



Returning to work following a pandemic: Employer considerations

Throughout Australia, businesses have obligations to ensure the health and safety of workers and others. Those obligations exist whether workers are working from home or in the office. With contagious diseases and infections, identifying how those obligations can be met is more complex, but nonetheless a legal requirement.

The measures that should be taken to manage the COVID-19 virus are similar to any other contagious disease or infection. At the beginning of the COVID-19 outbreak, many employers sent their workforce home and we are now in the phase of returning to work. It is important for employers to carefully manage the return to work process to ensure the safety of all workers.

Bringing workers back to work

Businesses have a large degree of flexibility in what they can do to ensure the health and safety of their workers. In determining how that might be achieved, the following options could be considered.

Return to Work Employer Checklist

Risk assess your workplace before workers return to work

Before your entire workforce returns to the office, do you have a team of people who come in and assess how the office can function or be modified to manage the following requirements:



1. Facilities for hand washing
2. Minimising common areas of touching:
 - a. door knobs
 - b. taps
 - c. kitchen utensils
 - d. photocopiers
3. Social distancing and the 4m² rule
4. Masks
5. Protective screens
6. Seating arrangements in meeting rooms
7. Deliveries
8. Alternative methods of greeting to handshaking
9. Monetary transactions
10. Recording of interactions with the public (e.g. CCTV)

Assess whether all workers need to return to work simultaneously

Consider if it is possible to reintroduce the workplace in a gradual progression, with initial workers being chosen to prepare the workplace to be COVID-19 ready, for the remaining workers.

Consider whether workers should have or be permitted to work staggered start times to minimise exposure during peak traffic times.

Determine if you can split your workforce into two or more teams that alternate between working in the office and working at home, with the outcome being that workspaces are further apart.

Consultation

Achieving compliance and avoiding employee push-back will be much easier if workers are consulted before procedures are mandated.

Consultation also can produce innovative and better ideas. However, above all consultation is a legal requirement. Topics you could consult on include:

1. Talking to workers about office standards.
2. Talking to workers about whether they prefer working in the office or at home or a mix of working in the office and home.
3. If you lease your workplace, what the landlord is doing to manage:
 - a. Common areas (e.g. lifts)
 - b. Air conditioning
 - c. Frequency of sanitation
4. Start the conversation now about what steps will be taken in the future if there is a further outbreak. What was done well and what could be done better?

For workers working from home, make sure that there are adequate communication arrangements in place so that workers can easily communicate, seek help and remain connected.

Make sure any employee assistance program is operational and access to it is well communicated.

Setting standards

Every workplace will be different and some techniques will work for some workplaces, but not others. To avoid confusion, set standards that workers are expected to meet. For example, set a standard greeting that everyone in the business should use. Think about how you want to manage guests and clients who present with the appearance of being unwell. These people may be important for business continuity. How can you manage interactions with them in a diplomatic way?

Provide signage about your standards not only to be informative, but to reinforce that these are mandatory requirements.

Don't neglect workers at home

Businesses have an obligation to ensure the health and safety of workers, regardless of whether they are working at home or in the office. Consider what you have actively done to make sure that the working from home environment is adequate. When making this assessment, don't forget long-term issues such as seating arrangements, ergonomic setup, light levels and mental health status.

Sick leave and self-quarantine

Consider the process of what workers must do if they have minor symptoms of illness. For example, you could set continuous sneezing, coughing or a temperature of 37.3 Celsius as a trigger for workers to stay home. Establish not only when workers will need a medical certificate or medical clearance, but when they will need to be tested for contagious conditions.

If a person has been potentially exposed to a contagious condition they should frequently monitor their condition to determine if they have been infected. If the possibility of exposure is high, then the person should take their temperature twice daily for 14 days before returning to work. If the possibility of exposure is low, then they should monitor their condition for a minimum of 4 days before returning to work.

Consider how you are going to manage workers who live with other people that are sick or vulnerable. Do you want workers to report to you if a family member is sick?

Think about whether as a business how you will manage workers who have exhausted their leave entitlements.

How will the business manage if workers who perform unique tasks are unable to return to work? Should you start training backup workers in the same role?

Privacy

Revisit your privacy obligations and think about them in terms of contagious conditions. Think about when, how and to whom you are going to communicate information.

Think about whether you need privacy consents from workers.

Clean desk policy

Maintaining basic hygiene, which can be as simple as wiping down desks at the start and end of the day. A desk with little clutter is easier to clean. Do you have a policy in place that requires workers to wipe down their desks at the end of the day with sanitised wipes? Is it supported by a clean desk policy? Do you provide all workers sanitised wipes?

For areas that cannot be easily cleaned on a daily basis, revisit your cleaning program and consider updating it.

Our resources

1. [COVID-19 FAQs guide for employers](#)
2. [COVID-19 employer update series: New BAU webcast](#)
3. [COVID-19 employer update series: Employer obligations if returning to work webcast](#)

And many more articles can be found on our COVID-19 Resource Hub

External resources

1. World Health Organisation, "Getting your workplace ready for COVID-19" – www.who.int
2. SafeWork Australia, "Checklist: What can I do to keep my workers safe..." – www.swa.gov.au
3. SafeWork NSW, "Helping business get back to work" – www.safework.nsw.gov.au
4. WorkSafe Vic, "Business and industry – coronavirus disease" – www.worksafe.vic.gov.au
5. Workplace Health and Safety Queensland, "Coronavirus (COVID-19) workplace risk management" – www.worksafe.qld.gov.au

If you require advice on, or assistance with, any work health and safety obligations discussed above, contact our safety experts on **1300 565 846** or at ablawyers.com.au for a confidential discussion.