

## Victorian Roadmap to Reopening Restrictions and Risk Controls

**A summary of amendments to this Member Advice appears directly after the Introduction.**

This Member Advice consolidates information in relation to restrictions on business operations and required COVID-19 risk controls in Victoria.

In line with the *Roadmap to Reopening* (Roadmap), Regional Victoria has been at the Third Step since 11.59pm on 13 September 2020. Metropolitan Melbourne moved to the Second Step of the Roadmap at 11.59pm on 27 September 2020, resulting in some closed workplaces being allowed to open with reduced numbers and some heavily restricted workplaces being able to increase their numbers.

Some further easing of restrictions was announced on 18 October 2020, outside the established Roadmaps; some changes are effective from 11.59pm on 18 October, with further changes currently scheduled to take effect at 11.59pm on 1 November. However, these later changes may be brought forward one week if numbers continue as they have been tracking over recent days.

Victorian workplaces that are permitted to operate on site under the Roadmap are required to put specific controls in place to minimise the risk of COVID-19 being transmitted in workplaces. The Roadmap also includes a series of Victorian COVIDSafe principles for businesses, some of which are mandated in Directions and others which are recommended.

A number of changes were made to risk control requirements with effect from 28 September related to: face coverings – a requirement for fitted masks; COVIDSafe plans for all workplaces; additional obligations on manufacturing and wholesale workplaces in metropolitan Melbourne; and additional obligations on workplaces that are processing meat, poultry and seafood, supermarket distribution and warehousing and temperature-controlled perishable food warehousing (across Victoria) in relation to surveillance testing, COVID Marshalls, establishment of workplace “bubbles” and additional cleaning and training.

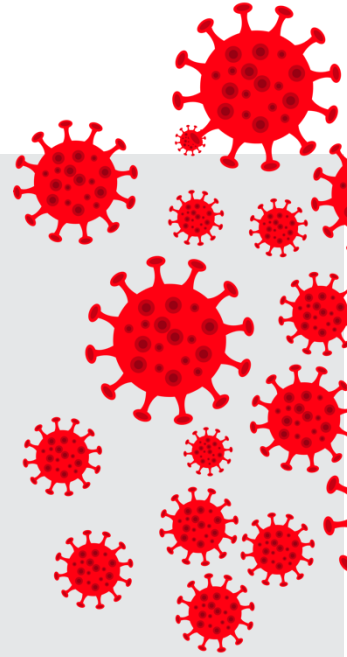
From 11 October, there are new requirements for some businesses in Regional Victoria to check that people using their services are not travelling from metropolitan Melbourne (i.e. seated food and drink service, beauty and hairdressing, tourism). Additional obligations were also established for seasonal horticultural work, with requirements for these workplaces in relation to face coverings clarified on 18 October.

From 11.59pm on 18 October, additional obligations for all Victorian care facilities have been established.

Amendments were made to the Roadmap for Reopening on 18 October, with metropolitan Melbourne set to move to the Third Step on 1 November 2020, “subject to public health assessment of epidemiological conditions”.

Workers who are required to isolate or quarantine due to COVID-19 may be entitled to receive hardship payments. Information and eligibility can be found [here](#).

Information about border closures can be found [here](#).



## INTRODUCTION

This Member Advice has been developed to provide for employers with information on the status of restrictions under the Roadmap and the risk controls required to minimise the risk of the spread of COVID-19 in workplaces. It focuses on the obligations related to limits on workforces and the requirements established by the Workplace Directions and the Workplace (Additional Industry Obligations). Businesses whose activities predominantly involve providing services to the public should also refer to detailed information in the Restricted Activity Directions (Restricted Areas) or the Restricted Activity Directions (Non-Melbourne) that cover issues such as limits on patron numbers.

Regional Victoria progressed to the Third Step of the Roadmap at 11.59pm on 13 September 2020, having achieved a 14-day average new case rate <5 and no new cases with “unknown source” in the previous 14 days.

Metropolitan Melbourne progressed to the Second Step at 11.59pm on 27 September 2020, having achieved a 14-day average new case rate which was better than the target range of 30 to 50.

On 18 October there was some easing of restrictions, within the current Second and Third Steps, that were not indicated in the previous Roadmap. Across Victoria, hairdressers can open with a face mask worn for the duration of service (this is not a change for Regional Victoria); real estate auctions can recommence with restrictions; and allied health providers can return to routine care, excluding indoor classes.

In Regional Victoria, patron caps have been lifted in both indoor and outdoor spaces of hospitality venues.

The Roadmap information has now been updated and the changes are reflected in Figure 1. Importantly, the Roadmap indicates a move for metropolitan Melbourne to the Third Step on 1 November 2020, “subject to public health assessment of epidemiological conditions”.

Epidemiological conditions relate to the circumstances of the cases which are recorded, such as whether they are “mystery cases” with an unknown source, and other relevant information about how the case was contracted.

### **Figure 1 – Next Steps in the Roadmap to Reopening (updated 21 October 2020)**

#### ***Metropolitan Melbourne moves to Third Step***

From 11.59pm 1 November 2020, subject to public health assessment of epidemiological conditions.

#### ***Victoria moves to the Last Step***

- No new cases for 14 days (state-wide)

#### ***Victoria moves to COVID Normal***

- No new cases state-wide for 28 days; AND
- no active cases state-wide; AND
- no outbreaks of concern in other states or territories

More information about the Roadmap for Reopening, including downloadable PDFs that illustrate the targets and stages can be found [here](#), including specific roadmaps for individual industries to reopen or increase the number of workers on site.

## **AMENDMENTS TO THIS MEMBER ADVICE**

This Member Advice is being updated as more information becomes available, or if substantive changes are made to Directions or guidance. This summary of amendments needs to be read in conjunction with the body of this Member Advice which outlines all current obligations and provides a summary table of obligations for easy reference.

