

COVID-19 Workplace Resource Toolkit: 2021

With the COVID-19 pandemic showing no signs of slowing down, this “COVID-19 Workplace Resource Kit” has been developed to help members quickly understand what they need to know, and what to do when a COVID-19 related situation emerges in their workplace. Please use the table of contents to quickly find information relevant to some of the key issues affecting workplaces during the COVID-19 pandemic.

For more information and support, please contact the friendly team at
AVA HR Advisory Service

P: 1300 788 977 | Email: hrhotline@ava.com.au | Chat online



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What to do if COVID-19 is in your area

Ensure you understand your WHS obligations

COVID-19, above all else, is a threat to health and safety. Therefore, employers have an obligation under applicable work, health and safety (WHS) laws to ensure they are doing everything reasonably practicable to prevent COVID-19 from spreading in their workplace. For further information and advice on how to minimise the risk of COVID 19 spreading in your workplace, please see the following information from Safe Work Australia.

<https://www.safeworkaustralia.gov.au/covid-19-information-workplaces>

How to set up a COVID safety plan

To continue operating in the pandemic, your business should have COVID safety plan in place. The specific requirements of this plan will vary in each State/Territory. For further information about setting up a COVID safety plan in your State/Territory, please use the following links.

NSW

<https://www.nsw.gov.au/covid-19/covid-safe# covid19safetyplans>

Victoria

<https://www.coronavirus.vic.gov.au/covidsafe-plan>

Queensland

<https://www.covid19.qld.gov.au/government-actions/covid-safe-businesses>

Western Australia

<https://www.wa.gov.au/government/document-collections/covid-19-coronavirus-covid-safety-plans-and-guidelines>

South Australia

<https://www.covid-19.sa.gov.au/business-and-events/create-a-covid-safe-plan>

Tasmania

<https://www.coronavirus.tas.gov.au/business-and-employees/covid-19-safe-workplaces-framework>

ACT

<https://www.covid19.act.gov.au/becoming-covid-safe>

NT

<https://coronavirus.nt.gov.au/business-and-work/business>

How to set up a staffing contingency plan

It is critical to remain agile during the pandemic. Businesses need to ensure they are able to respond to a COVID-19 crisis quickly and effectively to minimize the physical and financial damage it could potentially cause. Therefore, staffing contingency plans are critical. This could involve;

- Keeping two groups of employees separate at all times, so if one group is affected by a positive COVID-19 case, the other team remains unaffected and is able to continue working (provided they are permitted to do so by health authorities)
- Having access to casual employees
- Setting up systems to allow certain (or all) staff to work from home if required
- Working longer hours on fewer days

Keep communication open with all staff

Having effective channels of communication is always important but it is even more critical during the COVID-19 pandemic. When the virus is in your area, uncertainty and anxiety naturally rises. Therefore, staff need to be kept informed about what it means for them at work and how they might be affected. Consider sending out regular business wide updates and having an “open door” (through email, phone or text message to limit face to face interaction) policy to ensure staff are kept in the loop.

What to do if your business premises is ordered to close

How to manage your staffing arrangements

If your business premises is ordered to close by a health authority after being visited by a positive case of COVID-19, there are a few different possibilities. First and foremost, if it was a staff member who was infected with COVID-19 while at work (hence the business was ordered to temporarily close), that staff member would be entitled to personal/carer's leave for the period which they are not fit for work. For other staff members, first consider whether they can perform work from home while the business premises is closed. For staff who cannot work from home, it is likely that a stand down as per Sect 524 of the Fair Work Act 2009 will be permissible. To clarify, a stand can occur if an employee cannot be usefully employed due to a complete stoppage of work for which the employer cannot reasonably be held responsible. It is likely that a situation such as a business premises being ordered to close, and an employee being unable to work from another location, would warrant that employee being stood down without pay. Before standing staff down, however, consider offering them the chance to use their paid leave entitlements if applicable.

WHS Considerations

In the event that your business is ordered to close, it may also be the case that certain workers are required to isolate for a certain period (either until they return a negative result or for 14 days irrespective of the receipt of the negative result). Ensure all staff follow this direction. Also ensure you comply with all other directions from health authorities (e.g. having the premises deep cleaned etc.) It is also recommended to conduct a risk assessment to determine ways to mitigate the chance of another positive case negatively affecting your workplace.

What to do if your staff can't work because of COVID-19

Where an employee contracts COVID-19

If an employee contracts COVID-19, they will be entitled to take personal/carer's leave if they are a permanent employee. If an employee does not have access to personal/carer's leave, they can either use annual leave by agreement (if applicable) or leave without pay. Some modern awards contain a specific provision for up to 2 weeks of "unpaid pandemic leave".

Where an employee has been ordered to isolate after being deemed a close contact of a positive case of COVID-19

In this instance, it should first be considered whether the employee is able to perform work from home safely. If not, the employee could either request to take annual leave (if entitled), long service leave (if entitled) or leave without pay (including unpaid pandemic leave if applicable). If the employee is unwell while isolating, they can take personal/carer's leave if entitled.

Where an employee has to leave work suddenly to care for children after an unexpected school closure due to COVID-19

If the employee has access to personal/carer's leave, this situation would likely be deemed an "unexpected emergency" and the employee would therefore be entitled to personal/carer's leave. If the employee does not have access to personal/carer's leave, they could request to use another form of paid leave.

What to do if your workplace is impacted by a snap lockdown

It is now evident that each state and territory has their own unique approach to manage the COVID-19 virus. This also applies to snap lockdowns organised in response to outbreaks of the virus. For example, Victoria and Western Australia have, so far, shown a tendency to place specific restrictions on most industries. For some of these industries, the terms of the lockdown effectively require them to cease operations.

In lockdowns as prescriptive and limiting as these, there are more black and white options available to employers when looking to manage their staff through that period.

Specifically, the likelihood of a stand down (Section 524 of the *Fair Work Act 2009*) being deemed lawful in these circumstances is increased. These stand down provisions allow an employee or employees to be stood down without pay if they cannot be usefully employed due to a complete stoppage of work for reasons for which the employer cannot be held reasonably responsible. Therefore, if a snap lockdown requires a business to cease operations, then a stand down is likely to be deemed lawful. Please note, before standing staff down, other options (which will be listed toward the bottom of this resource) should first be explored.

On the contrary, New South Wales and Queensland have so far opted for less prescriptive/limiting lockdowns, instead closing or placing specific restrictions on a smaller number of industries (namely hospitality, gyms, and entertainment) while allowing all other industries to continue to operate in a COVID-safe manner (including, where possible, requiring employees to work from home).

In situations like these, where there is no clear directive or requirement for a particular industry to close or dramatically reduce/restrict operations, there are likely no grounds to stand down staff and instead other options must be explored if operational factors like revenue are likely to be heavily impacted during that period.

Options available to employers when managing staff through lockdown

As mentioned earlier, stand downs (Section 524 of the *Fair Work Act 2009*) are only lawful where an employee or employees cannot be usefully employed due to a complete stoppage of work for reasons which the employer cannot be held reasonably responsible. Therefore, stand downs will not be considered lawful in all lockdowns. Some options that can be considered in all lockdowns however, include:

Agreeing with staff to temporarily reduce their ordinary hours of work:

If a business is looking to close completely, or reduce operating hours during a lockdown, one of the most obvious options is to negotiate with staff and reach an agreement on reducing their ordinary

hours of work. Any such agreement should be recorded in writing and should clearly specify that the reduction in ordinary hours is temporary and will cease at the conclusion of the lockdown. This agreement should be kept on the employee's file.

