



national
electrical and
communications
association

COVID-19 EMPLOYER GUIDE

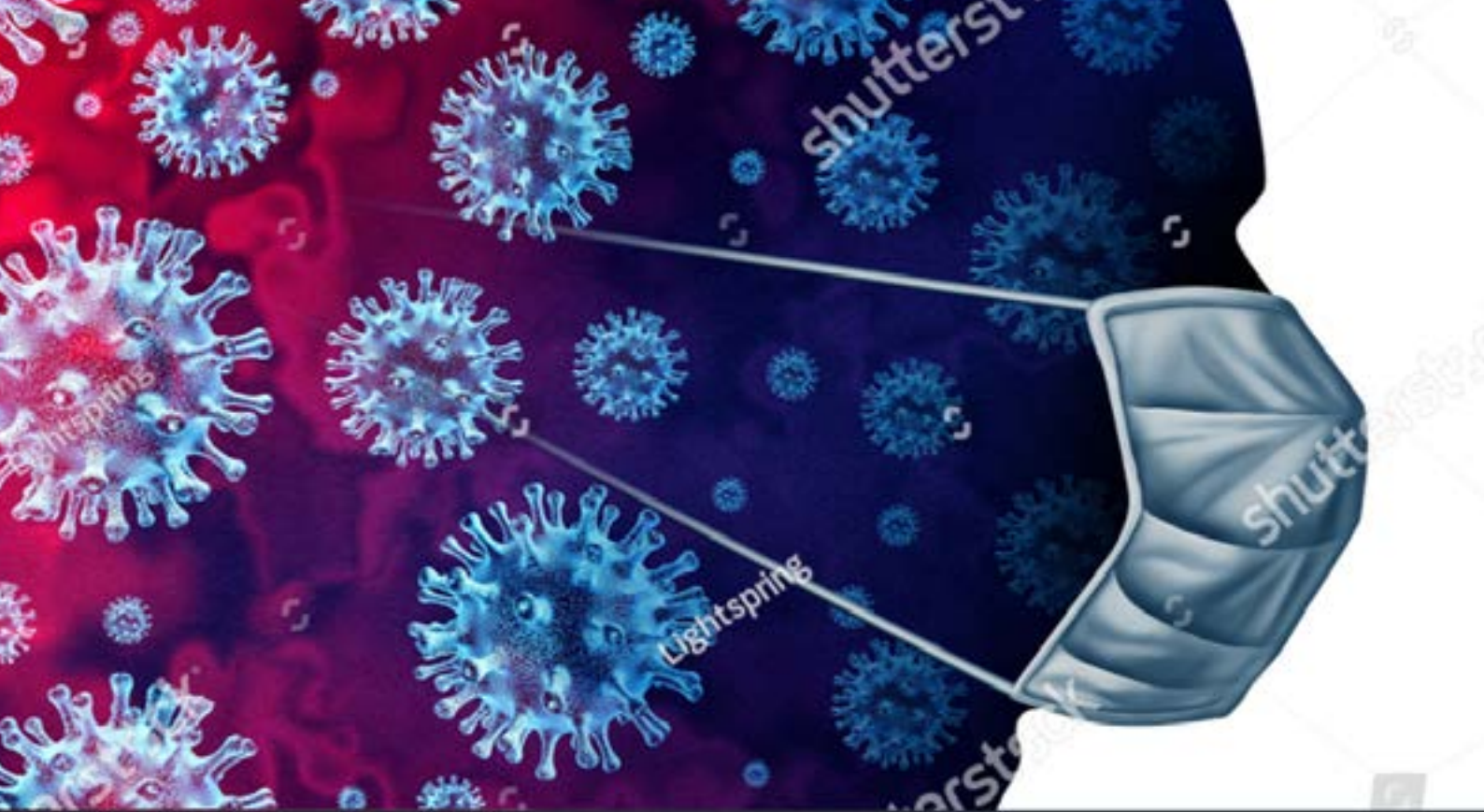
MANAGING THE WORKPLACE IN THE FACE OF THE OUTBREAK

First release published 23 March 2020

CONTENTS

- 01. Introduction
- 02. Employer Obligations
- 03. Safety
- 03. Contractual implications
- 04. Stand down procedures
- 06. Federal Government assistance
- 07. State Government assistance
- 08. Privacy
- 09. Insurance
- 10. Advocacy
- 11. Resources
- 12. Glossary

The content of this publication is for general information purposes only, it may not be applicable to your organisation and does not constitute legal advice. The guidance provided is based on the situation as it currently stands and will be continuously updated. As this is an extraordinary occurrence, in some cases the answers are not clear-cut, however Employees and Employers should work together to find appropriate solutions. Seek advice before acting or relying on any of the content.



01. INTRODUCTION

The current global outbreak of Coronavirus (COVID-19) has been declared a Public Health Emergency of international concern by the World Health Organisation (WHO). The Australian Government, on the advice of health officials have implemented a range of changes to ordinary life in order to try to slow the outbreak of COVID-19 and stay ahead of the curve.

It is vital for Employers to prepare and adequately respond, as COVID-19 continues to develop both in Australia and around the world.

WHAT SHOULD NECA MEMBERS DO TO MANAGE THE COVID-19 OUTBREAK?

COVID-19 is the most significant challenge for businesses in modern history, with the health and safety of everyone in your workplace being the obvious priority.

Members will appreciate that it simply is not possible to provide general advice in relation to COVID-19, as it will depend upon the particular circumstances. However, some key concerns have emerged in recent weeks relating to health and safety, workplace laws, as well as contractual and statutory compliance.

The purpose of this guide is to assist NECA members in managing and protecting their Employees and workplace, and answering some of the Workplace Relations (WR) and Work Health and Safety (WHS) questions that are coming up for Employers.

NECA recommends members to be conscious of legal obligations that may apply under the Fair Work Act 2009, respective State and Territory WHS legislation and Workers Compensation legislation, Enterprise Agreements, Awards, Contracts and Policies and should seek further advice, where necessary before taking any actions.

