



Victoria COVID-19 Restrictions and Risk Controls 5 Day Circuit Breaker 13 to 17 February 2021

With effect from 11.59pm on Friday 12 February 2021 until 11.59pm on Wednesday 17 February 2021, the whole of Victoria is in hard lockdown. This Advice has been updated to reflect the requirements of the Directions issued at 11.59pm on 12 February 2021 [and subsequent amendments to the essential worker list](#).

With some minor exceptions, only essential work premises are permitted to operate. An essential work premises is one at which an essential provider operates, or an essential worker performs essential work. **It should be noted that the list of definitions has again been updated, to increase the work that can be undertaken. Ai Group has also received clarification regarding essential workers related to "export".** Employers relying on the list to operate should check that the ~~relevant~~ provisions [applicable to them](#) have not changed.

[A summary of updates made to this Advice appear directly after the introduction.](#)

Face coverings are required whenever a person leaves home, indoors and outdoors,

INTRODUCTION

With effect from 11.59pm on Friday 12 February 2021 until 11.59pm on Wednesday 17 February 2021, the whole of Victoria will be in hard lockdown.

This Advice has been updated to reflect the wording of the Directions which were issued at 11.59pm on 12 February 2021.

The [Premier's press release](#) indicated that the work-related impacts would be similar to the Melbourne Stage 4 lockdown, stating:

"A list of who is considered an essential worker will be made available online. But the short answer is – if you were a permitted worker during Stage 4 restrictions – you'll most likely be an essential worker now too. For everyone else, we need you to work from home."

However, the final list of essential work premises demonstrates that the restrictions are far broader than those that applied in the Melbourne Stage 4 lockdown. It is also important to recognise that the restrictions apply to all of Victoria, so that Regional Victoria is also impacted by broad workplace closures that they have not previously experienced.

Employers will be required to self-assess to determine whether their business can operate. Ai Group is currently talking with the Government to get clarification on how some of the definitions of essential providers and essential workers are expected to operate. We will provide further information when any clarification is received.



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COVID-19 CORONAVIRUS

MEMBER ADVICE | **NAT 026/21** | UPDATED 15 FEBRUARY 2021

People are restricted from travelling more than 5km from their primary residence for the purpose of obtaining necessary goods and services or exercise. This restriction does not apply to people who are permitted to attend work at an essential work premises.

Face coverings are required whenever a person leaves home unless an exception applies.

Worker permits (like those required during the Melbourne Stage 4 lockdown) are **not** required during this lockdown. However, it would assist workers who may be challenged by authorities if the employer provided some form of documentation to support the worker's need to leave home.

UPDATE AT 15 FEBRUARY 2021

This Advice has been updated to reflect amendments to the list of essential workers that have occurred since 10am on 13 February and clarification received by Ai Group in relation to the application of the work related to "export". This incorporates information that was sent to Members by Tim Piper, Head Victoria over the weekend.

One of the essential worker categories is described as "commercial operations that supply goods or service necessary to support the export of goods and services from Victoria – Example: manufacturing of personal protective equipment or hand sanitiser, or dry cleaning services."

In discussions with Ai Group, the government has confirmed that this is intended to enable Victorian businesses which export to other states and/or overseas to remain open during the lockdown. The government has emphasised that businesses which remain open must limit, to the greatest extent possible, workers they need to have on site to undertake exports.

An extended list of manufacturing, fabrication or assembly has been included which now incorporates activities to support petrochemical supplies and construction and building industries.

The current list of essential provider and essential workers is provided later in this Advice. Change that have been made to the list since 13 February 2021 are highlighted in bold, for ease of reference.

RESTRICTIONS ON OPERATING WORKPLACES AND ATTENDING WORK

Clause 5 of the [Workplace Directions \(No 19\)](#) establishes that:

(1) *An employer:*

- (a) *must not permit a worker to perform work at the Work Premises where it is reasonably practicable for the worker to work at the worker's place of residence or another suitable premises which is not the Work Premises; and*

Note: the Stay Safe Directions (Victoria) (No 14) refers to an Essential Worker and Essential Provider List.

- (b) *must comply with the Stay Safe Directions, the Workplace (Additional Industry Obligations) Directions and all other Directions currently in force where they apply to that employer; and*



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COVID-19 CORONAVIRUS

MEMBER ADVICE | **NAT 026/21** | UPDATED 15 FEBRUARY 2021

- (c) *may permit workers to work from the employer's Work Premises, to the extent the Work Premises is permitted to operate under the Restricted Activity Directions (Victoria);*
- (2) *Where an employer permits or requires work to be performed at a Work Premises, the employer must comply with clauses 6 to 8 .*
[Ai Group Note: Clause 6 relates to preventative measures
Clause 7 and 8 relate to responding to suspected and confirmed COVID-19 cases]
- (3) *Workers must not attend a Work Premises if they have been tested for SARS-CoV-2 because they are symptomatic whilst awaiting the result of that test (excluding where a worker is awaiting results of a test taken in accordance with a surveillance testing obligation under the Workplace (Additional Industry Obligations) Directions).*

Clause 8(2) of the [Stay Safe Directions \(Victoria\) \(No 14\)](#) establishes that a person can only leave home for the purposes of work if:

- (a) *It is not reasonably practicable for the person to work from the premises; and*
- (b) *The person is an essential worker, works for an essential provider, or is required to attend a closed premises as defined in, and provided they are permitted to do so under clauses 6 and 7 of the Restricted Activity Directions (Victoria).*

The [Restricted Activity Directions \(Victoria\) \(No 7\)](#) establish which businesses can operate during the lockdown period, by defining essential work premises. Closed premises are any work premises that does not meet the definition of essential work premises.

