

Official Directions to Work from Home

Summary of status at 25 May 2020

Background

Since early March 2020, in response to the COVID-19 crisis, advice from the Commonwealth Government has consistently been that people should work from home if possible. The website of the Commonwealth Health Department continues to provide this advice, as shown below.

At work

You should work from home if it works for you and your employer. If you cannot work from home and you are sick, you must not attend your workplace. You must stay at home and away from others.

All workplaces must develop a COVID-19 plan in line with:

- the National COVID-19 Coordination Commission (NCCC) [online planning tool](#)
- the Safe Work Australia [National COVID-19 Safe Workplace Principles](#)

[Commonwealth Health Department](#)

However, the implementation of these requirements is achieved by each state and territory establishing and enforcing their own public health orders and directions.

As each state or territory makes decisions about the relaxing of restrictions, this message will start to change. It is essential that up to date information is being accessed when making decisions about whether it is appropriate to ask people who have been working from home to return to the workplace.

This Fact Sheet provides a summary of current requirements related to working from home, with links to the current orders or website information. Employers are encouraged to reference the source documents, provided in the links, to fully understand restrictions.

Jurisdictions that still have legal obligations to work from home if possible

New South Wales

Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 2) 2020, dated 14 May 2020:

Clause 5 – The Minister directs that an employer must allow an employee to work at the person’s place of residence where it is reasonably practicable to do so.

https://gazette.legislation.nsw.gov.au/so/download.w3p?id=Gazette_2020_2020-99.pdf

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Queensland

Home Confinement, Movement and Gathering Direction (No. 4) effective on 16 May 2020:

*Clause 6 – A person who resides in Queensland must not leave their **principle place of residence** except for, and only to the extent reasonably necessary to accomplish the following permitted purposes: (e) to perform work or volunteering, or carry out or conduct an **essential business, activity or undertaking**, and the work is of a nature that cannot reasonably be performed from the person's places of residence.*

<https://www.health.qld.gov.au/system-governance/legislation/cho-public-health-directions-under-expanded-public-health-act-powers/home-confinement-movement-gathering-direction>

Victoria

Stay at Home Directions (No 6) effective 11.59pm on 12 May 2020 and ending at 11.59pm on 31 May 2020:

Clause 8 – (2) A person may leave the premises [to attend work (whether paid or voluntary) or obtain educational services] only if it is not reasonably practicable for the person:

- (a) to work from the premises, or*
- (b) to obtain the educational services from the premises.*

<https://www.dhhs.vic.gov.au/sites/default/files/documents/202005/directions-stay-at-home-no-6-signed-2020-05-11.pdf>

On 24 May 2020, the Premier announced a relaxation of some restrictions effective 1 June 2020.

However, the message is still that you should work at home if you can, as outlined in the [Media Statement](#). “One of our most important messages to Victorians is this: if you are working from home, you must keep working from home – at least until the end of June.”

It is expected that a new Stay at Home Direction will be published before the expiry of direction 6 (see above). In the meantime, information is available on the website.

<https://www.dhhs.vic.gov.au/work-and-study-restrictions-covid-19#work>

ACT

Information on the ACT website continues to refer to working and studying remotely.

Everyone should stay home unless you are: shopping, receiving medical care, for compassionate reasons, exercising, or for work or education only if they cannot be done remotely ...

To help slow the spread of COVID-19, you should keep your personal space between you and others to at least 1.5 metres whenever you are out in public. Physical distancing measures should also be implemented as much as possible in [workplaces](#) where working from home is not possible.

<https://www.covid19.act.gov.au/protecting-yourself-and-others/protect-yourself>

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Tasmania

Stay at home requirements – No. 5 – effective 18 May 2020:

- (a) *subject to any other law or legal instrument, and unless directed to self-isolate or quarantine under another direction ... each person in Tasmania must remain in, or on, the person's primary residence unless the person leaves the primary residence for the purposes of –*
- (viii) *attending work, or volunteering, if unable to be performed at the person's primary residence.*

https://www.coronavirus.tas.gov.au/_data/assets/pdf_file/0028/89632/Stay-at-Home-no5-17-May-20.pdf

Jurisdictions that have relaxed their work at home messaging

Note: Even in the jurisdictions listed below, organisations should only take steps to have people return to work if appropriate risk controls have been implemented, such as: enabling physical distancing, providing appropriate cleaning and hygiene systems and protocols; and implementing contact tracing arrangements. Workers should be consulted on the process for returning to work and the required control measures.

South Australia

The RoadMap for easing COVID-19 restrictions shows “current” (prior to 11 May) to include “work from home where possible”. There is no reference to work from home in Step 1, effective from 11 May.

https://www.covid-19.sa.gov.au/_data/assets/pdf_file/0012/195879/FINAL-DPC_RoadMap_FINAL.pdf

Current FAQs make no mention of working at home, and specifically state that attending universities is encouraged. https://www.covid-19.sa.gov.au/_data/assets/pdf_file/0011/196184/FAQ-Road-Map-Step-1.pdf.

All emergency directions are available at <https://www.covid-19.sa.gov.au/emergency-declarations>.

Western Australia

Western Australians are encouraged to return to work, unless they are unwell or vulnerable.

<https://www.wa.gov.au/organisation/departments-of-the-premier-and-cabinet/covid-19-coronavirus-current-gathering-restrictions#return-to-work>

Northern Territory

There is no reference to working from home in the NT CHO's directions.

All current directions are listed at <https://coronavirus.nt.gov.au/chief-health-officer-directions>

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Helping you to plan for returning to workplace

Ai Group has a range of resources to assist employers to identify and the manage the risks associated with COVID-19 within the workplace, including a webinar (29 April 2020) that addresses key considerations for businesses as restrictions are relaxed. <https://www.aigroup.com.au/business-services/covid19-coronavirus/>

Amendments to this Fact Sheet

Version 1	21 May 2020	Initial publication.
Version 2	25 May 2020	Amended to reflect announcement that Victorian restrictions will change on 1 June 2020, and emphasising the Premier's statement to expect working from home until at least the end of June.

FURTHER INFORMATION

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