“

**DON'T LET PANIC
CAUSE INERTIA
- PLAN & PREPARE**

”

- PAWEL PODOLSKI, NECA VIC EXECUTIVE DIRECTOR

02. EMPLOYER OBLIGATIONS

What happens if an individual Employee travels to a known high risk country and is required to self-isolate on return?

The individual may request Annual Leave on return to cover the isolation period. If the Employee was found to be unfit for work during this time, Personal (commonly referred to as sick leave) Leave would prevail. Regular notice and evidence requirements would apply.

Note: where an Employer sends an Employee overseas and at the time of the Employee leaving, the Employer was aware that the Employee would need to self-isolate, the Employer would be obliged to pay the Employee for any downtime resulting from self-isolation.

What happens if an individual Employee is stuck overseas?

If an Employee cannot work due to travel restrictions (for example, they are stuck overseas), they are not entitled to be paid (unless they use paid leave entitlements).

Employees and Employers must come to their own arrangement, as the Fair Work Act does not have specific rules for these kinds of situations.

This may include:

- Working from another location (if practical), noting they should review any applicable Enterprise Agreement, Award, Employment Contracts or Workplace Policies;
- Taking Personal (sick) Leave if the Employee is sick;
- Taking Annual Leave;

- Taking any other leave available to them (such as Long Service Leave or any other leave available under an Award, Enterprise Agreement or Employment Contract);
- Arranging any other paid or unpaid leave by agreement between the Employee and the Employer.

More information on leave entitlements:

- Paid Personal (sick) and Carer's Leave <https://bit.ly/397M1jl>
- Unpaid Carer's Leave <https://bit.ly/2UnP8yb>
- Annual Leave <https://bit.ly/2U5m9jF>
- Long Service Leave <https://bit.ly/2Jf298h>

Visit the Australian Government Department of Health website for the latest information on the virus, including requirements and conditions for isolation and quarantine periods and when testing should be sought. Access the website by visiting <https://bit.ly/3dq0mcy>

Services Australia website can be accessed for information and services to help you if you're affected by coronavirus, including Centrelink payments and support. Access the website by visiting <https://bit.ly/2xWyMVJ>

Are Employees entitled to use sick leave for an isolation or quarantine period, even if they are not sick?

If an Employee is ill, they are entitled to personal leave but, if the Employee is not ill and is placed in isolation simply as a precaution, then strictly

speaking there is no entitlement to personal leave under section 97 of the Fair Work Act. However, because this is a 'once in a generation' pandemic, we suggest Employers should be flexible, act with compassion and come to some agreement with Employees regarding the taking of sick leave if entering quarantine becomes an issue.

What if they do not have sick leave?

It would then be classed as unpaid leave, unless the Employer and Employee come to an agreement whereby the Employee is allowed to enter into a negative sick leave balance or access accrued annual or long service leave (if available).

Where an Employer decides to provide special leave, other discretionary arrangements or offer ex-gratia payments, the Employer should clearly communicate that this has been provided at the Employer's discretion and is exclusively based on the current situation.

What if an individual Employee appears to be showing signs of cold and flu and the Employer requests a medical clearance and the Employee is cleared to return to work?

The Employer should send the Employee to a hospital or applicable health unit for a medical clearance. This time is to be treated as ordinary work time, and therefore paid. If the Employee is cleared to work, they should return and continue to be paid as normal.

What if an individual Employee appears to be showing signs of cold and flu and the Employer requests a medical clearance and the Employee is advised to isolate themselves for a defined period, usually 14 days?

The Employer should first send the Employee to a hospital or applicable health unit for a medical clearance. This time is to be treated as ordinary work time. If the Employee is not cleared to return to work and therefore found to be 'unfit' for work, the Employee would be paid from their Personal Leave balance until this entitlement is exhausted. At this point the Employer and Employee may consider use of Annual Leave, RDOs or Long Service Leave, where possible and will default to unpaid Personal (sick) Leave where all other avenues are exhausted.

What if an individual Employee has contracted the virus?

Personal (sick) Leave is to be used until this entitlement is exhausted, at which point the Employee can request use of Annual Leave, RDO's or Long Service Leave (if available).

More information

- Paid sick and carer's leave <https://bit.ly/2U3Wjg6>
- Unpaid carer's leave <https://bit.ly/3befYzD>
- Notice and medical certificates <https://bit.ly/2U3pPm6>

What if an individual Employee's family member has contracted the virus?

If an Employee needs to look after a family member or a member of their household who is sick with the virus, they are entitled to take paid carer's leave. They would therefore be paid from their carer's leave balance until this entitlement is exhausted. The Employer and Employee may consider using Annual Leave, RDOs or Long Service Leave, where possible and will default to unpaid Personal (sick) Leave where all other avenues are exhausted.

Under the Fair Work Act, casual Employees are entitled to 2 days of unpaid carer's leave per occasion. Full-time and part-time Employees can take unpaid carer's leave if they have no paid sick or carer's leave remaining. An Employee must give their Employer reasonable evidence of the illness, if their Employer requests it.

More information

- Paid sick and carer's leave <https://bit.ly/2U3Wjg6>
- Unpaid carer's leave <https://bit.ly/3befYzD>
- Notice and medical certificates <https://bit.ly/2U3pPm6>

What if an individual Employee requests to stay home as a precaution?

If an Employee requests to stay home, of their own volition, as a precaution, (i.e they are not directed by their Employer, nor as a result of a government

order), they will need to request a flexible working arrangement or some form of leave such as Annual Leave, Long Service Leave or the use of an RDO. It is best practice for Employers to work with Employees to approve these flexible arrangements, where possible.

Normal leave application processes in the workplace apply. If the Employee does not enter into an arrangement with their Employer or use paid leave, they are not entitled to payment in these circumstances.

More information:

- Annual Leave <https://bit.ly/2woebsZ>
- Long Service Leave <https://bit.ly/2Qx8mjM>

What if an Employer wants their Employees to stay home as a precaution?

If an Employee is at risk of infection from coronavirus (for example, they've recently travelled from overseas, or have been in close contact with someone who has the virus), Employers should request that they work from home (if this is a practical option - see below) or not work during the risk period.

