# BACKGROUND

Australia is continuing to closely monitor an outbreak of respiratory illness caused by a novel (new) coronavirus (COVID-19).

On 11 March 2020, the World Health Organization ([WHO](https://www.safeworkaustralia.gov.au/glossary#WHO)) declared COVID-19 a pandemic (an infectious disease outbreak that spreads on a global scale).

Increasing cases of COVID-19 are now being confirmed in Australia. The situation is changing rapidly. You can access the latest information on COVID-19 from the Australian Government [Department of Health](https://www.health.gov.au/news/health-alerts/novel-coronavirus-2019-ncov-health-alert?utm_source=health.gov.au&utm_medium=redirect&utm_campaign=digital_transformation&utm_content=health-topics/novel-coronavirus-2019-ncov).

# MANAGING THE RISK FROM COVID-19

## THE WORK HEALTH AND SAFETY LAWS

The Work Health and Safety ([WHS](https://www.safeworkaustralia.gov.au/glossary#WHS)) laws require employers to ensure, so far as is reasonably practicable, the health and safety of their workers and others at the workplace. This includes providing and maintaining a work environment that is without risk to health and safety and adequate facilities for workers in carrying out their work, so far as is reasonably practicable.

Whether a [control measure](https://www.safeworkaustralia.gov.au/glossary#control_measure) is reasonably practicable to implement involves considering what can be done to manage a risk and whether it is reasonable in the circumstances to do so. The likelihood of the risk occurring, the degree of harm that might result and the availability and suitability of a [control measure](https://www.safeworkaustralia.gov.au/glossary#control_measure) are key considerations in determining what measures are reasonable.

## WHAT SHOULD AN EMPLOYER DO TO PROTECT WORKERS AND OTHERS AT A WORKPLACE?

Under the  [WHS laws](https://www.safeworkaustralia.gov.au/glossary#model_WHS_laws), employers must have measures in place to eliminate or manage the [risks](https://www.safeworkaustralia.gov.au/glossary#risks) arising from COVID-19.

To do this, you should keep up to date with the latest COVID-19 information and advice to ensure that any action taken is appropriate. This includes closely monitoring the information provided by the Australian Government [Department of Health](https://www.health.gov.au/news/health-alerts/novel-coronavirus-2019-ncov-health-alert?utm_source=health.gov.au&utm_medium=redirect&utm_campaign=digital_transformation&utm_content=health-topics/novel-coronavirus-2019-ncov), [the Smartraveller website](https://www.smartraveller.gov.au/) and advice from state or territory government agencies, including health departments and [WHS](https://www.safeworkaustralia.gov.au/glossary#WHS) regulators.

You will not be able to completely eliminate the risk of workers contracting COVID-19 while carrying out work. However you must do all that is reasonably practicable to minimise that risk.

What [control measures](https://www.safeworkaustralia.gov.au/glossary#control_measures) will be reasonably practicable will depend on the work being carried out by workers and particular workplaces. Generally, you should:

* Determine appropriate [control measures](https://www.safeworkaustralia.gov.au/glossary#control_measures) in consultation with workers, their representatives and taking account of official information sources,
* Implement those measures and clearly communicate them to all workers, including providing clear direction and guidance about what is expected of workers:
	+ workers should know when to stay away from the workplace,
	+ what action to take if they become unwell, and
	+ what symptoms to be concerned about,
* Continually monitor relevant information sources and update [control measures](https://www.safeworkaustralia.gov.au/glossary#control_measures) when and if necessary. Employers should continue to provide information to workers, including changes to [control measures](https://www.safeworkaustralia.gov.au/glossary#control_measures), as the situation develops,
* Provide workers with continued access to official government sources for current information and advice
* Provide workers with appropriate personal protective equipment and facilities, and information and training on how and why they are required to use them,
* Require workers to practice good hygiene, including:
	+ frequent hand washing,
	+ limiting contact with others, including through shaking hands, and
	+ covering their mouths while coughing or sneezing,
* Require workers to stay away from the workplace if they are unwell and not fit for work, and encourage them to seek medical advice as appropriate,
* Seek advice from health authorities immediately if there has been a confirmed case of COVID-19 in your workplace,
* Limit access to the workplace by other people, unless necessary,
* Reconsider work-related travel and implement other methods of communication:
	+ for example, rather than requiring employees to undertake air travel to attend face to face meetings, facilitate attendance by tele or videoconference,
* Remind workers that they have a duty to take reasonable care for their own health and safety and to not adversely affect the health and safety of others,
* Provide workers with a point of contact to discuss their concerns, and access to support services, including employee assistance programs,
* Allow workers to access available entitlements in line with obligations under any applicable enterprise agreement, award, employees’ contracts of employment, and workplace policies.