### **Updates at 21 October 2020**

Information about the Roadmap to Recovery has been updated to reflect changes made on 18 October 2020 and the expectation that metropolitan Melbourne will enter the Third Step on 1 November 2020.

The Workplace Directions remain unchanged. The [Workplace \(Additional Industry Obligations\) Directions \(No 9\)](#) are effective from 11.59pm on 18 October 2020. Changes made to the Directions are summarised below, with clauses provided for easy reference.

Links have been updated throughout the Advice as appropriate.

### **COVID Marshals**

The Workplace (Additional Industry Obligations) Directions establish a requirement for some high risk workplaces to appoint COVID Marshals. Information from DHHS has also encouraged other high risk industries to consider the appointment of Marshals. New Fact Sheets have now been published to provide more information on COVID Marshals. The Fact Sheets – *COVID Marshals - what you need to know* and *COVID MASHALS - Roles and Responsibilities* can be accessed on the webpage that provides information on [high risk COVIDSafe plans](#).

### **Horticulture Work Premises using seasonal workers for seasonal horticultural work**

The previous Directions which established the additional obligations for seasonal horticultural work specified requirements to provide an adequate supply of “surgical face masks”. This has now been amended to “face coverings”. See clause 7(62).

### **Care facilities**

Care facilities are defined by reference to the [Care Facilities Directions No 14](#), as a facility in Victoria that is:

- (1) an alcohol and drug residential service;
- (2) a homelessness residential service;
- (3) a residential aged care facility;
- (4) a disability residential service;
- (5) an eligible SDA enrolled dwelling;

- (6) a secure welfare service;
- (7) a short-term accommodation and assistance dwelling;
- (8) a supported residential service;
- (9) the Thomas Embling Hospital.

In addition to the restrictions established by the [Care Facilities Directions No 14](#), the Additional Workplace Obligations now apply from 11.59pm on 18 October 2020.

Clause 6(1A) establishes that care facilities are required to comply with clause 6(5) and 6(5A) which relate to obligations to keep records to demonstrate compliance with a range of obligations under the Directions. Care facilities are not required to comply with any other part of Clause 6, but a note emphasises that they must continue to satisfy relevant requirements imposed under other regulatory arrangements.

The key additional obligations for care facilities are outlined in clause 7(67) to 7(70), and summarised below. The operators of care facilities should read the specific detail of the [Workplace \(Additional Industry Obligations\) No 9](#) to ensure that the requirements are well understood.

An employer in relation to a care facility must:

- require care facility workers to make a declaration in writing at the start of each shift, in relation to their COVID-19 status and contact with confirmed cases;
- carry out surveillance testing in accordance with the requirements of DHHS;
- not permit an employee or contractor to enter the care facility in a range of circumstances that involve potential exposure to COVID-19, which vary dependent on whether the care facility is: clause 7(69) in the Restricted Area of metropolitan Melbourne; or clause 7(70) in Regional Victoria; and
- must comply with cleaning and personal protective equipment requirements in accordance with the requirements of DHHS.

In relation to surveillance testing, it is noted that DHHS “may set different surveillance testing requirements for different care facilities (e.g. based on the type of facility, or locations), depending on associated levels of risk”. There is currently no information available on the relevant websites about the testing requirements for care facilities.

The Chief Health Officer may grant an exemption to these requirements where it is necessary to ensure that residents are provided with a reasonable standard of care.

### **Updates at 12 October 2020**

#### **Face Coverings**

In our 1 October update we indicated that we were seeking clarity about the definition of a fitted face mask.

The DHHS website has now been updated to provide current guidance on the requirements to wear a fitted [face mask](#), which is enforceable from 11.59pm on 11 October 2020.

The most recent update on Sunday 11 October, now provides certainty about the use of a snood, buff or gaiter, which is important for many workplaces that have implemented this form of face covering over recent weeks and months.

### ***Can I wear a snood, buff or gaiter instead of a mask?***

- *A face mask is always recommended. The Chief Health Officer recommends a mask with three layers that fits securely around the face, specifically covering the nose and the mouth.*
- *However, a fitted snood, fitted buff or fitted gaiter is allowed.*
- *The emphasis is on fitted.*
- *In this instance fitted means the snood, buff or gaiter can extend in a fitted form to snugly fit over and cover your nose and mouth. It must be secure around your neck and lower face with no gaps along the nose ridge or the top of the garment. This is designed to protect you from coronavirus. It must be a sufficient face covering for this purpose.*
- *A loose-fitting snood, buff or gaiter or scarf or bandana is not allowed.*

### ***What is a snood, buff or gaiter?***

*In this instance a snood, buff or gaiter is taken to mean a face and neck covering, in the form of a closed loop, worn around the face and neck. They are taken to be interchangeable terms.*

## **New Directions**

In line with the expiration of the previous state of emergency, all Directions expired at 11.59pm on 11 October 2020. The state of emergency has now been extended to 8 November 2020 and Directions have been reissued, with some amendments outlined below.

### **High Risk COVID Plans for manufacturing**

The Workplace (Additional Industry Obligations) Directions (No 9) clearly identify that manufacturing workplaces are only required to have the basic COVIDSafe Plan in place; they **are not** required to have high risk COVIDSafe Plan.

### **Reduction of workforce for Manufacturing**

Clarification that the workforce reduction of 10% for manufacturing facilities only applies to businesses that were closed under the Permitted Work Premises list as at 13 September 2020. Businesses that remained open at that date can continue to operate at full workforce capacity.

### **Ensuring people from metropolitan Melbourne do not receive service in some Regional Victorian Work Premises**

The [Restricted Activity Directions \(non-Melbourne\) \(No 18\)](#) have introduced a requirement for a number of workplaces in Regional Victoria that provide services to the public, i.e. seated food and drink service, beauty and hairdressing, tourism. They apply to the customers, not to the workers.