Where an Employer directs a full-time or part-time Employee not to work due to workplace health and safety risks but the Employee is ready, willing and able to work, the Employee is generally entitled to be paid while the direction applies. However, if an Employee cannot work because they are subject to a government order requiring them to self-quarantine, the Employee is not ordinarily entitled to be paid (unless they use leave entitlements).

Employers should consider whether their obligations are impacted by any applicable Enterprise Agreement, Award, employment Contracts or workplace Policies, which may be more generous.

Under the Fair Work Act, an Employee can only be stood down without pay if they cannot be usefully employed because of equipment break down, industrial action or a stoppage of work for which the Employer cannot be held responsible. The most common scenarios are severe and inclement

weather, or natural disasters.

Standing down Employees without pay is not generally available due to a deterioration of business conditions or because an Employee has the coronavirus. Enterprise Agreements and employment Contracts can have different or extra rules about when an Employer can stand down an Employee without pay. Employers are not required to make payments to Employees for the period of a stand down, but may choose to pay their Employees.

More information:

- Casual Employees <https://bit.ly/3beD752>
- Directing an Employee to take Annual Leave <https://bit.ly/33FUqcl>

The Australian Government Department of Health website for the latest information on the virus, including requirements and conditions for isolation and quarantine periods and when testing should be sought. Visit the website <https://bit.ly/2U4D9GI>

Services Australia website for information and services to help you if you're affected by coronavirus, including Centrelink payments and support. Visit the website <https://bit.ly/3b8L9Mw>

When can Employees work from home?

Working from home arrangements are usually agreed between an Employer and Employee. An Employer who wants to direct an Employee to work from home should review their obligations under any applicable Enterprise Agreement, Award, employment contract or workplace policy.

Employers should also consider the nature of the work involved and the suitability of the Employee's home. Workplace health and safety laws still apply even when an Employee is working from home.

Where Employees are required to record their hours of work (for example, in relation to annualised wage arrangements under some modern Awards), this needs to continue when they are working from home. Employers and Employees are encouraged to discuss how this should occur.

More information:

- Worksafe Victoria <https://www.worksafe.vic.gov.au/>

What if an individual Employee(s) appears to be showing signs of cold and flu and the Employer requests a medical clearance - Employee is cleared to return to work?

Employer should send Employee to a hospital or applicable health unit for a medical clearance. This time is to be treated and paid as ordinary work time. If the Employee is cleared to work, the employee should return and continue to be paid as normal.

What if an individual Employee(s) appears to be showing signs of cold and flu and Employer requests a medical clearance - Employee is advised to isolate themselves for a defined period, usually 14 days.

The Employer should send the Employee to a hospital or applicable health unit for a medical clearance. This time is to be treated and paid as ordinary work time. If the Employee is not cleared to return to work and therefore found to be 'unfit' for work, the Employee would be paid from their personal leave balance until this entitlement is exhausted. At this point the Employer and Employee may consider use of Annual Leave, RDOs or Long Service Leave, where possible.

What if an Employee(s) have come into contact with another person with the virus on site or at work and therefore must stop work for a defined period, usually 14 days?

If Employees must stop work due to safety concerns, the Employer must notify Employees that there will be a stoppage of work and an unpaid stand down period in accordance with section 524 of Fair Work Act. Employer may offer use of Annual Leave, RDOs or Long Service Leave.

It is suggested that if this approach is required, Employers clearly communicate that an unpaid stand down is occurring and offer use of Annual Leave, RDOs or Long Service Leave, where possible.

Can Employees be directed not to travel?

Employers can direct Employees not to undertake work-related travel, if this is necessary to meet workplace health and safety obligations, or is otherwise, a lawful and reasonable direction.

An Employer should not direct an Employee not to travel however can direct Employees to the advice on the Smart traveller website to ensure that they are informed on the latest travel advice.

More information:

- Smart Traveller
<https://www.smartraveller.gov.au/>

What if there is a national lock down (directed by the Government) and we are unable to work?

Copyright © 2020 NECA Victoria

The business may stand down Employees in

The Australian Government has advised that at this stage, Employers are encouraged to keep operating as normal whilst taking the relevant safety precautions. This may include relocating the workforce and encouraging flexible arrangements.

Prior to Employee termination, businesses should look to consider all available options including:

- Transferring labour where possible;
- Paid and unpaid leave;
- Reduction in working hours (e.g. Part-time).

If you believe you may need to terminate Employees, please contact NECA for further advice.

Are Employees entitled to use sick leave for an isolation or quarantine period, even if they are not sick?

If an Employee is ill, they are entitled to personal leave (sick leave) but, if the Employee is not ill and is placed in isolation simply as a precaution, then strictly speaking there is no entitlement to personal (sick) leave under section 97 of the Fair Work Act. However, because this is a 'once in a generation' pandemic, we suggest Employers should be flexible, act with compassion and come to some agreement with Employees regarding the taking of sick leave, if entering quarantine becomes an issue.

When can an Employer direct Employees to stay away from their usual workplace pursuant to workplace health and safety laws?

Safe Work Australia has information about when an Employer can direct Employees to stay away from their usual workplace, under the model workplace health and safety laws. Access the site here <https://bit.ly/3b7hhQK>

More information:

- Worksafe Victoria
<https://www.worksafe.vic.gov.au/>
- Australian Government Department of Health <https://bit.ly/39a4Diy>

APPRENTICES WHO'S TAFE BLOCK FALLS IN THE TIME OF THIS SHUT-DOWN WHAT IS THE EMPLOYERS OBLIGATION? ARE THEY STOOD DOWN FOR THE WEEK? IS THEIR ONLINE CLASSES?

If the TAFE's (RTO's) have shut down and the employer is still working, I believe the expectation is the apprentice will be working instead of attending their scheduled training.

NECA Education & Careers are currently working on ways they can deliver some of the training remotely, however, not all modules lend themselves to be delivered in this fashion as there are practical elements that need to be delivered with each module.



STRATEGIES FOR OPERATING A SAFE WORKPLACE DURING COVID -19

ADOPTED FROM WORKSAFE GUIDE FOR PREPARING FOR A PANDEMIC ON FEBRUARY 2020)

EMPLOYER AND EMPLOYEE OBLIGATIONS FOR HEALTH AND SAFETY

EMPLOYER'S DUTY OF CARE

Under the OHS Act, employers are required to take all reasonably practicable steps to protect the health and safety at work of their employees.