## WHEN CAN AN EMPLOYER DIRECT A WORKER TO STAY AWAY FROM THEIR USUAL PLACE OF WORK UNDER THE WHS LAWS?

There is nothing in the  [WHS laws](https://www.safeworkaustralia.gov.au/glossary#model_WHS_laws) that deals expressly with when an employer may direct a worker to stay away from their usual place of work. This includes when you can direct a worker to work from another workplace, including from home.

However, the  [WHS laws](https://www.safeworkaustralia.gov.au/glossary#model_WHS_laws) require you, so far as is reasonably practicable, to ensure the health and safety of their workers and others at the workplace. To meet this duty, you must identify [risks](https://www.safeworkaustralia.gov.au/glossary#risks) at the workplace, and do what is reasonably practicable to eliminate those [risks](https://www.safeworkaustralia.gov.au/glossary#risks), or where this is not reasonably practicable, to minimise those [risks](https://www.safeworkaustralia.gov.au/glossary#risks).

For example, you may undertake a risk assessment and form the view, based on all the available information from health authorities and having consulted with your workers, that an appropriate [control measure](https://www.safeworkaustralia.gov.au/glossary#control_measure) to eliminate or minimise a risk to workers and/or other people at the usual workplace, is to require workers and other people to stay away from the usual place of work. Depending on the circumstances, you might also determine that it is appropriate for workers to work from another location, including their home.

For other employers this approach may not be reasonably practicable (e.g. a workplace that relies on specialised plant or equipment) but there might be other controls that would minimise the risk of infection such as implementing other forms of social distancing or delaying non-essential tasks. There is no one size fits all approach.

The important thing is that you actively consider the context of your business or undertaking, the specifics of your workplace and all the workers and others to whom you owe a [WHS](https://www.safeworkaustralia.gov.au/glossary#WHS) duty and take every step you reasonably can to eliminate or minimise any [risks](https://www.safeworkaustralia.gov.au/glossary#risks) to health and safety.

Of course, if you know a worker is confirmed to have COVID-19, you should ensure that the worker does not return to work while they are infectious.

## WHAT ELSE SHOULD AN EMPLOYER TAKE INTO ACCOUNT WHEN DECIDING WHETHER A WORKER OR OTHER PEOPLE NEED TO STAY AWAY FROM THEIR USUAL PLACE OF WORK?

To inform any decisions about attendance at the usual place of work, you should:

* Consult with affected workers and their representatives and, where relevant, Health and Safety Representatives,
* Consider what workplace or other laws might prevent the action being taken,
* Keep up-to-date with information about the risk and appropriate [control measures](https://www.safeworkaustralia.gov.au/glossary#control_measures) such as official information sources and guidance materials,
* Seek advice specific to your circumstances, including from employee and employer organisations and legal providers.

Sometimes controlling or minimising one risk to health and safety may mean that additional safety [risks](https://www.safeworkaustralia.gov.au/glossary#risks) emerge that must also be eliminated or minimised. For example, if you direct workers to work from home, consider what other steps you may need to take to keep workers safe because your [WHS](https://www.safeworkaustralia.gov.au/glossary#WHS) duties will still apply if your workers are performing work at home.

## WHAT ARE THE WHS RISKS AN EMPLOYER SHOULD CONSIDER IF WORKERS ARE WORKING FROM HOME?

In Australia, the  [WHS laws](https://www.safeworkaustralia.gov.au/glossary#model_WHS_laws) still apply to all businesses if workers are required to work somewhere other than their usual workplace, for example, working from home. In this instance employers must still ensure, as far as is reasonably practicable, the health and safety of their workers. The worker also has a responsibility to take reasonable care for his or her own health and safety, including complying with reasonable instruction given by the employer or any policy and procedures provided.

