example, a manager sharing information with a payroll staff member to ensure payment of an entitlement to an employee.

¹ The Commonwealth Privacy Act 1988 sets out standards for the handling, holding, use, accessing and correction of personal information. The Privacy Act does not cover businesses with a turnover of less than \$3 million, or apply to private sector employers’ handling of employee records directly related to the employment relationship. However, State privacy laws may still apply to employee records notwithstanding these exemptions. For example, the Health Records Act 2001 (Vic) applies to private sector organisations that handle employees’ health information. For these reasons it is essential to obtain a commitment that any health information is not stored on employee records.



An entity 'discloses' personal information when it makes it accessible to others outside the entity and releases the subsequent handling of the information from its effective control. For example, a HR person sharing information about an employee with a person or body external to the organisation.

WORK HEALTH AND SAFETY OBLIGATIONS

Employers have a general obligation to ensure the health and safety of workers and others, so far as reasonably practicable. This means employers must take all reasonable steps to limit the work-related spread of COVID-19. In order to take such steps, employers may need to collect information from workers and visitors about their potential exposure to COVID-19 in order to identify, assess and control risks of infection.

WHS laws include a specific obligation to provide 'any information necessary' to protect all persons (including workers and others, such as visitors) from risks to their health and safety arising from work.² In addition, employers must consult, confer and provide access to information to HSRs relating to the health and safety of the workers in the HSR's work group.³ An employer can provide an HSR with access to personal or medical information concerning a worker only with a worker's consent, unless the information does not identify the worker and could not reasonably be expected to lead to the identification of the worker.⁴

WHAT INFORMATION CAN OR SHOULD AN EMPLOYER COLLECT IN RELATION TO COVID-19?

Employers can collect information that is reasonably necessary to meet their obligations under WHS laws to identify risk and implement appropriate controls to prevent or manage COVID-19 in line with Department of Health guidelines. This could include collecting information from workers and visitors about close contact with confirmed or potential cases, or recent overseas travel.

WHAT INFORMATION CAN OR SHOULD AN EMPLOYER USE OR DISCLOSE?

In order to comply with privacy laws, personal and health information should only be used or disclosed by employers on a 'need-to-know' basis. Employers should collect, use or disclose only the minimum amount of personal or health information reasonably necessary to prevent or manage COVID-19. Workers and HSRs need to be advised of how the employer will handle personal or health information in responding to any potential or actual case of COVID-19. This means employers must have clear processes and designated staff members with responsibility for handling these matters, and secure information storage methods.

² Model WHS Act, s 19(3)(f)

³ Model WHS Act, s 70(1)(c)

⁴ Model WHS Act s 71(2)



COVID AWARE WORKPLACES



If a worker is confirmed to have COVID-19, employers must ensure the worker is supported not to return to work while they are infectious. Notification should be made to, and guidance sought from, the relevant Health Department and WHS regulator in their jurisdiction. It may be necessary to share the identity of the worker with others at the workplace in order to identify those who have had close contact with a confirmed case.

HSRs should be notified of the existence of a confirmed case and consulted on appropriate control measures. In order to comply with privacy obligations, a confirmed case's identity should be shared with others strictly on a 'need to know' basis, even if consent has been provided by the worker. This is particularly important because discrimination, harassment and abuse has been targeted at those who have contracted coronavirus. This may undermine the health and safety of the worker in question as well as HSR and employer efforts to effectively manage the situation.