Measures to ensure the health and safety of employees at work should be incorporated into an organisation's business continuity plan. .

CONSULTATION WITH EMPLOYEES

Employers must consult with their employees when assessing a risk to the health and safety of employees at any workplace under the employer's control.

Consultation is also required in the selection and application of control measures. In assessing the risks posed by a pandemic, employers should consult widely using existing workplace arrangements.

DUTIES OF EMPLOYEES

Employees also have duties under the OHS Act. Employees must co-operate with their employer in implementing risk control measures.

Employees must take all reasonably practicable steps to ensure they don't do anything that creates or increases a risk to the health and safety of themselves or others.

In a pandemic situation it is reasonable to expect that these obligations placed on the employee and employer will include complying with public health advice and any emergency measures.

GOOD OHS PRACTICE IN PANDEMIC PLANNING

The OHS risks during a pandemic can be loosely categorised as the direct risks of infection and the indirect risks arising from changes to usual work arrangements.

Effective development and implementation of risk control measures will depend on good consultation and communication with employees.

An organisation's business continuity plan is a contingency plan of action to manage the business risk of a particular event. Employers are encouraged to prepare a business continuity plan for a pandemic event, and this should include consideration of OHS issues.

More information on developing business continuity plans are available from business.gov.au the Department of Industry, Innovation and Science (DIIS).

Good OHS practice in planning for a pandemic requires the employer to:

1. keep informed and up-to-date on pandemic information
2. educate and keep employees up to date
3. undertake OHS risk management by managing the direct and indirect risks
4. incorporate OHS preparations and risk control measures into a business continuity plan
5. review and evaluate risk control measures
6. plan and manage the recovery phase of a pandemic

KEEP INFORMED AND UP-TO-DATE ON PANDEMIC INFORMATION

Information on pandemic issues is readily available and regularly updated.

It is important to regularly review pandemic information and use it to update your business continuity plan.

Assigning responsibility to an individual(s) for monitoring pandemic information is a good way to ensure the organisation has the most up-to-date information. This person should also be involved in the overall pandemic and business continuity planning.

Those with management responsibility for OHS should be kept informed and up to date as should HSRs and the health and safety committee.

KEEP EMPLOYEES UP-TO-DATE

All employees will need accurate and current information on the workplace risks associated with a pandemic, as well as clear advice and education on how these risks will be controlled or minimised.

Employees should be provided with information on the nature of the disease, where they can get information, and actions they can take in the workplace to help control risks.

Employees will also need to be informed on how they will be consulted and advised on the issues of work attendance and work arrangements.

An individual's judgement about their safety at work and associated anxiety will be influenced by the quality of information they receive from their employer on how well risks will be assessed and controlled.

Good communication strategies will need to be established, both at the workplace and for when employees are at home.

UNDERTAKE OHS RISK MANAGEMENT

As part of planning and preparedness, risk management should be applied to pandemic health and safety risks.

This involves identifying and assessing the likely risks at the workplace and those risks associated with the way work is performed. Risk control measures to eliminate or minimise risks need to be determined. Risk management should be done in consultation with employees and call on expert advice when needed.



MANAGE THE DIRECT RISKS OF INFECTION

Workplace measures to minimise disease transmission and prevent infection are based on an understanding of how the disease is transmitted from person to person.

In the event of a pandemic, refer to the Department of Health and Human Services (DHHS) website for up to date information.

SOCIAL DISTANCING

A primary transmission control measure is social distancing, that is reducing and restricting physical contact and proximity. Encourage social distancing through measures such as:

- allowing only identified, essential employees to attend the workplace
- utilising alternative work options including work from home
- discouraging handshaking, kissing and other physical

CONTACT IN THE WORKPLACE

Maintaining a minimum distance of one metre between employees in the workplace (person-to-person droplet transmission is very unlikely beyond this distance)

- discontinuing meetings and all social gatherings at
- work including informal spontaneous congregations
- closing service counters or installing Perspex

- infection control barriers
- using telephone and video conferencing.

HYGIENE AND USE OF PERSONAL PROTECTIVE EQUIPMENT

Transmission can be reduced by undertaking additional cleaning at the workplace and supporting good personal hygiene.

Employers should provide information and resources to employees to reinforce and support good personal hygiene.

Hand and respiratory hygiene training should also be provided.

Unwell employees with pandemic-like symptoms should not be at work. If an employee develops symptoms while at work, they should be advised to go home.

APPOINT A PANDEMIC DISEASE MANAGER

As part of planning for pandemic diseases, employers should consider appointing a pandemic diseases manager (and backup managers) to direct the preparation activities and manage the implementation of risk control systems.

In the preparation phase this could include ensuring supply of recommended personal protective equipment, tissues and cleaning products.

In the event of a pandemic, the manager(s) would be responsible for control of entry to the workplace and managing the situation when employees become ill at work.

CONTROL ENTRY TO THE WORKPLACE

Guidelines should be developed for restricting entry to the workplace of persons who may have been infected with a pandemic disease or who have a relatively high risk of contracting it.

Based on medical advice, employers and employees should comply with exclusion periods for employees who are exposed to the infectious disease, show symptoms, are ill or have returned from travel to pandemic-affected areas. This may include taking an employee's temperature prior to allowing them entry to the workplace.

MANAGE THE SITUATION WHEN EMPLOYEES BECOME ILL AT WORK

Employers should put systems in place for managing the situation when people become ill at work.

Employees who report or show compatible symptoms should be:

- isolated from others and referred to a medical practitioner for medical assessment, and
- given a disposable surgical mask to wear as an interim measure before they leave the workplace. It is essential the mask is worn correctly and disposed of as soon as it becomes moist or after coughing or sneezing.

Arrangements should be made for their transport either to a doctor or to their home, preferably not using public transport.

A record should be kept of those who become ill and leave the workplace and the people they have had close or casual contact with.

When a person with suspected infection has left the workplace employers should ensure that their workstation, work area and communal areas they have been in are thoroughly cleaned and disinfected.