Agreeing with staff to use their paid leave entitlements (namely annual leave and long service leave, if applicable):

Rather than agreeing to temporarily reduce their ordinary hours of work, some staff may prefer to access their paid leave entitlements. This can be the case when either completely closing the business or operating with reduced hours. Some awards contain temporary provisions that allow employers and employees to take annual leave at half pay, meaning they can take twice as much time off work.

Agreeing with staff to take leave without pay:

This option should only really be explored where an employee does not wish to exercise either options above and is genuinely in agreeance to take leave without pay. Any such agreement must be made in writing and kept on the employee's file.

What if none of these options can be agreed upon?

Employees cannot be coerced into agreeing to any of the options mentioned above. If no such agreement can be reached, and a business cannot sustain current staffing levels during the lockdown due to financial hardship (and a stand down is unlikely to be deemed valid), redundancies may need to be considered.

Casual Employees

Casual employees are not entitled to payment where a business closes or reduces shifts due to a snap lockdown. The only exception would be if the employee is entitled to long service leave and was able to use an amount of that long service (in accordance with the relevant legislation) to cover the period of lockdown.

Other Considerations during a snap lockdown

Employee wellbeing: Snap lockdowns can be a lonely and stressful time. Ensure you look after your own health and wellbeing, as well as the health and wellbeing of others during these times.

Work, Health and Safety: While this applies throughout the duration of the pandemic, snap lockdowns generally mean there has been an outbreak of COVID-19 in your state/territory, so extra care and precaution should be taken to ensure the risk of COVID-19 spreading in your business is minimised. This includes ensuring social distancing, regular handwashing/sanitising and ensuring staff do not come to work while unwell.

What to do if you need to make changes to staffing arrangements

COVID-19 has caused many business to re-consider their staffing arrangements/capacity. The most common changes employers are looking to make in response to the pandemic are;

- Changing an employee's working hours (e.g. days of the week) to remain more agile
- Reducing an employee's hours of work as a means to reduce costs due to a downturn in revenue

To implement either of these changes, an employer must first consult with the employee/s affected. If an employer is looking to reduce an employee's hours of work (e.g. from 38 hours per week down to 20 hours per week), the employee must agree to the change in writing. Please use the template below if you are looking to reduce an employee's hours of work. It may also be the case that written agreement is required when changing an employee's working hours (e.g. start and finishing times), particularly if their specific hours of work have been agreed to in a written employment contract or if they are a part time employee covered by a modern award that requires their hours of work to be fixed and for written agreement to be acquired before any change to those hours is made.

In summary, it is strongly recommended to seek written agreement from all employees when changing their hours of work (even if the total number of hours is not changing).

Template: Agreement to vary ordinary hours of work or employment status

Dear *<Insert Employee Name>*

(include the following if the change is initiated by the needs of the business, otherwise delete)

Thank you for taking the time to discuss with us the changing operational requirements at (*insert name of business*).

(include the following if the change is initiated by the needs of the employee, otherwise delete)

Thank you for taking the time to discuss with us your request to vary your employment status/ordinary hours of work.

As a result of these discussions, both parties agreed that your employment status/ordinary hours of work will (*insert change to employee's employment, e.g. move from full time to part time*)

(include the following if it is a temporary change, otherwise delete).

This change will come into effect on (*insert date*) and continue until (*insert date*). After this date, your employment will return to its original capacity.

(include the following if it is a permanent change). This change will be permanent, or until a new agreement is made at a later date.

If you have questions, please do not hesitate to contact me.

Yours sincerely,

<Insert name>

<Insert title>

Signing Page

Signed by (insert name of manager) on behalf of the employer

<Signature of manager>

<Date signed>

Signed by (insert name of employee), the employee.

<Signature of employee>

<Date signed>

What to do if you need to make staff redundant

Redundancy Guide

Redundancies are an unfortunate by-product of the COVID—19 pandemic. Despite this, a redundancy still needs to be considered “genuine” to avoid legal exposure. Specifically, there needs to be a legitimate reason as to why a particular role was made redundant, such as the fact there is no longer enough work to warrant the position in its current capacity, or the fact technology can perform the role at a lesser cost to the business. The reason for selecting a particular role for redundancy cannot be discriminatory (e.g. selecting a role because the person filling the role has caring responsibilities).

After deciding on a role that is going to be made redundant, the employee filling that role needs to be consulted with adequately. Check to see if they are covered by a modern award for specific consultation requirements. As part of the consultation process, it should be considered whether the employee can be redeployed elsewhere in the organisation. If a redeployment option exists, the employee should be offered that alternative position. This could even be the same role working less hours. If no such redeployment option exists, the employee will need to be informed that their employment is being terminated by way of genuine redundancy. This should be done in a meeting and a termination letter should be provided to the employee. Please find a template termination letter at the end of this guide.

After confirming termination of employment, the employer must decide whether to require the employee to work their notice period or to pay the notice period in lieu. The amount of notice an employee is entitled to will depend on their age, length of service and in some instances, award coverage. Generally, notice required will range from 1-5 weeks (casual employees are not entitled to notice). In addition to notice, an employee may also be entitled to the following after their employment was terminated by way of redundancy;

- Redundancy pay (if the employee has worked for more than 12 months and the business has 15 or more employees at the time the termination is confirmed)
- Untaken annual leave
- Accrued long service leave (if the employee has met the minimum period of service to be entitled to long service leave on termination of employment)
- Outstanding wages for work performed up until their last day of work
- Applicable superannuation contributions

Casual employees are only entitled to outstanding wages for work performed and applicable superannuation contributions.

After redundancies occur

Redundancies can be traumatic for both those leaving the workplace and those who remain. For those whose employment has ended, outplacement services should be considered to assist them in finding employment beyond your organisation. For staff who remain, consider an “open door” communication policy and possibly even counselling for those who are struggling.

Template: Redundancy Letter

<Date>

Private and confidential

<Insert employee's full name>

<Insert employee's residential address>

Dear <insert name>,

As discussed in our meeting of <insert date>, business restructuring will cause your position of <insert position> to become redundant on <insert date taking into account relevant applicable notice period>. This decision is not a reflection on your performance.

Option A: Use this option if you are offering an alternative position (redeployment)

Upon mutual agreement, we can offer you an alternative position as <insert alternative position> with <insert business name>, commencing on <insert date>. If you accept our offer of redeployment, your employment entitlements will continue to accrue.

Please advise <insert name> of your decision to accept or decline this offer by <insert date>.

Option B: Use this option if you are not offering an alternative position (redeployment)

Further to this, despite considerable effort, we have been unable to identify a suitable redeployment opportunity for you elsewhere within <insert business name>.

We therefore regret to advise that your employment with <insert business name> is to be terminated by way of bona fide redundancy, with this effective at close of business <insert date>.

Details of your termination entitlement and any outstanding pay, including superannuation, up to and including your last day of employment, are detailed in the attached schedule. We will also provide you with a Certificate of Service giving details of your employment with <insert business name> and the reason for its termination.

Should you have any questions regarding this matter, please do not hesitate to contact me. In the meantime, we wish to extend our sincere appreciation for the commitment you have maintained towards your responsibilities and <insert business name>, and to wish you every success with your future endeavours.

Yours sincerely,

<Insert name>

<Insert position>

Working From Home Pack

Best Practice Guidelines

Getting your WHS systems and processes in place:

What if your staff hurt themselves while working at home?

A common issue to arise is when an employee is injured at home in the course of their employment. For example, when an employee falls down the steps answering the front door or slips over in their home office.

Employers have the ultimate responsibility for ensuring a safe work environment, wherever that work is carried out.

If you're an employee and you're working for someone, then your employer has a duty of care for your health and safety.

- This includes ensuring your home workspace has a safe way to evacuate during a fire, as well as being equipped with smoke detectors and fire alarms.

If the employee is working from home, in most cases the employer's workers' compensation insurance will cover that employee.

