



Workplace Risk Control Requirements for businesses operating in Victoria

Summary of Status at 18 August 2020

Victorian workplaces that are permitted to continue operating during Stage 3 and Stage 4 restrictions are required to put specific controls in place to minimise the risk of COVID-19 being transmitted in workplaces. This Member Advice summarises the current requirements. The Directions that establish these restrictions expire on 13 September 2020. If there are any substantive changes before then this Advice will be updated. Requirements after 13 September will be determined by the Chief Health Officer based on the level of new COVID-19 cases at that time and we will advise members of the impact.

INTRODUCTION

Since the Stage 4 Restrictions were announced for metropolitan Melbourne, Ai Group has been working closely with Government and keeping members informed as to the impact of the Stage 4 Restrictions. As the restrictions were brought in very quickly and were not completely clear at the start, most of our communication with members has been through short written updates and four webinars.

Now that things have settled, this Member Advice has been designed to summarise the key obligations that employers are required to put into place to minimise the risk of the spread of COVID-19 within the workplace and to respond if a person with a suspected or confirmed case has been in the workplace.

The Government focus has been on Stage 4 Restrictions in metropolitan Melbourne and the associated requirements. However, it has become apparent in recent days that there have also been some increased obligations established for Work Premises that continue to operate under Stage 3 Restrictions in Regional Victoria. Many employers will already have these controls in place as they have been recommended by Safe Work Australia and WorkSafe Victoria since April 2020.

ESTABLISHING WHICH BUSINESSES ARE IMPACTED AND HOW

Directions issued under the current *State of Emergency* are effective until 13 September 2020. They may be amended to aid clarity or change requirements. If there are any substantive changes, Ai Group will advise members via an update to this Member Advice.

Restricted Activity Directions (non-Melbourne) – Related to regional Victoria

The [Restricted Activity Directions \(non-Melbourne\) \(No 3\)](#) establish **Stage 3** business restrictions in **Regional Victoria** and limit the operation of a range of publicly facing businesses by either requiring that they close or by limiting the activities that they can engage in: pubs, bars, clubs, nightclubs and hotels; physical recreation facilities; community facilities; entertainment facilities; places of worship; restricted retail facilities; food and drink facilities; accommodation facilities; swimming pools; animal facilities; real estate auctions and inspection; education and childcare facilities; and Alpine resorts.

Restricted Activity Directions (Restricted Areas) – Related to metropolitan Melbourne

The [Restricted Activity Directions \(Restricted Areas\) \(No 8\)](#) establish **Stage 4** business related restrictions in **metropolitan Melbourne**. These Directions establish that only *Permitted Work Premises* can operate on site and only to the extent that it is not reasonably practicable for people to work from home.

Permitted Work Premises are established in line with the document “[Stage 4 Restrictions – Permitted Work Premises](#)”. A Work Premise is permitted to operate if their activities are listed within the table or are ancillary or support activities that are described in the explanatory information that appears before the table. If the work activities are not listed, the activities are prohibited, and the workplace is required to close.

This Permitted Work Premises document has had some amendments to it since it was first released and may be further updated from time to time. DHHS provides a [log of changes](#) whenever a change is made to the document.

Employers need to make a self-assessment about whether operations are permitted, by referring to the information in this Permitted Work Premises document, including the explanatory information that appears at the start of the document. Additional information about how Permitted Work Premises, in line with these Directions, can operate can be found in recent updates on the [Ai Group website](#).

Permitted Worker Permits

[The Permitted Worker Permit Scheme and Access to Onsite Childcare/Kindergarten Permit Scheme Directions \(No 4\)](#) establish that a person **living or working in the Restricted Area** of metropolitan Melbourne:

- must carry a Permit issued by their employer to travel to or for work; and
- if they wish to have access to onsite Childcare/Kindergarten must have a Childcare/Kindergarten Permit issue by their employer.

Workplace directions and additional industry obligations directions

The following summary has been developed to highlight the key risk control issues that all Victorian employers are required to focus on, in line with current Stage 3 and Stage 4. It should be noted that some extra risk control requirements have been included since the Directions were first issued earlier in August. It is highly recommended that employers refer directly to the Directions in order to ensure compliance with the details. The Directions can be accessed at the links below.

