



Coronavirus guide for business owners.

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Introduction.

The ongoing outbreak of coronavirus poses a number of risks that employers need to be aware of. In this guide we help you understand your obligations to your employees, and various other aspects of workplace relations you need to consider when managing your response to the outbreak.

The information in this guide is of a general nature only and relates specifically to workplace relations. It is not a substitute for advice from a qualified medical professional.

What is the coronavirus?

The World Health Organisation explains that coronaviruses (CoV) are a large family of viruses that cause illness ranging from the common cold to more severe diseases such as SARS (Severe Acute Respiratory Syndrome).

This particular episode has been named 'COVID-19'. It first appeared in December 2019 in Wuhan, which is within the Hubei province, China. A seafood market has been identified as the possible source of the virus.

Cases in several countries have now emerged. Whilst cases have been reported in many countries around the world, the vast majority of them, and related deaths, have been in China.

What are the symptoms?

Symptoms include:

- Fever
- Cough
- Shortness of breath

The severity of symptoms varies. Some people will suffer from mild illness and recover easily while in other cases, infection can progress to pneumonia. Reports suggest that the elderly, those with weakened immune systems, diabetes, cancer and chronic lung disease are the most susceptible to serious illness and death.

Symptoms can appear as few as two days after infection or as long as 14 days (or even longer).

How is the virus passed on?

The virus is most likely to spread from person to person through:

- Direct contact with a person while they are infectious
- Contact with droplets when an infected person coughs or sneezes, or
- Touching objects or surfaces (such as drinking mugs or desks) that were contaminated by droplets from an infected person, and then touching your mouth or face

What are the higher-risk areas?

The Australian Government's [Department of Health](#) regularly updates its list of countries that are deemed to present a higher risk of coronavirus infection.

Employer Obligations.

Duty of care

You have a duty of care towards your employees to provide a safe place of work. This includes not putting them in a position in which they could become infected by the virus without taking all reasonable precautions.

Your duty of care where coronavirus is concerned may differ depending on an employee's specific circumstances, for example, if they are older or they have underlying health conditions.

To meet your duty of care, conduct a risk assessment to determine the risk that coronavirus poses in your workplace, and implement necessary controls to eliminate or reduce the risk posed.

Although the steps you take will depend on your workplace, there are some minimum steps that can be taken immediately to reduce the risk. Start by reinforcing good infection control practices in the workplace.

Consulting with your employees

With an increasing number of cases close to home, employees may be worried about their personal risk of catching the virus by being at work. Consult with employees when conducting your risk assessment. Once the risk assessment has been finalised, keep your employees updated with the steps that you, as a business, are taking to protect their health and safety.

The World Health Organisation's standard infection control measures are:

- Frequently cleaning hands by using alcohol-based hand rub or soap and water
- Covering mouth and nose with a flexed elbow or tissue when coughing or sneezing, and throwing tissue away immediately
- Washing hands immediately after coughing or sneezing
- Avoiding close contact with anyone who has fever and cough
- Seeking medical care early if you have fever, cough and difficulty breathing, disclosing any travel history with the healthcare provider

Another simple measure to reduce the spread of infection is ensuring adequate supplies of hand sanitiser, masks and disinfect wipes are available in the workplace. You should also implement a policy on managing coronavirus, to ensure all employees are aware of their obligations in relation to this outbreak. Beyond this, the steps that need to be taken will depend on the risks identified in your risk assessment and the control measures that are available to you.

Handling Diagnosis and Exposure.

If an employee has a confirmed case of Coronavirus

If an employee is diagnosed with coronavirus, you should take the below steps:

- If the employee is still at work, you should immediately direct them to leave the workplace. Allowing the employee to remain at work presents an unacceptable health and safety risk to others.
- Ask the employee to provide a medical certificate to allow the absence to be paid as personal leave, and direct them that they must obtain a medical clearance before returning to work.
- Contact the Department of Health to ensure they are aware of the diagnosis, and seek their advice as to which employees are at risk of contracting coronavirus and whether the workplace needs to be shut down.