Even in challenging circumstances such as this pandemic there are still measures employers can take to minimise physical and psychosocial [risks](https://www.safeworkaustralia.gov.au/glossary#risks) when workers are working from home. For example:

* Providing workers with guidance on what a good workstation set-up looks like,
* Requiring workers to familiarise themselves with good ergonomic practices, and requiring them to comply with them, for example by referring to a self-assessment checklist,
* Maintaining daily communication with workers through phone, email or skype, and
* Providing continued access to an employee assistance program and appointing a contact person in the business that workers can talk to about any concerns.

What are the WHS risks an employer should consider if workers are working from home?

Working from home may change, increase or create work health or safety [risks](https://www.safeworkaustralia.gov.au/glossary#risks). Consultation with workers about working from home and the home environment is important.

Risks that an employer should consider include:

* Workstation set up,
* Work hours and breaks,
* Physical environment such as heat, cold, lighting, electrical safety, home hygiene and home renovations,
* Psychosocial [risks](https://www.safeworkaustralia.gov.au/glossary#risks) such as isolation, reduced social support from managers and colleagues, fatigue, online harassment, domestic violence.

For more information about how to work safely from home, please refer to the following links:

* [Safe telecommute to work,](https://www.worksafe.qld.gov.au/professional/articles/a-safe-telecommute-to-work)
* [Office ergonomics,](https://www.worksafe.qld.gov.au/news/2017/learning-the-art-of-office-ergonomics)
* [Setting up work stations,](https://www.worksafe.qld.gov.au/__data/assets/pdf_file/0006/83067/guide-ergo-comp-workstations.pdf)
* [Info sheet for working alone.](https://content.api.worksafe.vic.gov.au/sites/default/files/2018-06/ISBN-Working-alone-2011-05.pdf)

## DO I HAVE TO CONSULT MY WORKERS ABOUT MEASURES I PUT IN PLACE TO MINIMISE THE RISK OF COVID-19?

When discussing health and safety matters with workers, a consultative approach must be taken to allow workers to express views before any decision is made.

Participation of your workers in discussions about health and safety is important, as they are most likely to know about the [risks](https://www.safeworkaustralia.gov.au/glossary#risks) of their work. Joint involvement in identifying [hazards](https://www.safeworkaustralia.gov.au/glossary#hazards) and assessing and controlling workplace [risks](https://www.safeworkaustralia.gov.au/glossary#risks) will help build worker commitment to this process and any changes that may result.

## DO WORKERS OR OTHER PEOPLE NEED TO COMPLY WITH A DIRECTION FROM AN EMPLOYER TO STAY AWAY FROM THEIR USUAL PLACE OF WORK?

The  [WHS laws](https://www.safeworkaustralia.gov.au/glossary#model_WHS_laws) require workers and other people at workplaces to comply, so far as they are reasonably able, with a reasonable instruction given by an employer to allow the employer to comply with the [WHS](https://www.safeworkaustralia.gov.au/glossary#WHS) laws. This means that workers are required to comply with a direction by their employer to remain away from their usual place of work, if they were reasonably able to and the instruction was reasonable in the circumstances.

Constant communication between you and your workers will help to ensure that everyone understands the policies and procedures you have put in place and what is required to keep all workers safe at work.

## CAN A WORKER REFUSE TO COME TO WORK?

In some circumstances a worker has the right stop or refuse to carry out unsafe work. A worker has this right to cease work if there is a reasonable concern that the worker would be exposed to a serious risk to their health and safety from an immediate or imminent hazard. A worker must inform you as soon as they can that they have ceased work. A worker must also then be available to carry out suitable alternative work, such as working from home.

## PEOPLE AT MY WORKPLACE ARE FEELING STRESSED AND ANXIOUS BECAUSE OF COVID-19. HOW DO I MEET MY WORK, HEALTH AND SAFETY DUTIES WHEN IT COMES TO RISKS TO PSYCHOLOGICAL HEALTH?

The presence of COVID-19 in the community may create [risks](https://www.safeworkaustralia.gov.au/glossary#risks) to psychological health through:

* [Risk](https://www.safeworkaustralia.gov.au/glossary#Risk) of workplace exposure, or
* Changes in work or duties because of the [risks](https://www.safeworkaustralia.gov.au/glossary#risks) from COVID-19.

The presence of physical [risks](https://www.safeworkaustralia.gov.au/glossary#risks), such as work-related exposure to COVID-19, can cause work-related stress, as can changes in work such as high job demands and exposure to violence for health professionals and retail workers or low work demand for small businesses. Poor support and isolated work (e.g. if working at home) are other examples of [risks](https://www.safeworkaustralia.gov.au/glossary#risks) you may need to manage.