A range of other obligations are placed on businesses in Regional Victoria that engage with the public are outlined in the Restricted Activity Directions, which are not covered in this Advice.

The information provided here is to clarify that the requirements placed on businesses in Regional Victoria to restrict access to those who travel from metropolitan Melbourne are narrow in nature.

**16B Restricted area requirement**

- (1) *A person who is required to comply with the restricted area requirement must use all reasonable endeavours to:*
  - (a) *determine, prior to each member of the public making a booking (where bookings are taken) for, or accessing, entering or using, their services or facility, whether that member of the public's ordinary place of residence is in the Restricted Area; and*
  - (b) *not permit a member of the public to make a booking (where bookings are taken) for, or access, enter or use, their services or facility, if the member of the public's ordinary place of residence is in the Restricted Area, except:*
    - (i) *for emergency purposes; or*
    - (ii) *as required or authorised by law.*

Information about how to achieve compliance with the restricted area requirement are detailed in clause 16B(2) through to 16B(5).

**Horticultural Work Premises using seasonal workers for seasonal horticultural work**

The [Workplace \(Additional Industry Obligations\) Directions \(No9\)](#) include extensive obligations for employers, including labour hire providers, in relation to seasonal horticultural work. The requirements are detailed in section 7(6) and 7(50) through to 7(66) of the Directions, including:

- High Risk COVIDSafe Plans.
- Requirements to determine whether the worker has been in the restricted areas of metropolitan Melbourne in the previous 14 days and steps required to ensure that a person who has been in the restricted area in the last 14 days does not have COVID-19, and ongoing arrangements if the workers are not staying on site.
- Specific arrangements for: work that includes workplace bubbles, hygiene and the provision of surgical masks (amended to face coverings on 18 October 2020); provided accommodation; and provided transport.

Employers who operate in this industry should refer to the Directions to ensure that the obligations are well understood.

**Additional Information**

COVID Marshals are required in some specified industries (see information below). DHHS are currently working on guidance to better clarify the role of the Marshals and to better define training requirements. Ai Group will update this Advice when further information becomes available.

### Updates at 6 October 2020

Links were amended to refer to the Workplace (Additional Industry Obligations) Directions (No 7) which were effective from 11.59pm on 4 October 2020. The substantive amendment to these Directions was to ensure that any perishable food Work Premises that is a chilled distribution facility is subject to specific additional obligations for high-risk food industries, in line with clause 7(4).

### Application of the Workplace (Additional Industry Obligations) Directions

In our 1 October update, we indicated that the wording of the Directions made it unclear whether the extra requirements in clause 7(4) of the Directions applied to supermarket warehousing and distribution workplaces in regional Victoria as well as those in metropolitan Melbourne. Although the wording in the Directions have not been amended, recent information about surveillance testing (see below) indicates that these workplaces in Regional Victoria are required to implement the requirements of clause 7(4), which include: surveillance testing, COVID Marshals, workforce bubbles and extra cleaning and extra training.

### COVID Marshals

In our 1 October 2020 update, we advised that there was some confusion about obligations in the Workplace (Additional Industry Obligations) Directions which apply to specific high risk industries. The original template high risk COVIDSafe Plans indicated that all high risk industries were required to have COVID Marshals, which is not consistent with the Directions. Some of the templates have now been updated. However, there are still some inaccuracies about obligations for COVID Marshals. Reference should be made to the information provided the bottom of the [relevant webpage](#) which states:

COVID Marshals are mandatory for:

- abattoirs, meat processing facilities, poultry processing facilities with more than 25 workers
- seafood processing facilities with more than 40 workers
- all supermarket distribution centres
- distribution centres for temperature-controlled perishable food products with more than 25 workers.

COVID Marshals are recommended for:

- all other abattoirs, meat processing facilities, poultry processing facilities, seafood processing facilities and distribution centres for temperature-controlled perishable food products
- other high-risk industries (e.g. construction, medical and pharmaceutical supply, postal and distribution, and wholesale trade and warehousing).

### Surveillance Testing – specified industries (other than care facilities)

Further information has now been provided in relation to surveillance testing for work premises that are in specified high risk work premises that are abattoir, meat processing facility, poultry processing facility, seafood processing facility, supermarket distribution and warehousing, or a perishable food Work Premises that is a chilled distribution facility. [Surveillance testing for high risk industries in metropolitan Melbourne](#)  
[Surveillance testing for high risk industries in regional Victoria](#)

The information clarifies that:

- some high risk industries are not required to do surveillance testing unless they have either more than 25 or more than 40 workers; and
- the surveillance testing requirements do apply to the supermarket distribution and warehousing and perishable food Work Premises in regional Victoria.

Information is also provided on options for surveillance testing and who bears the cost.

Employers impacted by these requirements should directly refer to the information in the links provided.

### **Updates at 1 October 2020**

To avoid confusion, issues clarified in later updates have been removed.

### **COVIDSafe Plans**

Information about COVIDSafe Plans and High Risk COVIDSafe Plans can now be found by searching on this new website [www.coronavirus.vic.gov.au](http://www.coronavirus.vic.gov.au) or directly at the following links:

Updated [COVIDSafe Plans](#), reflecting new requirements and recommendations.

Updated [High Risk COVIDSafe Plans](#), incorporating the requirements of the base COVIDSafe Plan and the high risk attachment. It should be noted that this page does not yet have specific high-risk plans for manufacturing workplaces.

### **COVID Marshals**

The training requirements for COVID Marshalls are outlined in the High Risk COVIDSafe Plan template.

The COVID Marshal must undergo basic infection control awareness training. You can find this training for [healthcare](#) or [other industries](#). It is recommended that Marshalls are also trained in providing First Aid (Level 2).

