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COVID-19: Managing the Return to Work Transition

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Overview

- OHS obligations and *National COVID-19 Safe Workplace Principles*
- Phased or rotating return to work
- Returning employees who have been stood down
- Navigating social distancing measures
- Providing appropriate protective equipment at work
- Medical clearance and temperature testing
- Travel to work and work-related travel issues
- Managing mental health concerns
- Review of policies and procedures: flexible and remote work, and OHS
- What if employees refuse to return to work?

National COVID-19 Safe Workplace Principles

National COVID-19 Safe Workplace Principles

National Cabinet has agreed ten *National COVID-19 Safe Workplace Principles*:

- *4.   As COVID-19 restrictions are gradually relaxed, businesses, workers and other duty holders must work together to adapt and promote safe work practices, consistent with advice from health authorities, to ensure their workplaces are ready for the social distancing and exemplary hygiene measures that will be an important part of the transition.*

- *5. Businesses and workers must actively control against the transmission of COVID-19 while at work, consistent with the latest advice from the Australian Health Protection Principal Committee (AHPPC), including considering the application of a hierarchy of appropriate controls where relevant.*

- *6. Businesses and workers must prepare for the possibility that there will be cases of COVID-19 in the workplace and be ready to respond immediately, appropriately, effectively and efficiently, and consistent with advice from health authorities.*
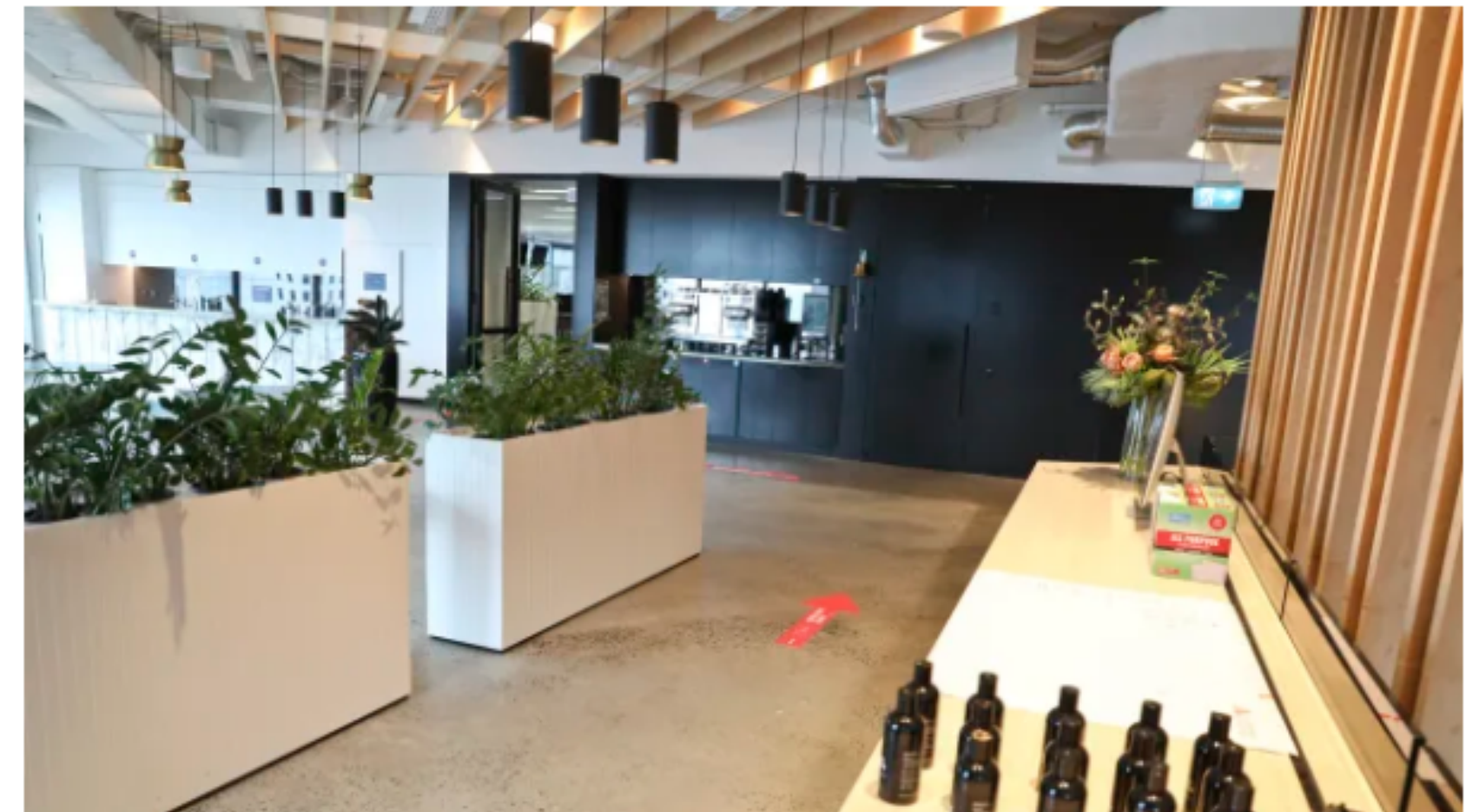
National COVID-19 Safe Workplace Principles