If COVID-19 is creating a psychosocial risk in your workplace you, as an employer, have a duty to ensure, so far as is reasonably practicable, that workers and other people are not exposed to psychosocial health and safety [risks](https://www.safeworkaustralia.gov.au/glossary#risks) that arise from your business.

The psychosocial [risks](https://www.safeworkaustralia.gov.au/glossary#risks) you need to manage are anything in the design or management of work that increases the risk of work-related stress. Stress itself is not a physical or psychological injury but if work-related stress is prolonged and/or severe it can cause both psychological and physical injury.

More information about work-related psychological health and safety and how to meet your duties can be found in the Safe Work Australia Guide: [Work-related psychological health and safety A systematic approach to meeting your duties](https://www.safeworkaustralia.gov.au/system/files/documents/1911/work-related_psychological_health_and_safety_a_systematic_approach_to_meeting_your_duties.pdf).

Some of the most important steps you can take as an employer to eliminate or minimise workplace stress are to:

* Be well informed as an employer with information gained through authoritative sources,
* Regularly communicate with workers and share relevant information as it comes to hand,
* Consult your workers on any [risks](https://www.safeworkaustralia.gov.au/glossary#risks) to their psychological health and how these can be managed,
* Determine appropriate [control measures](https://www.safeworkaustralia.gov.au/glossary#control_measures) taking account of official information sources and workplace consultation,
* Provide workers with a point of contact to discuss their concerns and to find workplace information in a central place,
* Inform workers about their entitlements if they become unfit for work or have caring responsibilities,
* Proactively support workers who you identify may be more at risk of workplace psychological injury (e.g. frontline workers or those working from home),
* Refer workers to appropriate channels to support workplace mental health and wellbeing such as employee assistance programs.

Seek assistance if you need to in order to maintain and promote a positive safety culture in your workplace.

Some resources about caring for mental health during the current outbreak include:

* Beyond Blue -[Looking after your mental health during the coronavirus outbreak](https://www.beyondblue.org.au/the-facts/looking-after-your-mental-health-during-the-coronavirus-outbreak),
* Australian Psychological Society - [Tips for coping with coronavirus anxiety](https://www.psychology.org.au/COVID-19-Australians),
* Headspace - [How to cope with stress related to coronavirus (COVID-19)](https://headspace.org.au/young-people/how-to-cope-with-stress-related-to-covid-19/).

# WORKERS’ COMPENSATION AND COVID-19

Workers’ compensation threshold requirements that would apply in the case of COVID-19:

* That the worker is covered by the scheme, either as an employee or a deemed worker,
* That they have an injury, illness or disease of a kind covered by the scheme, and
* That their injury, illness or disease arose out of, or in the course of, their employment.

Compared to work-related injuries, it is more difficult to prove that a disease was contracted in, or caused by, particular employment. In the case of a virus such as COVID-19, establishing the time and place of contraction may become increasingly hard. Whilst the spread of COVID-19 is contained, it may be easier to establish whether contraction is work-related, for example, if in the course of their employment a worker travels to a high-risk area with a known viral outbreak or interacts with people who have contracted the virus.

However, once the virus becomes more wide-spread in the local community, establishing the degree of contribution of a worker’s employment to their contraction of the virus will inevitably be more difficult.

Whether a claim for workers’ compensation for contracting COVID-19 is accepted will be a matter for the WorkCover. WorkCover will consider each claim on its merits, with regard to the individual circumstances and evidence.

**Queensland -** [WorkCover QLD- Coronavirus (COVID-19) workplace risk management](https://www.worksafe.qld.gov.au/news/2020/coronavirus-covid-19-workplace-risk-management?utm_source=campaign+homepage&utm_medium=website&utm_content=coronavirus+image+link&utm_campaign=novel+coronavirus+2019)

**Queensland** - [Queensland Health - Novel coronavirus (COVID-19)](https://www.qld.gov.au/health/conditions/health-alerts/coronavirus-covid-19)

## WORLD HEALTH ORGANISATION:

* [Coronavirus disease (COVID-19)](https://www.who.int/emergencies/diseases/novel-coronavirus-2019),
* [Coronavirus disease advice for the public – Myth busters](https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public/myth-busters).