## NSW Testing Requirement communications – template

**Instructions**

As a result of the NSW Public Health Order, effective from 12.01am 14 July 2021, and further updates, that **relates to residents of the Fairfield, Canterbury-Bankstown and Liverpool LGA’s who work at your premises which is outside that individual LGA’s**, this template letter provides the basic information for a company to communicate with impacted employees, contractors and service providers and includes the potential need for them to obtain a COVID test every 3 days/72 hours during the lockdown period.

A review of the current public health orders and related government statements and representations evidence there is some lack of specificity over which of the 3 LGA’s require mandatory COVID surveillance testing for residents to leave their LGA to attend work in our industry. To that end, and in the abundance of caution, TRMC’s advice at this time recommends any Authorised Worker from the 3 LGAs identified complete testing every three (3) days. Given the current state of lockdown in Greater Sydney, and so as to ensure avoiding potential penalties for breaching a Public Health Order by either a member or an employee, we take the conservative view that such a requirement could be considered a fair, lawful and reasonable direction to an impacted employee.

This is suggested communications draft whilst the current testing requirement is in place from the New South Wales Government.

The template is not exhaustive and we recommend members consider this template carefully as it contains content that requires customisation.

This template should be read in conjunction, and applied with any updated government directions, your COVID Safe plan and any relevant health and safety protocols.

This is to be placed on your company letterhead/logo.

[insert date]

Dear [insert first name of employee or contractor],

Under the current New South Wales government workplace restrictions, your role falls within the permitted group of industry sectors and workers currently entitled to be operating for on-site work.

Given the increased numbers of COVID cases and exposure sites, particularly in the Fairfield, Liverpool, Blacktown, Canterbury-Bankstown, Cumberland, Georges River, Parramatta and Campbelltown Local Government Areas (LGA’s) of Sydney, new Public Health Order has been enacted and that may require mandatory COVID testing for some workers.

We are providing you this letter due to the Public Health Order to ensure your understanding of your compliance requirements as well as those of the company. Given the current situation in Greater Sydney and those compliance requirements are legally enforceable whereby breaching them can result in fines and prosecution for you and the company, the company is undertaking appropriate and cautious steps for the care of your health and safety and that of your co-workers.

[*If aresident of the 3 LGA’s*]

The eight (8) stated LGA’s have currently been identified as areas of significant concern by the NSW government. As such you must comply as follows:

* As a resident of Canterbury-Bankstown LGA who works in another LGA you **are required to be tested for COVID-19 every three days or 72 hours**, even if you do not have symptoms.
* This testing requirement is not for residents from other LGAs who enter any of the three stated LGA’s for work purposes.
* Impacted workers will need to undertake such a COVID test every three days or until advised otherwise.
* Impacted workers do not need to have received a negative COVID-19 result before attending work – you need only to have been tested within the past 72 hours.
* As your employer, we have an obligation and a right to ask you for evidence that you have been tested. This evidence can include a text message, email or other form of evidence provided by a testing service or laboratory.
* Impacted employees, contractors or service providers are required to provide evidence of the test upon request by their employer or business owner.
* Business owners have an obligation to not allow an effected person to work at their premises where that employee or contractor cannot provide evidence of testing.

[*For Greater Sydney LGAs workers that work beyond 50 kms of the Greater Sydney region*]

All workers across Greater Sydney must comply with testing orders issued by NSW government. The following Public Health Orders now apply:

* Workers from across Greater Sydney who work at locations more than 50km from the outer boundary of the Shellharbour, Wollongong, Wollondilly, Blue Mountains, Hawkesbury and Central Coast LGAs **must be tested for COVID-19 every seven days**, even if they do not have symptoms.
* Impacted workers have been required to comply with the testing requirement from **close of business 18 July 2021 to comply** with this requirement.
* Employers have an obligation and a right to ask an affected employee, contractor or service provider whether they can provide evidence that they have been tested. This evidence can include a text message, email or other form of evidence provided by a testing service or laboratory.
* Impacted employees, contractors or service providers are required to provide evidence of the test upon request by their employer.
* Business owners have an obligation to not allow an effected person to work at their premises where that employee can’t provide evidence of testing.

As a company we will be fully compliant with the government orders and seek your support and adherence to these requirements and related company policies and directions.

**Further assistance**

We recognise these are difficult times and remain available to you to address any queries and concerns throughout this time. Please do not hesitate in reaching out to [insert line manager or site manager name and contact]

Alternatively, you should feel free to contact the NSW government website at this [link](https://www.nsw.gov.au/covid-19/rules/greater-sydney-workers#fairfield-covid-19-tests).

**Situation Review**

This current situation, the current testing requirements, and related issues are regularly changing and updating at this time. The company will regularly review the requirements and we will provide updated advice to workers at that time.

Yours faithfully,

<SIGNATURE>

[NAME]
[TITLE]
[COMPANY]