



WORKING THROUGH COVID-19

PRACTICAL CONSIDERATIONS

28 JULY 2020

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HOW TO USE THIS INFORMATION

As COVID-19 restrictions are being reviewed and adjusted across the country, businesses will need to be somewhat agile in how they operate through the pandemic in order to comply with changing Government guidelines and public health orders. Regardless of which way the restrictions are moving, employers and employees are now working in a dynamic new work environment.

Returning to work and working from home during the COVID-19 pandemic is not as simple as flicking a switch. As restrictions change, employers will need to take into account and consult with employees about a range of practical considerations. We have prepared this guide to help you to proactively manage your employees and navigate your way around some of the practical considerations in working through COVID-19.



If you have any questions in relation to this document or the issues raised, please contact our **Workplace Relations team on 02 9439 8822 or email workplace@amansw.com.au**

WORKING THROUGH COVID-19

PRACTICAL CONSIDERATIONS

EMPLOYEE PREFERENCES

My employees have expressed personal preferences about returning to work.

What should I consider?

Some employees may want to return to work and others may not. For example, those employees who have felt lonely or isolated or those who have had their hours of work or pay reduced may be keen to return. Other employees who are stressed about returning to work or form part of a vulnerable group may be reluctant to return. You should consider your employees' personal preferences against the operational requirements of your business, any risks to health and safety and your employees' personal circumstances. Accommodating your employees' personal preferences, if reasonably practicable, may assist you to comply with Government orders and advice, including physical distancing.

My employees are nervous about returning to work. What should I consider?

There is a constant stream of information about COVID-19. Your employees may be confused or concerned about what they hear. They may feel anxious or emotional about returning to work. To ease your employees' nerves, you may wish to consider:

- ✓ talking to your employees about why they are nervous;
- ✓ communicating with your employees regularly, either in person or by phone, video link or email if they are working from home;
- ✓ sharing official sources of information and advice with your employees;
- ✓ consulting with your employees about measures to minimise the risk of exposure to COVID-19 at your practice
- ✓ referring your employees to their GP or other mental health and wellbeing support services if appropriate.

WORKPLACE CULTURE

How do I create a positive workplace culture?

For employers and employees, the COVID-19 pandemic has presented unprecedented uncertainty and disruption in the workplace. As employees return to work, it may be timely to consider how to maintain and shape your workplace culture. To create a positive and productive work environment during a time of uncertainty it may help to:

- show more compassion, understanding and empathy when dealing with your employees;
- communicate and consult with your employees regularly;
- be accessible and available to your employees either in person or by phone, video link or email so they can raise any matters with you;
- create clear goals and measurable performance indicators for employees;
- be clear, direct and transparent in your decisions;
- show appreciation and give recognition and positive reinforcement for high performance.

What effect will a positive workplace culture have on my practice?

A positive workplace culture may improve teamwork, raise morale, increase productivity and efficiency and enhance retention of your employees. It may also increase job satisfaction, collaboration and work performance. Importantly, a positive workplace culture is also likely to reduce stress or anxiety in employees.

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PRACTICAL CONSIDERATIONS

LOCATION OF WORK

What are the rules around working from home?

Under NSW public health orders in place as at the date of this guide, an employer must allow an employee to work from home where it is reasonably practicable to do so. This will depend on the specifics of your practice, the availability of remote working and the safety of your employees. This rule may change as restrictions are relaxed.

In deciding whether working from home is reasonably practicable, you may wish to consider:

- ✓ the operational requirements of your business;
- ✓ the employee's role and duties;
- ✓ communication and collaboration requirements;
- ✓ whether the employee is a vulnerable person;
- ✓ whether there are any health and safety issues;
- ✓ the measures you are taking to minimise the risk of exposure to COVID-19 at your practice.

Can I direct my employees to return to work?

If it is not reasonably practicable for your employees to work from home, you may be able to issue them with a lawful and reasonable direction to return to work. Before directing employees to return to work you should:

- ✓ undertake a risk assessment to consider factors including:
 - the characteristics of the employee;
 - the features of your workplace; and
 - the nature of the work;
- ✓ identify whether any employee is a vulnerable person;
- ✓ ensure employees are not put at risk by a direction to return to work.

Under WHS laws you are required to minimise any risks to health and safety so far as is reasonably practicable.

TRAVEL TO WORK

What is the advice around public transport?

According to the NSW Government, if you are not currently travelling on the public transport network during the peak, now is not the time to start. As at the date of this guide, employees are being asked to continue to work from home if they can and to travel outside peak times. Employers are being asked to adopt flexible working practices including working from home, staggering start and finish times, rostering shifts in certain ways or working from other locations. Information on travel is available from the **NSW Government** and **Transport for NSW**.

My employees will be driving to work.

What should I consider?

Your employees may choose to drive to work to avoid the public transport system. Private transport may be a significant additional expense and you may wish to consider the cost implications of driving to work. For example, you could provide your employees with access to or payment for car parking at your discretion.