Clause 5 Essential work premises

- (1) *For the purposes of this clause, an essential work premises is a work premises at which:*
 - (a) *an essential provider operates; or*
 - (b) *an essential worker performs essential work.*
- (2) *A person who owns, controls or operates an essential work premises in the State of Victoria may operate that premises during the restricted activity period to the extent permitted by the Directions currently in force.*
- (3) *Despite subclause (2), a person who owns, controls or operates an essential work premises in the State of Victoria may operate that premises:*
 - (a) *for the purpose of essential maintenance; or*
 - (b) *for the purposes of recruitment, where it is not reasonably practicable for that recruitment to occur from the place where those involved in the recruitment ordinarily reside; or*
Example: Victoria Police may permit applicants for employment to attend examinations, fitness assessments and other medical and psychological screening where these activities cannot be undertaken from home.
 - (c) *by permitting employees to work from the place where they ordinarily reside; or*



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COVID-19 CORONAVIRUS

MEMBER ADVICE | **NAT 026/21** | UPDATED 15 FEBRUARY 2021

- (d) *as required or authorised by law; or*
 - (e) *in an emergency; or*
 - (f) *as otherwise permitted by the Directions currently in force.*
- (4) *If a work premises includes multiple functions and some of those functions are functions which are prohibited under these directions or any other Directions currently in force, then only those functions which are not prohibited may be undertaken.*
- (5) *Where there is any inconsistency between the general obligations and the specific obligations set out in the Directions currently in force, the specific obligations will prevail.*

The Essential Worker and Essential Provider List, as amended from time to time, can be accessed [here](#). The list as it stands at 10.00am on 13 February, has some amendments from the list that was available on 12 February. The current list is reproduced later in this Advice.

Clause 6 Closed work premises

- (6) *Subject to subclause (2), a person who owns, controls or operates a closed work premises in the State of Victoria must not permit persons to attend that premises during the restricted activity period other than for the purposes of an exception in clause 7.*
- (7) *Despite subclause (1), a person who owns, controls or operates a closed work premises in the State of Victoria may permit persons to attend that premises or operate the premises:*
- (a) *for the purpose of essential maintenance; or*
 - (b) *to ensure that the premises is closed safely for the duration of the restricted activity period; or*
 - (c) *by permitting employees to work from the place where they ordinarily reside to operate the premises; or*
 - (d) *as required or authorised by law; or*
 - (e) *in an emergency; or*
 - (f) *as otherwise permitted by the Directions currently in force.*

Clause 7 Exceptions to the requirement to close

Clause 7 establishes some additional permitted operations, under specific circumstances: accommodation facilities; community facilities; educational facilities; places of worship; playground facilities; professional sport; contactless collection or delivery from retail facilities that do not meet the essential workplace definition. Businesses that wish to rely on these exceptions should read the detail of the Directions for further information.

Maintaining other control measures



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COVID-19 CORONAVIRUS

MEMBER ADVICE | **NAT 026/21** | UPDATED 15 FEBRUARY 2021

Businesses that can operate under these tight restrictions must also comply with the requirements of the Workplace Directions (No 19) as amended at 11.59pm on 12 February 2021 and the Workplace (Additional Industry Obligations) Directions.

Essential providers and Essential workers

The following list of essential providers and essential workers is accurate at [7.00am on 15 February 2021](#) but may be amended from time to time. The current list can be accessed [here](#).

It should be noted that there have been some changes to the list since it was published on 12 February and amended on 13 February. Employers relying on this list to operate should check the list for changes.

Essential providers

- a supermarket, grocery store, bakery, butcher, fruit and vegetable store or fishmonger; or
- an indoor or outdoor market, but only to obtain groceries or fresh food; or
- a restaurant, café, pub, bar or hotel, whether licensed or unlicensed, but only to the extent that:
 - it provides takeaway meals or drinks or a meal delivery service; or
 - it provides food or drink to the homeless
 - a bottleshop; or
- a financial institution; or
- consular and diplomatic services; or
- court, tribunal or commission services;
- a post office; or
- a news agent; or
- a pharmacy; or
- a petrol station (including a petrol station that sells groceries); or
- vehicle and mechanical repair services; or
- a pet store or veterinary clinic; or
- urgent services necessary for the health and safety of any person, animal or premises; or
- essential child protection activities
- a childcare, early learning centre, kindergarten, pre-school or family day care provider; or
- a school, but only to the extent that education services are provided to the child of an essential worker or to vulnerable children



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COVID-19 CORONAVIRUS

MEMBER ADVICE | **NAT 026/21** | UPDATED 15 FEBRUARY 2021

Essential workers

Note: Words highlighted in bold below indicate a change in the list from that which was published on 13 February 2021.