VENTILATION AND AIR CONDITIONING

As part of preparedness employers should seek confirmation from their building owner that the air conditioning system is properly designed and maintained.

Further information is outlined in the Australian Standard AS 1668.2-2012. The use of ventilation and airconditioning in buildings, Part 2: Mechanical ventilation in buildings.

All internal spaces should be well ventilated and if possible, fresh air should be allowed to flow.

At this stage, for office and similar environments there is no recommendation to install special air filters to air conditioning systems.

MANAGE THE INDIRECT RISKS ARISING FROM CHANGES TO USUAL WORK ARRANGEMENTS

A pandemic will demand significant changes to work arrangements, and these new arrangements will introduce health and safety risks for employees. Examples of these indirect risks and their controls that can be anticipated and planned for include the following:

ANXIETY AMONG EMPLOYEES

Control measures may include:

- providing employees with definitive advice about the relevant pandemic disease, and the risks and control measures in place to address the risks at the workplace
- Employee counselling through an employee assistance program
- promoting a supportive workplace



EMPLOYEES NOT BEING AWARE OF CURRENT ARRANGEMENTS

Employees should be kept informed on the pandemic situation and changed work arrangements while at work and at home. Effective communication strategies might include:

- Regular briefings at work
- advice on the internet & information hotline

- phone and email contacts at home

UNFAMILIAR WORK AND HIGHER WORKLOADS

Employees may need to be reassigned to priority tasks that are unfamiliar to them. These employees may be particularly susceptible to injury while adjusting to the new work, particularly psychological injury and body stressing injury (for example, manual handling sprain/strain and occupational overuse injury).

Control measures for these risks could include:

- consultation with affected employees
- clear performance expectations
- close supervision, support & training

INCORPORATE OHS RISK CONTROL MEASURES INTO A BUSINESS CONTINUITY PLAN

The identified risks and control measures should be incorporated into your organisation's business continuity plan. This will ensure OHS measures are reviewed along with other parts of the plan and their implementation is coordinated with other pandemic management measures.

REVIEW AND EVALUATE CONTROL MEASURES

OHS risk control measures should be regularly reviewed and updated as required. A good way to do

this is to practice, test and evaluate intervention measures during the preparation phase. For example, practice social distancing measures and evaluate implementation.

If practical exercises and scenarios are used to test elements of pandemic preparedness, efforts should be made to include testing and evaluating of OHS measures.

MANAGE THE RECOVERY PHASE OF A PANDEMIC

Recovery should be a planned process to normalise work activities. As the pandemic subsides, the local risk control measures should be progressively suspended on a schedule compatible with the suspension of the broader public health measures.

A smooth transition will depend on effective communications with employees both in the workplace and those at home waiting to recommence normal work arrangements.

It is likely some employees will suffer psychological consequences and access to work-based counselling and support services should be available. Employees who are affected by the death of friends or family will need support. At work, counselling may be appropriate where work colleagues have died.

The normalising process may involve re-tasking employees to priority areas. Skills, training needs and workloads should be considered and consulted on before employees are moved to new work.





03. CONTRACTUAL IMPLICATIONS

How do I meet current business contract obligations if Employees are quarantined and not able to come to work?

Typically a force majeure provision will relieve an affected party that is prevented or delayed from performing its contractual obligations due to an event that is not within its reasonable control, where the affected party is not reasonably able to prevent or overcome the event. To determine if COVID-19 constitutes a force majeure, it will depend on the contract terms and the circumstances.

If a party is prevented or delayed from performing contractual obligations due to COVID-19, the company should analyse their contractual obligations and whether they can:

- Suspend performance;
- Seek to vary the terms of the contract; or
- Terminate the contract entirely.

In absence of a force majeure provision, or if the definition excludes a pandemic, a business should review other provisions of the contract, such as any termination for convenience or variation provisions. At its most extreme, a party may argue that the contract is frustrated altogether and the parties discharged from their contractual obligations.

Much will depend upon the particular circumstances but Employers should make efforts to minimise the impact of COVID-19 on their businesses:

- Closely monitor the Department of Health website for updates on COVID-19 and follow all directions from government. Do risk assessments to ensure

what is known (or what reasonably ought to be known) about the risk to Employees as well as review infection controls such as good hygiene and social distancing to ascertain if they remain effective.

- Ensure Employer mandated isolation or stand down decisions are based on reasonable safety concerns, directions from the Health Department or genuine business requirements and are not based on discriminatory or unlawful reasons, which could expose the company to risks of adverse action or discrimination claims.


What happens with casual Employees and independent contractors?

Under the National Employment Standards, casual Employees do not have paid sick or carer's leave entitlements and are usually not entitled to be paid when they do not work (for example, if they miss a shift because they are sick due to coronavirus or because they are otherwise required to self-isolate). Casual Employees are paid a casual loading instead of paid leave entitlements. Employers should also consider their obligations under any applicable Enterprise Agreement, Award, Employees' employment Contracts or workplace Policies.

Independent contractors are not Employees and do not have paid leave entitlements under the Fair Work Act.

More information:

- Casual Employees <https://bit.ly/2Ws1A09>
- Independent contractors <https://bit.ly/2wfi5ED>



“
**TOUGH TIMES
DON'T LAST,
TOUGH PEOPLE DO**

”

- DEAN SPICER, NECA VIC COUNCIL PRESIDENT

04. STAND DOWN PROCEDURES

EMPLOYER MAY STAND DOWN EMPLOYEES IN CERTAIN CIRCUMSTANCES

FAIR WORK ACT 2009 - SECT 524

Under the Fair Work Act, you can stand down an Employee if you cannot usefully employ them due to an interruption to your business. For example: due to:

- an equipment breakdown, when you cannot reasonably be held responsible for it;
- industrial action, when you have not organised or engaged in that industrial action; or
- any other work stoppage for which you cannot reasonably be held responsible, e.g. a natural disaster.