There are several issues employers have to ensure are compliant with health and safety duties:

- Ensure there is a *working from home policy* in place that outlines the method to verify the safety of employees' home work environment.
- Develop a *'self-check' assessment* for employees to verify to the company they are working in a safe environment.
- Finally, it is recommended that both the employee and employer sign a *working from home agreement* – to ensure that all parties will commit to making the working from home arrangement a safe and viable one.
- Ergonomics: Have you got an ergonomic chair, how good's your screen, if you sit there all day are you likely to have a repetitive stress injury? See the next section for more details.

There are some easy ways employers could comply with safety obligations at short notice:

- With modern technology, an easy fix for employers is to have the employee use Facetime, Skype or Zoom to show them [their] workspace and how they will move around in it.

- If it is not safe, and often people work in non-ideal home workspaces, then employers should not let employees work in that space.
- Make sure that staff have the right equipment at home. Employers could loan or supply employees with office furniture. Further, employers could find a way to let employees salary sacrifice purchasing office furniture or provide staff old furniture that is being disposed of. Considering the timeframe confronting employers now, perhaps let employees take an office chair from work to their home to use during the pandemic on the understanding it will be returned after the crisis is over.

Ergonomics

Some ergonomic recommendations:

- Prevent neck and back pain from bad posture and a poor work set-up at home by piling boxes or books on a table.
- Put your laptop so it's nice and high on the table, using whatever you've got.
- Use a separate keyboard and mouse. This is because the laptop's keyboard and mouse will be too high if the computer is elevated to eye-line. With a separate keyboard and mouse, you can be more flexible with where your screen is.
- Alternate between sitting and standing. Use boxes or books to create a make-shift standing arrangement on a bench or high desk.
- Working from home can be a stationary experience, which can lead to adverse health effects over a protracted period of time. That's why it's important to build movement into your day, even if it's just moving around the living room or doing laps of the stairs!
- Moving, stretching and staying active through fitness apps or even just follow-along aerobic classes on YouTube is super important.
- Get up every 20 minutes or so to move and stretch your legs. You shouldn't stand all day, nor should you sit all day. Doing a mix of each is important. Our bodies are not designed to be stuck in one position for long periods of time, so moving is important.

Psychological health at home

Although some people thrive from working at home, many struggle – as some people feel a little bit lost when they don't have all the normal triggers and rituals of the workplace.

They will have to work a lot harder to achieve their goals and not fritter away the time. It's so easy to say, 'I'll get to it later, I'll just put the washing on.'

These ideas may help:

- Phone or video meetings to connect with co-workers can create a sense of structure and help to prevent feelings of isolation. Schedule them into your day.
- You may not realise it, but a big part of your day job is the social connection you get at the office. That's why it's important to make sure you stay in touch with colleagues virtually.
- Leaders should also stay in touch with their teams regularly, and maintain the usual rhythms of 1:1s and team meetings. After all, we're inherently social creatures!
- Having the radio on to create a background hum can also help those used to office buzz.
- Ensure you connect with someone after work can also reduce loneliness. Schedule something to contrast with being alone all day working. You might not be able to go to the bar for an after-work drink, but instead have a fun get-together with your neighbour, your friend, your partner. That's a very fulfilling experience.
- If you've got a dog, a cat, a fish, it's OK to talk to them too!
- Just as important is your diet: make sure you're eating healthy and drinking plenty of water throughout your day.

Family and Domestic Violence

In recent years, family and domestic violence has been increasingly recognised as a workplace health and safety issue presenting risks that businesses must identify and manage in consultation with workers. In the current climate, where working from home arrangements have been substantially increased in an effort to minimise the spread of COVID-19 (the novel coronavirus), it is critical that organisations identify these hazards and implement strategies to mitigate risk so far as is reasonably practicable.

Naturally, it can be exponentially more challenging to recognise and respond to family and domestic violence where staff are working from home as they may choose not to disclose that they are experiencing these issues and the signs may be more difficult to detect.

To fulfil their legal work (occupational) health and safety obligations, businesses should:

- Acknowledge and communicate family and domestic violence as a workplace issue, including by developing workplace policies and procedures to address it. Our service provides a template leave policy that members can access and tailor to suit their individual circumstances.
- Consult with workers about the issue to secure their input on managing the risks to their health and safety.
- Guarantee that any disclosure made by an employee will be treated with the utmost confidentiality (to the extent permitted by law).
- Highlight support that is available, including employee assistance programs and organisations dedicated to supporting individuals affected by family and domestic violence e.g. 1800 RESPECT, Relationships Australia, Lifeline etc.
- Provide education & training for workers on family and domestic violence, how it may impact the workplace and how to manage risks
- Outline entitlements which can be accessed by employees experiencing family and domestic violence e.g. family and domestic violence leave, flexible working arrangements etc.
- Create a safe and secure reporting mechanism that is easily accessible to workers who may be experiencing family and domestic violence or who have witnessed or have knowledge of a colleague who may be affected by the issue

Even in the current climate, if the risks are significant to a point where the worker's home environment cannot be made safe, businesses must look at options to ensure that they are able to fulfil their duties under relevant legislation to provide a safe working environment. This may include having the worker return to their usual place of work or sourcing an alternative place of work (taking appropriate steps to address the risks associated with either of these options).

Productivity at home

Consider these home productivity ideas:

- It's important to designate a specific workspace.
- Consider your optimal working rhythm. When do you do your best work? Schedule your most difficult work for then. When you're working in a place with lots of people, they can help get you through the slumps, but they're not going to be there so you have to be much more aware of your own rhythms.

- Chunk tasks into allotted spaces of time to maximise efficiency and minimise blurring of the boundaries between professional and personal lives.
- It's a good idea to have little lists with tick-offs
- Wearing work clothes can help to create separation between work and home.
- It's important to think about how you're going to structure your day. This includes plotting out snack breaks and making time to be active to replace incidental exercise from coffee breaks and public transport.
- At the end of the day, tidy the space, reflect on what did and did not work and having some ritual to say that 'the day is over'.
- You have to figure out your own way and if you review it at the end of the day and think it wasn't very productive, tweak it.

IT/Connectivity issues

- Improve your home Wi-Fi. Connectivity is everything when you're working from home. The best way to take your work-from-home experience from slow-to-whoa is to improve your Wi-Fi coverage.
- You may take for granted having a whole swathe of tech available at your desk, but when you've moved into a home environment, that gear might not be at your fingertips.
- To maximise productivity, we recommend following a checklist to make sure your workspace is set up for success. We recommend:
 - Laptop;
 - Laptop power cable
 - Laptop stand (if applicable)
 - Keyboard
 - Mouse
 - Headset
 - Headset charger
- If you don't have access to these IT resources, we recommend speaking to your employer about purchasing these for your home environment.
- It's also important to keep in mind your organisation's cyber security standards while working from home and maintain good cyber-hygiene on your connections. Employers should therefore ensure that employees' digital environment is secure. This is easily done when an employee uses a work laptop with security systems built into it.

Don't panic

This one is the most important! It's key to recognise that social distancing and work-from-home mandates are designed as a precaution to help get ahead of things. It's important we stay flexible so that we're prepared should the issue escalate quickly.

Public health warnings and the outbreak of global pandemic like the coronavirus (COVID-19) can sometimes appear frightening. With continuous media coverage, unverified stories on social media and uncertain outcomes, it's common to feel overwhelmed and worried about your, or your family's health and wellbeing. While these feelings are understandable, if they start to interfere with your everyday life, you may be experiencing health anxiety.

During stressful times our level of resilience can help us cope when things are changing rapidly. Luckily building resilience is a process that we can develop over time by learning and using helpful techniques.

And don't forget – wash your hands frequently!