Any person who performs work that is essential for the continued operation of:

- an essential provider; or
- essential health services [Ai Group note essential health providers are defined in the list; we have not reproduced the services as they are not relevant to most of our members – they can be found in the list at the link above]; or
- funerary or mortuary services or related activities; or
- emergency services, including:
 - the State Emergency Services; and
 - fire fighting services; and
 - paramedical services; and
 - **ambulance and paramedics services; and**
 - air ambulance and medical retrieval services (including Royal Flying Doctor Service); and
 - Victoria Police employees; Protective Services Officers and police custody officers; and
 - military and defence services deployed for activities in Victoria; or
 - state security or national security;
- essential infrastructure and essential services that are required to maintain or protect human health, safety and wellbeing (whether provided by a public or private undertaking), and including construction, maintenance and repair of such infrastructure; or
- critical repairs to any premises where required for emergency or safety; or
- faith leaders broadcasting services and ceremonies at places of worship; or
- retail goods workers supporting the operation of click and collect or click and deliver orders; or
- health practitioners, including medical students on placement and practitioners when undertaking critical training and examinations; or
- **Allied health professionals working in home-based community services to provide critical clinical care; or**
- maternal and child health workers providing essential care to newborns or at-risk babies; or
- a person who is critical to, and involved in, the State's COVID-19 response (including in hotel quarantine); or
- roadside assistance services; or

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COVID-19 CORONAVIRUS

MEMBER ADVICE | **NAT 026/21** | UPDATED 15 FEBRUARY 2021

- *government or local government services (whether provided by government, local government or outsourced) determined to be essential by the relevant Chief Executive Officer; or*
- *a member of Parliament or anyone required to ensure the functioning of the Victorian or Commonwealth of Australia Parliaments; or*
- *domestic and commercial waste and resource recovery services (including collection, treatment and disposal services and transfer stations); or*
- *Commonwealth agency services, including Australian Border Force and Commonwealth law enforcement and intelligence agency services; or*
- *services related to the administration of justice, including prison transfers; or*
- *essential legal services that are not able to be provided electronically, including urgent legal matters such as executing a will in-person; or*
- *journalist and media services; or*
- ***feature film, television and documentary (excluding television commercials, student and corporate production) that is already in physical production and operating as a closed set and post-production related to it; or***
- *a factory or facility that is not able to be shut down without causing damage or loss to plant and equipment, but only those operations that are necessary in order to prevent that damage or loss; or*
- *mining, building or construction services for critical infrastructure work, which includes, for the avoidance of doubt, road construction services; or*
- *administrative services provided by an employer to enable its employees to work from home; or Example: Payroll and IT services.*
- *organisations that provide urgent services necessary for the health and safety of any person, animal or premises; or
Example: the performance of emergency plumbing services, Centrelink services and foodbanks.*
- *public transport, including taxis, rideshare services and other public passenger services; or*
- *air transport (including the operation of airports); or*
- *port operations; or*
- *freight services (including postal and courier services); or*
- *a transport, freight or logistics driver; or*
- *National Heavy Vehicle Regulator compliance activities; or*
- *a blood bank; or*
- *care services for people with particular needs because of homelessness, age, infirmity, disability, illness or a chronic health condition; or*
- *truck stops and roadhouses, but not the provision of seated dining or shower facilities to persons who are not transport, freight or logistics drivers; or*



AUSTRALIAN INDUSTRY GROUP

COVID-19 CORONAVIRUS

MEMBER ADVICE | **NAT 026/21** | UPDATED 15 FEBRUARY 2021

- *production and distribution of;*
 - *food and groceries for sale by a supermarket, butcher, fruit and vegetable store, market or fishmonger (including for sale by operators of such premises at an indoor or outdoor market); or*
 - *liquor for sale at a bottleshop; or*
 - *medical and pharmaceutical products; or*
- *commercial operations that supply goods or service necessary:*
 - ○ *for the implementation of measures to limit the spread of COVID-19; or*
 - ○ *to support any business activity that may be carried out in accordance with these directions; or*
 - ○ *to support the export of goods and services from Victoria; or*
Example: manufacturing of personal protective equipment or hand sanitiser, or dry cleaning services.
- *primary industries only to the extent necessary to ensure adequate supply of food to, and care of, animals and maintenance of crops; or*
- *a hotel, motel or other accommodation facility to the extent that they provide accommodation services; or*
- *forestry; or*
- *manufacturing, fabrication or assembly of goods and materials necessary for or related to supporting **petrochemical supplies; defence, or security industries or construction and building industries;** or*
- *ancillary services to ensure the necessary production, supply, manufacture, repair, maintenance, cleaning, security, wholesale, distribution, transportation or sale of equipment, goods or services required for the operations of an Essential Provider or Essential Worker; or*
- *a person who is:*
 - *critical to, and involved in, the State's COVID-19 response (including in hotel quarantine); or*
 - *a fly in fly out worker or a drive in drive out worker who is required for industry or business continuity and maintenance of a competitive operation where the service is time-critical, who is responsible for critical maintenance or repair of infrastructure critical to a region of, or to, Victoria;*
 - *maritime crew; or*
 - *a transport, freight or logistics driver; or*
 - *a professional sportsperson, workers that support the safe running of that person's professional's sport and public broadcast personnel.*

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COVID-19 CORONAVIRUS

MEMBER ADVICE | **NAT 026/21** | UPDATED 15 FEBRUARY 2021

VICTORIAN COVIDSAFE PRINCIPLES FOR ALL BUSINESSES

The [COVIDSafe Summer documents](#) include six COVIDSafe principles:

- wear a face mask;
- physical distancing (1.5m);
- good hand hygiene;
- don't go to work unwell;
- cough and sneeze into tissue or elbow; and
- outdoor activities.

During the second wave in Victoria [quarantine requirements](#) were increased. When there is a confirmed case of COVID-19, all close contacts (primary close contact), and close contacts of close contacts (secondary close contacts), are required to quarantine. This is an important consideration for business continuity if decisions are made to reduce the application of "bubbles" in workplaces, which appeared in the previous principles. It should be noted that some high-risk industries are still required to implement bubbles.

The more interaction that occurs between work teams and shifts, the greater number of people that would be required to quarantine if there is a confirmed case of COVID-19 in your workplace, or if one of your workers is a primary close contact of a confirmed COVID-19 case.