KEY CONSIDERATIONS RELATING TO A STAND DOWN PERIOD

- You may only stand-down Employees if the reason for the stand down is outside of your control. **Employers cannot stand an Employee down just because the business is quiet or there isn't enough work.**
- It is highly important that care is taken when interpreting the application of this provision for individual businesses and the circumstances of their stand down.
- Modern Awards and Enterprise Bargaining Agreements must be reviewed carefully as they may (and in most cases do) impose additional payment, notice and consultation requirements on Employers relating to a stand down.
- It is also important to note that it is generally a requirement to look to first **transfer labour to an alternate site or location** prior to standing Employees down without payment. An Enterprise Agreement may include a clause relating directly to this e.g. 'Transfer of Labour' or 'Stand Down Procedure'.
- An Employee continues to accrue their leave entitlements during a stand down period.
- Businesses may offer Employees use of annual leave and other entitlements during this time.

RECOMMENDATIONS

At this stage, any business experiencing major disruptions and a halt in operations resulting from the Coronavirus outbreak may look to stand down Employees in accordance with section 524 of the Fair Work Act.

The reason for the stoppage of work must be due to a circumstance which is beyond that of the Employer's control.

If this is the case for your business you should first advise your workforce and commence discussing options for use of Annual Leave, RDO's, Long Service Leave or other entitlements.

It is highly important to keep your workforce informed (to the best of your ability) and pay

close attention to consultation and notice requirements in the applicable industrial instrument (Modern Award or Registered Enterprise Bargaining Agreement).

It is advised that businesses continue to work with their Employees to ensure that they reasonably offer leave payments (such as Annual Leave, RDO's, Long Service leave and Time off in Lieu) to ensure the workforce are not without income during this challenging period.

We understand that there will be cases in which this will not be possible.

As the situation unfolds and further information is released by the Government this advice, may

change.

At this stage we would highly suggest looking at ways to avoid redundancies that could result from the downturn in business and operations industry-wide.

If you believe that this will have longer term implications on your business operations and need to make roles redundant as a result, the general consultation requirements will apply and this must be a genuine redundancy.

You can read more about redundancy via the following link <https://www.fwc.gov.au/unfair-dismissals-benchbook/what-dismissal/what-genuine-redundancy>



Nat/Steph, do we have a template letter? if not we will get Deb to draft one as a priority]

EXAMPLE SCENARIO

What if a business or site shuts down due to safety concerns and no alternate work is available?

Employer may be required to stand down Employees in accordance with section 524 of the Fair Work Act. While payment would not regularly be required during this time, Employers are encouraged to offer use of annual leave, RDO's, long service leave and other accrued entitlements, where available.

It is suggested that if this approach is adopted, Employers clearly communicate that an unpaid stand down is occurring and offer use of annual leave, RDOs or long service leave, where possible.

What if a business shuts down due to safety concerns however no contact (whether confirmed or suspected) with virus - transferred to another job site or project

Employees should continue to be paid as normal.

Can I stand Employees down if a business contract has been suspended or cancelled due to COVID-19 and I don't have other work available?

Employers must comply with contractual and statutory minimums, such as the Fair Work Act, Modern Awards, Enterprise Agreements, State legislation and employment Contracts. However, the Fair Work Act (and some Enterprise Agreements and employment Contracts) includes an ability to stand Employees down and cease making payments if there is a stoppage of work for

a cause for which the Employer cannot reasonably be held responsible (Section 524).

We recommend Employers act with compassion and discuss options such as allowing Employees to draw on annual or long service leave, working from home, switching to part-time work, split shifts or taking leave in advance by agreement, before directing them to take leave without pay.

Please note that Employees cannot be stood down indefinitely and if it is clear that a position has become redundant, the Employer is obliged to comply with legislative, Award and contractual obligations in relation to redundancy.

You have a business with 6 full time employees including 3 A grade electricians. All 3 electricians call you and say a mate has been tested for COVID-19 and they need to self-isolate for 14 days. You ring around and find no replacements. Working from home does not help the business and until the electricians come back, you decide that you are left no choice, but to shut the business

Your employees are new and have very small annual leave balances which they exhaust in the first week of isolation.

You are struggling to manage overheads with no trade and decide the only option is to stand down the remaining employees without pay because you cannot function the business without the electricians.

You provide the employees with a properly drafted letter implementing the stand down.

This would be a proper basis to implement a stand down without pay for the remaining employees.

What if the Government issue orders or advice to close all businesses except food and pharmacies?

This should stop the pipeline of work but you still need to consider whether the Employees can be usefully employed, working from etc.

You can ask Employees to take annual leave and if it is exhausted before the Government shutdown ends you are left with no choice other than to implement a stand down without pay.

What if your business is unable to obtain essential parts such as cabling?

Explore whether your employees can be usefully employed on other jobs. If they cannot, you can provide employees with a properly drafted letter implementing the stand down.

This would be a proper basis to implement a stand down without pay for the remaining employees.

Michael - is this relevant to electrical businesses?

Nat - please clarify the que in pink. don't make sense?

Nat/Steph - please check the scenarios in green. they are new additions

07. FEDERAL GOVERNMENT ASSISTANCE

NATIONAL STIMULUS PACKAGE

(ANNOUNCED ON 12 MARCH 2020)

The Federal Government announced a \$17.6 billion stimulus package designed to counter the negative economic impacts to business, jobs and the community arising from the corona virus pandemic. The Government measures are intended to support small and medium business, deliver cash flow assistance for small and medium-sized businesses and enable financial assistance for regions severely affected by the coronavirus.

STATUS

The Stimulus Package was announced by the Prime Minister on 12 March 2020. It is required to be passed by Parliament before any funding will be made available. This entire proposal is expected to be tabled during the Parliamentary Sitting Week commencing 23 March 2020.

Members should treat all Federal measures as proposed measures until they become law.

CURRENT PROPOSED MEASURES

- **INCREASING THE INSTANT ASSET WRITE-OFF**
Increasing the instant asset write-off threshold from \$30,000 to \$150,000, and expanding access to include businesses with aggregated annual turnover of less than \$500 million (up from

\$50 million). This mechanism would be effective immediately and until 30 June 2020.