My employees may take longer to get to work.

What should I consider?

Whether your employees are taking public or private transport, it is likely that their commute to and from work will take longer. This may impact on their availability to work their usual hours. For example, they may have to drop off or pick up children from school or childcare or have other commitments or responsibilities before or after work. You should be prepared to have discussions with your employees about their availability and hours of work.

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FAMILY/CARER'S RESPONSIBILITIES

My employee has responsibility for the care of a child in school or childcare. What should I consider?

Schools and childcare centres will have to close without notice if there are positive cases of COVID-19. There is also less tolerance for any type of sickness at schools and childcare centres. The NSW Government is asking children to stay at home if they are sick. Parents and carers are on notice that they will be called to collect children immediately if they become sick during the day.

If your employees have responsibility for the care of a child who is school aged or younger, they may be required to keep their child at home in line with Government advice. You should be prepared for employees to access their entitlement to personal/carer's leave. These absences are not usually planned. You may wish to review your full time and part time employees' leave balances in readiness for any requests.

What is the entitlement to personal/carer's leave?

Employees are entitled to personal/carer's leave in accordance with the National Employment Standards (NES) in the Fair Work Act 2009 (Cth). Information on the entitlement to personal/carer's leave is available from the **Fair Work Ombudsman**.

An employee can take carer's leave to provide care or support to a member of their immediate family or household who requires it because of a personal illness or injury or unexpected emergency. Closure of schools because of a positive case of COVID-19 is likely to amount to an "unexpected emergency".

PHYSICAL DISTANCING

Is physical distancing required in the workplace?

Yes. You must implement physical distancing measures wherever possible, including at the workplace. According to the NSW Government, people should maintain a physical distance of at least 1.5 metres from others and comply with the four square metre rule. Information on physical distancing is available from the **NSW Government**. Information on the four square metre rule is available from the **NSW Government**.

Under NSW public health orders in place as at the date of this guide, the four square metre rule does not apply to essential gatherings, which includes a gathering at a hospital or other medical or health service facility that is necessary for the normal business of the facility. While the rule does not currently apply when you are providing medical services, you should apply this rule to other gatherings at your practice, including in your waiting room, staff room and reception area.

My employees are required to use a lift to get to/from work. Is physical distancing required in lifts?

No. As at the date of this guide, according to Safe Work Australia, there is no requirement to provide 4 square metres of space per person in lifts. However, you must still ensure, as far as you reasonably can, that people maintain physical distancing in lifts and lift waiting areas. You should put in place other measures to minimise the risk of exposure to COVID-19. Such measures may include:

- reducing lift use during peak periods (for example, by staggering employee start and finish times);
- allowing employees to continue to work from home if they can;
- maintaining physical distancing in the waiting areas; and
- regularly cleaning frequently touched areas (for example, lift buttons and railings).

Information on lifts is available from **Safe Work Australia**.

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Do I need to change the physical layout at my practice?

You may need to redesign your office layout to comply with physical distancing requirements. For example, you may wish to consider:

- spreading out furniture at workstations;
- having fewer seats in your waiting room and staff room;
- introducing barriers or sneeze guards between desks or in your reception area;
- restricting patients, staff and doctors to certain pathways or areas within the practice.

HYGIENE AND CLEANING

Should I talk to my employees about personal hygiene?

Yes. A key way to protect employees from the risk of exposure to COVID-19 is by requiring them to practice good hygiene in the workplace. Information on personal hygiene is available from [Safe Work Australia](#).

Which areas of my practice should be cleaned and disinfected, and how often?

Any surfaces that are frequently touched should be prioritised for cleaning, such as:

- door handles
- light switches
- exit buttons
- lift buttons and railings
- desks
- counters
- phones
- computers
- EFTPOS machines
- workplace amenities (e.g. toilets)

You should regularly clean and disinfect surfaces that many people touch. According to Safe Work Australia, workplaces should be cleaned at least once daily. Information on cleaning is available from [Safe Work Australia](#).

CONSULTATION

Should I consult with my employees about these practical considerations?

Yes. You should consult with your employees about all the things you are doing to identify and manage the risks to keep them safe during the COVID-19 pandemic, including these practical considerations. Your employees are likely to know about the risks associated with their work so their input can be invaluable. Involving them may help build a commitment to safety and any changes you make at your practice. Consultation does not require consensus or agreement but you should allow your employees to be part of the decision making process. You should genuinely take into account their views.

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The information in this document is of a general nature only and does not constitute legal advice. The application and impact of laws can vary widely based on the specific facts involved. Given the changing nature of the situation, laws, rules and regulations, and the inherent hazards of electronic communication, there may be delays, omissions or inaccuracies with the information in this document.

We have made every attempt to ensure that the information and links contained in this document are accurate as at the date of drafting. The examples given are illustrative and not exhaustive. The links provided connect to third party websites over which AMA (NSW) has no control.

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