All Victorian workplaces are still required to have a COVIDSafe Plan and continue to comply with the specific risk controls that are established by the Workplace Directions and the Workplace (Additional Industry Obligations) Directions to minimise the risk of COVID-19 being transmitted in workplaces.

PUBLIC HEALTH REQUIREMENTS FOR THE CONTROL OF COVID-19 IN WORKPLACES

Workplace Directions and Additional Industry Obligations Directions

The following summary has been developed to highlight the key risk control issues that **all Victorian businesses** are required to focus on. It is highly recommended that employers refer directly to the Directions to ensure compliance with the details. The current Directions can be accessed at the links below.

The [Workplace Directions \(No19\)](#) establish specific risk control obligations for all Victorian employers.

The [Workplace \(Additional Industry Obligations\) Directions \(No 17\)](#) establish specific additional risk control measures required for businesses operating in the industries outlined below.

Note: Some of the businesses listed below will be required to close during this lockdown; businesses must refer to the list of essential providers and essential services to determine whether operations can continue.

- poultry processing facilities;
- abattoirs and meat processing facilities;
- seafood processing facilities;
- supermarket work premises and perishable good work premises in Metropolitan Melbourne;



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COVID-19 CORONAVIRUS

MEMBER ADVICE | **NAT 026/21** | UPDATED 15 FEBRUARY 2021

- warehousing and distribution centres in Metropolitan Melbourne;
- commercial cleaning services;
- commercial passenger vehicle services;
- horticultural operations using seasonal workers for seasonal horticultural work;
- care facilities;
- ports of entry;
- hotel quarantine;
- hospitals; and
- Australian air transport operators.

Summary of Required Risk Controls

All Victorian workplaces that are permitted to operate during the 5-day lockdown must continue to comply with the requirements of the Workplace Directions and the Workplace (Additional Industry Obligations) Directions. These requirements are in addition to any specific restrictions imposed by the Restricted Activity Directions (Victoria) and the Victorian Border Crossing Permit Directions. Information about Travel Permits for specific workers is provided near the end of this Advice.

For the period from 11.59pm on Friday 12 February to 11.59pm on Wednesday 17 February 2021 the whole of Victoria is in a hard lockdown. Many workplaces will be required to shut because they are not essential providers and/or do not engage essential workers.

Issue addressed	Workplace Directions (No 19) Applicable to all Victorian workplaces	Workplace (Additional Industry Obligations) Directions (No 17) See note at the start of this section that identifies industries impacted by these Directions.
Consultation	Not specifically addressed but required in line with OHS obligations.	Clause 6(3) Specific consultation obligations established.
Reduction in numbers of staff	All workplaces required to shut unless they are an essential work premises, or an exception applies.	Comply with Workplace Directions
Work from home unless it is not reasonably practicable	If you can work from home, you must work from home. Also see above restrictions on work generally.	Comply with Workplace Directions



AUSTRALIAN INDUSTRY GROUP

COVID-19 CORONAVIRUS

MEMBER ADVICE | **NAT 026/21** | UPDATED 15 FEBRUARY 2021

Issue addressed	Workplace Directions (No 19) Applicable to all Victorian workplaces	Workplace (Additional Industry Obligations) Directions (No 17) See note at the start of this section that identifies industries impacted by these Directions.
<p>Personal Protective Equipment (PPE)</p> <p>Employer to take reasonable steps to ensure the worker carries a face covering at all times, unless exceptions apply and wears a face covering where required to do so in accordance with any other Directions currently in force.</p> <p>Other PPE requirements as specified.</p>	<p>Clause 6(1) to 6(2)</p> <p>The requirements of these clauses are reproduced later in this Member Advice. A face covering must be a fitted face mask.</p> <p>Information about how to implement the wearing of Face Coverings can be found in an Ai Group Fact Sheet here.</p> <p>Note: With effect from 13 February 2021, masks must be worn in all indoor and outdoor workplaces unless an exception applies.</p>	<p>Comply with Workplace Directions</p> <p>Clause 7(14) Care facilities Must comply with PPE requirements in accordance with the requirements of DHHS.</p> <p>7(17)(e) & (f) Ports of entry 7(20)(d) & (e) Hotel quarantine Must make available an adequate supply of PPE in accordance with DHHS requirements and ensure that it is worn.</p> <p>7(31) Australian air transport services Must include in their COVIDSafe Plan the processes to ensure the wearing of face coverings and provide appropriate facilities for the disposal of face coverings.</p>
<p>Training requirements</p>	<p>General obligations in OHS laws to provide information, training, instruction and supervision.</p>	<p>Clause 7(2)(c) Abattoirs and meat processing facilities, poultry processing facilities, seafood processing facilities or, in Metropolitan Melbourne, supermarket distribution and warehousing (excluding retail facilities) and perishable food Work Premises that is a chilled distribution facility.</p> <p>Clause 7(6) Seasonal horticultural work</p> <p>Clause 7(17)(d) Port of entry</p> <p>Clause 7(20)(g) Hotel quarantine</p> <p>Regular training to workers, including induction, on good hygiene, not attending work if sick (and compliance with “bubbles” if appropriate).</p>
<p>COVID Safe Plan</p>	<p>Clause 6(3) to 6(6)</p> <p>Have and maintain a COVID Safe Plan in line with the requirements of these subclauses. Guidance and templates available here.</p>	<p>Comply with Workplace Directions</p>