## **CURRENT RESTRICTIONS ON BUSINESS ACTIVITY**

### **Workplace Directions (No 7) – All of Victoria**

The [Workplace Directions \(No 7\)](#) which apply to all Victorian workplaces establish a requirement for workers to work at home if it reasonably practicable to do so. It is important to note that this requirement applies to administrative functions within a permitted industry.

#### **6. Operation of a Work Premises**

- (1) *An employer must not permit a worker to perform work at the Work Premises where it is reasonably practicable for the worker to work at the worker's place of residence or another suitable premises which is not the Work Premises.*



(2) *An employer must comply with the Permitted Worker Permit Scheme Directions (No 6) and the Workplace (Additional Industry Obligations) Directions (No 6) where it applies to that employer*

(3) *Where an employer permits or requires work to be performed at a Work Premises, the employer must comply with clauses 7 to 9.*

- Clause 7 relates to Preventative Measures
- Clause 8 relates to Responding to a suspected case of 2019-nCoV in a Work Premises
- Clause 9 relates to Responding to a confirmed case of 2019-nCoV in a Work Premises.

Further information about control measures established by the Workplace Directions and the Workplace (Additional Industry Obligations) Directions is provided later in this Member Advice.

### **Restricted Activity Directions (non-Melbourne) – Related to regional Victoria**

The [Restricted Activity Directions \(Non-Melbourne\) \(No 8\)](#) establish business restrictions in Regional Victoria as part of the Third Step of the Roadmap. They limit the operation of a range of publicly facing businesses by either requiring that they close or by limiting the activities that they can engage in: pubs, bars, clubs, nightclubs and hotels; physical recreation facilities; community facilities; entertainment facilities; places of worship; restricted retail facilities; food and drink facilities; accommodation facilities; swimming pools; animal facilities; real estate auctions and inspection; education and childcare facilities; and Alpine resorts.

The [Workplace \(Additional Industry Obligations\) Directions \(No 9\)](#) establish requirements to reduce the number of workers on site for the following operations in Regional Victoria (in line with restrictions in metropolitan Melbourne):

- poultry processing facilities
- abattoirs and meat processing facilities
- seafood processing facilities.

With the effect from 11.59pm on 27 September 2020 the permitted worker numbers have been increased. In general meat, poultry and seafood processing will be allowed to operate at 90% of their daily peak and daily total. In some cases this can be adjusted if animal welfare issues exist and the Chief Veterinary Officer is involved.

Employers are advised to read the detail of the Directions to determine how these changes apply to their specific circumstances.

### **Restricted Activity Directions (Restricted Areas) – Related to metropolitan Melbourne**

The [Restricted Activity Directions \(Restricted Areas\) \(No 13\)](#) establish business related restrictions in metropolitan Melbourne, in line with the move to the Second Step that applied from 11.59pm on 27 September 2020. There have been some minor modifications to the permitted operations of businesses that engage directly with the public with effect from 11.59pm on 18 October 2020. Businesses are permitted to operate if they are specifically mentioned within the Directions or if they are permitted via clause 5 of the Directions.

## Permitted Work Premises

Clause 5 of these Directions establish that only *Permitted Work Premises* can operate on site and only to the extent that it is not reasonably practicable for people to work from home.

Permitted Work Premises are established in line with the document “[Stage 4 Restrictions – Permitted Work Premises](#)”, last updated on 27 September. A Work Premise is permitted to operate if their activities are listed within the table or are ancillary or support activities that are described in the explanatory information that appears before the table. If the work activities are not listed, the activities are prohibited, and the workplace is required to close. DHHS provides a [log of changes](#) whenever a change is made to the document.

At the commencement of the Stage 4 restrictions in metropolitan Melbourne there was some confusion about how these provisions would apply in relation to providing goods and services outside metropolitan Melbourne. Subsequently, it has been established that:

- Ancillary services can be provided to workplaces in metropolitan Melbourne and Regional Victoria, but not interstate; and
- Permitted Work Premises can provide their goods and services within Victoria, interstate and overseas, subject to restrictions on movement of people.

Clause 5 (3) clarifies that “*if a Work Premises includes multiple functions and some of those functions are not Permitted Services or are functions which are prohibited under these directions or any other Directions currently in force, then only those functions which are not prohibited may be undertaken*”.

Employers need to make a self-assessment about whether operations are permitted, by referring to the information in this Permitted Work Premises document, including the explanatory information that appears at the start of the document.

## Restricted Workforces

The [Workplace \(Additional Industry Obligations\) Directions \(No 9\)](#) establish limits on the number of workers that can be present in some workplaces.

## Workplaces that are reopening

With effect from 11.59pm on 27 September 2020 some workplaces that were required to cease on site operations at the commencement of Stage 4 restrictions can reopen. Of particular note for Ai Group Members are that all manufacturing and wholesale premises are now permitted, and mechanical services that includes safety inspections, maintenance and repairs for safe operation, including scheduled / logbook inspections are also able to reopen.

Staff reductions for some reopening workplaces has been set at a percentage of “daily total workforce capacity”, with a reduction of at least **10% for manufacturing** (clause 7(47)) and **33% for wholesale** (clause 7(45)). Daily total workforce capacity is defined in clause 5(7) as the daily average of the total number of workers at the work premises each day over the period of (a) July 2020; or (b) any three consecutive months in the last 12 months). Examples are provided in the Directions.

It is important to note that these reductions will be applied to the manufacturing and wholesale workforce. Office and support personnel will be considered separately and the requirement for those workers to work from home where reasonably practicable will continue apply.