A 29-point checklist: How to get the most out of working from home

1. Get started early

When working in an office, your morning commute can help you wake up and feel ready to work by the time you get to your desk. At home, however, the transition from your pillow to your computer can be much more jarring.

Believe it or not, one way to work from home productively is to dive into your to-do list as soon as you wake up. Simply getting a project *started* first thing in the morning can be the key to making progress on it gradually throughout the day. Otherwise, you'll prolong breakfast and let the morning sluggishness wear away your motivation.

2. Create a morning routine

Deciding you'll sit down at your desk and start work at a certain time is one thing. Creating a routine that guides you into the chair is another. What in your morning routine delineates the start of work? It might be making a cup of coffee. It might be returning home after a jog. It might be getting dressed (wearing pyjama pants to work is a perk for some, but a bad strategy for others). Create a morning routine that ends with you starting work.

3. Pretend like you *are* going into the office

The mental association you make between work and an office can make you more productive, and there's no reason that feeling should be lost when you are working from home.

When working from home, do all the things you'd do to prepare for an office role: Set your alarm, make (or go get) coffee, and wear nice clothes. Internet browsers like Google Chrome even allow you to set up multiple accounts with different toolbars on the top -- for example, a toolbar for home and a separate toolbar for work.

Get fully ready for the day and pretend you're actually going to work. Otherwise, you might find yourself back in bed.

4. Structure your day like you would in your usual workplace

When working from home, you're your own personal manager. Without things like an in-person meeting schedule to break up your day, you can be quick to lose focus or burn out.

To stay on schedule, segment what you'll do and *when* over the course of the day. If you have an online calendar, create personal events and reminders that tell you when to shift gears and start on new tasks. Google Calendar makes this easy.

Are mornings for writing while you're in the office? Use the same schedule at home. While you probably will get tasks done faster at home than at work, this structure will help keep you focused and productive.

5. Choose a dedicated work space

Just because you're not working at an office doesn't mean you can't have an office. Rather than cooping yourself up in your room or on the couch -- spaces that are associated with leisure time -- dedicate a specific room or surface in your home to work.

Have a place you go specifically to work. It could be a certain table, chair, local coffee shop -- some place that's consistently your 'work space.' It helps you get into the right frame of mind."

6. Don't hesitate to ask for what you need

If you're employed by a company or organisation that has required you to work from home, request the equipment you need as soon as you start working from home, or within a day or two when you realise you need something new. It's extremely important to set precedents early that you will ask for what you need to get your job done comfortably, including the right [monitor](#), [keyboard](#), [mouse](#), chair, [printer](#), [software](#), and so forth. Organisations that are accustomed to remote employees often have a budget for home office equipment.

7. Socialise with colleagues & don't feel so isolated

Working from home might help you focus on your work in the short term, but it can also make you feel cut-off the larger operation happening in the office. Loneliness, disconnect, and isolation are common problems in remote work life, especially for extroverts. Companies with a remote work culture usually offer ways to socialise. For example, they might have chat channels where remote employees can talk about common interests, meetups for people in the same region, and in-person retreats. It's important to figure out how much interaction you need to feel connected and included. Even if you're highly introverted and don't like socialising, give a few interactive experiences a try so that you're familiar with them if you ever decide you want them. If you're not at a company with a strong remote culture, you may need to be more proactive about nurturing relationships.

Instant messaging and videoconferencing tools can make it easy to check in with co-workers and remind you how your work is contributing to the big picture.

Part of what enables us to work from home so much more often now is the array of apps and tools designed to help remove distance as a barrier between team members. Finding the right tools to keep you and your team connected is important for staying productive at home.

Consider using Slack to keep conversations going remotely, Trello to keep you organised around priorities, and Zoom, Google Hangouts or Webex to [make remote meetings more productive](#). Getting the right stack of support tools to fit your work style makes a big difference.

8. Maintain a separate work phone number

Set up a phone number that you only use for calls with colleagues and clients. It doesn't have to be a landline, second [mobile phone](#), or even a SIM card. It can be a free VoIP service, such as a Google Voice. Similar to some of the other tips, having a separate phone number helps you manage your work-life balance.

9. "Show up" to meetings and be heard

Certainly, you'll take part in [video conferences](#) and conference calls, but it's a good idea to attend optional meetings sometimes, too. Be sure to speak up during the meeting so everyone knows you're on the call. A simple, "Thanks, everyone. Bye!" at the close of a tele/video conference meeting will go a long way toward making your presence known.

10. Keep a dedicated office space

In an ideal world, working from home employees would have not only a dedicated office, but also two computers, one for work and one for personal use. It's more secure for the employer, and it lets you do all your personal activities in private. But not everyone has a separate office in their home, and keeping two machines isn't always realistic. Instead, dedicate a desk and some peripherals only for work use. For example, when your laptop is hooked up to the monitor and external keyboard, it's work time. When it's on your lap, that's personal time. You may want to go as far as partitioning your hard drive and creating a separate user account for work, too.

11. Make it harder for yourself to mess around on social media

Social media is designed to make it easy for you to open and browse quickly. At work, though, this convenience can be the detriment of your productivity.

To counteract your social networks' ease of use during work hours, remove them from your browser shortcuts and log out of every account. You might even consider working primarily in a private or, if you're using Chrome, an "Incognito" browser window. This ensures you stay signed out of all your accounts and each web search you conduct doesn't autocomplete the word you're typing. It's a guarantee that you won't be tempted into taking too many social breaks during the day.

Remove all social networks from your toolbar bookmarks. Even if you don't mean to browse them, some uncontrollable impulse subconsciously clicks on them when you experience downtime. You can get sucked-in without knowing it (or even intending to), so eliminating the gateway to those networks keeps you on track.

12. Communicate expectations with anyone who will be home with you: Setting the ground rules

Of course, you might be working from home but still have "company." So, set the ground rules with the people in your space.

Make sure any roommates, siblings, parents, spouses, and dogs (well, maybe not dogs) respect your space during work hours. Just because you're working from home doesn't mean you're home. If you have children who come home from school while you're still working, they need clear rules about what they can and cannot do during that time.

Additionally, just because you're home and can let service people into the house or take care of pets doesn't mean other family members should assume you will always do it. If that's how you choose to divide up the domestic labour, that's fine, but if you simply take it all on by default, you may feel taken advantage of, and your productivity may suffer.

If anyone else is going to be at home when you're working, they just have to be clear that when you're in your 'office' (in your case, your signal to the family may be having headphones on), you're working -- even if it looks like and feels like you're hanging out at home. It's easy to get distracted by the many things that have to be done around the house during the day.

13. Take clear breaks

It can be so easy to get distracted when you are working from home that you avoid breaks altogether. Don't let the guilt of working in the building you sleep in prevent you from taking five to relax. Rather than just opening YouTube and watching some comfort clips, however, use your breaks to get away from your desk. Go for a walk outside or spend time with others who might also be in the house.

Breaks, like making and eating lunch, can recharge you to do better work. Don't assume you need to be working 100% of the time while you're home to be more productive. Leave your home office space as your body needs to move. Talk a walk. Weed the garden. Plus, the fresh air and natural light will do you good. You get the picture.

Know your company's policy on break times and take them. It's OK to give yourself adequate time during the day to walk away from the computer screen and phone. A lunch break of 30 – 60 minutes and a couple of 15-minute breaks in the morning and afternoon seem to be the standard for most employees.

Don't short-change yourself during breaks, especially your lunch break. You can use an app, such as [TimeOut for Mac](#) and [Smart Break for Windows](#), to lock yourself out of your computer for the required minutes. Or you can just launch a simple clock or timer on the screen when you take a break.

14. Commit to doing more

Projects always take longer than you initially think they will. For that reason, you'll frequently get done less than you set out to do. So, just as you're encouraged to overestimate how much time you'll spend doing one thing, you should also overestimate how many things you'll do during the day. Even if you come up short of your goal, you'll still come out of that day with a solid list of tasks filed under 'complete.'