AUSTRALIAN INDUSTRY GROUP

COVID-19 CORONAVIRUS

MEMBER ADVICE | **NAT 026/21** | UPDATED 15 FEBRUARY 2021

Issue addressed	Workplace Directions (No 19) Applicable to all Victorian workplaces	Workplace (Additional Industry Obligations) Directions (No 17) See note at the start of this section that identifies industries impacted by these Directions.
Record keeping	Clause 6(7) to 6(10) Log of all people who attend the Work Premises for longer than 15 minutes. Detailed requirements about the handling of information are included in 6(10) Clause 6(11) Must keep records to demonstrate compliance with these Directions, including: all logs created; work premises rosters; time and attendance records; and payroll data.	Comply with Workplace Directions
Density quotient	Clause 6(13) to 6(15), 6(17) In any shared spaces, must not exceed the density quotient which is 1 person per 2 square metres in each indoor space or zone. Note: Different density quotients have been established for some workplaces. Businesses whose operations involve interaction with the public should check the appropriate section of the Restricted Activity Directions for detail.	Comply with Workplace Directions
Signage	Clause 6(16) and 6(18) Specific signage required for any publicly accessible space, including signage about the wearing of face coverings.	Comply with Workplace Directions



AUSTRALIAN INDUSTRY GROUP

COVID-19 CORONAVIRUS

MEMBER ADVICE | **NAT 026/21** | UPDATED 15 FEBRUARY 2021

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Cleaning requirements	Clause 6(19) to 6(21) 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, using appropriate disinfectant. DHHS guidance on cleaning and related one page Fact Sheets can be found at this link .	Comply with Workplace Directions, plus: Clause 7(1) Specifies which facilities must increase the regularity of comprehensive cleaning by ensuring all areas are cleaned at least daily. Clause 7(7) Seasonal horticultural workers Specific requirements for provision of hygiene products and well-maintained toilet facilities.
Creating workplace "bubbles"	Not specified in the Directions but recommended where possible to reduce the risk of infection, aid contact tracing and limit the number of people required to isolate if there is a COVID-19 case in the workplace.	Clause 7(2)(b) Abattoirs and meat processing facilities, poultry processing facilities, seafood processing facilities Clause 7(4) Seasonal horticultural work Clause 7(17)(c) Port of entry Clause 7(20)(c) Hotel quarantine Clause 7(26)(b) High-risk hospital premises Arrange operations so that workers are working consistently with others, where reasonably practicable with specific detail provided within the relevant clauses. Clause 7(4) & 7(5) Seasonal horticultural work Must record the roster of workers, including the work areas, work teams and breaks taken for each worker bubble.
Reducing work across multiple sites		Comply with Workplace Directions Clause 7(8) to 7(10) Care facilities Clause 7(21) to 7(23) Hotel quarantine Clause 7(27) to 7(29) High-risk hospital premises An employer must not require or permit a worker to perform work at more than one Work Premises unless it is not practicable.



AUSTRALIAN INDUSTRY GROUP

COVID-19 CORONAVIRUS

MEMBER ADVICE | **NAT 026/21** | UPDATED 15 FEBRUARY 2021

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Working at more than one premises for different employers		<p>Clause 7(11) Care facilities</p> <p>Clause 7(24) Hotel quarantine</p> <p>Clause 7(30) High-risk hospital premises</p> <p>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>
Avoid working in enclosed spaces	Not specifically required in Directions but included as a COVIDSafe principles – to consider when work, including meetings can be undertaken outdoors.	
COVID Marshalls	Not required	<p>Clause 7(2)(a) & 7(2)(d) Abattoirs and meat processing facilities, poultry processing facilities, seafood processing facilities or, in Metropolitan Melbourne, supermarket distribution and warehousing (excluding retail facilities) and perishable food Work Premises that is a chilled distribution facility.</p> <p>Clause 7(17)(b) Ports of Entry</p> <p>Clause 7(20)(b) Hotel Quarantine</p> <p>Clause 7(26)(a) High-risk hospitals premises</p> <p>Designate an employee or employees as a COVID Marshall whose role is to monitor compliance with these directions, including physical distancing and provide training to the Marshall(s) in accordance with guidance from DHHS.</p> <p>COVID Marshalls are also recommended for other high-risk workplaces.</p> <p>Relevant Fact Sheets can be accessed on the COVID Marshalls webpage.</p> <p>The employer must also keep records of duty rosters for COVID Marshalls.</p>



AUSTRALIAN INDUSTRY GROUP

COVID-19 CORONAVIRUS

MEMBER ADVICE | **NAT 026/21** | UPDATED 15 FEBRUARY 2021

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Additional health screening / surveillance		<p>Clause 7(17)(g) Ports of entry</p> <p>Clause 7(20)(f) Hotel quarantine</p> <p>Requirements for daily temperature testing and directing people to leave the premises and get tested if the worker's temperature is 37.5C or more.</p> <p>7(1)(b) where the employer's work premises is an industry that is listed in the Surveillance Testing Industry List and Requirements, carry out surveillance testing in accordance with the requirements.</p> <p>Surveillance testing is required for: care facilities; commercial cleaning; ports of entry; hospitals; and commercial vehicles.</p> <p>Surveillance testing is highly recommended for: meat, poultry and seafood processing; warehousing and distribution (Melbourne); supermarket distribution, perishable food chilled distribution (Melbourne); and major shopping centres.</p>
Declaration by workers		<p>Clause 7(12) Care facilities</p> <p>Clause 7(17)(a) Ports of entry</p> <p>Clause 7(20)(a) Hotel quarantine</p> <p>Clause 7(25) High-risk hospital premises</p> <p>Must require workers to make a specific written declaration at the start of each shift, before they enter the Work Premises.</p>
Workers must not attend	<p>Clause 5(4)</p> <p>Worker must not attend if they have been tested because they are symptomatic.</p> <p>This was previously implied by clause 7 below, but now specifically stated within the Directions.</p>	<p>Clause 7(13) and 7(15) Care facilities</p> <p>An employer must not permit employees or contractors to enter the site if specific criteria are met associated with potential exposure to COVID-19.</p>