- No one size fits all approach. Your short term strategy should consider:

  - nature of work and vulnerabilities of workers/clients/stakeholders

  - physical changes in the workplace (floor markings, signage, screens)

  - hyper vigilance around cleaning, worker hygiene, physical distancing

  - renewed risk management around work related travel and customer/client interactions

- Need for a combined focus on fatigue, mental health and OHS, and risk of exposure to COVID-19 and infectious diseases

Cushman and Wakefield CEO James Patterson at the real estate agency's modified workspace in the CBD. **Ben Rushton**


When staff arrive they pick up a freshly cleaned keyboard, hand sanitiser and a desk pad before following the arrows to their desk. **Ben Rushton**

National COVID-19 Safe Workplace Principles

- Longer term, COVID-19 will impact workplace design and result in:

  - a reduction of hot desking and open plan offices (without screening)

  - continued widespread use of working from home and video conferencing facilities

  - a reduction in worker 'touchpoints' (e.g. use of automated office design technology such as sensor doors and lifts and bathroom facilities)

  - better human traffic control, with different entry and exit points
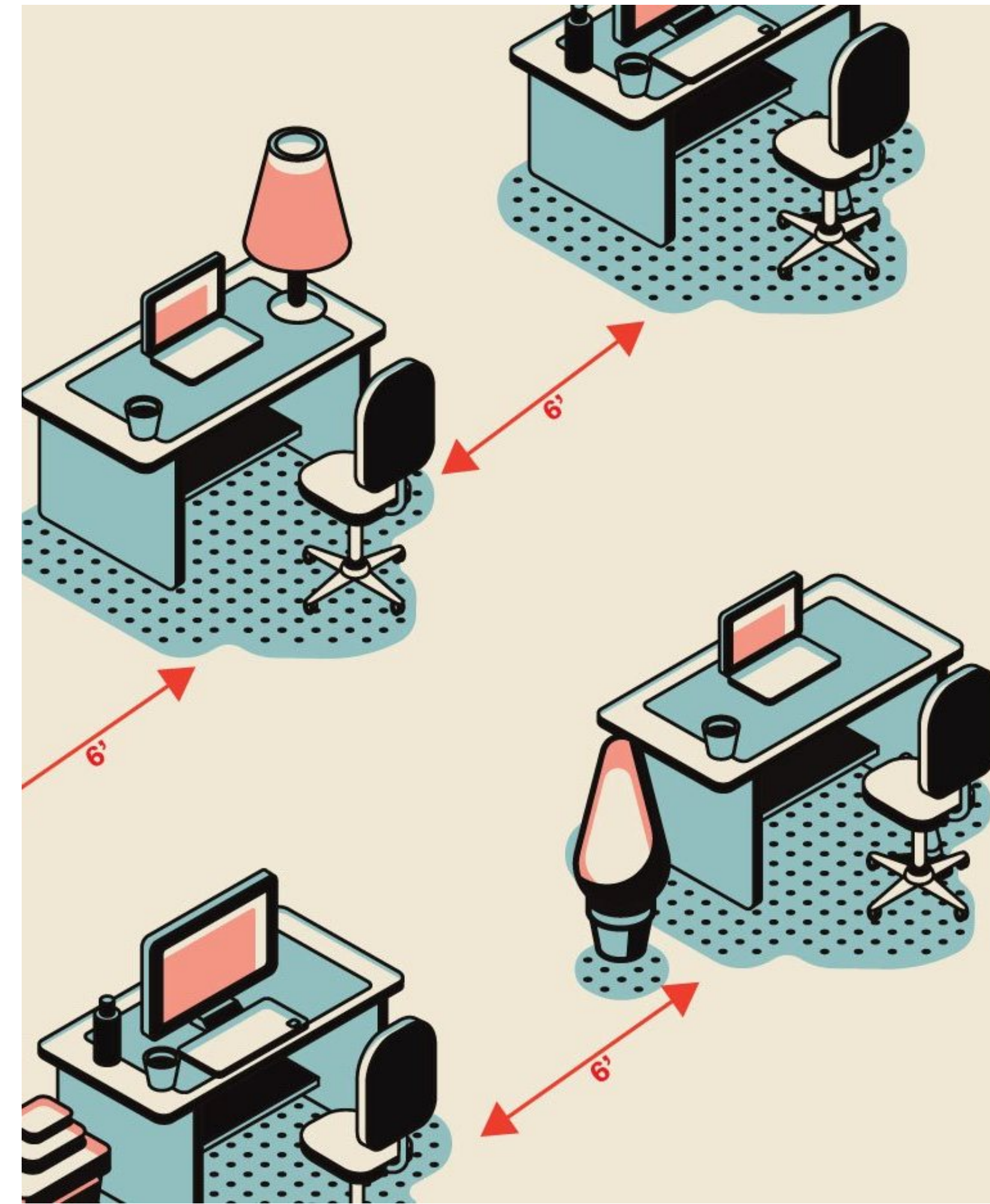
Planning for the Recovery Phase: Key Resources