It is recommended that your team has a daily online meeting each morning where you share what you're working on for the day. You may want to slightly overcommit on what you will deliver that day. It helps keep you honest, so even if you get the urge to go do something else, you know you have already committed a certain amount of work to your team."

15. Work when you're at your most productive

Nobody sprints through their work from morning to evening -- your motivation will naturally ebb and flow throughout the day. When you're working from home, however, it's all the more important to know when those ebbs and flows will take place and plan your schedule around it.

To capitalise on your most productive periods, save your harder tasks for when you know you'll be in the right headspace for them. Use slower points of the day to knock out the easier, logistical tasks that are also on your plate. These tasks are called "small acts of success," and they can help build your momentum for the heavier projects that are waiting for you later on.

For some people, the most productive times of the day are early in the morning or late at night. They recognise this and try to plan their day accordingly.

16. Save calls for the afternoon

Occasionally, some people are so tired in the morning, they don't even want to hear their own voice - let alone talk to others with it. You shouldn't have to give yourself too much time to become productive in the morning, but you *can* give yourself some extra time before working directly with others.

If you're struggling to come up with a reasonable work schedule for yourself when you are working from home, start with the solitary tasks in the morning. Save phone calls, meetings, and other collaborative work for when you've officially "woken up."

Take advantage of morning hours to crank through meaty projects without distractions, and save any calls or virtual meetings for the afternoon."

17. Focus on one distraction ... like a baby!

There's an expression out there that says, "if you want something done, ask a busy person."

The bizarre but true rule of productivity is that the busier you are, the more you'll actually do. It's like Newton's law of inertia: If you're in motion, you'll stay in motion. If you're at rest, you'll stay at rest. And busy people are in fast-enough motion that they have the momentum to complete anything that comes across their desk.

Unfortunately, it's hard to find things to help you reach that level of busyness when you're at home - - your motivation can just swing so easily. Therefore, try focusing in on something that maintains your rhythm – for example, your child.

When you work from home, your very young daughter/son is home with you, too. It seems counterintuitive, but because you have to manage taking care of her/him and keeping them happy and entertained while still getting your work done, the pressure helps to keep you focused. When they're napping or entertaining themselves, you can go into super-productive work mode.

It's the same idea for why some people work better when they have very busy schedules -- you learn how to manage your time very efficiently. The 'distraction' of my child (meant in the most loving way possible!) means you can't possibly succumb to some of the other common distractions of home -- putting in a load of laundry, turning on the TV, doing other household chores -- or else you'd never get any actual work done.

18. Plan out what you'll be working on ahead of time

Spending time figuring out what you'll do today can take away from actually doing those things - and you'll have planned your task list so recently that you can be tempted to change your schedule on the fly.

It's important to let your agenda change if you need it to, but it's equally as important to commit to an agenda that outlines every assignment before you begin. Try solidifying your schedule the day before, making it feel more official when you wake up the next day to get started on it.

19. Match your music to the task at hand

During the week, music is the soundtrack to your career (cheesy, but admit it, it's true) - and at work, the best playlists are diverse playlists -- you can listen to music that matches the energy of the project you're working on. [Video game soundtracks](#) are excellent at this. In the game itself, this lyric-free music is designed to help you focus; it only makes sense that it would help you focus on your work as well.

20. Use laundry as a work timer

You might have heard listening to just two or three songs in the shower can help you save water. And it's true; hearing a few of your favourite songs start and end, one after another, can remind you how long you've been in the bathroom and shorten your wash time.

Why bring this up? Because the same general principle can help you stay on task when working from home. But instead of three songs off your music playlist, run your laundry instead.

Doing your laundry is a built-in timer for your home. So, use the time to start and finish something from your to-do list before changing the load. Committing to one assignment during the wash cycle and another during the dry cycle can train you to work smarter on tasks that you might technically have all day to tinker with. Don't believe it...? May be worth trying!

So, do your laundry when you work from home and set mini deadlines for yourself corresponding to when you have to go and switch loads. If you're working on an activity, tell yourself you will get to a certain point before the wash cycle ends. Then set yourself another goal for the dryer.

21. Interact with other humans

Remember: You're working from home, not the moon. Interacting with other people during the day is allowed, even if they're not your co-workers. In fact, it's a good idea to see another face during the day when most of your work day is solitary. The use of video-conferencing technology makes this easily possible given the social distancing requirements currently in-place.

22. Be Positive

Most people like succinct and clear messages, but often, the less face time you have with people, the less they know how to interpret your tone. When you work remotely full-time, you must be positive, to the point where it may feel like you're being *overly* positive. Otherwise, you risk sounding like a jerk. It's unfortunate, but true. So, embrace the exclamation point! Find your favourite emoji. You're going to need them.

23. Prepare your meals the night before

When you're in your own home, it can be tempting to spend time preparing a really nice breakfast and lunch for yourself, chopping and cooking included. Don't use precious minutes making your food the day of work -- cook it the night before.

Preparing food ahead of time ensures you can actually use your meal times to eat, and that you aren't performing non-work tasks that spend energy better used at your desk.

Cooking at home is time you wouldn't have spent meal prepping if you'd been in the office that day, and you may find the minutes can really add up in the end. To mitigate that, plan to cook and prepare your meals the night before, just like you would for a day at the office.

24. Take Personal Leave, when required

When you're ill or you need to care for a close-family member who is unwell, make sure that you still take your personal leave— as you would if you were still working in the office. Not taking personal leave when you need to - is not a good idea. You will find that you're more productive in the long run if you let your body rest when it's unwell.

25. Look for training opportunities

When everybody is working from home, you might miss out on training and skills development courses that are deferred due to the current business trauma. Your company might even forget to keep running training. There are many [online training](#) courses still accessible to you. While it might be tempting to regard this a dodged bullet, you might be missing out on an opportunity to learn something useful. You should bite that bullet and make sure you still access online learning programs. If there is a course you need for career development, ask if you can take it.

26. Don't Be Too Hard on Yourself

The most successful remote employees have a reputation for being extremely disciplined. After all, it takes serious focus to get a full-time office job done from an unconventional space. That said, everyone lets their attention drift sometimes. If you find yourself working one minute and then doing your online banking the next, don't reprimand yourself harshly. Instead, ask yourself whether people in an office setting do the same thing. If the answer is yes, cut yourself some slack, then get back to work.

27. Pick a definitive finishing time each day

You might be under the impression that working from home establishes more work-life balance, but be careful with that assumption. Working from home can also feel like being at a casino -- you can get so caught up in your activity, in a relaxing environment, that you lose complete track of time.

In lieu of co-workers, whose packing up and leaving the office reminds you to do the same, set an alarm at the end of the day to indicate your normal work day is coming to an end. You don't have to stop at exactly that time, but knowing the work day is technically over can help you start the process of saving your work and calling it quits for the evening.

By working from home full-time, it's really easy to let your work life bleed into your personal life. Maintaining a boundary is important for both halves of the equation.

28. End your day with a routine

Just as you should start your day with a routine, create a habit that signals the close of the workday. It might be a sign-off on a business messaging app or an evening dog walk. You might have a simple routine such as shutting down your computer and turning on a favourite podcast. Whatever you choose, do it consistently to mark the end of working hours.

29. Make it personal

Above all else, figure out what works best for you. Sometimes the answer is apparent, but other times you might need some inspiration from other people who are in the same boat. Everyone in your office is in the same boat and they represent a supportive community – so reach out and talk!