AUSTRALIAN INDUSTRY GROUP

COVID-19 CORONAVIRUS

MEMBER ADVICE | **NAT 026/21** | UPDATED 15 FEBRUARY 2021

Issue addressed	Workplace Directions (No 19) Applicable to all Victorian workplaces	Workplace (Additional Industry Obligations) Directions (No 17) See note at the start of this section that identifies industries impacted by these Directions.
Responding to a suspected case of 2019-nCoV in a Work Premises	Clause 7 Specific obligations outlined in relation to responding to a person who has symptoms, cleaning, and informing workers.	Comply with Workplace Directions
Responding to a confirmed case of 2019-nCoV in a Work Premises	Clause 8 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
Entering Victoria when there are hot spots in other states/territories	Addressed in separate directions, which are summarised later in this Advice	



AUSTRALIAN INDUSTRY GROUP

COVID-19 CORONAVIRUS

MEMBER ADVICE | **NAT 026/21** | UPDATED 15 FEBRUARY 2021

Wearing of Face Coverings

In recent times, the requirements to wear face coverings have been specified in the Stay Safe Directions. These requirements were updated by the [Stay Safe Directions \(No 14\)](#) published at 11.59pm on 12 February 2021.

Clause 5(15) of the updated Stay Safe Directions includes a requirement for all Victorians to wear face coverings at all times when leaving their homes. The requirement applies indoors and outdoors, unless an exception applies. The workplace exceptions are listed below.

Workplace Directions Clause 6 – Face Coverings Requirement

- (1) *An employer must take reasonable steps to ensure the worker, when working at a Work Premises:*
- (a) *carries a face covering at all times, except where subclause (2)(a) applies; and*
 - (b) *wears a face covering where required to do so in accordance with any other Directions currently in force.*

Note: face shields on their own do not meet the face covering requirements. Please refer to the Department's guidelines for further information.

Ai Group Note: Clause 5(15) of the Stay Safe Directions currently require a person to wear a face covering at all times when leaving their residence, unless an exception applies.

- (2) *Subclause (1) does not apply if:*
- (a) *the worker has a physical or mental health illness or condition or disability which makes wearing a face covering unsuitable; or*
Examples: workers who have obstructed breathing or a serious skin condition on their face, an intellectual disability, a mental health illness, or who have experienced trauma.
 - (b) *the worker is communicating with a person who is deaf or hard of hearing, where visibility of the mouth is essential for communication; or*
 - (c) *the nature of a worker's work means that wearing a face covering creates a risk to their health and safety; or*
 - (d) *the nature of a worker's work means that clear enunciation or visibility of the mouth is essential; or*
Examples: teaching, lecturing, broadcasting.
 - (e) *the person is working by themselves in an enclosed indoor space (unless and until another person enters that indoor space); or*
 - (f) *the worker is travelling in a vehicle for work purposes by themselves or where each other person in the vehicle ordinarily resides at the same premises; or*
 - (g) *the worker is consuming food, drink or medicine; or*
 - (h) *the worker is asked to remove the face covering to ascertain identity; or*



AUSTRALIAN INDUSTRY GROUP

COVID-19 CORONAVIRUS

MEMBER ADVICE | **NAT 026/21** | UPDATED 15 FEBRUARY 2021

Example: a worker may be asked by police, security or post office staff to remove a face covering to ascertain identity.

- (i) *for emergency purposes; or*
- (j) *required or authorised by law; or*
- (k) *doing so is not safe in all the circumstances.*

Note: a worker is required to wear a face covering at all other times when the exceptions above do not apply, if required to do so in accordance with any other Directions currently in force.

DHHS guidance on face coverings can be found at this [link](#), including the following information:

Can I wear a snood, buff or gaiter instead of a mask?

- *A face mask is always recommended. The Chief Health Officer recommends a mask with three layers that fits securely around the face, specifically covering the nose and the mouth.*
- *However, a fitted snood, fitted buff or fitted gaiter is allowed.*
- *The emphasis is on fitted.*
- *In this instance fitted means the snood, buff or gaiter can extend in a fitted form to snugly fit over and cover your nose and mouth. It must be secure around your neck and lower face with no gaps along the nose ridge or the top of the garment. This is designed to protect you from coronavirus. It must be a sufficient face covering for this purpose.*
- *A loose-fitting snood, buff or gaiter or scarf or bandana is not allowed.*

What is a snood, buff or gaiter?

In this instance a snood, buff or gaiter is taken to mean a face and neck covering, in the form of a closed loop, worn around the face and neck. They are taken to be interchangeable terms.

Information about how to implement and maintain the wearing of face covering can be found in an Ai Group Fact Sheet [here](#).

Travel Permits to enter Victoria

Victoria has introduced a new Victorian Travel Permit System with effect from 6pm on 11 January 2020 that applies to people entering Victoria from any other part of Australia.

The System requires that any person entering Victoria, with the exception of [cross-border communities](#) that have special arrangements in place, must have a permit.

A person who has only been in a green zone over the previous 14 days will be required to confirm a range of details about previous movement and have no restrictions on them once they have arrived in Victoria.

A person who has been in an orange zone in the previous 14 days will be required to get tested within 72 hours of entering Victoria and self-quarantine until they receive a negative test for COVID-19.



