



OMICRON – WHAT ARE MY RIGHTS AT WORK

Every worker has the right to safe and healthy work. This includes the right to be protected from COVID-19 at work.

Omicron is a highly infectious strain of COVID-19 that can cause serious harm and even death. It is an airborne virus that is transmitted between people who are in close contact with each other.

Under workplace health and safety law COVID-19 is considered a hazard and employers must take action to make workplaces safe.

EMPLOYERS HAVE A LEGAL OBLIGATION TO MAKE WORK COVID SAFE

Every employer has a duty (obligation) under [Work Health and Safety \(WHS\) laws](#) (in each state) to eliminate, or if that is not reasonably practicable, minimise the risks of COVID-19 at work so far as is reasonably practicable. Employers also have a duty to consult workers (including contractors and labour-hire) and their health and safety representatives (HSRs), regarding COVID-19 risks and how these risks are to be managed.

This means that not only do employers have to do everything they reasonably can to keep workers safe, they must also consult with workers about it.

EMPLOYERS MUST CONSULT WORKERS ABOUT THE RISKS IN THE WORKPLACE AND THE PLAN TO MANAGE THEM

Some workplaces will be at higher risk than others when it comes to workplace transmission of COVID-19. For example a worker who works indoors in close proximity to their workmates or customers/clients is at a greater risk than a worker who works outdoors on their own or a worker who works from home.

Employers must, in consultation with workers, identify the risks in their workplaces. Specifically they must undertake a [risk assessment](#) which involves identifying and assessing the COVID-19 risks in the workplace and considering what measures should be implemented to eliminate or minimise these risks.

WHAT MEASURES (CONTROLS) SHOULD WORKPLACES BE PUTTING INTO ACTION TO STOP COVID-19?

When considering controls you **must** implement **all reasonably practicable controls** that are available. This includes, but is not limited to, the following:

- facilitating working from home or remote working where possible. In times of high community transmission of the virus workers who can work from home should be able to do so.
- ensuring workers do not come to work when unwell through the provision of Paid Pandemic Leave (PPL). Due to union efforts, some employers have introduced special leave to encourage workers to stay home whilst ill. There is also a government payment that is available to some workers who get COVID-19 or are 'close contacts'.
- implementing a rapid antigen testing (RAT) program. RATs are very effective at identifying infectious people and ensuring that COVID-19 does not enter the workplace. Employers should be considering in consultation with workers the use of RATs. For more information on RATs, [click here](#).
- improving ventilation where appropriate. As COVID-19 is airborne the more you can do to improve the air quality the more you are going to reduce the risk of transmission. For more information on ventilation, [click here](#).
- wearing masks including improved masks such as P2 or N95. Masks **must** be provided by your employer and they cannot charge you for it or deduct it from your wages.
- ensuring physical distancing in the workplace and adhering to density limits (check occupancy limits for the type of building and building standards). For example:
 - > supporting some or all workers to work from home or relocating work tasks to different areas of the workplace or off-site,
 - > staggering your workers' start, finish and break times (in consultation with workers and their unions),
 - > reducing the number of situations where workers come into close contact, for example in lunchrooms and other shared spaces,
- practising good hygiene, e.g. providing hand sanitiser
- increasing cleaning and maintenance.

HOW DO WORKERS ENFORCE THIS?

Having rights is one thing but what if the boss says no?

Workers who stick together by joining their union are in a stronger position to demand their employer provide the best possible protections. The boss may ignore a single worker but when enough say that this is important they have to act.

Unions are able to assist workers to exercise their rights to implement effective protections, this can include providing advice about health and safety or assisting worker elected health and safety representatives to issue legally enforceable directions (PINs) to implement a particular safety measure.

For more information on joining your union, [click here](#).

FAQS

I DON'T FEEL SAFE. WHAT SHOULD I DO?

If you feel immediately unsafe at work, you can stop the unsafe work – but you must be available for other safe duties. Before taking this action, talk to your union delegate and HSR. HSRs have the power to direct work to cease if there is an immediate or imminent risk to health and safety.

IF I GET SICK CAN MY BOSS MAKE ME COME TO WORK?

If you're worried about leaving work due to having Covid-19 symptoms – don't be. It's your right. If you are sick, even if your illness isn't Covid-19 related, you are entitled to stop work. If your employer demands your return to work before you finish self-isolation, they are in breach not only of Work Health and Safety laws but also Public Health Orders.

I'M A CASUAL – WILL I LOSE SHIFTS IF I LEAVE WORK DUE TO ILLNESS?

Your employer could actually be fined if they threaten you with loss of work to force you back into the workplace. Even if you're in the middle of your shift, you can stop work if you are feeling unwell.

I'M A PERMANENT WORKER BUT I'VE USED UP ALL MY PAID SICK LEAVE, WHAT DO I DO?

It doesn't matter if you have used up all your personal or sick leave. All workers are entitled to leave work when ill. Your health comes first.

DO I HAVE TO PROVIDE MY OWN PPE AT WORK?

Under workplace law, employers are responsible for providing any required PPE at no cost to the worker. So, if masks are required in your workplace, your employer must provide them. If they don't, they are breaking the law.

Your union can support you if you have concerns or you can contact the Australian Worker Support Centre for advice on 1300 486 466 or [contact us online](#).