- Safe Work Australia's Employer Resource Kit for minimising exposure to COVID-19 includes:

  - How to Keep Workers Safe: Fact Sheet
  - Workplace Checklist
  - Physical Distancing Checklist
  - Cleaning Checklist
  - Health, Hygiene and Facilities Checklist
  - Incident Notification
  - Info graphics and posters
  - Industry resources

- National COVID-19 Coordination Commission's Planning tool to help businesses reopen and be COVIDSafe

Your roadmap

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Developing a plan

- Develop a COVID Safe plan for:

  ✓ **Who** returns to the office?

  ✓ **What** you need to do to ensure they can return safely?

  ✓ **When** are they going to return?

  ✓ **Where** will they be? How will you change the layout of the office

  ✓ **How** will you keep track of who attends the workplace and manage needs and health and safety obligations?

- Plan. Monitor. Review. Improve.

WHO can return to the office

- This is about managing physical interaction

- Key considerations:
  - Who will return and when?
  - What's the maximum number of workers on site at any time?
  - Do you need a phased approach with a rotating roster, staggered start/finish times and lunch breaks?

- Check your contracts and industrial instruments.

- Consult with staff about proposed changes. Consider vulnerable workers. Consider requests for flexibility in line with your discrimination obligations.

WHERE will they be?

- Physical distancing and good hygiene will slow the spread of COVID-19. Follow medical advice and directions.

- Direct workers and stakeholders to maintain a distance of 1.5 metres between people wherever possible.

- Limit face-to- face interactions to less than 15 minutes and close proximity interactions to less than 2 hours.

- Appoint a person responsible for oversight and enforcement.
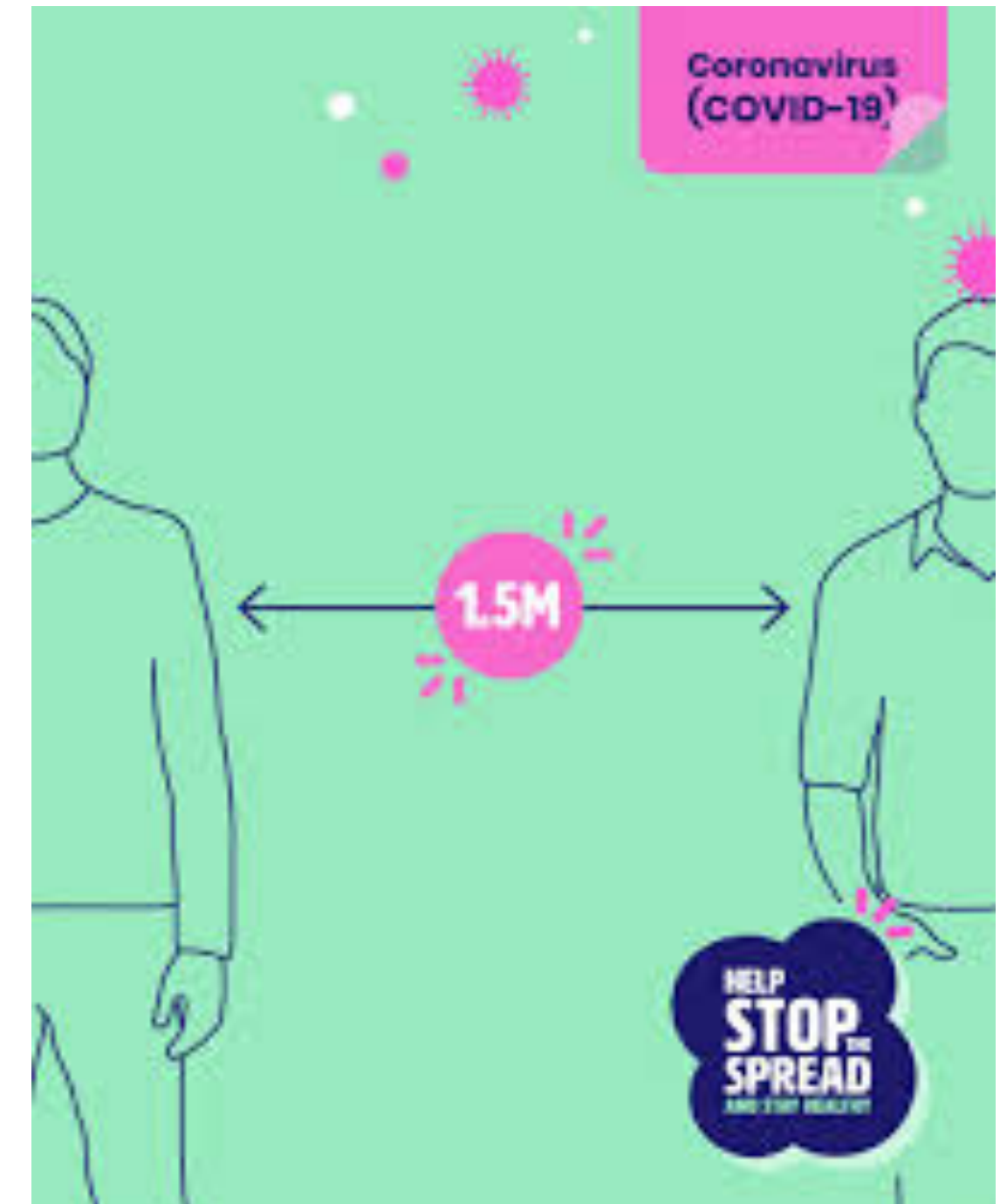
Social distancing