AUSTRALIAN INDUSTRY GROUP

COVID-19 CORONAVIRUS

MEMBER ADVICE | **NAT 026/21** | UPDATED 15 FEBRUARY 2021

A person who has been in the red zone in the previous 14 days will generally not be permitted to enter Victoria unless they are granted an exemption.

The requirements of the Permit Scheme are determined by whether the person has been in a green, orange or red zone. General information about the Permit System can be found in Ai Group's [update](#). An overview of the system is available on the Victorian [coronavirus website](#).

Arrangements for work-related travel into Victoria

To address the needs of specific commercial operations, some additional arrangements and permits are in place. The permit system is only relevant when there is a declared orange or red zone in another state or territory of Australia.

Employers who have workers who are Victorian residents travelling outside the state should be aware that orange zones and red zones can be declared with very short notice. Employers should have contingency plans in place to deal with situations where workers may find themselves required to quarantine or be unable to re-enter the state. Work-related travel permits only apply to specified workers and cannot be used to allow other workers to return to Victoria.

It should be noted that, in the case of someone who has been in an orange zone, it may be more appropriate for them to utilise the general permit system, rather than the specified worker permit; businesses and individuals should consider which permit best suits their needs.

Important: The following information is a summary only, to highlight key considerations. To ensure appropriate decisions and compliance, employers who are managing aircrew or utilising *specified worker permits* or *commercial freight worker permits* to enable workers to enter Victoria should read the full detail of the relevant clauses of the Direction.

As part of the overall Border Permit System, the [Victorian Border Crossing Permit Directions \(No 5\)](#) establish requirements on *aircrew service workers* and permit arrangements for specified workers, by granting a *specified worker permit* or a *commercial freight worker permit*.

On 2 February 2021, the list of travellers eligible to apply for a specified worker permit (which may be updated from time to time) include:

- forestry activity;
- farming activity;
- intensive agriculture production;
- food and fibre manufacturing, including blankets, clothing, building materials and packaging;
- food and fibre processing;
- agricultural, veterinary chemicals and vaccine production, transportation and distribution;
- businesses that support agriculture and farming;
- laboratory and diagnostic services;
- animal saleyards, knackerries and animal transportation services;
- animal feed production, transportation, packaging, sale and feeding;
- veterinary clinics and related services;



AUSTRALIAN INDUSTRY GROUP

COVID-19 CORONAVIRUS

MEMBER ADVICE | **NAT 026/21** | UPDATED 15 FEBRUARY 2021

- teaching and scientific facilities which require the keeping of animals;
- any business or undertaking that is involved in providing support services to agriculture, forestry or fishing activities;
- water supply, water managers and water transport;
- export supply chain operators;
- food and beverage production manufacturing including associated services and goods necessary for the packaging of these products;
- essential service worker that includes transport, fuel, light, power, water and sewerage; and
- a resources sector specialist worker, whose skills cannot be readily source in Victoria however are required for reasons such as, to ensure safety of workers, provide essential maintenance activities, to keep sites operational or to maintain critical industries.

Separate freight worker permits apply to a person who is subject to the Freight Code, including: a heavy vehicle driver; rail crew; or support worker.

Further explanation of the specified work categories can be found on the [Victorian coronavirus website](#).

Clause 8 of the Directions establishes that **Aircrew Services Workers** are permitted to enter Victoria without a permit subject to specific requirements that include: wearing a face covering during each flight, travelling directly by private transport between the designated crew hotel and airport; not leaving the designated crew hotel other than to travel to the airport, in an emergency, or to undertake simulator training or emergency procedures training. They must also comply with their respective airline's COVIDSafe Plan while travelling to and from an orange or red zone.

Specified Worker Permits – Clause 10(1) to 10(3)

If it is determined that the work meets the definition of specified work, clause 10(1) establishes that it must then be determined that the specified worker:

- (a) is required to enter and be physically present in Victoria for the purpose of providing specified work, or*
- (b) who is a Victorian resident who is required to enter and be physically present in any other State or a Territory for the purpose of providing specified work and the person is entering Victoria for the purpose of returning to their ordinary place of residence.*

The determination of “specified work” and the need to be physically present is a self-assessment. Unlike the previous worker permit system that was in place during the hard lockdown in Melbourne, the permit is issued by the government, not the employer. It is also issued based on the individual's “attestation”, not by any statement made by the business.

It is highly likely that the person will be questioned at the border, so it is important that they are confident of the decision that has been made.

For these reasons, the decision that the work is specified work and that the physical presence is necessary should be undertaken in consultation with the worker. Consideration should be given to whether the work can be done virtually and/or whether any delay associated with the declaration of an orange or red zone



AUSTRALIAN INDUSTRY GROUP

COVID-19 CORONAVIRUS

MEMBER ADVICE | **NAT 026/21** | UPDATED 15 FEBRUARY 2021

will have a real impact on the ongoing operation of the specified work, e.g. the food processing line will cease operation due to essential maintenance not being undertaken.

To enable the worker to confidently complete the permit application and respond to any questions at the border, they should be provided with copies of information about the rationale that has been used to determine both specified work and the requirement to be physically present.

It is Ai Group's expectation that once a person is issued with a permit the government will also provide information about the requirements/restrictions placed on that person when they enter Victoria, which may vary dependant on whether they have been in an orange or red zone.

Employers should seek a copy of the permit and put in place support mechanisms to ensure that the worker can effectively comply with the requirements, e.g. arrange for grocery items to be delivered to them during any period of required quarantine.

