

# IR POLICY AND GOVERNANCE UPDATE



## **NEW SOUTH WALES SPECIAL EDITION**

### **INTRODUCTION**

This week we summarise the Authorised Worker requirements for areas of Greater Sydney, reiterate the ongoing need and legal requirement for wearing facemasks in NSW and Victorian workplaces, and provide a link to the current TRMC Business Support Report.

### **NSW LOCKDOWN + EMPLOYEE REQUIREMENTS**

Further to our ongoing advice, restrictions around workplaces and authorised workers from the 12 LGAs of concern have been introduced. The two main issues for members to consider are as follows.

#### **Workers from an LGA of Concern**

- > From Monday, 30 August 2021, authorised workers who live in but work outside their residential 'LGA of concern' will only be permitted to work if rapid antigen testing is implemented at their work-site or they have had their first vaccination dose by 30 August.
- > From that date, and unless their employer has implemented rapid antigen testing, impacted employees will need to be able to evidence their vaccinated status or provide a 'medical contraindication certificate' from their Doctor, upon request from their employers and potentially an authorised officer (NSW Police).
- > This requirement is part of the NSW public health orders and must be complied with by impacted employees in order to present themselves able to work from Monday, 30 August 2021.
- > From that date, an inability by an impacted employee to evidence their vaccinated status or 'medical contraindication certificate' will generally result in that employee being unable to present themselves to work for failing to comply with a public health order. As a result, they will remain unable to present themselves to work until they can evidence their vaccinated status or a 'medical contraindication certificate'.
- > Those impacted and unvaccinated employees will likely remain on 'leave without pay' or their employer may entertain an employee request to take annual leave or long service leave (if entitled).
- > Otherwise, those impacted and unvaccinated employees may apply for the Commonwealth Government COVID-19 Disaster Payment. However, given the employees hours of work would not have been reduced by the employer, but rather the situation is as a result of an employee decision to not be unvaccinated or not have a medical contraindication certificate it is questionable whether such an employee's application would be successful.

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## Authorised Worker Permit

- > From 12.01am Saturday, 28 August, authorised workers from the LGAs of concern are required to carry a permit from Service NSW declaring that they are an authorised worker and cannot work from home; and
- > From 12.01am Saturday, 28 August, anyone entering an LGA of concern for the purposes of work must carry a worker permit issued by Service NSW.
- > At the time of writing, the processes and requirements for registering and obtaining the permit have not yet been released on the Services NSW website. However, in preparation for the release of the permitting system TRMC recommends advising those impacted employees to ensure they have or create a [MyServiceNSW Account](#) on the [Service NSW](#) website.
- > Additionally, TRMC believes the additional details your employee will likely require for the permit registration are their workplace address and contact details, along with their days of work and possibly spread of hours.
- > NSW Police have intimated that if the ServiceNSW permit registration system is not up and running by the stated date, they would be unlikely to issue infringement notices.
- > However, the ServiceNSW permit registration is not functioning by the required date (28 August onwards) and if required for employee assurance and comfort members should feel free to issue those employees the TRMC "[Employee Confirmation Letter](#)" until the registration process is functioning.
- > TRMC will provide further guidance on this and related issues when available.

## Communication To Impacted Workers

For members who have employees impacted by these issues, TRMC provides a brief employee [communication template](#) for that purpose. Please feel free to customise for your particular circumstances. Prior to using the template please consider all the related issues outlined above.

## FACEMASK REQUIREMENTS IN NSW (AND VICTORIAN) WORKPLACES

We remind members that based on current public health orders in both Victoria and NSW, facemasks must be worn in workplace settings unless an employee is working alone.

Public health orders are law and must be complied with unless they have a medically recognised exemption. Wearing facemasks in the workplace is a requirement of the current orders in Victoria. Employers have a duty to ensure compliance or risk fines and reputational damage.

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Additionally, if transmission of COVID occurs in a workplace and which could have been avoided but for failing to adhere to those orders, workplaces may face increased exposure to an investigation by WorkSafe Victoria and SafeWork NSW for failing to fulfil their obligations and duties to provide a healthy and safe workplace. Such a situation also has the potential for workers compensation claims.

## **BUSINESS SUPPORT AUS AND NZ**

We have updated our [Business Support Report](#) that provides an overview of the variously available Australia and New Zealand government business support packages and make available to you. Please remember that the government support packages all have variable closing dates for making applications.

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## **CONTACT**

Any Industrial Relations Member who has a related query should contact Charles Watson, GM – IR, Policy and Governance at The Real Media Collective via email [charles@thermc.com.au](mailto:charles@thermc.com.au) or mobile:+61 428 568 032.

## **DISCLAIMER**

*The content of this update, current at the date of publication, is intended to provide general guidance and consideration for TRMC Members only. The content does not constitute advice and should not be relied upon as such. Specific advice about your circumstances should be sought separately before taking any action. TRMC recommends Members ensure any related decisions are made on current and up to date information.*