If the employee was present in the workplace immediately prior to the diagnosis, you should also take the below additional steps:

- Notify your remaining employees that there has been a confirmed case of coronavirus in the workplace. Do not disclose who the employee is. Depending on the type of business, you may also need to notify customers, clients etc.
- Where possible, have remaining employees work remotely (eg from home) for the self-quarantine period recommended by the Department of Health.



Your next steps will then depend on the advice you receive from the Department of Health:

- If the Department of Health advises you to shut down the workplace, and your employees cannot reasonably work elsewhere, you may be in a position to stand down your employees without pay in accordance with the Fair Work Act. Contact the Advice Team for further advice, if you need to shut down the workplace.
- If the Department of Health does not require you to shut down the business, you may still make a business decision to request employees to work remotely or shut down the workplace on health and safety grounds. Be aware that shutting down in these circumstances, you will likely need to continue to pay employees for the duration of the shutdown. Again, contact the Advice team for further advice if you are considering doing this.

Handling Diagnosis and Exposure.



If an employee has been exposed to a person with a confirmed case of the virus

If your employee advises you that they have been in contact with someone who has been tested and confirmed to have coronavirus, immediately direct the employee to leave the workplace. This will help prevent the spread of coronavirus to other employees, customers and third parties present in the workplace.

If your employee is well, consider whether they can work remotely (eg from home) for the government recommended self-quarantine period.

If this is not possible, hold a discussion with the employee and ask them to take personal leave and obtain a medical clearance before returning to work.

If the employee refuses to do so, you may be in a position to direct them to attend a

medical assessment. Contact our Advice Team for further advice if this is something you are considering.

Contact with a suspected case

If your employee notifies you that they have been in contact with a person with a suspected case of the coronavirus but the employee themselves is not sick, you should consider whether they can work remotely until a diagnosis is confirmed.

If this is not possible, have a discussion with the employee where you ask them to take personal leave until a diagnosis is confirmed, and obtain a medical clearance before returning to work.

If the employee refuses to do so, you may be in a position to direct them to attend a medical assessment. Contact our Advice Team for further advice if this is something you are considering.

Self Isolation.



If your employee has returned from any country overseas, Government requirements may dictate that they need to self-isolate for a period of time after arriving back in the country.

If the employee is sick when they return from overseas or at any time during the self-isolation period, they are eligible to take personal leave. They should seek medical attention and provide you with a medical clearance prior to returning to work.

However, if your employee is well but unable to attend work solely due to the self-isolation, by mutual agreement you can allow the employee to access any accrued paid leave entitlements during this period

(eg annual leave or long service leave). Alternatively, if it is possible for them to work from home, you can potentially come to an agreement with the employee to do this as well.

Where none of the above applies, the employee will need to take leave without pay until they can return to work.

Where an employee is required to complete a period of self-isolation, you should direct the employee to provide evidence (prior to returning to work) that any required self-isolation period has been completed (eg by providing flight details that show incoming flight was at least 15 days prior to their return to work).

Travel Arrangements.

Employees about to travel abroad

Employees may have pre-booked annual leave to countries which have a high number of cases and you may be concerned that they pose a risk of picking up the virus and exposing the rest of the workforce to it.

You cannot force employees not to travel and employees may not be inclined to cancel their plans if it means they may miss an important family event or suffer financial loss.

If an employee is travelling overseas, encourage them to maintain good hygiene while travelling and pay attention to any signs of ill health. If they return from their travels and are unwell, manage this in accordance with the guidance above, depending on where they have travelled.

Prior to the employee commencing leave, you should remind them in writing of the date they are required to return to work, and make it clear that any self-isolation period would need to form part of their period of approved leave. You should also be clear on the requirement to provide evidence they have completed any Government required self-isolation period prior to returning to work.

