

Wearing a face covering to prevent the spread of COVID-19

Victoria and New South Wales

SUMMARY

Victoria: It is now a requirement to wear a face covering when leaving home.

Employers are required to take all reasonable steps to ensure employees wear a face covering at all times when working at the employer's premises (unless an exception applies).

New South Wales: The wearing of a face covering is now strongly recommended in four specific situations: enclosed spaces such as on public transport or buying groceries; while working in customer-facing roles in hospitality or retail; when attending a place of worship; and if people are in an area of high community transmission.

Important Notes – 4 August 2020

In Victoria, the most recent directions outlining requirements for wearing face coverings have created some clearer exceptions. In addition to earlier exceptions, these changes are highlighted below. Face coverings are not required if:

- the employee is working by themselves in an enclosed indoor space (unless or until another person enters that indoor space)
- the employee is working in an outdoor space, provided no other person is also in the outdoor space (except a person who ordinarily resides at the same premises)
- the employee is travelling in a vehicle for work purposes by themselves or where each other person in the vehicle ordinarily resides at the same premises

INTRODUCTION

When coronavirus (COVID-19) first became an issue in Australia, the general health advice was that the wearing of face masks to reduce the spread of COVID-19 was not generally recommended for people who were well, unless working in the health sector or other high-risk environments.

However, with the increase of community transmission of COVID-19 in Victoria and New South Wales, there has been an increasing focus on the wearing of face coverings.

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New South Wales refers to face masks, whilst Victoria refers to face coverings. In Victoria DHHS advises “a face covering needs to cover both your nose and mouth. It could be a face mask or shield.”

It is important to note that the wearing of face coverings is not a substitute for isolation or quarantine. People who have tested positive to COVID-19, have symptoms, or are a close contact of a confirmed case must still isolate or quarantine in line with DHHS directions which can be accessed at this link.

<https://www.dhhs.vic.gov.au/self-quarantine-coronavirus-covid-19>

Ai Group will keep members informed of updates to information about face coverings by amending this Fact Sheet.

REQUIREMENTS AND RECOMMENDATIONS TO WEAR A FACE COVERING

Victoria – Requirement

Since 11.59pm on 2 August 2020 all Victorians have been required to wear a face covering when leaving their home unless an exception applied.

Employer obligations in relation to the wearing of masks is currently contained in Clause 16 of each of the Restricted Activity Directions (Restricted Areas) (No 7) and the Restricted Activity Directions (No 16), reproduced at the end of this document with links provided.

The DHHS website provides information about the mandatory wearing of face coverings, including some requirements for workplaces at this link <https://www.dhhs.vic.gov.au/updates/coronavirus-covid-19/face-coverings-1159pm-wednesday-22-july>. It is important to note that the DHHS website has not yet been updated to reflect the change to requirements for people working by themselves.

WorkSafe Victoria has produced guidance on the mandatory wearing of face coverings in workplaces. <https://www.worksafe.vic.gov.au/managing-coronavirus-covid-19-risks-face-coverings-workplaces>

In addition to the requirement to comply with the directive to wear a mask when leaving their home, employees must also comply with the OHS obligations, which includes that they must:

- take reasonable care of their own health and safety;
- take reasonable care for the health and safety of persons who may be affected by the employee's acts and omissions at a workplace; and
- co-operate with their employer with respect to any action taken by the employer to comply with a requirement imposed by or under the OHS Act.

New South Wales – Recommendations

On 2 August 2020, the NSW Premier issued a *strong recommendation* in relation to the wearing of masks, as summarised at <https://www.abc.net.au/news/2020-08-02/nsw-sunday-coronavirus-update-masks-recommended/12516026>.

NSW Premier Gladys Berejiklian has issued a "strong recommendation" that people wear masks in four key circumstances, as she continues to warn that the state is in a "critical" stage.

She said people should wear a mask in enclosed spaces such as on public transport or buying groceries; while working in customer-facing roles in hospitality or retail; when attending a place of worship; and if people are in an area of high community transmission.