## Workplaces permitted to operate under Stage 4 restrictions with reduced workforces

Workplaces that were permitted to operate under Stage 4 restrictions will have previously identified the daily peak workforce or daily total workforce that were applicable to their businesses for the purpose of meeting the workforce limits applied under the previous restrictions. The workforce levels have now been changed for most industries

- *Abattoirs and meat processing facilities, poultry processing facilities and seafood processing facilities*

In general meat and seafood processing will be allowed to operate at 80% of their daily peak and daily total and poultry processors at 90%. In some cases this can be adjusted if animal welfare issues exist and the Chief Veterinary Officer is involved. Employers are advised to read the detail of the Directions to determine how these changes apply to their specific circumstances.

- *Other restricted industries – NOTE: the clause numbers referenced below are from the Workplace (Additional Industry Obligations) Directions (No 7)*

Supermarkets and perishable food warehouses and distribution centres	Workforce restrictions have been removed
Warehousing and distribution centres	Workforce restrictions have been removed for workplaces that were previously open. Note information above in relation to wholesale activities that are reopening, as outlined above.
Medical, pharmaceutical and PPE supply	33 percent reduction in daily peak workforce capacity and daily total workforce capacity – clause 7(28) Note: there is also a provision in the Directions at clause 7(45) and 7(46) which indicates that these limits may have been removed. We are currently seeking clarification and will update Members accordingly.
Construction Sites	
• Small scale construction site	Maximum 5 workers at any one time, excluding the supervisor – clause 7(34)
• Early stage land development	20 workers or fewer per hectare at any one time – clause 7(36)
• Large scale construction site	85 percent of baseline daily workforce or 15 workers whichever is higher – clause 7(42)
Retail facilities that are restricted to online orders	Reduced workforce by 33 percent of the daily peak workforce capacity and daily total workforce capacity – clause 7(43)

## Closed Work Premises

Clause 6 of the [Restricted Activity Directions \(Restricted Areas\) \(No 13\)](#) outlines the very limited circumstances in which work can be undertaken on closed premises.

- (1) *A person who owns, controls or operates a **Closed Work Premises** in the Restricted Area [Metropolitan Melbourne] must not permit persons to attend the premises during the restricted activity period.*
- (2) *Despite subclause (1), a person who owns, controls or operates a Closed Work Premises in the Restricted Area may permit persons to attend the premises or operate the premises:*
  - a. *for the purpose of essential maintenance; or*
  - b. *to ensure that the premises is closed safely for the duration of the restricted activity period; or*
  - c. *by permitting employees to work from the place where they ordinarily reside to operate the premises; or*
  - ca. *to enable a person to undertake an essential Victorian Certificate of Education (VCE) or Victorian Certificate of Applied Learning (VCAL), Vocational Education and Training in Schools (VETIS) or International Baccalaureate assessment as part of school educational services permitted under clause 7(9)(a) to be provided by a person who owns, controls or operates a school or educational facility; or*  
*Example: the operator of a school may hire a hall or lecture theatre to conduct a VCE exam off school premises.*
  - d. *as required or authorised by law; or*
  - e. *in an emergency; or*
  - f. *as otherwise permitted by these directions.*

## Permitted Worker Permits

[The Permitted Worker Permit Scheme Directions \(No 7\)](#) establish that a person **living or working in the Restricted Area** of metropolitan Melbourne must carry a Permit issued by their employer to travel to or from work or for the purposes of work. Childcare permits are no longer required, as onsite childcare is reopening without restricted access.

In relation to people who travel from metropolitan Melbourne to Regional Victoria to work, the Worker Permits are issued only to allow for travel to and from work and to undertake activities required during work.

These workers must continue to comply with the metropolitan Melbourne restrictions whilst in Regional Victoria, i.e. they cannot exercise during their time in Regional Victoria because they are not within 5km from home, they cannot shop in retail stores that are required to be closed in metropolitan Melbourne etc.

A specific permit applies for workers from metropolitan Melbourne working in Regional Victoria that can be downloaded via this [link](#).

## VICTORIAN COVIDSAFE PRINCIPLES FOR ALL BUSINESSES

The Roadmap includes six COVIDSafe principles:

- physical distancing (1.5m);
- wear a face covering;
- practice good hygiene;
- keep records and act quickly if staff become unwell;
- avoid enclosed spaces; and
- workforce bubbles.

Most of these principles have become a common part of responding to COVID-19 in our work and personal lives. The concept of “bubbles” needs some further explanation. Bubbles are intended to limit interaction to discrete groups of people.

In the work context “bubbles” are about a range of control measures such as: rostering the same people to work together each day or shift; limiting interaction between shifts (by creating a time gap between one shift finishing and another starting); people who work together having their meal breaks at times or locations separate from others in the workplace; and minimising people working on more than one site.

Bubbles are designed to reduce the risk of infection, make contact tracing easier and minimise the impact on a business if close contacts of a confirmed case at work need to isolate.

Some high-risk industries will be required to implement “bubbles”; for other workplaces they are recommended controls.

## PUBLIC HEALTH REQUIREMENTS FOR THE CONTROL OF COVID-19 IN WORKPLACES

### Workplace Directions and Additional Industry Obligations Directions

The following summary has been developed to highlight the key risk control issues that **all Victorian businesses** are required to focus on, in line with current restrictions and the [Roadmap to Reopening](#).

It is highly recommended that employers refer directly to the Directions in order to ensure compliance with the details. The current Directions can be accessed at the links below.

The [Workplace Directions \(No 7\)](#) establish specific risk control obligations for all Victorian employers.

The [Stay at Home \(Restricted Areas\) Directions \(No 19\)](#) restrict the ability of individuals in metropolitan Melbourne to travel in a vehicle with another person:

*5(1AA) A person must not travel in a vehicle with another person with whom they do not live unless it is not otherwise reasonably practicable for either person to leave their premises for a purpose permitted under these directions.*

The [Workplace \(Additional Industry Obligations\) Directions \(No 9\)](#) establish specific additional risk control measures required for businesses operating in the industries outlined below, including (in some industries) a reduction in the number of people on site.