The [Workplace Directions \(No 3\)](#) establish specific obligations for all Victorian employers.

The [Workplace \(Additional Industry Obligations\) Directions \(No 4\)](#) establish specific additional requirements for businesses operating in the following specified industries:

- In all locations of Victoria:
 - poultry processing facilities;
 - abattoirs and meat processing facilities; and
 - seafood processing facilities.

- In Restricted Areas of metropolitan Melbourne:
 - supermarkets;
 - medical supply, pharmaceutical supply and personal protective equipment supply facilities;
 - warehousing and distribution centres;
 - construction; and
 - retail facilities that have been required to close but are operating for online orders, pickup and delivery.

Ai Group will update this Member Advice if there are any substantive changes made to the Directions.

Summary of Required Controls

Issue addressed	Workplace Directions (No 3) Applicable to all Victorian workplaces	Workplace (Additional Industry Obligations) Directions (No 4) Applicable to specific industries within the Restricted Areas and meat, poultry and seafood processing in Regional Victoria, in addition to requirements of the Workplace Directions.
Consultation	Not specifically addressed, but required in line with OHS obligations.	Clause 6(7) Specific consultation obligations established.
Reduction in numbers of staff	Not required other than to comply with working from home requirements at Clause 6 and the density quotient at clause 7(10) and 7(11).	Businesses required to reduce numbers in line with specific requirements for each industry. Detail within the Directions.
Work from home unless it is not reasonably practicable	Clause 6	Comply with Workplace Directions and Restricted Activity (Restricted Areas) Directions.
Employer to take reasonable steps to ensure the worker wears a face covering unless exceptions apply	Clause 7(1) to 7(2) (Note: Further information about the requirement for masks can be found in an Ai Group Fact Sheet here).	Comply with Workplace Directions, plus: Clause 7(4) Additional requirements for meat, poultry and seafood processing; surgical masks, face shields and suitable protective clothing. Clause 7(26), 7(31), 7(35) Surgical masks required in some distribution facilities.
Personal Protective Equipment (PPE) Training Plan		Clause 7(1)(a) Training plan must be in place as soon as reasonably practicable after 11 August. Directions specify required content.

Issue addressed	Workplace Directions (No 3) Applicable to all Victorian workplaces	Workplace (Additional Industry Obligations) Directions (No 4) Applicable to specific industries within the Restricted Areas and meat, poultry and seafood processing in Regional Victoria, in addition to requirements of the Workplace Directions.
COVID Safe Plan for Work Premises located in Stage 4 Restricted Areas	Clause 7(3) to 7(6) Not required if fewer than five workers working at a Work Premise. Not required if outside Stage 4 Restricted Area, unless it is a meat, poultry or seafood processing operation.	Clause 6(1) to 6(4) High risk attachment to COVID Safe Plan required for specified industries in addition to the requirements of the Workplace Directions. No exclusion for fewer than 5 workers.
Note: Template COVID Safe Plans and the requirements of the high risk attachments can be found on the website of Business Victoria at this link .		
Record keeping	Clause 7(7) to 7(9) Log of all people who attend the Work Premises for longer than 15 minutes.	Comply with Workplace Directions, plus: Clause 6(5) Must also keep records to demonstrate compliance with the requirements of the Directions.
Density quotient	Clause 7(10) to 7(11), 7(13) In any shared spaces, must not exceed the density quotient which is 1 person per 4 square metres in each indoor space or zone.	Comply with Workplace Directions.
Signage	Clause 7(12) Specific signage required for any publicly accessible space.	Comply with Workplace Directions.
Cleaning requirements	Clause 7(14) to 7(16) An employer must take all reasonable steps to ensure that shared spaces at which work is performed and areas accessible to the public are cleaned on a regular basis.	Comply with Workplace Directions, plus: Clause 7(3) Increase the regularity of comprehensive cleaning (not specified for construction or retail). Clause 7(1)(b) Have a cleaning log on display in shared workplaces and publicly accessible areas covering prescribed requirements.