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"I want to stress it is not compulsory, but it is a strong recommendation from Health, given where we are in the pandemic, given the risk posed from Victoria and given the rate of community transmission in New South Wales," she said.

"Where you are in an enclosed space and you cannot guarantee social distancing, you should be wearing a mask."

USING FACE MASKS TO PREVENT THE SPREAD OF COVID-19

The information in this section can be used to assist employers who:

- have a mandatory requirement to take reasonable steps to ensure that employees wear a face covering at work; or
- are implementing the wearing of face coverings because 1.5m distance cannot be achieved.

Appropriate face coverings

As outlined above DHHS Victoria is advising that an appropriate face covering is a face mask or shield.

In Victoria, DHHS advice currently states:

The term 'face mask' includes cloth masks and single-use face masks (commonly called surgical masks). Both masks are suitable for use to prevent the spread of coronavirus (COVID-19).

Cloth masks are any nose and mouth covering made of washable fabric. We recommend a [cloth mask made of three layers of a mix of breathable fabrics to ensure adequate protection](#). It does not need to be surgical quality to be effective.

Surgical masks are made with a non-woven meltblown polypropylene layer and available in various levels of protection. These are single use masks only so can't be washed and used again.

There are other types of masks and respirators (such as P2 or N95). These are not recommended for use in the community and not advised to be used outside of healthcare or specific industries under health advice.

<https://www.dhhs.vic.gov.au/face-masks-victoria-covid-19>

A face shield is described as:

A face shield means any film made from plastic or other transparent material designed or made to be worn like a visor, covering from the wearer's forehead to below the chin area and wrapping around the sides of the wearer's face, to provide the wearer protection.

<https://www.dhhs.vic.gov.au/updates/coronavirus-covid-19/face-coverings-1159pm-wednesday-22-july>

Face coverings as a risk control

Health advice continues to be that social distancing, cleaning and hygiene protocols are the best control measures to reduce the spread of COVID-19. The [WorkSafe guidance](#) presents this as the hierarchy of controls. Face coverings provide an extra level of protection and, in workplaces, must be combined with the other control measures.

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A face covering worn by a person with COVID-19 who does not have symptoms will reduce the risk of that person spreading the disease to others. The wearing of a face covering by a person who does not have COVID-19 will reduce airborne droplets from entering the mouth or nose and also provide protection against inadvertent touching of the mouth and nose with hands that may have the virus on them due to surface contamination.

The protection provided by face coverings will be significantly reduced if workers put the face covering on or take it off without washing or sanitising their hands first. Proper storage and cleaning of reusable face coverings is essential and single use face masks must be disposed of properly.

It is particularly important that people do not reduce the other controls, such as social distancing, due to wearing a face covering.

Implementing the wearing of face coverings in the workplace

Consultation

If the wearing of face coverings is a recommendation because social distancing cannot be achieved. (New South Wales)

If using face coverings in New South Wales in response to a general government recommendation, employers should consult with workers, and any elected health and safety representative (HSR) to identify when there may be a risk that social distancing of 1.5m cannot be achieved.

Consideration should be given to implementing other control measures to enable social distancing to occur or install screens between workers to protect from droplets being spread from one worker to another. Where this is not possible, consultation should occur on when and how to implement face coverings as a control measure.

If an individual wants to wear a face covering in the workplace when it is not a requirement, the employer should not discourage this unless it would create significant health and safety risks.

If the wearing of face coverings is mandatory by government directions (Victoria)

If using face coverings due to mandatory government directions in **Victoria**, employers are required to take all reasonable steps to ensure employees wear face coverings if they are working, unless an exception applies.

Information about exceptions is provided in Appendix A to this document.

Where the wearing of face coverings has been mandated by government directions, consultation with workers and any elected HSRs is still required. However, this consultation will be mostly about how to implement the requirements, not whether the requirements are an appropriate risk control. If concerns are raised about the practical application of the rules and whether exceptions apply, it will be important to give serious consideration to all issues and possible solutions.