- In all locations of Victoria:
  - poultry processing facilities;
  - abattoirs and meat processing facilities;
  - seafood processing facilities;
  - horticultural operations using seasonal workers for seasonal horticultural work;
  - care facilities; and
  - for some requirements supermarket warehousing and distribution centres and perishable food Work Premises that is a chilled distribution facility.
  
- In Restricted Areas of metropolitan Melbourne:
  - supermarket distribution and warehousing;
  - medical supply, pharmaceutical supply and personal protective equipment supply facilities;
  - warehousing and distribution centres;
  - construction;
  - retail facilities that have been required to close but are operating for online orders, pickup and delivery;
  - manufacturing facilities; and
  - wholesale facilities.

## Summary of Required Controls

Workplaces that are permitted to operate through the provisions of the Restricted Activity (Restricted Areas) Directions or the Restricted Activity (non-Melbourne) Directions, must comply with the requirements of the Workplace Directions and the Workplace (Additional Industry Obligations) Directions. These requirements are in addition to any specific restrictions imposed by the relevant Restricted Activity Directions.

Issue addressed	Workplace Directions (No 7) Applicable to all Victorian workplaces	Workplace (Additional Industry Obligations) Directions (No 9) See note at the start of this section that identifies industries impacted in metropolitan Melbourne and Regional Victoria.
Consultation	Not specifically addressed, but required in line with OHS obligations.	Clause 6(7) Specific consultation obligations established.

Issue addressed	Workplace Directions (No 7) Applicable to all Victorian workplaces	Workplace (Additional Industry Obligations) Directions (No 9) See note at the start of this section that identifies industries impacted in metropolitan Melbourne and Regional Victoria.
Reduction in numbers of staff	Not required other than to comply with working from home requirements at Clause 6 and the density quotient at clause 7(10) and 7(11).	Businesses in some industries required to reduce numbers in line with specific requirements for each industry. A summary is provided earlier in this Member Advice. Employers should refer to the detail within the Directions.
Work from home unless it is not reasonably practicable	Clause 6	Comply with Workplace Directions and Restricted Activity (Restricted Areas) Directions.
Employer to take reasonable steps to ensure the worker wears a face covering unless exceptions apply	<p>Clause 7(1) to 7(2)</p> <p>The requirements of these clauses are reproduced later in this Member Advice. Note that changes to the definition of an acceptable face covering has been made effective from 28 September 2020 and enforced from 11 October 2020.</p> <p>Information about how to implement the wearing of Face Coverings can be found in an Ai Group Fact Sheet <a href="#">here</a>).</p>	<p>Comply with Workplace Directions, plus:</p> <p>Clause 7(5) Additional requirements for meat, poultry and seafood processing; surgical masks, face shields and suitable protective clothing.</p> <p>Clause 7(26), 7(27), 7(31)</p> <p>Surgical masks required in some distribution facilities, unless the nature of the work means they create a risk to a worker's health and safety. The note indicates that surgical masks may create risks if the temperature is below negative five degrees, but there is still a requirement for fitted face masks, such as a three-ply cloth mask.</p> <p>Clause 7(62)</p> <p>Seasonal horticultural workers</p> <p>The employer must provide an adequate supply of face coverings and ensure that they are worn, unless one of the exceptions in the Workplace Obligations Directions apply.</p>

Issue addressed	<b>Workplace Directions (No 7)</b> Applicable to all Victorian workplaces	<b>Workplace (Additional Industry Obligations) Directions (No 9)</b> See note at the start of this section that identifies industries impacted in metropolitan Melbourne and Regional Victoria.
Training requirements	General obligations in OHS laws to provide information, training, instruction and supervision.	Clause 7(1)(a) PPE training plan must be in place as soon as reasonably practicable after 11 August. Directions specify required content. Clause 7(4)(d) Additional requirements for abattoirs and meat processing facilities, poultry processing facilities, seafood processing facilities or supermarket distribution and warehousing (excluding retail facilities) and perishable food Work Premises that is a chilled distribution facility – regular training to workers, including induction, on good hygiene, not attending work if sick and compliance with “bubbles”.  Clause 7(60)  Extra training requirements for seasonal horticultural workers
COVID Safe Plan	Clause 7(3) to 7(6)  Note that the previous exclusion for workplaces with fewer than 5 workers has been removed.  If managing a fleet of passenger vehicles, a COVIDSafe Plan is required for the fleet, not each individual vehicle.  It should be noted that the <a href="#">COVIDSafe Plan</a> templates have been updated to reflect the new obligations and recommendations. Employers should review their Plans against the new template to ensure ongoing compliance.	Clause 6(1) to 6(5) <a href="#">High Risk COVIDSafe Plan</a> required for specified industries in addition to the requirements of the Workplace Directions.



Issue addressed	<b>Workplace Directions (No 7)</b> Applicable to all Victorian workplaces	<b>Workplace (Additional Industry Obligations) Directions (No 9)</b> See note at the start of this section that identifies industries impacted in metropolitan Melbourne and Regional Victoria.
Record keeping	Clause 7(7) to 7(9) Log of all people who attend the Work Premises for longer than 15 minutes.	Comply with Workplace Directions, plus: Clause 6(4) Must also keep records to demonstrate compliance with the requirements of the Directions. Seasonal horticultural workers <ul style="list-style-type: none"> <li>• Clause 7(54) – must keep records of negative tests provided in line with 7(51) and 7(52)</li> <li>• Clause 7(55) – must keep records of name, contact number and location of every seasonal worker engaged.</li> <li>• Clause 7(56) – the employer must keep a daily record of seasonal workers that commute from the restricted area</li> </ul>
Density quotient	Clause 7(10) to 7(11), 7(13) In any shared spaces, must not exceed the density quotient which is 1 person per 4 square metres in each indoor space or zone.  Note: In Regional Victoria the density quotient for outdoor areas of food and drink facilities is 1 person per 2 square metres.	Comply with Workplace Directions.
Signage	Clause 7(12) Specific signage required for any publicly accessible space.	Comply with Workplace Directions.