If the person is to stay in a place other than their ordinary place of residence, the employer should arrange for accommodation that does not involve contact with other people, e.g. self-contained apartment with external access, rather than a motel or hotel.

Over recent months, many accommodation providers have started asking people whether they have been in areas that would now be described as orange or red zones, and not allowing those people to check in. It would be advisable to communicate with the accommodation provider at the time of booking about the circumstances of the worker, to avoid a situation where the worker is prevented from staying in the booked accommodation.

The requirements and restrictions associated with a specified worker permit are outlined in clause 10(2) of the Directions. In general, they include:

- carrying the permit and photographic personal identification;
- only remaining in Victoria for the period reasonably necessary to provide the specified work (unless their normal place of residence is Victoria);
- getting tested for COVID-19 at least once every 7 days;
- if the person, before entering Victoria has in the last 14 days been:
 - in an orange zone and does not have a negative COVID-19 test since last entering Victoria; or
 - in a red zone
 - carry proof of any tests;
 - minimise contact with any other persons;
 - travel immediately and directly to the place of quarantine;
 - self-quarantine for 14 days from the date the person was last in an orange or red zone and during that time not leave the premises except: to undertake the specified work; or obtain takeaway food and drink; or to access toilet and bathroom facilities; or to obtain medical care or medical supplies; or to get tested for COVID-19; or in an emergency situation; or if required to do so by law; or to leave Victoria;
 - wear a face covering in all: indoor public places; and outdoor public places where the person is unable to practise physical distancing; and vehicles, if the person is in a vehicle with any other person (unless the other person resides with them) – unless the person is exempt from the requirement to wear a face covering in accordance with the Stay Safe Directions;



AUSTRALIAN INDUSTRY GROUP

COVID-19 CORONAVIRUS

MEMBER ADVICE | **NAT 026/21** | UPDATED 15 FEBRUARY 2021

- comply with all Directions currently in force and any relevant COVID Safe Plan (including whilst traveling to and from a red or orange zone); and
- monitor for COVID-19 symptoms and get tested if experiencing symptoms.

Commercial Freight Worker Permits – Clause 10(4) to 10(5)

The provisions associated with commercial freight workers recognise two key issues: they regularly cross state/territory borders making self-quarantining arrangements impractical; and they are generally travelling alone with limited contact with other people. Clause 10(4) establishes that a commercial freight worker who has a permit can enter Victoria in the circumstances summarised below.

If the person has been in an orange or red zone in the previous 14 days:

- has not carried any person as a passenger in the vehicle, other than for the purpose of providing commercial freight services;
- has minimised contact with other persons (except in cases of emergency); and
- has practised physical distancing.

In addition, if the person has been in a red zone in the previous 14 days:

- has kept detailed records of all travel and each place they stop (including accommodation); and
- has worn a face mask at all times in all: indoor public places; outdoor public places; and vehicles if the person is in a vehicle with any other person (unless that person ordinarily resides with them).

Clause 10(5) establishes requirements to:

- carry the permit and photographic personal identification;
- not work when experiencing symptoms of COVID-19;
- if not a resident of Victoria only remain for as long as reasonably necessary to provide commercial freight services;
- must get tested every 7 days;
- carry evidence of being tested;
- minimise contact with other persons;
- wear a mask in an indoor place, an outdoor place where they are unable to practise physical distancing, and a vehicle if travelling with a person with whom they do not ordinarily reside in a private premises; and
- monitor for symptoms and get tested if experiencing symptoms.

OCCUPATIONAL HEALTH AND SAFETY OBLIGATIONS

The requirements of the public health directions outlined above establish the minimum requirements that workplaces must meet to operate under the Directions.

Whilst COVID-19 is a public health issue, it is also an Occupational Health and Safety (OHS) issue. This means that all the normal OHS requirements need to be considered when implementing controls.



AUSTRALIAN INDUSTRY GROUP

COVID-19 CORONAVIRUS

MEMBER ADVICE | **NAT 026/21** | UPDATED 15 FEBRUARY 2021

Control measures mandated by the Chief Health Officer (CHO) must be implemented, but consultation is required with employees and elected Health and Safety Representatives (HSRs) about how they will be implemented.

In some situations, implementing the requirements of the CHO may not be enough to meet the OHS obligations of an employer in relation to minimising the risk of COVID-19 transmission in the workplace. In these situations, additional control measures should be implemented.

Businesses also need to consider whether the control measures required by the CHO may introduce other risks that need to be managed (e.g. from a reduced workforce, or limits on handover opportunities between shifts).

Additional OHS processes may be required to ensure compliance such as information, instruction, training and supervision. Employers need to consider all facets of their business and consult with employees and HSRs to ensure that are doing all that is reasonably practicable to minimise risk.

GOVERNMENT GUIDANCE ON THE DIRECTIONS AND OHS OBLIGATIONS

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

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

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.

[Department of Human Services \(DHHS\) - COVIDSafe Summer](#)

Information about the current requirements, including indications of when and how restrictions will change can be found at this link.

[Victorian Coronavirus Website](#)

This webpage includes general guidance and the templates for COVID Safe Plans.

[WorkSafe Victoria](#)

The WorkSafe website provides guidance on how to meet your OHS obligations in relation to COVID-19.

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**, access Ai Group's [COVID-19 webpage](#) or the [Health and Safety Resource Centre](#).



AUSTRALIAN INDUSTRY GROUP

COVID-19 CORONAVIRUS

MEMBER ADVICE | **NAT 026/21** | UPDATED 15 FEBRUARY 2021

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

Consulting Services

[Trinette Jaeschke](#)

0400 282 477

Training Services

[David Tiller](#)

0499 195 307

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.