If an individual raises issues, such as being unable to wear a face covering due to health issues, the employer must consider the impact of this in the workplace. Members may want to seek advice from Ai Group about how to manage the situation.

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Any final decision about the wearing or otherwise of face coverings should be clearly documented.

The employer may be required to provide this information and present evidence to support a decision for face coverings not to be worn, during any compliance visit to the workplace.

Controlling risks associated with the wearing of a face covering

Wearing a face mask may increase fatigue if people are undertaking tasks that require exertion, especially over an extended period of time. Consideration should be given to modifying work activities and/or implementing extra breaks.

Management of face masks

The following process is based on advice from the World Health Organisation (WHO) and should be followed by all people wearing face masks:

- Perform hand hygiene before putting on the mask
- Place the mask carefully, ensuring it covers the mouth and nose, adjust the nose bridge, and tie it securely to minimise any gaps between the face and the mask
- Avoid touching the mask while wearing it
- Remove the mask by taking hold of the ties or elastic, without touching the front of the mask.
- After removal or whenever a used mask is inadvertently touched, clean hands with soap and water or with an alcohol-based sanitiser.

Information, instruction, training and supervision

Employers are required to provide the necessary information, instruction, training and supervision of workers to enable them to undertake their work safely and without risks to health.

In relation to the wearing of face coverings this includes:

- Advising workers that the wearing of face coverings is an additional control measure and does not replace other control measures which must still be followed
- When to wear a face covering
- How long face coverings can be worn before changing to a new one
- When and where face coverings can be removed for short breaks
- How to safely put on and take off a face covering, with particular focus on washing or sanitising hands
- How to wear a face covering correctly
- How to safely store and clean a reusable face masks or shields and how to dispose of single-use face masks

Providing face coverings

The [WorkSafe guidance](#) advises:

Where the work task requires the use of specific types of face covering at work, these must be provided by the employer.

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Where an employee seeks to provide and use their own face covering at work, an employer must ensure that it is meeting its obligations under the OHS Act ... this includes undertaking a risk assessment, ensuring that the face covering is safe and suitable for the workplace and work activities being performed ...”

When used in the workplace as a risk control measure, face coverings are a health and safety requirement. For this reason, an employer is required to cover the cost of face coverings used in the workplace.

This applies both when it is identified as a necessary control in the workplace because social distancing is not possible and when the requirement arises from a government direction.

If providing reusable face masks, it will be necessary to supply enough face masks to enable them to be washed between use. The number of face masks supplied will be determined by how often the mask is removed and any specific requirements associated with physical exertion or any activity that may cause other contamination of the mask.

Accessing face coverings

Employers should be able to access face coverings via normal suppliers. If a Victorian business is having difficulty accessing masks through these channels, information about local suppliers of masks and face shields can be found via the front page of www.business.gov.au

In Victoria, if you have an urgent requirement for face masks and cannot source them from your regular suppliers, you may be able to purchase from a limited supply the Victorian Government has set aside for industry to purchase. For further information contact Ai Group on 1300 55 66 77.

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APPENDIX A

The requirement to wear face coverings is established by Public Health Directions that are effective from 11.59pm on 2 August 2020 until (at least) 11.59pm on 16 August 2020

The requirement that an employer takes reasonable steps to ensure a worker wears a face covering in the workplace is established by Clause 16 of two separate directions dependent on the location of the workplace (Restricted Area or not)

Restricted Activity Directions (Restricted Areas) (No 5)

<https://www.dhhs.vic.gov.au/sites/default/files/documents/202008/Restricted%20Activities%20Directions%20%28Restricted%20Areas%29%20No%205%20-%202020August%202020.pdf>

Restricted Activity Directions (No 16)

<https://www.dhhs.vic.gov.au/sites/default/files/documents/202008/Restricted%20Activity%20Directions%20%28No%2016%29%20-%202020August%202020.pdf>

16 Employers to require employees work from home

- (1) An employer whose premises is located in the Restricted Area must not permit an employee to perform work at the employer's premises where it is reasonably practicable for the employee to work at the employee's place of residence or another suitable premises which is not the employer's premises.