Issue addressed	<b>Workplace Directions (No 7)</b> Applicable to all Victorian workplaces	<b>Workplace (Additional Industry Obligations) Directions (No 9)</b> See note at the start of this section that identifies industries impacted in metropolitan Melbourne and Regional Victoria.
Cleaning requirements	Clause 7(14) to 7(16) An employer must take all reasonable steps to ensure that shared spaces at which work is performed and areas accessible to the public are cleaned on a regular basis.	Comply with Workplace Directions, plus: Clause 7(3) Increase the regularity of comprehensive cleaning (not specified for construction or retail). Clause 7(1)(b) Have a cleaning log on display in shared workplaces and publicly accessible areas covering prescribed requirements. Clause 7(4) Additional requirements for abattoirs and meat processing facilities, poultry processing facilities, seafood processing facilities or supermarket distribution and warehousing (excluding retail facilities) and perishable food Work Premises that is a chilled distribution facility – carry out comprehensive cleaning of the work premises each evening. Clause 7(61) Seasonal horticultural workers – specific requirements for cleaning the premises each evening and provision of hygiene products and well-maintained toilet facilities.

Issue addressed	<b>Workplace Directions (No 7)</b> Applicable to all Victorian workplaces	<b>Workplace (Additional Industry Obligations) Directions (No 9)</b> See note at the start of this section that identifies industries impacted in metropolitan Melbourne and Regional Victoria.
Creating workplace “bubbles”	Not specified in the Directions but recommended where possible to reduce the risk of infection, aid contact tracing and limit the number of people required to isolate if there is a COVID-19 case in the workplace.	Clause 7(4)(c) Additional requirements for abattoirs and meat processing facilities, poultry processing facilities, seafood processing facilities or supermarket distribution and warehousing (excluding retail facilities) and perishable food Work Premises that is a chilled distribution facility –  Arrange operations so that workers are working consistently with others, where reasonably practicable; specific considerations covered in (a) to (vii)  Clause 7(58) and 7(59) – Requirements for seasonal horticultural workers, including record keeping requirements.
Reducing work across multiple sites	Clause 7(17) to (19) An employer must not require or permit a worker to perform work at more than one Work Premises, unless it is not practicable. If working at multiple sites, must demonstrate the systems of work that minimise the number of workers working across multiple Work Premises.	Comply with Workplace Directions, plus: Clause 5(4) to 5(5) and Clause 7(32)(e) place specific restrictions on some workers, generally associated with construction who cannot work on more than 5 sites within a week.
Working at more than one premises for different employers	Clause 7(20) If a worker is working at more than one Work Premises for two or more different employers: the worker must provide a declaration and the employer must retain the declaration.	Comply with Workplace Directions.
Restriction on car pooling	Not addressed in these Directions, but established for metropolitan Melbourne in the Stay at Home Directions, as outlined earlier in this Advice.	Clause 7(6) In meat, poultry and seafood processing, workers must not travel with another person with whom they do not ordinarily reside, unless it is not reasonably practicable to otherwise get to work.

Issue addressed	Workplace Directions (No 7) Applicable to all Victorian workplaces	Workplace (Additional Industry Obligations) Directions (No 9) See note at the start of this section that identifies industries impacted in metropolitan Melbourne and Regional Victoria.
Avoid working in enclosed spaces	Not specifically required in Directions but included as a COVIDSafe principle in the Roadmap – to consider when work, including meetings can be undertaken outdoors.	
COVID Marshalls	Not required	Clause 7(4)(b) and 7(4)(g) Additional requirements for abattoirs and meat processing facilities, poultry processing facilities, seafood processing facilities or supermarket distribution and warehousing (excluding retail facilities) and perishable food Work Premises that is a chilled distribution facility – designate an employee or employees as a COVID Marshall whose role is to monitor compliance with these directions, including physical distancing and provide training to the Marshall(s) in accordance with guidance from DHHS. Guidance is provided in the High Risk COVIDSafe Plan template available <a href="#">here</a> . The employer must also keep records of duty rosters for COVID Marshals.

Issue addressed	Workplace Directions (No 7) Applicable to all Victorian workplaces	Workplace (Additional Industry Obligations) Directions (No 9) See note at the start of this section that identifies industries impacted in metropolitan Melbourne and Regional Victoria.
Additional health screening / surveillance		<p>Clause 7(5)(c) Meat, poultry and seafood processing facilities must implement daily temperature testing and direct the worker to leave the premises and get tested for COVID-19 if they have a temperature of 37.5C or more.</p> <p>Clause 7(4)(a) Additional requirements for abattoirs and meat processing facilities, poultry processing facilities, seafood processing facilities or supermarket distribution and warehousing (excluding retail facilities) and perishable food Work Premises that is a chilled distribution facility – carry out surveillance testing on workers for 2019-nCoV at work premises in accordance with the DHHS requirements. Records must be kept in line with clause 7(4)(f). DHHS requirements are specified in the High Risk COVIDSafe Plan available <a href="#">here</a>.</p> <p>Seasonal horticultural workers</p> <p>Clause 7(56) – for workers that commute from the restricted area, carry out surveillance testing and keep records.</p> <p>Care facility workers</p> <p>Clause 7(68) – carry out surveillance testing as required by DHHS; may vary between facilities.</p>