- **BACKING BUSINESS INVESTMENT**
Introduction of a time limited 15-month investment incentive to support business investment and economic growth over the short term, by accelerating depreciation deductions. Businesses with a turnover of less than \$500 million will be able to deduct 50% of the cost of an eligible asset on installation, with existing depreciation rules applying to the balance of the asset's cost. This mechanism would be effective immediately and until 30 June 2021.
- **CASH FLOW FOR EMPLOYERS**
The 'Boosting Cash Flow for Employers' measure will provide up to \$25,000 back to small and medium-sized businesses, with a minimum payment of \$2,000 for eligible businesses. The payment will provide cash flow support to businesses with a turnover of less than \$50 million that employ staff. Businesses will receive payments of 50% of their Business Activity Statements (BAS)

or Instalment Activity Statement from 28 April with refunds to then be paid within 14 days. The payment will be tax free. This measure is intended to cover amounts withheld between 1 January and 30 June 2020.

- **SUPPORTING APPRENTICES AND TRAINEES**

Eligible Employers can apply for a wage subsidy of 50% of the apprentice's or trainee's wage for up to 9 months from 1 January 2020 to 30 September 2020. Where a small business is not able to retain an apprentice, the subsidy will be available to a new Employer that employs that apprentice. Employers can register for the subsidy from early-April 2020. Final claims for payment must be lodged by 31 December 2020.

Employers can register for the subsidy from 2 April 2020. Final claims for payment must be lodged by 31 December 2020.

For more information visit the Australian Apprenticeships website <https://bit.ly/33A0Ud1>

For more information visit the Department of Education, Skills and Employment website www.dese.gov.au

WORKPLACE HEALTH AND SAFETY

(UPDATED AS AT 19 MARCH 2020)

OVERVIEW

The Australian Chamber of Commerce and Industry has released a COVID-19 Employer Guide to assist businesses in managing and protecting Employees and the workplace in the face of the COVID-19 outbreak. The publication assists to understand the risks in the workplace, Employer obligations, working from home arrangements, changing or scaling down operations, business shut downs, discrimination and privacy. download the publication here <https://bit.ly/3bheiVR>

SafeWork Australia has also released a publication to guide workplaces which can be downloaded here <https://bit.ly/2xa7db2>

- **ASSISTANCE FOR SEVERELY AFFECTED REGIONS**

Assistance to sectors, regions and communities that have been disproportionately affected by the economic impacts of the Coronavirus, including those heavily reliant on industries such as tourism, agriculture and education. This will include additional assistance to help businesses identify alternative export markets or supply chains.

A second round of stimulus funding is currently being considered by Government and will be reported on as information becomes available.

For more information view the Australian Government's Economic Response to Coronavirus: here www.treasury.gov.au/coronavirus



BORDER RESTRICTIONS

(ANNOUNCED ON 20 MARCH 2020)

OVERVIEW

Australia is closing its borders to all non-citizens and non-residents. The Government is advising all Australian not to travel overseas at this time.

The Government is advising that Australian overseas return as soon as possible by commercial means. New Zealand citizens who live in Australia as Australian residents are also exempt, as are New Zealanders transiting to New Zealand. Exemptions for Pacific Islanders transiting to their home countries will continue to apply.

Australian citizens and permanent residents and those exempt from our entry restrictions will continue to be subject to a strict 14 days self-isolation.

STATUS

The entry ban took effect from 9:00pm AEDT, 20 March 2020, with exemptions only for Australian citizens, permanent residents and their immediate family, including spouses, legal guardians and dependents.

The Government is in discussions with airlines about the continuance of some international flights for the purpose of bringing Australians home and continuing the movement of goods and freight.

For more information visit the Department of Foreign Affairs and Trade website <https://www.dfat.gov.au/>

For more information visit the Smart Traveller: <https://www.smarttraveller.gov.au/news-and-updates/coronavirus-covid-19>

FEDERAL GOVERNMENT (SMALL LENDERS), RESERVE BANK OF AUSTRALIA AND AUSTRALIAN BANKING ASSOCIATION INITIATIVES

(ANNOUNCED ON 19 AND 20 MARCH 2020)

OVERVIEW

The coronavirus outbreak is having a major impact on our economy and the broader market. Financial market volatility is very high. Equity prices have experienced large declines. Government bond yields have declined to historic low. There are a number of initiatives being undertaken:

The Reserve Bank of Australia (RBA) has announced a \$90 billion package to support the Australian economy during this period for existing borrowings:

- a reduction in the cash rate target to 0.25 per cent (this is the lowest-ever level bringing the interest rates on home loans and savings accounts);
- a target for the yield on 3-year Australian Government bonds of around 0.25 per cent (this will mean cheaper borrowing for the banks and for Australians);
- term funding facility for the banking system

with support for business credit, especially for small and medium-sized businesses (this will mean the RBA will provide at least \$90 billion at 0.25 per cent over the next three years to banks so they can lend cash to small and medium sized businesses).

The Australian Government will invest up to \$15 billion to enable small lenders to continue to support Australian small business through the Australian Office of Financial Management (AOFM). The Government's actions will enable customers of smaller lenders to continue to access affordable credit.

STATUS

The proposed Australian Government initiatives will be introduced in the week commencing 23 March 2020. The AOFM is expected to be able to begin investing by April. The RBA initiatives are being finalised.

\$66 BILLION FEDERAL STIMULUS PACKAGE

(ANNOUNCED ON 22 MARCH 2020)



Prime Minister Scott Morrison and Treasurer Josh Frydenberg unveiled a second, \$66 billion federal stimulus package. This is on top of the \$17.6Bn packaged announced on the 12th of March. The second stimulus package provides additional assistance both to businesses, as well as to individuals.

FOR BUSINESSES

Small and medium businesses and not-for-profits will receive a fall rebate on income tax with holdings, worth up to \$100,000, and should amount to eligible businesses assistance of at least \$20,000 (up to a possible \$100,000), which will be ten times the amount announced in the first stimulus. This is expected to cost the government \$25.2 billion.

This payment will be automatically paid through the tax system, largely over the next six months with the first payment after 28th April. No new forms will be required by small and medium-sized businesses to be filled out for this.

On top of that, businesses will be able to borrow up to \$250,000 unsecured with the government as guarantor, and won't be required to make repayments for six months. This will not apply to refinancing though, as those existing loans receive the six-month freeze on repayments under the plan announced by the government recently.

