COVID-19: WHAT ARE YOUR 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.

These variants are highly infectious and can cause serious illness and even death. COVID-19 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. In the case of community outbreaks that means taking steps to identify risks ar work and implementing measures to keep 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.

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.

COVID-19 risks are constantly changing and should be regularly reasessed. There will be times when there is low or very little transmission where 'baseline measures' are needed and other times, such as when there is a new wave or outbreak, where more signficant steps may need to be taken. Please review the risk assessment guide included to understand the types of measures and risk factors that should be considered.

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

When considering what controls are necessary your employer **must** implement **all reasonably practicable** measures to eliminate and minimise the risk to workers. This includes, but is not limited to, the following:

WORKING FROM HOME

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.

PAID PANDEMIC LEAVE

Ensuring your 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. All employers must support workers with paid leave to stay home if ill - this is an important health and safety measure.

RAPID ANTIGEN TESTING

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**.

MASKS

Wearing masks including improved masks such as P2 or N95 have been shown to reduce the risk of trasmission. Masks **must** be provided by your employer and they cannot charge you for it or deduct it from your wages.

CLEANING

Increasing cleaning and maintenance.

VENTILATION

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. This could be as simple as opening windows or relocating some work outdoors where practicable. It may be necessary to use portable air filters to improve air quality. For more information on ventilation, **click here**.

PHYSICAL DISTANCING

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,

HYGIENE

Practising **good hygiene**, e.g. providing hand sanitiser

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, you must talk to you union delegate and HSR. HSRs have the power to direct work to cease if there is an immediate or imminent risk to both 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 that you return to work while you are unwell, they are in breach not only of Work Health and Safety laws but also the Fair Work Act.

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 the 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 SICK LEAVE, WHAT CAN I DO?

Some unions have won paid pandemic leave or 'special leave' to compensate workers who have COVID-19. Contact your union to find out more.

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 at 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 our Australian Unions Support Centre for advice on 1300 486 466 or **contact us online.**

Australian **Unions**
We're for workers

COVID AWARE WORKPLACES

COVID-19 RISK ASSESSMENT – HOW COVIDSAFE IS YOUR WORK?

The following risk assessment will help you understand the COVID risks in your workplace and guide you to the most effective control measures. Remember – employers are legally required to identify risks, and implement all reasonably practicable controls to reduce risk to workers

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Your Working Environment – Understanding your COVID-19 risks.

Understanding your working environment and the factors that might increase the risk of infection is important. These questions will help you understand whether you and your workmates are at increased risk and help guide you to the most effective measures to eliminate and reduce the risk of transmission at your workplace.

	Yes	No
Does your work require you to be in close physical contact with other workers (such as performing work tasks with colleagues? (Less than 1.5m distance)		
Does your work require you to be in close contact with clients, customers or the general public? (Less than 1.5m distance)		
Does your work require you to be in an indoor space where there is a high concentration of people (workers or others)? (Such as a room where there is greater than 1 person per 3sqm)		
Do you work with vulnerable members of the community, such as elderly or people with health conditions that may experience more severe health effects from COVID-19 (either colleagues or clients)?		
Is there a reasonable exchange of fresh air in all areas of your workplace?		
Does your working environment have the capacity to improve ventilation? (This could include opening windows, using air conditioning for fresh air exchange or the use of portable air filters)		

Base line strategies - Workplace policies and practices

These are strategies that should be active and maintained at all times in workplaces. These strategies are all reasonably practicable in terms of implementation and will reduce the risk of transmission of not only COVID-19 but other airborne infections illnesses such as influenza and the common cold.

	Yes	No	Recommended Actions
Does your workplace provide paid sick leave or Paid Pandemic Leave for all workers to stay home from work whilst ill (including casuals, labour hire and contractors)?			*Consider introducing paid pandemic leave that is available to all workers to ensure they can safely isolate when unwell*
Does your workplace have rapid antigen testing (RATs) available for staff to check whether they are positive for COVID-19?			*Consider introducing a rapid testing program in periods of high community transmission. RATs should be paid for and provided by the employers.*
Has your workplace done a ventilation assessment? Does your workplace take action to improve ventilation?			*Consider requesting your employer undertake a professional ventilation assessment of your workplace. This assessment should also include recommendations to improve ventilation such as the use of air filters? These assessments should be undertaken when there are normal staffing levels at work.*

Scaled up strategies where community or workplace transmission is occurring - COVID Control Measures

These are strategies that can be implemented when there is increased community transmission (higher reported cases) or where there is workplace transmission (cases of colleagues with COVID and the potential for person to person transmission at work.

	Yes	No	Recommended Actions
Does your workplace provide the option of working from home when community outbreaks are occurring?			*Where practicable consider implementing a working from home policy. Consider shift start/finish times or staggered working arrangements that might maximise physical distance.*
Does your workplace have a plan to improve ventilation (fresh air exchange)?			*COVID-19 is airborne and fresh air exchange will reduce risk. Consider the benefits of installing air filtration systems. These are portable and can be moved to areas with poor fresh air exchange.*
Does your workplace provide and require masks when community outbreaks are occurring for workers who are unable to practice social distancing?			*Provide masks for staff who are unable to practice physical distance.*