*Note: clause 8 of the **Stay at Home Directions (Restricted Areas) (No 7)** permits a person to leave the premises where they ordinarily reside to attend work only if it is not reasonably practicable to work from their premises.*

- (2) Where an employer permits an employee to perform work at the employer's premises in accordance with subclause (1), the employer must take reasonable steps to ensure the employee wears a face covering at all times when working at the employer's premises.

Note: a face covering includes a face mask or face shield designed or made to be worn over the nose and mouth to provide the wearer protection against infection. Please refer to the Department of Health and Human Services' guidelines for further information.

- (3) Subclause (2) does not apply if:
 - (a) the employee has a physical or mental health illness or condition or disability which makes wearing a face covering unsuitable; or

Examples: employees who have obstructed breathing or a serious skin condition on their face, an intellectual disability, a mental health illness, or who have experienced trauma;
 - (b) the employee is communicating with a person who is deaf or hard of hearing, where visibility of the mouth is essential for communication; or
 - (c) the nature of an employee's work means that wearing a face covering creates a risk to their health and safety; or
 - (d) the nature of an employee's work means that clear enunciation or visibility of the mouth is essential; or

Examples: teaching, lecturing, broadcasting.

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- (e) the employee is working by themselves in an enclosed **indoor space** (unless and until another person enters that indoor space); or

Example: a person working by themselves in an office.

- (f) the employee is working by themselves in an **outdoor space**, provided no other person is also in the outdoor space (except a person who ordinarily resides at the same premises with as the employee); or

Example: a farmer working by themselves in a field.

- (g) the employee is a professional sportsperson when training or competing; or

Note: an employee is required to wear a face covering at all other times when the circumstances in subclauses (c), (d), (e), (f) or (g) do not apply.

Example: an employee must wear a face covering when using ingress and egress points to the employer's premises, or other facilities such as toilets and lunchrooms.

- (h) the person is engaged in any strenuous physical work; or

Examples: carrying heavy materials, bicycle courier.

- (i) the employee is travelling in a **vehicle** for work purposes by themselves or where each other person in the vehicle ordinarily resides at the same premises; or

- (j) the employee is consuming food, drink or medicine; or

- (k) the employee is asked to remove the face covering to ascertain identity; or

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

- (l) for emergency purposes; or

- (m) required or authorised by law; or

- (n) doing so is not safe in all the circumstances.

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Amendments to this Fact Sheet

Version 1	21 July 2020	Initial publication.
Version 2	23 July 2020	Victoria: Updated to include information from the Restricted Activity Directions (Restricted Areas) (No 3) published on 22 July 2020, which establish employer obligations in relation to the wearing of masks. Updated to provide a link to WorkSafe Victoria guidance published on 22 July 2020. Amended as appropriate to reflect guidance from WorkSafe Victoria.
Version 3	24 July 2020	Victoria: Updated to reflect changes to DHHS advice on their website: the site no longer says that you can take your face covering off if you are working alone in a closed office; advice is unchanged about not needing to wear a mask when driving alone, but another part of the website now says that you are required to wear a face covering when driving for work. These changes highlighted in the summary and all DHHS Q&As removed from Fact Sheet.
Version 4	30 July 2020	Victoria: Updated to reflect new mandatory requirement for masks to be worn in Regional Victoria, effective 11.59pm on Sunday 2 August 2020. Included information about how to access masks.
Version 5	4 August 2020	New South Wales: Updated to reflect strong recommendations to wear masks in four specific circumstances. Victoria: Updated to reflect changes to detail of directions which now specifically address circumstances when a face covering is not required when working alone in an indoor or outdoor space or travelling in a vehicle for work purposes. Noted that these changes are not yet reflected in DHHS guidance. Updated links to current Directions. Will be amended again to update links following the commencement of new directions at 11.59pm on 5 August 2020.

FURTHER INFORMATION

For further information or assistance, please contact the
Ai Group Workplace Advice Service on 1300 55 66 77