Business travel

Employees may be reluctant to undertake business travel to any location where there have been cases of the virus. If travel is deemed necessary then you should effectively, but proportionately, manage the risk, with controls identified and implemented according to the nature and severity of the risk.

Controls should be identified through a travel risk assessment and travellers themselves should be involved in the process. This risk assessment should take into account any current official travel advice.

Some simple measures that can help reduce the risk while travelling include:

- Providing the employee with clear instructions before they travel on hygiene to reduce the risk of picking up the virus
- Advising the employee before they travel what they should do if they fall ill while travelling
- While the employee is travelling, always know where they are and where they are going, and regularly check in with the employee on their health
- If the employee does report symptoms of the virus, put in place a plan to support them

Any further necessary controls should be identified through the risk assessment process.

Be aware that in the circumstance that you require an employee to travel overseas for business and they contract the virus, the employee may be able to claim workers compensation.

Other issues that may arise.

Employees who refuse to come to work due to concerns

Some employees may be reluctant to come into the workplace as the risk of catching the coronavirus rises. This may cause operational and staffing issues. If the employee is not on any form of recognised leave (eg personal leave or annual leave), and there is no safety reason why they cannot attend work, the expectation is that they continue to attend work.

However, you may wish to work with the employee to alleviate their concerns. Consider whether you could allow the employee to work remotely, or access paid leave entitlements (eg annual leave or long service leave) to reduce their concerns.

If no alternative arrangements are made, and an employee does not present for work, contact the Advice Team for further guidance on your options.

Employees who are unable to attend due to closure of schools etc.

If schools, child care centres etc close due to suspected or actual cases of the virus, employees may notify you that they are unable to attend work due to a breakdown in their usual childcare arrangements. In this case, normal rules relating to personal leave will apply. It may be worthwhile to work with your employee to identify if they can work remotely during this time.

Discrimination, bullying and harassment

Coronavirus is not a reason to treat employees differently because of their national origin. Placing extra obligations on individuals (more robust hygiene methods, for example) just because they are from a particular country places you at risk of a claim discrimination.

Therefore, any control measures you implement to manage the risk of coronavirus should be implemented across all employees.

You should be alert to 'banter', or more serious instances of harassment, between employees about the virus which relates to someone's nationality or ethnicity and ensure that your zero-tolerance stance to harassment is maintained.

If this does occur, treat the situation as per your usual grievance management procedures.



If you require further advice on managing coronavirus in your workplace, call the **Advice Team** on **1300 651 415**.

EmploySURE is the largest provider of employment relations and workplace health and safety services in Australia - servicing over 24,000 clients nationally.

Why EmploySURE?

At EmploySURE, we believe all Australian employers, no matter the size, deserve access to comprehensive, quality, honest advice and support that is scalable to the needs of their business.

Since the introduction of the Fair Work Act in 2009, workplace obligations have become more complex and difficult to manage, especially for overstretched small business owners.

EmploySURE was established in response to these challenges. It is our aim to ensure Australian business owners have access to cost-effective, professional advice on all employment relations and work health and safety matters.

What we offer

EmploySURE provides customised documentation, unlimited advice, policy and procedure review, insurance and legal representation for small business owners.

Being an EmploySURE client means no surprises – we keep our clients updated on Award changes, wage updates and essential compliance issues. Our expert advisers are available 24 hours a day to guide employers through any difficulties they may face.

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EmploySURE has given me the freedom to run my business in a way that I need to. It's given me the time and it's actually taken away a lot of worry that I previously had.

Kieran Syme | DentFree AutoTree



Google can only help you so far. Sooner or later you need to actually talk to somebody who is an expert in the field and that's where I found EmploySURE.

Ursula Zajaczkowski | The Source Bulk Foods



Biggest thing from EmploySURE, it gives us certainty. Where we have guidance and help of what we need in place, how to put it in place, and how to implement the systems for HR.

Jonathon Grealy | Niche Reform