Working from Home Policy

<Insert business name> is committed to providing a safe and healthy place of work as far as reasonably practicable for all workers and this extends to staff who work from home from time to time. Allowing home-based work provides flexible working arrangements for staff to assist in balancing the demands of work and family/personal life. *<Insert business name>* recognises that promoting flexible working arrangements has mutual benefits.

The opportunity to work from home is not an entitlement or a right, and can only occur by formal agreement between *<insert business name>* and the worker.

A worker may work from home for regular periods of time under certain conditions, which are described below. One-off or occasional work from home for a few hours does not require formal agreement although approval must be obtained from management. However, *<insert business name>* is mindful that duty of care responsibilities still apply.

The duties to be performed whilst undertaking home-based work need to be clearly detailed and formalised in the Agreement prior to commencing such an arrangement. Likewise measurement of output and supervision shall be agreed upon prior to the arrangement being in place.

Requirements:

The Manager will review, and where necessary, liaise with the WHS Working Group, in relation to the WHS Risk Analysis Checklist with the worker and assess compliance with *<insert business name>*'s WHS Policies & Procedures:

- Where the worker has met with management and has confirmed that all requirements have been met in the WHS Risk Analysis Checklist and that all WHS Policies & Procedures have been complied with, no home-based inspection will be required.
- Where the worker has met with management and has been unable to confirm that all requirements have been met, a home-based site inspection may be necessary. This will be undertaken by the designated person who will determine the suitability of the proposed working from home arrangements. In the event that the home-based arrangements do not comply with *<insert business name>*'s WHS Policy and Procedures framework the home-based work arrangements should not be approved until appropriate changes have been made.

The area of the worksite within the private dwelling shall be clearly identified and recorded in the Agreement.

Contact arrangements will be agreed between the worker and *<insert business name>*. These may range from diverting the worker's work number to their home base, limiting member contact to email or screening of calls by another work colleague if appropriate and practicable. The worker's home contact details will remain confidential and will not be provided to other people unless the worker has agreed in advance.

The consent of the worker working from a home-based site is required before access can be confirmed to a home-based site. Reasonable access should not be denied for reasons that include:

- Routine maintenance of equipment and supplies;
- Assessing and monitoring security arrangements of equipment and documents;
- WH&S inspections;
- Incident investigation; and
- Supervision.

All WHS policies that apply to workers of *<insert business name>* in general shall, as far as practicable, apply in carrying out work at the home-based site.

Manager responsibility

- Ensure that the home-based work environment is appropriate and meets the requirements, complete the WH&S Risk Analysis Checklist and the Working from Home Agreement.
- Agree on contact arrangements.
- Review the WHS Risk Analysis Checklist with the worker and assess compliance with *<insert business name>* WHS Policies and Procedures.
- Ensure that the Working from Home Policy is implemented in an appropriate manner.
- Ensure that all Working from Home Agreements are formally authorised and recorded, and forwarded to relevant Manager for inclusion on the worker's personal file.
- Remind the worker to update the WHS Risk Analysis Checklist and the Working from Home Agreement if any changes have occurred.
- Review the agreed and signed arrangements after six months.

Worker responsibility

- If home-based work is desired and practical, express their interest to management and complete the Working from Home Agreement including the WHS Risk Analysis Checklist.
- Identify the equipment required to undertake work duties at the home-based site.
- The worker must ensure that arrangements are in place for the security of the computer network and that the worker whilst working from home will abide by the standards and guidelines as defined in the relevant *<insert business name>* policies.
- The worker will complete the WHS Risk Analysis Checklist and forward it to their Manager, who then in turn, forward it to the WHS Working Group.

- The worker must comply with all requirements as set out in the Working from Home Agreement.
- Update the WHS Risk Analysis Checklist and the Working from Home Agreement if any changes have occurred.

Relevant forms

Please refer to the following relevant forms:

- *WHS Working from Home Risk Analysis*
- *Working from Home Agreement*

WHS Working from Home Risk Analysis

Prior to working from a home-based site, the worker must complete the following checklist to assess their home-based site in order to minimise the risk of illness or injury whilst performing work.

Once completed, together with the completed Working from Home Agreement, please forward to your Manager.

Please refer to the 'Working from Home Policy'

Home-based Site Checklist

1. Work Area

- Is the work area size adequate for the tasks to be performed? Yes No
- Is there adequate leg space to allow free leg movement under the work area? Yes No
- Is the work surface a single continuous surface? Yes No
- Is a footrest available? Yes No
- Is the non-adjustable work area between 680 – 720mm in height? Yes No
- Are most frequently used items within easy reach from the seated position? Yes No
- Are cables stowed out of the way? Yes No

2. Chair

- Do you have a fully adjustable chair? Yes No
- Does the chair have a five-star base? Yes No
- Does the chair move freely? Yes No
- Is there adequate lumbar support? Yes No
- Is the padding adequate? Yes No

3. PC, Laptop, Screen, Keyboard

- Is the screen approx. arm's length from user? Yes No
- Is the screen a comfortable reading distance from the user?
(Approximately 600 – 800 mm away) Yes No
- Are characters sharp (no fuzzy edges) standing out against background? Yes No
- Can the screen be adjusted (tilted up and down)? Yes No
- Is there adequate space to use the keyboard in front of the screen? Yes No

4. Mouse

- Is the mouse used on a mouse pad? Yes No
- Is the mouse on the same height surface as the keyboard? Yes No
- Can the mouse be used on either side? Yes No

5. Other Equipment

- Is a printer required? Yes No
- Is a document holder required? Yes No
- Does the document holder support the documents adequately? Yes No
- Are documents easy to read and manipulate? Yes No
- Is a headset required? Yes No
- Is there adequate storage space? Yes No

6. Environment

- Is there adequate lighting for the tasks being performed? Yes No
- Can glare be controlled by window coverings? Yes No
- Is the room temperature, humidity and air flow comfortable?
- Heating and cooling as required? Yes No
- Have you attached a plan of the home-based site including desk,
power outlets, telephone and lighting? Yes No

7. Other Considerations

- Is the floor space free from tripping hazards? Yes No
- Is the PC protected by a circuit breaker and surge protector? Yes No
- Are there adequate power outlets to run the PC and other equipment? Yes No
- Are all power cables, leads, power boards etc. in good condition? Yes No
- Is there a functioning smoke detector in the house? Yes No
- Is there safe access and egress provided? Yes No
- Has the employee completed WHS training? Yes No

Do you have any concerns about your physical, mental or psychological health that you wish to disclose? (If Yes, please contact your manager) Yes No

Further to the previous question, do you think you may be exposed to the risk of family and domestic violence (If you prefer not to answer this question on this form, please contact your manager for a confidential discussion) Yes No

On completion of this checklist please discuss this with designated person and address any concerns with designated person regarding your home-based site.

.....
Worker Signature **Date**

Was site inspected? Yes No

Do you have a pre-existing medical condition that will prevent you from safely working at home?
 Yes No

.....
Manager to whom worker reports – (print name)

..... **Date**.....

Signature

Approved: Yes No

.....

WHS Working Group – (print name)

..... **Date**.....

Signature

Approved: Yes No

* Please ensure Working from Home Agreement is attached.

Working from Home Agreement

Having completed the Working from Home Risk Analysis, the worker must sign this Working from Home Agreement as confirmation that the information provided is both truthful and correct.

Once completed, together with the completed Working from Home Risk Analysis, please forward to your Manager.

Please refer to the 'Working from Home Policy'

This Agreement must be read in conjunction with the relevant Employment Agreement and related policies and procedures that govern employment at *<insert business name>*. This Agreement must be forwarded to the relevant manager for placement on the employee's personal file following approval.

Worker Details

Family Name _____

Given Names _____

Position Title _____

Private Dwelling containing Home-based Site

Address _____

State _____ Post Code _____ Contact Phone Number _____

Mobile _____ Fax _____

Email Address _____

Agreement Details (*required under certain circumstances)

Start Date _____

Number of _____ days/hours per week at home-based site.