- Other practical physical distancing measures:
  - ✓ Queuing strategies (mark out space on the floor with tape)
  - ✓ Limiting the number of people who can enter a room, premises, lift or stairwell
  - ✓ Restricting use of coffee machines, fridges, common areas
  - ✓ Implementing contactless deliveries and card payments
  - ✓ Moving furniture and workstations. Mark those that cannot be occupied.
  - ✓ Implementing shift arrangements. NB – consider whether consultation and consent is required.

WHAT will you do to assist in a safe transition

- Employers must take all reasonable steps to make sure that the workplace is safe for everyone. Social distancing is a legal requirement.

- Employers should make sure that employees can:

  - practise social distancing at work

  - wash their hands regularly with soap and water

  - follow all other rules from health authorities.

- Face masks and hand sanitiser may be essential to maintain the health and safety of employees (for example, in a hospital or other setting where there is a high risk of exposure to infectious diseases).

- Don't forget etiquette in the kitchen and common areas

swa.gov.au/coronavirus
CHECKLIST: Health, hygiene & facilities checklist

This checklist will assist you to implement health and hygiene measures at your workplace and do a review of your facilities. Don't forget to also check our COVID-19 website for additional measures for your industry.

Health & Hygiene practices

Educate workers on good health and hygiene practices

- ☐ Do your workers know not to come to work when they are unwell, even if they feel fit to work?
- ☐ Look for signs of 'presenteeism'? Are managers and supervisors modelling the correct behaviours or is there a culture of 'soldiering on' that needs to be discussed as a team?
- ☐ Have you informed workers about the importance of hand washing?
- ☐ Have you trained workers on how to wash their hands (with soap and water for at least 20 seconds) and dry them correctly?
- ☐ Have you trained workers on how to correctly use alcohol-based hand sanitiser?
- ☐ Inform workers and others when they need to wash their hands. This includes:
  - ☐ before and after eating
  - ☐ after coughing or sneezing
  - ☐ after going to the toilet
  - ☐ after changing tasks
  - ☐ after touching potentially contaminated surfaces
- ☐ Inform workers of the following good hygiene measures to limit the spread of the virus:
  - ☐ cover coughs and sneezes with an elbow or a tissue
  - ☐ avoid touching the face, eyes, nose and mouth
  - ☐ dispose of tissues hygienically
  - ☐ wash hands before and after smoking a cigarette

- ☐ clean and disinfect surfaces and shared equipment
- ☐ wash body, hair (including facial hair) and clothes thoroughly every day
- ☐ stay more than 1.5 metres away from others
- ☐ don't shake hands and avoid any other close physical contact where possible
- ☐ no spitting
- ☐ put cigarette butts in the bin
- ☐ Can you set up automatic alerts on computer systems to remind workers about washing hands and good hygiene measures?

Put measures in place where reasonably practicable to minimise contact between people

- ☐ Can you put in a system to provide for cashless transactions?
- ☐ Require workers to minimise contact with others where possible

See also:
Physical distancing checklist.

Hand washing & hand sanitising stations

- ☐ Are there an adequate number of hand washing and hand sanitising stations to sustain the increase in workers' practicing good hygiene? Consider:
  - ☐ the number of workers on site
  - ☐ any shift arrangements
  - ☐ entry and exit points
  - ☐ high traffic areas
  - ☐ the need for workers to wash their hands before, during or after the completion of a work task
  - ☐ the location of the workplace or work tasks. Will workers be located outside away from common facilities such as bathrooms?

Coronavirus COVID-19   safe work australia

Screening staff and stakeholders

- Set your process for screening staff and stakeholders.

- Follow medical guidelines and review them regularly.

- Set and communicate expectations of staff in relation to:

  - Attending external events and conferences

  - Traveling for work or pleasure

  - Meeting clients internally and externally

  - Hygiene requirements, including if they feel unwell or know someone who is unwell

- Communicate the consequences of non-compliance.

Screening staff and stakeholders cont.

