



Victoria COVID-19 Returning to the Workplace – Q&A

This Member Advice supplements the detailed information about COVID-19 restrictions in Victoria in the [Victorian Roadmap to Reopening – Restrictions and Control Measures](#).

It provides a series of questions and answers relating to the gradual return to workplaces that commenced on 30 November 2020. Permitted numbers were initially 25% of the workplace (or 10 workers, whichever was greatest). On 18 January 2021, this increased to 50% (or 20 workers, whichever was the greatest).

With effect from 27 February 2021, permitted numbers have increased to 75% of the workplace (or 30 workers, whichever is the greatest).

It is currently unknown when the permitted numbers will increase to 100%.

This Advice was originally developed to explain how to apply the 25% cap. It has been updated to reflect a 75% cap.

No changes have been made to the Q&As, other than to reflect the change in numbers and effective dates.

INTRODUCTION

On 22 November 2020 the Premier announced that businesses would be able to start a gradual return to the workplace for people who have been working at home.

With effect from 30 November 2020, a maximum of 25% of workers who had been working from home were permitted to return to the workplace, or 10 workers if there were usually less than 40 in the workplace. Generally, public sector workers were not permitted to return to the office.

With effect from 18 January 2021, the limits were increased to 50% of the workforce (for both private and public sector workplaces), or 20 people if there were usually less than 40 in the workplace.

With effect from 27 February, the limits were increased to 75% of the workplace (for both private and public sector workplaces), or 30 people if there were usually less than 40 in the workplace.

It is currently unknown when the permitted numbers will next increase.

Employers must ensure that they comply with all current obligations in the Workplace Directions and the Workplace (Additional Industry Obligations) Directions, including the density quotient and physical distancing of 1.5m. Ai Group provides detailed information about the current requirements in the Victoria COVID-19 Restrictions and Risk Controls Advice available [here](#).

[Industry Restart Guidelines](#) for office-based work have been published by DHHS.

Ai Group posed a number of scenarios to our contacts at DHHS to help clarify how the reduced numbers are interpreted. The following Q&As can be used as a guide for planning return to the workplace.

Employers are encouraged to document how they have made any decisions about how many staff can return to the workplace. This will help ensure that a structured and logical decision is made and that the rationale can be provided to enforcement agencies if requested. This information can also assist you to document changes when the percentage of staff allowed to return to the workplace increases.

Key principles:

- It is recognised that many functions in workplaces have required people to be at work, e.g. construction workers, production workers, cleaners and supermarket staff. The 75% “return to the workplace” is directed at the support/office roles where there has been an expectation that people will be able to work from home unless it was not reasonably practicable to do so.
- The intention of the restriction is to limit the number of these staff who are in the workplace at any one time.

Q&As

Q. We have one work location that has been shut with everyone working from home. What do reopening requirements mean for me?

A. If you have less than 40 workers, up to 30 can return to the workplace at any one time. If you have more than 40 workers, up to 75% can return to the workplace at any one time.

Q. Is the 75% based on head count or full time equivalents (FTEs)?

A. It is based on head count, with no more than 75% of the returning staff in the workplace at any one time.

Q. Is the return to work restricted to a specific group of people, or can we arrange work so that people attend on different days?

A. The intention is to limit the number of people in the workplace to 75% at any one time. You may choose to have 75% of people return to work full time, or you could choose to schedule the return so that you have specific groups of staff attending the workplace 1 day a week, or some other combination that achieves this outcome. Grouping people like this will enable you to maintain workplace bubbles, which will reduce the risk of spread if a positive COVID-19 case attends the workplace and reduce the number of close contacts that would need to quarantine. Additional cleaning should be considered between each group.

Q. We have offices spread over two floors of the one building with no interaction between staff. Our total staff is 60, with less than 40 people on each floor; can we have up to 30 people at work on each floor, or are we limited to a total of 45 people (75% or 60) across the two floors?

A. You are limited to 45 people across the two floors. Multiple floors in a building, or multiple buildings, on one site are treated as a single workplace.

Q. Before COVID-19 we had 100 employees who all commenced working at home in March. Due to a business downturn we now only have 50 employees. Is the 75% based on pre-COVID-19 employee number or our current staffing levels?

A. The 75% is based on current staffing levels.

Q. We have been operating our office on a skeleton staff during COVID-19 restrictions, with 3 people working in the office. Our total office staff is 45 people. Can we continue with those 3 people at the workplace and return 75% of the remaining 42 people to the office?

A. No. You can only have 75% of the total 45 people at the workplace at any one time.

Q. We have a manufacturing operation. Production and engineering support staff have been working on site. Our office area was completely shut. How do we calculate the 75%?

A. The office personnel should be treated separately, as this part of the workplace has been fully closed. You can return 75% of those office personnel to the workplace, or 30 people if less than 40 people usually work in the office.

Q. We have 200 workers in our Victorian operations, but only 20 staff have been working from home. How many of the 20 can we have at work at any one time?

A. As the total operations is more than 40 workers, you can have 15 of these people back at work at any one time (75% of the 20).

Q. We have continued to operate our manufacturing operations with some office/support staff working at home and others working on site. We do not have a completely separate office area, with all staff located within the vicinity of the manufacturing operations. How do we calculate the 75%?

A. The office/support staff would be counted as one cohort e.g. if 32 out of 90 total staff were support staff, 75% of the 32 is 24 (so the number on site at any one time would include those already deemed essential for operations). If you currently have more than 75% of those staff at work, as it was not reasonably practicable to work from home, you can continue with that number, but you are unable to return the other staff to the workplace.

Q. We provide consulting services to businesses. All of our staff have been working from home and providing most services to clients in a virtual mode and attending client workplace when essential to provide the service. Can we comply with the requirements by limiting people in the office to 75% of those based in the office, whilst having other staff visit clients?

A. Yes, provided those visiting clients are doing it from their home base, not the office and there are no more than 75% of the workforce in the office on any day.

GOVERNMENT GUIDANCE ON THE DIRECTIONS AND OHS OBLIGATIONS

Information about the Directions and their implementation can be found on the websites below:

[Department of Health and Human Services \(DHHS\) - Directions](#)

The Directions, which provide the exact detail of requirements can be found at the bottom of the above webpage. Links to other information is also provided on this page.

[Department of Human Services \(DHHS\) – COVIDSafe Summer](#)

Information about the Roadmap, including indications of when and how restrictions will change can be found at this link.

[Victorian Coronavirus Website](#)

This webpage includes general guidance and the templates for COVID Safe Plans.

[WorkSafe Victoria](#)

The WorkSafe website provides guidance on how to meet your OHS obligations in relation to COVID-19.

DO YOU REQUIRE FURTHER ASSISTANCE?

Ai Group has set up a special [section on our website](#) to provide access to Ai Group advice and assistance relating to the COVID-19 pandemic.

For further information or assistance, please contact Ai Group's **Workplace Advice Line on 1300 55 66 77**, access Ai Group's [COVID-19 webpage](#) or the [Health and Safety Resource Centre](#).

For information about our safety and workers' compensation consulting and training services, contact:

Consulting Services

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FURTHER INFORMATION

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