Issue addressed	Workplace Directions (No 7) Applicable to all Victorian workplaces	Workplace (Additional Industry Obligations) Directions (No 9) See note at the start of this section that identifies industries impacted in metropolitan Melbourne and Regional Victoria.
Declaration by workers		<p>Clause (7)(1)(c) generally and 7(67) for care facilities</p> <p>Must require workers to make a specific written declaration at the start of each shift, before they enter the Work Premises.</p> <p>Clause 7(51) and 7(52) seasonal horticultural workers must declare if they have been in a restricted area for previous 14 days. (see next section for information on required testing).</p> <p>Clause 7(56) for seasonal horticultural workers who commute from the restricted areas must declare daily whether they have been in the restricted area. (see also surveillance testing requirements)</p>
Negative test required if a person has been in the restricted area in last 14 days	Not required	<p>Clause 7(51) and 7(52)</p> <p>Seasonal horticultural workers only</p>
Workers must not attend	Not addressed, but covered by Clause 8 below	<p>Clause 7(2)</p> <p>Worker must not attend if they have been tested because they are symptomatic.</p> <p>Care facilities</p> <p>Clause 7(69) for facilities in the Restricted Area and 7(70) for those in Regional Victoria – an employer must not permit employees or contractors to enter the site if specific criteria are met associated with potential exposure to COVID-19.</p>
Provision of accommodation and transport	Not applicable	<p>Seasonal Work</p> <p>Clause 7(64)</p> <p>Specific requirements established in relation to accommodation and transport provided.</p>

Issue addressed	Workplace Directions (No 7) Applicable to all Victorian workplaces	Workplace (Additional Industry Obligations) Directions (No 9) See note at the start of this section that identifies industries impacted in metropolitan Melbourne and Regional Victoria.
Responding to a suspected case of 2019-nCoV in a Work Premises	<p>Clause 8</p> <p>Specific obligations outlined in relation to responding to a person who has symptoms, cleaning, and informing workers.</p> <p>Specific responses if an employer becomes aware of three or more suspected cases at one Work Premises within a five-day period.</p>	Comply with Workplace Directions.
Responding to a confirmed case of 2019-nCoV in a Work Premises	<p>Clause 9</p> <p>Specific obligations to notify DHHS and WorkSafe* if there is a diagnosed positive case; determine the need to close the premises; comprehensive cleaning of the premises; identify close contacts and direct them to leave the premises and self-quarantine; notify workers.</p> <p>If the Work Premises is required to close there are also notification requirements prior to restarting.</p> <p>* WorkSafe Victoria must be notified if an employee or contractor with a confirmed COVID-19 case was in the workplace within the 14 days prior to the onset of symptoms or a confirmed coronavirus (COVID-19) diagnosis (whichever comes first). Information about WorkSafe notification requirements can be found <a href="#">here</a>.</p>	Comply with Workplace Directions.

## Wearing of Face Coverings

The requirement that an employer takes reasonable steps to ensure a worker wears a face covering in the workplace is now established by Clause 7 of the Workplace Directions (No 7).

Face covering is now defined as “...a fitted face mask that covers the nose and mouth to provide the wearer protection against infection”. DHHS provides information about the definition of a fitted face mask [here](#).

## 7. Preventive measures at Work Premises to reduce the risk of 2019-nCoV

An employer must take reasonable steps to ensure the worker wears a face covering at all times when working at a Work Premises.

*Note 1: face shields on their own do not meet the face covering requirements. Please refer to the Department of Health and Human Services' guidelines for further information.*

Subclause 7(1) does not apply if:

- (a) the worker 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 worker 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 a worker's work means that wearing a face covering creates a risk to their health and safety; or

- (d) the nature of a worker's work means that clear enunciation or visibility of the mouth is essential; or

*Examples: teaching, lecturing, broadcasting.*

- (e) the worker 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 worker 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 worker); or

*Example: a farmer working by themselves in a field.*

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

- (h) the worker 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

- (i) the worker is consuming food, drink or medicine; or

- (j) the worker 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.*

- (k) for emergency purposes; or

- (l) required or authorised by law; or

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

*Note: a worker is required to wear a face covering at all other times when the circumstances above do not apply.*

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

Information about how to implement and maintain the wearing of face covering can be found in an Ai Group Fact Sheet [here](#).



## **OCCUPATIONAL HEALTH AND SAFETY OBLIGATIONS**

The requirements of the public health directions outlined above establish the minimum requirements that workplaces must meet to operate under the Roadmap.

Whilst COVID-19 is a public health issue, it is also an Occupational Health and Safety (OHS) issue. This means that all the normal OHS requirements need to be considered when implementing controls.

Control measures mandated by the Chief Health Officer (CHO) must be implemented, but consultation is required with employees and elected Health and Safety Representatives (HSRs) about how they will be implemented.

In some situations, implementing the requirements of the CHO may not be enough to meet the OHS obligations of an employer in relation to minimising the risk of COVID-19 transmission in the workplace. In these situations, additional control measures should be implemented.

Businesses also need to consider whether the control measures required by the CHO may introduce other risks that need to be managed (e.g. from a reduced workforce, or limits on handover opportunities between shifts). Additional OHS processes may be required to ensure compliance such as information, instruction, training and supervision.

Employers need to consider all facets of their business and consult with employees and HSRs to ensure that are doing all that is reasonably practicable to minimise risk.

## **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 \(DHHS\) - Roadmap to Reopening\*](#)

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** or access Ai Group's or access the [Health and Safety Resource Centre](#).

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

**Consulting Services**[Trinette Jaeschke](#)

0400 282 477

**Training Services**[David Tiller](#)

0499 195 307

A handwritten signature in black ink, appearing to read 'Tracey Browne'.**Tracey Browne****Manager – National Safety & Workers' Compensation Policy and Membership Services****FURTHER INFORMATION**

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