

IR POLICY AND GOVERNANCE UPDATE



INTRODUCTION

This week we provide a synopsis of the current workplace COVID incident notification requirements and action in Victoria and NSW, some general inflationary warnings, NSW implements laws over providing forged or falsified COVID vaccination certificates, and the upcoming availability of Rapid Antigen Test kits in retail outlets for at home testing.

COVID WORKPLACE INCIDENT IN NSW AND VICTORIA – CURRENT NOTIFICATION REQUIREMENTS

Several members in Victoria and NSW have enquired on the requirements for dealing with a positive COVID-19 case in the workplace in light of altered conditions, high vaccination numbers within the industry, and amended public health orders in those states. We outline the essential and recommended steps members should undertake if a COVID-19 case be confirmed and have attended the workplace.

Victoria

- > Follow any required steps in your COVID Safe Plan.
- > Direct the employee to return home and isolate if they have attended the workplace until they are contacted by the Department of Health with instructions.
- > Collect information on rosters and employee attendances, mask wearing exemptions, to assist when contacting the relevant government agencies as per the following points.
- > Employers are required to notify the Department of Health of any confirmed COVID-19 case and follow the related assessment requirements on the Victorian government [COVID website](#).
- > Notify your employees that a case of COVID-19 has been in the workplace and that the Department of Health will be advising of the next steps. Employers will need to maintain the privacy and confidentiality of the person who is COVID-19 positive.
- > If the Department of Health have not contacted you within 24 hours call them to seek further instructions, phone 1300 651 160.
- > Employers continue to be required to notify WorkSafe Victoria after becoming aware of a confirmed COVID-19 case and that person has attended the workplace. If required, members can notify WorkSafe Victoria either:
 - online at the [WorkSafe website](#); or
 - By phone: 13 23 60
- > Employers are required to confirm a positive case of COVID-19 in their workplace injury register.

NSW

- > Follow any required steps in your COVID Safe Plan.
- > Direct the employee to return home and isolate if they have attended the workplace until they are contacted by NSW Health with instructions.
- > Collect information on rosters and employee attendances, mask wearing exemptions, to assist when contacting the relevant government agencies as per the following points.

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- > Notify SafeWork NSW by phone: 13 10 50, and follow any instructions provided by them. SafeWork will notify NSW Health.
- > If you do not hear from NSW Health by the following day contact them on 1800 943 553.
- > Comply with any requirements of NSW Health and undertake any requirements, guidance and instructions they provide, including cleaning and any closure requirements. This will require you to be able to provide information about the employee, the workplace, and the possibility of close contact with other employees.
- > Notify your employees that a case of COVID-19 has been in the workplace and that NSW Health will be advising of the next steps. Employers will need to maintain the privacy and confidentiality of the person who is COVID-19 positive.

If members have any related issues or require assistance, contact Charles Watson at the Collective to lead you through the requirements: charles@thermc.com.au or phone 0428 568 032.

LYING ABOUT COVID VACCINATION STATUS IN NSW

In a step to clamp down on the use of forged COVID-19 vaccination certificates or other related material, the NSW government has revised public health orders to make it illegal for an individual to provide or produce evidence of their COVID-19 vaccination status that is forged, or that is not true and accurate. Breaching this public health order carries a maximum penalty of six months prison term and or an \$11,000 fine.

NSW now has over 85% of people (over 16 years of age) double vaccinated, which obviates and evidences that the use of forged vaccination certificates by a small number of people who wish to bypass the law and put others at risk is not acceptable. From a workplace perspective, an employee in NSW who wilfully or deliberately provides their employer with a forged or fake vaccination certificate could be viewed as serious misconduct (illegality, fraud and potentially an imminent risk to the health and safety of others) under the terms of the *Fair Work Act* and Regulations.

A STOCKING STUFFER FOR CHRISTMAS

Previously, COVID-19 Rapid Antigen Testing were only being used in some workplaces, including various government agencies, our Olympic team, the Defence Forces, health/aged care facilities, and in some sites in our industry. The Therapeutic Goods Administrator had given its approval for over 30 different brands of RAT kits, although they required a medical professional to oversee the test.

Although they have been viewed to be not as accurate an indicator as a Polymerase Chain Reaction test, they provide another level of protection and provide a result within 15 minutes compared to a pathology lab needing up to 24 hours or longer to process a PCR test.

In September, federal Health Minister, Greg Hunt, advised that at home RAT testing would be available from November this year. As a result, consumers will be able to purchase RAT kits from Woolworths, Aldi's and Coles from early November and at a cost of approximately \$15 per test kit. Not all states have determined their health-based approach to RAT kits, and as a result these kits will not currently be stocked in South Australia and Western Australia at the time of writing this item.

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As various state and regional restrictions continue to ease, the availability of these test kits for personal testing will provide another level of security and help to allay levels of individual anxieties given the virus remains in the country. However, commonsense dictates that if an individual gets a positive result, they undertake a PCR test from a medical provider asap.

From a workplace perspective, an employer is not obliged to accept the results of an at home rapid antigen test undertaken by an employee as proof of anything. If required you can direct an employee to undertake a RAT or PCR test from a medical provider.

INFLATION

The official Australian Bureau of Statistics measure of consumer prices has risen by 0.8% over the September quarter. According to the ABS the rise in inflation was the result of high fuel prices and costs associated with new dwelling purchases. As many people will have seen over the last few weeks, fuel prices at the bowser have risen to questionable levels. ABS data indicates current prices are at a 13-year high.

Although this inflationary increase will be considered by the Reserve Bank, and are above the lower end of their inflation target, the RBA appear unlikely to move from their forecast of no interest rate increases until 2024. Keep watching this space!

CONTACT

Any Industrial Relations Member who has a related query should contact Charles Watson, GM – IR, Policy and Governance at The Real Media Collective via email charles@thermc.com.au or mobile:+61 428 568 032.

DISCLAIMER

The content of this update, current at the date of publication, is intended to provide general guidance and consideration for TRMC Members only. The content does not constitute advice and should not be relied upon as such. Specific advice about your circumstances should be sought separately before taking any action. TRMC recommends Members ensure any related decisions are made on current and up to date information.