- Consider how you will screen staff and stakeholders prior to coming into the office:
  - Are they or have they felt unwell (e.g. cold or flu like symptoms, temperature)
  - Have they travelled interstate or overseas in the last two weeks?
  - Have they been in contact with anyone that is confirmed (or suspected) to have COVID-19?
- Establish clear protocols for personal interactions
  - No handshaking
  - Sitting at an acceptable distance
  - Kitchen etiquette
  - Time limits
- Keep up to date contact information so that you can contact them quickly if needed

Managing mental health concerns

- Global Study by SAP, Qualtrics and Mind Share Partners – pandemic has impacted mental health globally.

  - 40 percent reported a decline in mental health since COVID-19.

  - The number of people who describe mental health as ≤3/10 has doubled

- Newly appointed Deputy Chief Medical Officer, Dr Ruth Vine, warns of "rolling phases of mental health despair" for Australians during the recovery.

- Initial focus was on the mental health impact of social isolation, loneliness and 'the juggle'.

- This has shifted to widespread apprehension about employment and other financial impacts.

Strategies to support workers

✓ Show you care. Actions speak louder than words.

✓ Normalise the conversation around mental health.

✓ Create clarity and routine.

✓ Conduct regular check ins.

✓ Offer supports. Be creative. EAP is not the only solution.

✓ Be flexible.

✓ Be transparent.

✓ Offer staff a life line - safe words for family violence.

✓ Over communicate.

OHS Refresher

Generally, OHS laws require you to provide and maintain a working environment that is safe and free of risks to health, as far as is reasonably practicable.

- ✓ Extends to care of the health, safety and welfare of staff, contractors and volunteers, and others (clients, customers, visitors) at your workplace, and you.
- ✓ Eliminate the risk of exposure to COVID-19, or minimise that risk as far as is reasonably practicable.
- ✓ Ensure that the work of your business or undertaking does not put the health and safety of other persons at risk of contracting COVID-19.

- ✓ Monitor the health of workers and conditions of the workplace to prevent exposure to COVID-19.
- ✓ Provide and maintain adequate and accessible facilities for workers to carry out their work safely (e.g. washrooms facilities and cleaning supplies)
- ✓ Provide workers with information, training, instruction and supervision necessary to protect them from risk of exposure to COVID-19.
- ✓ Consult with workers about work health and safety matters.

Safety considerations

Whether a control measure is reasonably practicable involves consideration of what is able to be done to manage a risk and whether it is reasonable in the circumstances to do so. This involves consideration of:

- the likelihood of the risk occurring;

- the degree of harm that might result; and

- the availability and suitability of a control measure.

Employers should consider the control measures that are available that may reduce the risks of both mental and physical injuries occurring from returning to the office.

What control measures should you implement?

✓ **Review or implement a working from home policy and a return to work policy** that clearly sets out OHS expectations and requirements.

✓ Instruct staff to carry out a working from home **safety assessment** and **checklist** if they wish to continue working from home.

✓ Provide guidance and instructions on how to set up an **ergonomic and safe office space.**

✓ Provide guidance on **safety measures** in the **office** and **acceptable distance** from others

✓ Assign employees to **regularly check in** with staff via video conferencing software.

✓ Be open and transparent with employees about support and assistance that may be available from the employer, such as **employee assistance programs.**

WHEN will they return to the office

- Consider your needs against each individuals preference and circumstances

- How can the office work effectively from both home and on-site?

- Staggered approach?

- Make sure your approach is consistent with Government directions

- Don't prematurely force a return against Government directions – penalties may apply

- Make sure you have a check in/check out system to monitor who is in the office at all times

HOW: Your Response Plan

The health and safety of your employees should be your top priority.

Your response plan should, at a minimum, address:

- Your response if a team member or client has been diagnosed with COVID-19

- Your response if a team member has been in close contact with someone who is diagnosed with COVID-19

- Escalation points (e.g. do you have a response team? Do you need a COVID-19 first aider? Do people know who they are?)

- Your response if a team member and/or client in the building has been diagnosed with COVID-19