Designated days _____

Attendance requirements at the *<insert business name>* or other work sites (e.g. Meetings, training etc.)

-
- Designated Home-based Work Site (Sketch attached) Yes No
 - Equipment supplied by *<insert business name>*. (Details attached) Yes No
 - Equipment supplied by the employee (Details attached) Yes Not Applicable

- Special arrangements (Details attached & signed by employee and Accountable Person)

Yes Not

Applicable

- WHS Working from Home Risk Analysis Checklist (attached and signed by designated person)

Yes No

- A copy of the Working From Home Policy provided to staff member

Yes No

Approvals

This agreement is between *<insert business name>* and.....
("the worker")

I have read and understood *<insert business name>*'s Working from Home Policy and consent to abide by it and be bound by this Agreement as indicated by my signature below:

Signed (Worker).....

Date.....

On behalf of *<insert business name>*:

Signed (Manager to whom employee reports).....

Date.....

On behalf of *<insert business name>*:

Signed (Chairman, WHS Working Group).....

Date.....

What to do if you want to mandate the COVID-19 vaccine for your staff

Can employers require (mandate) their employees to receive the COVID-19 vaccine?

With the COVID-19 vaccine rollout now beginning to accelerate in many parts of the country, employers need to decide whether requiring (mandating) their employees to receive the COVID-19 vaccine is necessary to satisfy their WHS obligations. To do this, employers should consider whether other safety measures already in place in their workplace (such as the use of PPE, social distancing, having adequate hygiene and cleaning measures etc.) are enough to demonstrate they are doing everything reasonably practicable to prevent COVID-19 from spreading in their workplace.

Aside from this, there are other issues to consider for employers who are looking to mandate the COVID-19 vaccine for their staff. Namely, an employer can only mandate the vaccine for their staff if:

- A specific law is in place (e.g., a public health order) requiring an employee to receive the COVID-19 vaccine OR
- An employment contract or industrial instrument requires the employee to receive the COVID-19 vaccine OR
- A direction for the employee to be vaccinated is a lawful and reasonable direction (assessed on a case-by-case basis)

When determining whether a direction for an employee to receive the COVID-19 vaccine is lawful and reasonable, every individual direction is assessed on its own merits (i.e. the direction may be considered reasonable for one employee but unreasonable for another) and a number of factors are considered. These include but are not limited to:

- The nature of the workplace and industry the employee works in
- The nature of the employee's role and namely, whether they are at a greater risk of catching the virus or transmitting the virus to other people (namely vulnerable people)
- The rate of transmission in the area the employee lives and works in
- Whether the employee has a valid reason not to be vaccinated (i.e., medical or religious reasons)

If a Public Health Order applies to staff which requires them to be vaccinated

First, speak with your staff covered by the public health order.

Where a Public Health Order (PHO) applies which requires your staff to be vaccinated, first speak with those staff to ascertain whether they already are vaccinated and if not, whether they plan to be vaccinated. Encourage those who are uncertain about the vaccination to speak with their GP. For those who plan to be vaccinated, assist them to do so by providing information about where to be vaccinated in your area (more information about this is provided at the bottom of this guide). Also consider allowing those staff members to use their paid leave (if applicable) to access the vaccination during work hours.

If a staff member wishes to be vaccinated but can't do so until after the "cut off" date.

This will depend on the precise terms of the PHO and what it prevents the staff member from doing after the cut-off date if they are not vaccinated. For example, it may prevent them from entering your workplace OR it may only prevent them from performing certain duties (such as visiting certain clients). If the PHO prevents the staff member from entering your workplace, consider whether they can work from home until they are compliant with the public health order. If they cannot work from home, or the mandate simply prevents them from performing their role in any capacity if they are not vaccinated, they will need to take some form of leave available to them to cover the period between the cut-off date and the date on which they receive their vaccination. Ensure you work together with your staff member to assist them to receive the vaccination as quickly as possible.

If a staff member refuses to comply with the Public Health Order.

Where a staff member refuses to comply with the PHO, it is highly likely that they will be unable to continue performing their role as they were before the PHO came into effect. Generally, these PHOs prevent workers (whom they apply to) from entering their workplace after a certain date if they are not vaccinated (usually this occurs in two stages, i.e., they must receive their first dose by a certain date, and then their second dose by another date shortly thereafter). Other public health orders may prevent the staff member from performing certain functions of their role (e.g. visiting certain clients).

If a staff member can adequately perform their role from home and do not need to enter the main workplace for any reason, you may consider allowing them to do so moving forward. Similarly, if the public health order only prevents them from performing certain duties, and you are able to easily

remove those duties from that staff member without greatly affecting their role, then this should be considered as well.

If the above options are not feasible however, and the refusal to comply with the PHO order means a staff member will be unable to continue performing their role, you will need to speak with that staff member to discuss this with them. You will need to clearly explain to the staff member that they will be unable to continue working for your organisation past the date specified in the PHO. Some staff members may elect to resign. For those who do not resign, you may need to consider other options, such as reaching agreement to access leave entitlements, standing them down without pay, or, as a last resort, consider taking disciplinary action against them. This could possibly be in the form of a written warning initially, followed by termination if they continue to refuse to comply with the Public Health Order. Please note however that there is currently limited precedent that would validate an employer's decision to terminate an employee in this situation. Given there may be risks involved here, we recommend contacting the HR Advisory Service or obtaining independent legal advice in this situation.

Can a staff member be exempt from the Public Health Order?

Exemptions to a public health order usually only apply in very limited circumstances and are generally only granted on valid medical grounds (i.e. a certified medical professional has formally provided the exemption). Check the relevant Public Health Order to see whether any exemptions apply, and if so, the necessary criteria required to certify the exemption.

If no Public Health Order applies, but a workplace wishes to mandate the COVID-19 vaccine for staff

Before placing a requirement on staff to be vaccinated, consult with them.

As a direction for staff to be vaccinated is primarily related to work (occupational), health and safety, it is recommended to consult with staff members about the possibility of putting a requirement to be vaccinated in place. This ensures transparency in your organisation and will alleviate the “shock” of the requirement if/once it is made. It may also be the case that you find many of your staff members actually support the move.

The direction must be lawful and reasonable.

If there is no public health order (or other specific law) which requires your staff members to be vaccinated against COVID-19, then any direction for your staff members to be vaccinated must be lawful and reasonable. Whether a direction is lawful and reasonable will depend on a number of factors, including the type of work the staff member is performing, the rate of ongoing community transmission in the area which the staff member is working, whether other adequate safety measures can be implemented to ensure the staff member’s safety without being vaccinated and whether the staff member has a legitimate reason not to be vaccinated (e.g. a medical exemption). The Fair Work Ombudsman has provided a helpful “Tier” system to help employers understand whether a direction for staff members to be vaccinated might be reasonable based on the type of work they do.

Tier 1 work, where employees are required as part of their duties to interact with people with an increased risk of being infected with coronavirus (for example, employees working in hotel quarantine or border control).

Tier 2 work, where employees are required to have close contact with people who are particularly vulnerable to the health impacts of coronavirus (for example, employees working in health care or aged care).

Tier 3 work, where there is interaction or likely interaction between employees and other people such as customers, other employees or the public in the normal course of employment (for example, stores providing essential goods and services).

Tier 4 work, where employees have minimal face-to-face interaction as part of their normal employment duties (for example, where they are working from home).

(Example, a direction for those in Tier 2 to be vaccinated is more likely to be considered reasonable than a direction for those in Tier 4 to be vaccinated).

It is strongly recommended to seek independent legal advice before firmly deciding to mandate the vaccination in your workplace.