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Reducing work across the multiple sites	<p>Clause 7(17) to (19) An employer must not require or permit a worker to perform work at more than one Work Premises, unless it is not practicable. If working at multiple sites, must demonstrate the systems of work that minimise the number of workers working across multiple Work Premises.</p>	<p>Comply with Workplace Directions, plus: Clause 5(4) to 5(5) and Clause 7(36)(e) place specific restrictions on some workers, generally associated with construction who cannot work on more than 3 sites within a week.</p> <p>Note: the list of “specialist contractors” that can work on up to 3 sites within a week has been expanded in the most recent Directions. Employers in the construction industry should revisit the list, which starts on page 13 of the Directions.</p>
Working at more than one premises for different employers	<p>Clause 7(20) If a worker is working at more than one Work Premises for two or more different employers: the worker must provide a declaration and the employer must retain the declaration.</p>	Comply with Workplace Directions.
Restriction on car pooling		<p>Clause 7(5) In meat, poultry and seafood processing, workers must not travel with another person with whom they do not ordinarily reside, unless it is not reasonably practicable to otherwise get to work.</p>
Additional health screening		<p>Clause 7(4)(c) Meat, poultry and seafood processing facilities must implement daily temperature testing and direct the worker to leave the premises and get tested for COVID-19 if they have a temperature of 37.5C or more.</p>
Declaration by workers		<p>Clause (7)(1)(c) Must require workers to make a specific written declaration at the start of each shift, before they enter the Work Premises.</p>

Issue addressed	Workplace Directions (No 3) Applicable to all Victorian workplaces	Workplace (Additional Industry Obligations) Directions (No 4) Applicable to specific industries within the Restricted Areas and meat, poultry and seafood processing in Regional Victoria, in addition to requirements of the Workplace Directions.
Workers must not attend	Not addressed, but covered by Clause 8 below	Clause 7(2) Worker must not attend if they have been tested because they are symptomatic.
Responding to a suspected case of 2019-nCoV in a Work Premises	Clause 8 Specific obligations outlined in relation to: responding to a person who has symptoms; cleaning; and informing workers. Specific responses if an employer becomes aware of three or more suspected cases at one Work Premises within a five day period.	Comply with Workplace Directions.
Responding to a confirmed case of 2019-nCoV in a Work Premises	Clause 9 Specific obligations to notify DHHS and WorkSafe* if there is a diagnosed positive case; determine the need to close the premises; comprehensive cleaning of the premises; identify close contacts and direct them to leave the premises and self-quarantine; notify workers. If the Work Premises is required to close there are also notification requirements prior to restarting. * WorkSafe Victoria must be notified if an employee or contractor with a confirmed COVID-19 case was in the workplace within the 14 days prior to the onset of symptoms or a confirmed coronavirus (COVID-19) diagnosis (whichever comes first). Information about WorkSafe notification requirements can be found here .	Comply with Workplace Directions.

GOVERNMENT GUIDANCE ON THE DIRECTIONS

Information about the Directions and their implementation can be found on two websites:

[Department of Health and Human Services \(DHHS\)](#)

The Directions, which provide the exact detail of requirements can be found at the bottom of the above webpage. Links to other information is also provided on this page.

[Business Victoria](#)

This webpage includes the templates for COVID Safe Plans.

DO YOU REQUIRE FURTHER ASSISTANCE?

Ai Group has set up a special [section on our website](#) to provide access to Ai Group advice and assistance relating to the COVID-19 pandemic.

For further information or assistance, please contact Ai Group's Workplace Advice Line on 1300 55 66 77 or access Ai Group's or access the [Health and Safety Resource Centre](#).

For information about our safety and workers' compensation consulting and training services, contact:

Consulting Services

[Trinette Jaeschke](#)

0400 282 477

Training Services

[David Tiller](#)

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A handwritten signature in black ink, appearing to read 'Tracey Browne'.

Tracey Browne

Manager – National Safety & Workers' Compensation Policy and Membership Services

FURTHER INFORMATION

For further information or assistance, please contact the Ai Group Workplace Advice Line on 1300 55 66 77.