- Your response if a person has COVID-19 symptoms and is being tested
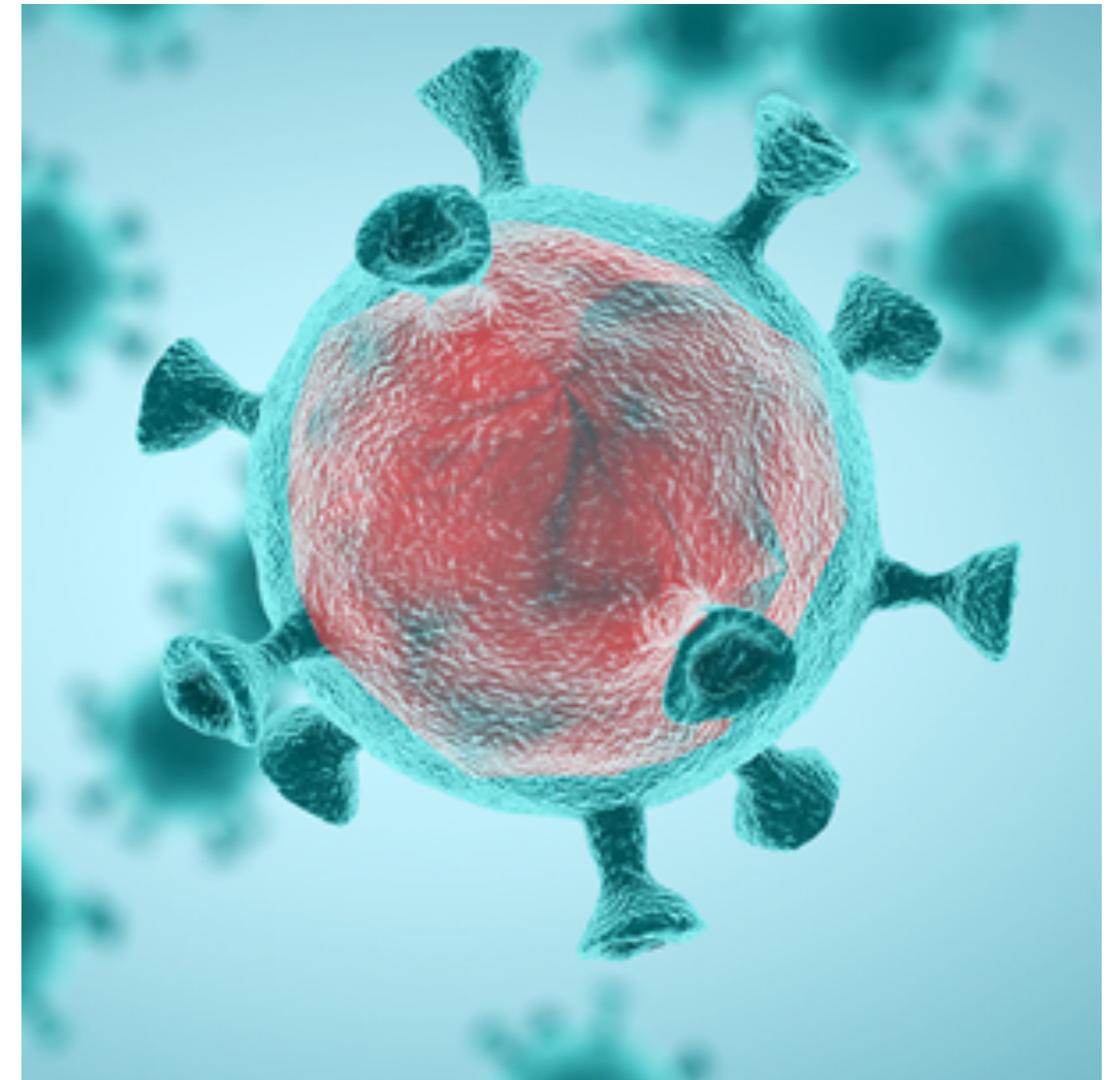
JobKeeper Considerations

JobKeeper eligible employees

- JobKeeper is currently operative until 27 September 2020

- Up to this date, employers can issue JobKeeper Enabling Directions to employees

  - Undertake ordinary contracted hours of work at home

  - Undertake reduced hours of work

  - Undertake modified duties either at work or away from the workplace

- 3 days' advance notice of a direction taking effect

Non-JobKeeper eligible employees

- Consider contractual employment terms and/or the relevant modern award
- Consider any agreement individually reached with employee
- Employers may wish to:
  a) Continue to rely on an agreement individually reached with employee (i.e. reduced hours) or
  b) Return an employee back to their ordinary hours of work; or
  c) Seek to reach agreement with an employee in relation to:
     - Hours of work;
     - Duties; and/or
     - Location of work.
- Consider relevance of section 524 of the Fair Work Act 2009
- Review all arrangements on an ongoing basis

Your questions answered

Can employers require medical clearance and temperature tests?

- Employers may want to monitor the health of workers through medical clearance and temperature checks, as a preventative measure in managing a COVID-19 outbreak.
- This may be required or reasonable (e.g. where workers live together in accommodation such as FIFO or in workplaces where vulnerable people are present, such as hospitals and aged care facilities).

- Consider the net benefit. Temperature checks only identify symptoms. They don't tell you whether a person has COVID-19
- A person may be asymptomatic or be on medication that reduces their temperature.

