

Health and safety during COVID-19

The COVID-19 pandemic continues to present unprecedented occupational health and safety challenges, some of which are unique to school settings.

As always, the fundamental key OHS principle is that employers have a legal responsibility to do whatever is practicable to ensure the health and safety of staff.

The Victorian Occupational Health and Safety Act 2004 states that every employer has a duty to:

- a) *Eliminate risks to health and safety so far as reasonably practicable; and*
- b) *If it is not reasonably practicable to eliminate risks to health and safety, to reduce those risks so far as is reasonably practicable.*

Given the nature of viral transmission, minimising attendance on school campuses within the area covered by Stage 3 Restrictions is the most effective way to reduce risk to staff and students. Student attendance has been reduced by the reintroduction of remote learning for most year levels, but to meet their obligations under the OHS Act, employers should also seek to minimise staff attendance at the workplace.

For teachers delivering a remote and flexible program and for other staff who can perform their duties remotely, the highest level of protection is to work from home during periods when they are not required to physically supervise students. Many schools have already implemented rosters to accommodate this.

Other staff, including those teaching in-person senior classes, those running supervision programs, and those physically required for the running and maintenance of the school cannot practically do this work remotely. Employers have a duty to reduce risk to these workers by providing the next highest levels of protection for them: appropriate physical distancing, followed by hygiene controls and information about how to work safely in that environment. Physical distancing is most effectively achieved through the removal of as many other people from the workplace as possible – so employers should be ensuring that staff who can perform their work from home do so.

Requiring all employees to attend for duty at their school in accordance with normal arrangements poses an unnecessary risk to employees and is a potential breach of the Occupational Health and Safety Act 2004.

What can schools do?

The Department of Education advice and the Catholic Education Commission of Victoria School Operations Guide expressly permit principals of government and Catholic schools to make decisions around staffing, including permitting staff to work from home. Employers in independent schools have even more autonomy to make appropriate decisions around the minimisation of in-person attendance on school campuses. This is the highest level of control available and should be utilised where practicable.

Principals should consult closely with elected Health and Safety Representatives about control measures to minimise the risk of transmission of COVID-19. As these arrangements impact workload and scheduled class time it is essential that there is also consultation with staff through the Consultative Committee and other appropriate avenues.

Actions

- If your school has not already put in place suitable arrangements to minimise on site attendance and to reduce risks, contact the IEU.
- If your workplace doesn't have an Health and Safety Rep, it's really important to elect one – [see here for advice around this process](#), and seek assistance from the IEU.
- HSRs and IEU Reps should work together to ensure that the employer is undertaking appropriate consultation around safety and control measures. This is a legal obligation under the OHS Act. If this is not happening, the HSR should call a meeting as a matter of urgency and seek advice from the IEU.