

CORONAVIRUS FACT SHEET

FACT SHEET 2 – FITNESS TO WORK

Employer Duty of Care and WHS obligations

Employers owe their employees a general duty of care which includes providing employees with a safe place to work. Employers also have WHS obligations which require, among other things, providing and maintaining, as far as reasonably practicable, a workplace that is free from risks to health and safety, and, identifying and assessing hazards and risks to health and implementing measures to eliminate or minimise the risks.

Identification of risks to workers and others

All businesses must identify health and safety risks at the workplace, including exposure to COVID-19. Businesses should also plan a response to cases of COVID-19 at work in line with advice provided by health authorities.

COVID-19 spreads from person to person in a similar way to the influenza virus:

- from close contact with an infected person
- from touching objects or surfaces contaminated by the sneeze or cough of an infected person and then touching their eyes, nose, face or mouth.

COVID-19 can cause symptoms similar to influenza, including fever, cough, sore throat, tiredness, or shortness of breath.

Workers and employees should not present at work if they are unwell and showing flu-like symptoms, but should seek medical advice from a registered medical practitioner.

Workers and employees cannot attend work and must self-quarantine for 14 days if they have:

- recently travelled to an overseas destination considered as high-risk of COVID-19, or
- been in close contact with a confirmed case of COVID-19.

Duty of employees to inform their employer

Employees who have been in affected areas or who may have been in close contact with a person who might be infected with COVID-19 should advise their employer immediately and obtain medical clearance before presenting at work.

Employees must notify their employer immediately if they:

- have travelled to an affected area since the beginning of 2020; and/or
- are suffering, or have suffered, flu-like symptoms since the virus was first detected.

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Employees living with others with an illness

Employees who have been in close contact with a person who has the virus are considered to be potentially infected and must not attend work during the risk period. Employees should seek medical advice and must obtain a clearance before returning to work.

Employees directed to not attend work

In the context of a potential health pandemic like the coronavirus, employers should bear in mind that their WHS obligations may extend to measures ranging from mandatory quarantine of employees in the event of travel to infected areas or by requiring them to work from home.

Employees who may be potentially infected but who are not showing symptoms and have been directed by their employer to not attend work are ordinarily entitled to be paid while subject to such direction. Employers should check applicable modern awards and agreements to verify this entitlement. Consider whether employees in this situation are able to work from home during this time prior to being instructed to not attend work.

Self-isolation and working from home

Employees who wish to stay at home as a precaution will need to take some form of paid or unpaid leave, or will need to request to work from home for the period of absence from the workplace.

Any work from home arrangement during a period of self-isolation should follow existing working from home arrangements in force (excepting attendance at work), and must meet the needs of employees subject to quarantine arrangements.

An employee who falls ill during a period of self-isolation will be eligible for paid or unpaid personal/carer's leave from the onset of the illness.