Drastic changes for CBD offices as workers gradually return
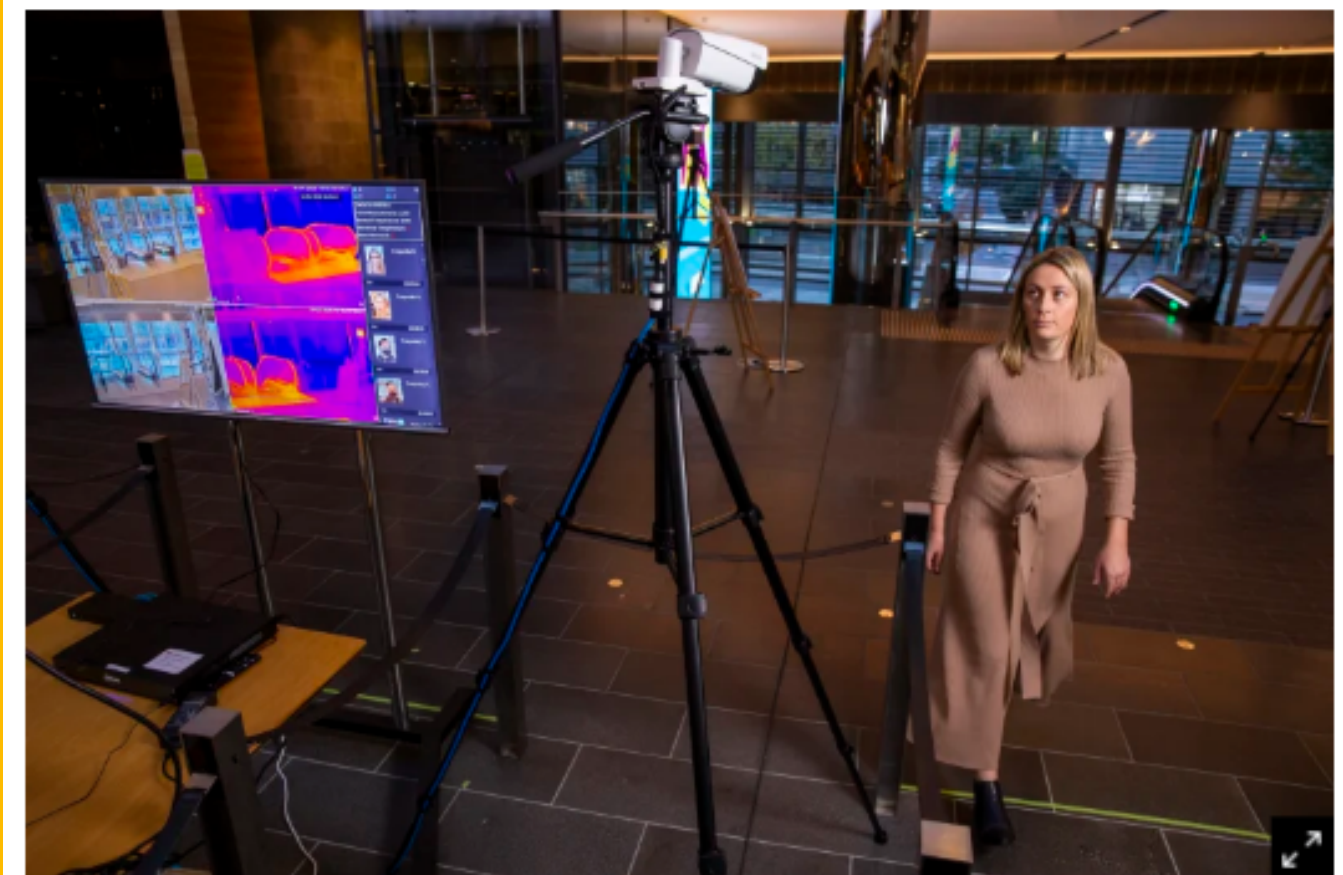
Thermal imaging equipment installed by ANZ as part of return-to-work preparations. WAYNE TAYLOR

Temperature tests and thermal screening

- Before administering temperature checks/thermal screening:
    - ✓ seek the advice of your public health authority on the appropriate method of temperature checking, equipment, personal protective equipment (PPE) and control measures required to ensure safe testing.
    - ✓ consult with your workers, and their health and safety representatives and provide information on the process for temperature tests.
    - ✓ provide information, training, supervision, as well appropriate PPE for workers conducting temperature checks.

- ✓ get advice on leave/stand down arrangements for employees who register high temperatures.

Can employees be directed not to travel?

- Employers can direct employees not to undertake work-related travel if this is necessary to meet workplace health and safety obligations or is otherwise a lawful and reasonable direction.

- Employers cannot prevent employees from travelling in their personal time.

- Employers should consider and implement control measures after travel to protect vulnerable workers.

- Where travel presents a risk to other employees, it may be open for the employer to require the employee to self-isolate or work from home on their return.

- Evaluate the risk. Consider government travel restrictions.

- Consider the options: work from home, self-isolation and leave.

Can you direct a worker to download the COVID-19 app?

- The COVIDSafe app helps state and territory health officials to quickly contact people who may have been exposed to coronavirus.
- Downloading and using the COVIDSafe app is completely voluntary.
- Employers can't:
  - require current or prospective employees to download or use the app; or
  - make downloading or using the COVIDSafe app a condition of employment, entry to work or doing work activities.

