



## Mediation and Employment Relations Service

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### Pork SA Member Update March 2020

#### Corona Virus (COVID19)

This update seeks to address employer and employee obligations to protect and maintain a healthy workforce and workplace. Prioritisation of activities to maintain the health and welfare of your livestock is essential (as audited in APIQ) and should be planned on a farm-by-farm basis.

There is ample information being provided by the Federal and State Health Departments which are providing regular about dates regarding hygiene and what to do to avoid or act if the virus is contacted.

Information can be obtained in more detail at the links at the end of this Update.

#### **How can we help prevent the spread of coronavirus?**

Practising good hand and sneeze/cough hygiene is the best defence against most viruses. You should:

- a) wash your hands frequently with soap and water, before and after eating, and after going to the toilet
- b) cover your cough and sneeze, dispose of tissues, and use alcohol-based hand sanitiser
- c) and if unwell, avoid contact with others (stay more than 1.5 metres from people).

#### **What are Employers and Employees required to do in the workplace?**

##### **Employers**

Employers should start doing these things now.

An employee infected at work **may** qualify for workers compensation entitlements, so employers need to be able to show that they have fulfilled their duty of care obligations by taking all reasonable practicable steps to ensure anyone infected with the virus does not attend work.

They can already reduce working days lost due to illness and stop or slow the spread of COVID-19 if it arrives at the workplace by acting as follows; -

1. Request a written medical clearance from an employee who has either recently returned from overseas or interstate or, who has meet someone who has.
2. Make sure your workplaces are clean and hygienic

3. Surfaces (e.g. benches, desks, machinery and tables) and objects (e.g. door handles, telephones, keyboards) need to be wiped with disinfectant regularly
4. Contamination on surfaces touched by employees, contractors, suppliers and customers is one of the main ways that COVID-19 spreads
5. Make sure there is enough soap and sanitisers available and promote regular and thorough handwashing by employees, contractors and customers
6. Put sanitizing hand rub dispensers in prominent places around the workplace. Make sure these dispensers are regularly refilled
7. Display posters promoting handwashing (copy attached).
8. Combine this with other communication measures such as briefings at meetings and information on the intranet to promote handwashing
9. Make sure that staff, contractors and customers have access to places where they can wash their hands with soap and water as washing kills the virus on hands and prevents the spread of COVID19
10. Promote good respiratory hygiene in the workplace and discourage smoking
11. Display posters promoting respiratory hygiene.
12. Ensure that face masks and / or paper tissues are available at your workplaces, for those who develop a runny nose or cough at work, along with closed bins for hygienically disposing of them because good respiratory hygiene prevents the spread of COVID-19
13. Advise employees and contractors to consult national travel advice before going on business trips.
14. Brief your employees, contractors and customers that if COVID-19 starts spreading in your community anyone with even a mild cough or low-grade fever (normal body temperature is 37°C, ranging 36.5 - 37.4°C) needs to stay at home.
15. They should also stay home (or work from home if able to do so) if they have had to take simple medications, such as paracetamol/acetaminophen, ibuprofen or aspirin, which may mask symptoms of infection.
16. "Ensure that face masks and / or paper tissues are available at your workplaces, for those who develop a runny nose or cough at work, along with closed bins for hygienically disposing of them. The World Health Organisation states which "face masks" being "Ordinary surgical face masks rather than N95 face masks." N95 masks are available at hardware stores and may not be of the same standard as the surgical masks.
17. Why? Because good respiratory hygiene prevents the spread of COVID-19."
18. Ordinary surgical face masks rather than N95 face masks.
19. Keep communicating and promoting the message that people need to stay at home even if they have just mild symptoms of COVID-19.
20. Make clear to employees that they will be able to count this time off as sick leave.

## **Employees**

1. Employees have a duty of care to their employer, work colleagues and themselves.
2. Employees are not to attend work if they are infected or directed to self-isolate.
3. Employees who have meet someone who has just returned from overseas, or if the employee has just returned from overseas attending work, must provide a medical clearance.
4. Employees should make sure your workplaces are clean and hygienic

5. Surfaces (e.g. benches, desks, machinery and tables) and objects (e.g. door handles, telephones, keyboards) need to be wiped with disinfectant regularly, because contamination on surfaces touched by employees, contractors, suppliers and customers is one of the main ways that COVID-19 spreads
6. Use sanitizing hand rub dispensers which should be in prominent places around the workplace and make sure that the employer or you fill these dispensers regularly.
7. Advise your employer if you are planning to travel overseas or interstate.
8. Do not attend work if you experience flu like symptoms as the employer has the right to refuse you entry into the workplace without a written medical clearance.
9. If you are confined to self-isolation be compliant as breaches can result in police activity.

## **Employees Industrial Relations Rights**

### **1. Full Time and Part Time Employees - Clauses 23 and 24 of the Pastoral Award 2010.**

If you are unfit for work, you must NOT attend work, but you can apply for either paid or unpaid leave.

If you and/or a dependent family member is infected, you will be eligible for leave. This can be paid leave and/or unpaid leave. Paid leave includes annual leave, Personal Carers Leave.

Unpaid leave may include unpaid Personal Carers Leave when your paid leave is exhausted.

### **2. Casual Employees Clauses 10.4 and 10.5 of the Pastoral Award 2010**

As casual employees receive a 25% loading instead of annual leave and Personal Carers leave your absence is likely to be without pay.

If a casual employee and/or a dependent family member is infected, the employee will be eligible for unpaid leave including Personal Carers Leave.

### **3. Long Service Leave (long Service Leave Act 1987).**

This is available after 10 years with the current employer for all employees including casuals. It is available on a pro rata basis after 7 years but only on termination of employment. It is not available as leave or cashing out between the 7<sup>th</sup> and 10<sup>th</sup> year.

### **4. Centrelink**

An employee may wish to contact Centrelink if they do not have enough or any paid leave available. They may be eligible for assistance as a result of the recent announcement by the Prime Minister.

Employees may be eligible for a payment if both of the following apply:

- a) you're isolated at home because of coronavirus
- b) you aren't being paid by your employer.

**Handy Links:**

**Australian Government Department of Health Information for Employers.**

<https://www.health.gov.au/resources/publications/coronavirus-covid-19-information-for-employers>

**World Health Organisation Getting your Workplace Ready for COVID-19**

[https://www.who.int/docs/default-source/coronaviruse/getting-workplace-ready-for-covid-19.pdf?sfvrsn=359a81e7\\_4](https://www.who.int/docs/default-source/coronaviruse/getting-workplace-ready-for-covid-19.pdf?sfvrsn=359a81e7_4)

**Centrelink**

<https://www.servicesaustralia.gov.au/individuals/subjects/affected-coronavirus-covid-19/people-who-dont-get-payment-from-us-coronavirus-covid-19#a2>

**Pastoral Award 2010**

[https://www.fwc.gov.au/documents/documents/modern\\_awards/award/ma000035/default.htm](https://www.fwc.gov.au/documents/documents/modern_awards/award/ma000035/default.htm)

**APIQ**

<https://www.apiq.com.au/>

If you have any queries, please do not hesitate to contact me about the employer and employee obligations. On all other issues please refer to the Federal and State Health Departments.

**Chas Cini**  
**PRINCIPAL**

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