If a decision is made to require staff members to be vaccinated, communicate this decision in writing.

If you decide to proceed with requiring staff members to be vaccinated, ensure you inform staff members affected immediately and in writing. Also ensure you allow those staff members to speak with you about any concerns they have.

If a staff member refuses to comply with the direction to be vaccinated.

If you decide to proceed with requiring staff members to be vaccinated, and a staff member/s refuses to comply, first, speak with them to understand whether they intend to comply with the direction. If the staff member has a valid reason for not being vaccinated, consider other safety measures which can be put in place to ensure their safety and the safety of those around them.

If you believe the direction is lawful and reasonable, and a staff member refuses to be vaccinated without a valid exemption, you may be able to take disciplinary action against them for refusing a lawful and reasonable direction. This could be a written warning in the first instance, followed by termination if they continue to refuse to comply with the direction. Please note however that there is currently very limited precedent that would validate an employer's decision to terminate an employee in this situation. Given the potential for risks to arise here, it is recommended to seek independent legal advice.

Other considerations relevant to the COVID-19 vaccine in the workplace

In the absence of a Public Health Order requiring my staff members to be vaccinated, do I have to make the COVID-19 vaccine mandatory for my staff?

If there is no PHO that applies to your organisation and your staff, there is no specific obligation on your business to make the COVID-19 vaccination mandatory for staff. It must be remembered however, that businesses have a legal obligation under work (occupational) health and safety laws to do everything reasonably practicable to ensure the safety of everybody in that workplace, so you will need to assess whether or not making the vaccine mandatory is a necessary step to fulfill those legal obligations. In workplaces where staff are generally considered low risk (or Tiers 3 and 4 using the Fair Work Ombudsman tiering system mentioned on page 5), another option could be to formally encourage staff members to be vaccinated rather than making it mandatory.

What happens if an organisation we supply services to, requires visitors (including our staff) to be vaccinated (and this isn't governed by a PHO)?

In a situation where an organisation you supply to requires visitors (including your staff) to be vaccinated before entering the premises, and there is no PHO governing that requirement, contact the organisation to find out the specific conditions of their vaccine requirement and namely, whether any exemptions apply. Once you have this information, speak with your staff affected by the requirement (i.e. those who visit that organisation as part of their duties) to ascertain whether they plan to be vaccinated. Work with those staff members to assist them to get vaccinated as soon as possible. If a staff member does not wish to be vaccinated, and they do not meet the exemption criteria set out by the organisation who created the vaccine requirement, consider whether the staff member can perform other duties in your organisation that do not involve dealing with that organisation. If, however, the staff member's duties primarily involve dealing with the organisation who has created the vaccine requirement, and you cannot provide alternative duties to them elsewhere in your organisation, you may need to consider other options (including termination of employment). Due to the risks here, it is recommended to contact the HR Advisory Service or seek independent legal advice before taking action in this situation.

Can I request to see a staff member's vaccination status?

Where a public health order applies to a staff member requiring them to be vaccinated OR where a lawful and reasonable direction has been made for that staff member to be vaccinated, a request to view their vaccination status is generally permissible. Collection of that information (i.e. keeping a copy of the employee's vaccination status) can only be done with the employee's consent or if a

public health order specifically requires the employer to keep a copy of the staff member's vaccination status.

Can I stand staff down if they do not comply with a requirement to be vaccinated?

Traditionally, a stand down as per section 524 of the *Fair Work Act 2009* only applies when there has been a stoppage of work for reasons which the employer cannot reasonably be held responsible. In the context of COVID-19, an employer does have grounds to stand down staff in certain situations. An employer does not have to pay an employee when either the federal or a state or territory government or officer makes an enforceable government direction that prevents an employee from working.

This could happen, for example, where an enforceable government direction:

- Requires an employer to close down a work site or reduce staffing levels, and employees can't work remotely, or
- Prevents a particular employee from working because they're required to self-isolate or haven't met a requirement to get vaccinated or tested for COVID-19.

In these instances, the employer doesn't have to pay the employee, unless the employee agrees to take paid leave. Whether or not the enforceable government direction prevents an employee from working will depend on the facts in each case.

Before deciding to stand down staff for refusing to comply with a relevant PHO mandating vaccination, it is recommended that employers consider other options, such as alternative working arrangements or granting paid or unpaid leave.

Can an employee take personal/carer's leave (sick leave) to receive the vaccination during work hours?

Getting vaccinated is unlikely to meet the criteria for taking personal/carer's leave. Therefore, it is recommended to allow the employee to take annual leave instead. It may be the case however, that the employee suffers from common side effects after receiving the vaccine. In these circumstances, personal/carer's leave is appropriate if the employee is entitled to such leave.

Does my organisation need a vaccination policy?

A vaccination policy may be appropriate to assist your business to meet its WHS obligations. Legal advice is encouraged to ensure your vaccine policy is adequately tailored to meet the needs of your workplace. Before implementing a vaccination policy, workers must be consulted with adequately.

I want to help my staff members get vaccinated, what can I do?

Allowing your staff member to take time off during work hours is one of the simplest things an employer can do to encourage a staff member to be vaccinated. Some businesses are even choosing to pay their staff members normal wages for the time taken to be vaccinated. Otherwise, allowing the employee to use their annual leave to go and get vaccinated is also fine.

Further, it is important to provide helpful information to your staff members about the vaccination, including where to get it. For information about where to get vaccinated in each state/territory, please see below.

NSW.

<https://www.nsw.gov.au/covid-19/health-and-wellbeing/covid-19-vaccination-nsw>

Victoria.

<https://www.coronavirus.vic.gov.au/vaccine>

Queensland.

<https://www.qld.gov.au/health/conditions/health-alerts/coronavirus-covid-19/protect-yourself-others/covid-19-vaccine/book>

Western Australia.

<https://rollup.wa.gov.au/articles/where-to-get-your-covid-19-vaccination>

South Australia.

<https://www.sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/conditions/infectious+diseases/covid-19/vaccine/covid-19+vaccinations>

Tasmania.

<https://www.coronavirus.tas.gov.au/vaccination-information/covid-19-vaccination/vaccine-eligibility>

ACT.

<https://www.covid19.act.gov.au/stay-safe-and-healthy/vaccine>

Northern Territory.

<https://coronavirus.nt.gov.au/stay-safe/booking-your-covid-19-vaccine>

What to do if you are concerned about the mental health and wellbeing of your staff

One of the key considerations for employers and workers during the COVID-19 pandemic is the impact of the outbreak on our mental health and wellbeing. Understandably, the primary focus has been on the steps that can be taken to maintain our physical wellbeing and minimise the spread of the coronavirus. However, work (occupational) health and safety obligations apply to psychological as well as physical health meaning it's equally important to consider what steps can be taken to promote and preserve mental wellbeing.

So, what can you do to promote healthy habits during the pandemic?

- Provide access to the host of resources available exclusively to members 24 hours a day, 7 days a week in the wellbeing section of our online resources portal.
- Ensure open channels of communication – although face-to-face meetings should be discontinued wherever possible, offer regular opportunities to connect on COVID or non-COVID related issues (perhaps using digital communication platforms)
- Emphasise the importance of maintaining a daily routine – following a regular sleeping pattern, having a balanced diet, subscribing to online health and wellbeing programs
- Encourage staff to reimagine ways to engage with their usual hobbies to help maintain a sense of normalcy e.g. connecting with friends and family online, accessing music and the arts online, signing up to online classes
- Provide access to up-to-date, qualified and trustworthy information on an ongoing basis (from reputable news outlets, the [Department of Health](#) and your relevant state/territory authorities, [Safe Work Australia](#), [Head to Health](#) etc.)
- Alert workers to available assistance services e.g. Lifeline, 1800RESPECT, BeyondBlue.