

# COVID-19 (Coronavirus) Guidance for Employers

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This document contains general guidance for employers regarding the potential impacts of COVID-19 (Coronavirus) on your workplace.

## Work, Health and Safety obligations

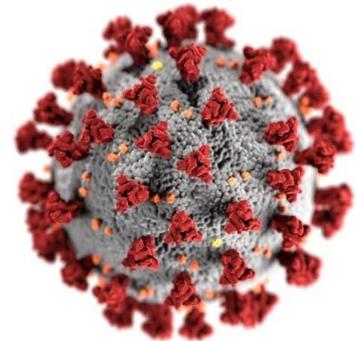
Under work health and safety legislation in each state and territory, businesses have a primary duty to ensure, so far as is reasonably practicable, the health and safety of workers and others. This obligation requires businesses to take steps to eliminate risks, and if that is not reasonably practicable, to minimise those risks so far as is reasonably practicable.

In order to discharge their duty, businesses should:

1. closely and regularly monitor information provided by the Australian Government Department of Health, the Smartraveller website and advice from state or territory government agencies, including health departments and WHS regulators;
2. identify and assess the risks associated with COVID-19 including risks to the health of workers and short and long-term commercial and operational implications; and
3. identify and implement control measures in respect of workers and workplaces.

Businesses also have the right to control who enters or exits their offices and workplaces, and their conditions of entry and exit. You may, therefore, in light of your particular situation and medical advice, consider implementing the following controls:

1. closing your offices and workplaces to customers and clients and requiring all meetings to take place by telephone or video conference;
2. closing your offices and workplaces to all staff, and requiring staff to work from home where practicable; and
3. requiring staff to work in the office or workplace in rotation to reduce the potential spread between staff.



Employers also have an obligation to consult with their workplace about health and safety matters, so far as practicable. Therefore, employers should keep up a dialogue with their staff about steps they are considering and provide regular updates about the status of the virus, ensuring the information provided is consistent with Government advice at the time.

## Directions to employees

Employers have the right to give lawful and reasonable directions to their employees. At this time, such directions may include:

1. a requirement for staff to undergo medical screening or provide medical clearance regarding the state of their health;

2. a requirement to disclose recent travel;
3. a requirement to disclose flu-like symptoms;
4. reminders about good hygiene practices, including handwashing and wiping down shared equipment; and
5. a direction not to attend the workplace for a period of time:
  - (a) on return from overseas travel;
  - (b) if exhibiting symptoms of illness;
  - (c) if they have been exposed to a confirmed case of COVID-19; or
  - (d) in the event of a shut down of the workplace.



### **Obligations if employees cannot work**

Employee entitlements when absent from work as a result of COVID-19 will vary depending on the circumstances leading to an employee's absence from the workplace and any applicable industrial instrument.

Employers should take independent legal advice on the specifics of their situation, but as general guidance:

1. If an employee is unwell or needs to take time off work to care for family members, they may use accrued paid personal/carer's leave entitlements. If they have exhausted their personal/carer's leave entitlements, they may be permitted to access their annual leave. Any additional payment is at an employer's discretion;
2. If an employee is quarantined due to their risk of exposure to the virus and unable to work from home, but is otherwise well, an employer may permit an employee to use personal or annual leave entitlements, but is not required to do so;
3. If employees are directed to work from home, they should be paid as normal;
4. The *Fair Work Act 2009* (Cth) permits employers to stand down employees without pay if the workplace is closed 'for any cause for which the employer cannot reasonably be held responsible' which may include a shutdown due to COVID-19. Legal advice should be sought before taking this approach; and
5. A consistent approach should be taken to all staff.

This advice is general in nature and you should obtain specific legal advice, where appropriate.

If you have any queries regarding this guidance or other aspects of employment relations and safety, please do not hesitate to contact a member of our team on the details below.



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