- Employers can't take adverse action against an employee, such as firing an employee or changing their job, because an employee refuses to download or use the app, or refuses to upload data from the app to the National Data Store.
- Employers can strongly encourage employees to download COVIDSafe.
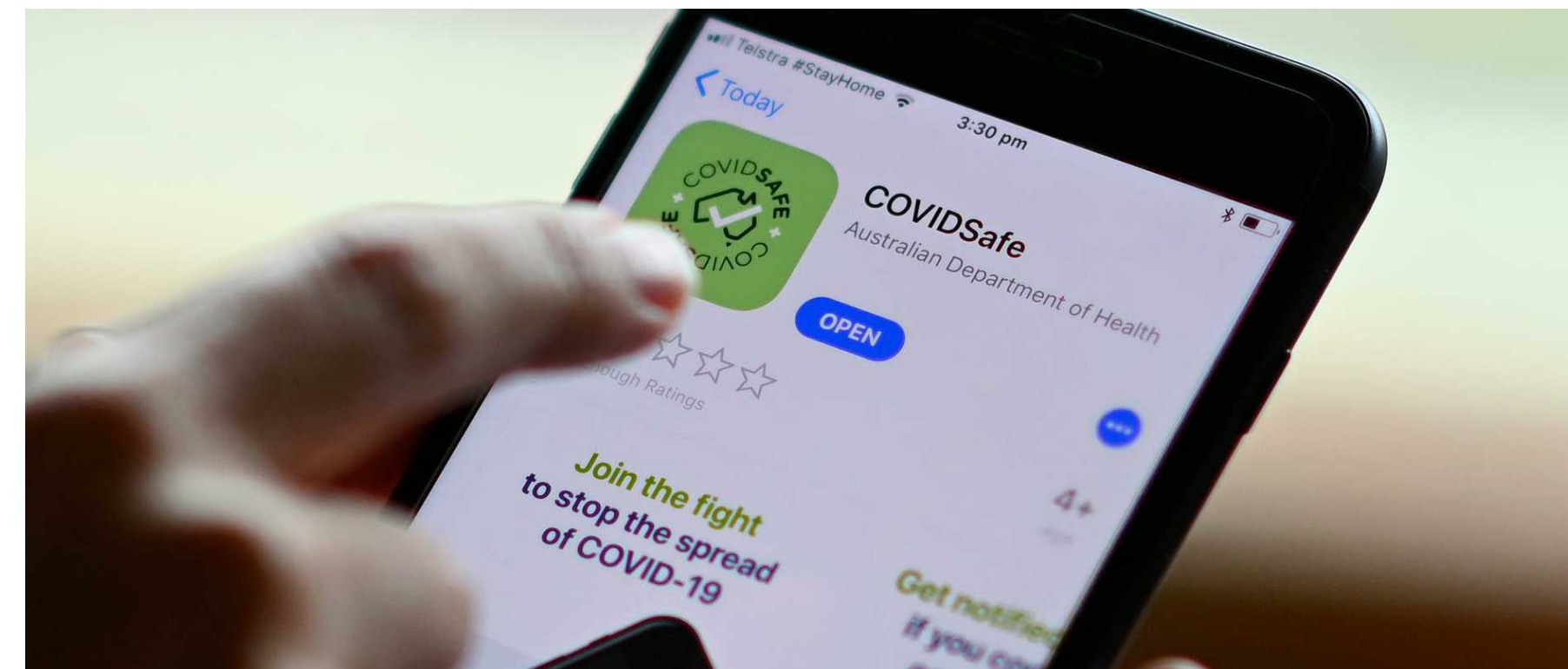
What if an employee refuses to return to the office?

- An employer's ability to enforce a direction to return to the office will depend on whether the direction is 'lawful' and 'reasonable'.

- Directions that are consistent with legislative requirements and medical guidelines are likely to be lawful.

- Whether a direction is 'reasonable' depends on the individual circumstances.

- Acting against Government direction is unlikely to be lawful/reasonable

- Consider the employee – i.e. do they have a medical condition which prevents them from working? Are they at higher risk of becoming ill? Do you have effective safeguards in place to protect them? Are they medically cleared for work?

- Consider the alternatives - Has working from home been working for the employer and employee? Can it continue in the short to medium term?

What may be a 'reasonable' refusal?

Examples of reasonable refusals *may* include:

• A medical condition affecting the employee that makes returning to the workplace unsafe

• A medical condition of someone within the employees household where the employee is a sole carer OR the condition would be a threat to the workplace

• Where the employee is on approved leave

• Where the employee is subject to a flexible working arrangement under section 65 of the Fair Work Act.

Requests and acceptances/denials should be in writing from both the employer and employee.

Recap

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Next steps

- **Step one**: Prepare a COVIDSafe Plan

  - consider your obligations and develop a plan

- **Step two**: Returning employees to the workplace

  - who, what, when, where and how

- **Step three**: Resolving return to work concerns

- **Step four**: Continue to monitor, review and improve practices

Questions?

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