

ADVISORY NOTICE (NSW/VIC MEMBERS): ISOLATION EXEMPTION FOR CERTAIN WORKERS



BACKGROUND

The NSW and Victorian governments have introduced isolation exemptions in their public health orders and directions for certain critical workers in the food, logistics and manufacturing sectors as worker shortages affect supply chains. Workers who are asymptomatic close contacts of a COVID-19 case may leave self-isolation to attend work if employers deem their absence from work poses a high risk of disruption to critical services and activities.

However, there are variances and differences between the two states on this issue and we outline the requirements of each as follows.

NEW SOUTH WALES

Applicability

The NSW exemption applies, from 9 January 2022, to critical workers who are specified in the exemption and who would otherwise be required to self-isolate for 7 days as 'close contacts' under the *Public Health (Self-Isolation) Order (No 4) 2021* (the "**Order**"). Under the Order, the critical worker exemption includes those workers engaged in food, beverage, fibre processing and manufacturing, postal, courier or delivery services, and related warehousing.

Conditions

The exemption is subject to the following conditions:

- > Critical workers must only attend work if approved by or on behalf of their employer for the purpose of the exemption and cannot work from home.
- > Critical workers must travel directly to and from their home and their workplace(s). They cannot leave home for other purposes.
- > Critical workers must wear a mask at all times in the workplace, unless eating or drinking or if the mask needs to be removed for safety reasons.
- > Critical workers must undergo daily rapid antigen tests (RATs) for a period of 7 days from when they last had contact with the diagnosed person, and must notify their employer of each result.
- > Any person who tests positive for COVID-19 following a RAT must immediately self-isolate for 7 days under clause 6 of the Order.
- > Notwithstanding a negative RAT result, if a critical worker develops any symptoms of COVID-19, they must immediately self-isolate and may only return to work with evidence of a negative PCR test taken after the onset of symptoms.
- > Critical workers must comply with any other reasonable measures put in place by their employer to minimise the risk of transmission of COVID-19.

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VICTORIA

Applicability

The Victorian exemption applies, from 11.59pm Wednesday 12 January 2022, has announced exemptions to public health orders for workers in the manufacturing, distribution or packaging of food and beverages, whereby those workers who are in 'close contact isolation' may be exempted in order to attend work, if it is necessary for continuity of operations and other options have been exhausted. Both the worker and workplace must consent to the worker's return.

Conditions

The exemption for such workers is subject to the following conditions:

- > Workers must be asymptomatic.
- > Workers must undertake daily rapid antigen tests for five days.
- > Workers must not enter shared break areas.
- > Employers are required to facilitate solo break times.
- > Face covering, preferably N95/P2 standard, are to be worn where possible.
- > Workers must return a negative COVID-19 test result before returning to work under their otherwise 'normal' circumstances and practices.

HEALTH AND SAFETY

Members from both states are reminded they must adhere to all other COVID-19 related workplace related restrictions and measures in place at this time, including the application of any COVID-19 safety plans. Additionally, under the *Work Health and Safety Act 2011* (NSW) and the *Occupational Health and Safety Act 2004* (Vic) employers are responsible for providing a safe work environment and minimise the risk of workplace COVID-19 transmission so far as is reasonably practicable.

OUR INDUSTRY

Given our industry, including the Letterbox Distribution sector, has been deemed critical for the last two years, this isolation exemption will potentially apply to our industry in NSW and Victoria where the work being undertaken by members and their workers falls into the abovementioned industry sector related categories, particularly in food and beverage related print, packaging and production.

Affected members in either state must carefully consider the implications of making such a request on an infected employee and the potential effects on co-workers. Effectively, and although there are additional protocols required, you would be requesting an employee who is COVID-19 positive to attend the workplace and they would need to agree to that request.

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Other states are considering this issue and we will provide details when determined. Members with any related queries should feel free to contact Charles Watson, GM – IR, Policy and Governance, via email charles@thermc.com.au or phone 0428 568 032.