The government will also provide a temporary 6-month relief to directors of corporations for

personal liability when the company is trading while insolvent. Given the many health-related restrictions being put in place to reduce the impact of the coronavirus, it will not be possible for many companies to comply with their full obligations under the corporations act (for example, holding general meetings in person).

FOR THOSE WHO HAVE LOST THEIR JOB

Casuals, self-employed and other workers who have lost their job due to the COVID-19 crisis will be eligible for a new, time-limited supplement paid at \$550 a fortnight for the next six months. The coronavirus supplement payment will not be asset tested and the waiting period for processing will be waived.

TAX FREE EARLY ACCESS TO SUPERANNUATION

From April, those affected by COVID-19 will gain access to that superannuation, capped at \$10,000 this financial year and a further \$10,000 next financial year. These **withdrawals will be tax-free** and available to those who are eligible for the coronavirus supplement **as well as sole traders who have seen that hours work or income fall by 20 per cent or more**, as a result of the coronavirus.

FOR INDIVIDUALS ON WELFARE

The JobSeeker allowance, will be doubled through a \$550 supplement payment for the next six months, and the asset test will be waived for access to it during the Covid-19 crisis. However, the income test will still apply.

Additionally, from July 13 everyone on income support who is not eligible for the coronavirus supplement will get an extra \$750 in cash, this would be on top of the \$750 due to hit people's bank accounts from the end of March. This includes those receiving the age pension, a carers allowance, family tax benefit and the Commonwealth senior card. 5.2 million Australians in total.

NECA will share more information as further details are released over the coming days and weeks.

07. VICTORIAN SUPPORT PACKAGES

On Saturday, 21 March 2020 Victorian Premier Daniel Andrews announced a \$1.7 billion “survival” package for business in response to the COVID-19 crisis, with the key initiatives including:

- The state government has committed to pay all outstanding supplier invoices within five days, which should pump \$750 million into the economy faster than would otherwise happen.
For Electrical contractors who have outstanding dues on Victorian Government Contracts, please keep an eye out for this!
- Small and medium-sized businesses with annual payrolls of less than \$3 million will be entitled to a refund of all the payroll tax they have paid for the first three-quarters of the current financial year and will get a waiver on their bills from the State Revenue Office for the June quarter.
- A \$500 million ‘Working for Victoria Fund’ will help find workers who have lost their jobs as a result of coronavirus
- A ‘Business Support Fund’ worth \$500 million, will be established to provide money for hardest hit sectors including hospitality, tourism and retail. The Victorian Chamber of Commerce and Industry, Australian Hotels Association and Ai Group will help administer the fund.

NECA will update members as more information becomes available around implementation of the various aspects of the recently announced “survival” package.



09. UPDATE ON VICTORIAN SHUT-DOWN & EMPLOYEE STAND DOWN POSITION

On 22 March 2020, the Prime Minister and the Chief Medical Officer announced significant new restrictions on gatherings.

The Victoria Government is be working to implement these, announcing a shutdown of all non-essential activity across the state between noon on 23 March 2020 and midnight on 13 April 2020.

DEFINITION OF NON-ESSENTIAL BUSINESS OR UNDERTAKING

A non-essential business or undertaking means any of the following, whether operated on a for profit or not-for-profit basis:

- a. A business characterised as a pub, bar or club that supplies alcohol under a general licence, an on-premises licence or a club licence, but not including any part of the business constituted by a bottleshop;
- b. a hotel, whether licensed or unlicensed,

but not: i. to the extent that it provides accommodation, takeaway meals or a meal delivery service; or ii. any part of the hotel constituted by a bottleshop;

- c. a gym;
- d. an indoor sporting centre;
- e. a casino;
- f. a cinema, nightclub or entertainment venue of any kind;
- g. a restaurant or cafe, other than to the extent that it provides takeaway meals or a meal delivery service;
- h. a place of worship, other than for the purposes of a wedding or funeral.

On the following page is a current snapshot of the practical implications on what businesses will remain open vs are being closed in Victoria, based on the recent announcement.

NON ESSENTIAL SERVICES (WHAT WILL CLOSE)

All schools will shut from Tuesday. The decision on whether or not to re-open schools after the holidays will be made in consultation with the state's Chief Health Officer Brett Sutton.

The AFL season has been suspended and the AFLW season cancelled.	1000 steps/Kokoda Memorial Walk and Lyrebird Track in the Dandenong Ranges National Park.	The Dandenong Ranges Botanic Garden and William Ricketts Sanctuary
The penguin viewing platform at St Kilda Pier.	Mackenzie Falls in the Grampians National Park	The historic mansion at Werribee will be closed to visitors, the gardens & hotel will remain open.
The Twelve Apostles	Accommodation and camping at Tidal River within Wilsons Promontory National Park	

ESSENTIAL SERVICES (WHAT WILL STAY OPEN)

Public Transport*	Pharmacies	Childcare centres^
Supermarkets	Petrol stations	Beauty salons
Banks	Bottle shops	Shopping centres &
Freight and delivery services	Convenience stores	Hair Dressers

* There are no immediate changes to Victorian public transport timetables. Public transport is considered an essential service, which Premier Daniel Andrews said could remain open during the shutdown.

^ Some childcare centres told parents they would remain open but more information would be provided on Monday

IMPACT TO CONSTRUCTION SITES

As at 22 March 2020 at 9:30pm, NECA understands, from both a Federal and Victoria State Government point of view, that offices, construction sites and the like will continue to operate for the time being.



STAND DOWN UNDER THE FAIR WORK ACT

Section 524 of the Fair Work Act 2009 (Cth) (FW Act) provides as follows:

(1) An employer may, under this subsection, stand down an employee during a period in which the employee cannot be usefully employed because of one of the following circumstances:

- (a) industrial action (other than industrial action organised or engaged in by the employer);
- (b) a breakdown of machinery or equipment, if the employer cannot reasonably be held responsible for the breakdown;
- (c) a stoppage of work for any cause for which the employer cannot be held responsible.

...

(3) If an employer stands down an employee during a period under subsection (1) the employer is not required to make payments to the employee for that period.

In summary, an employee can only be stood down without pay if they cannot be usefully employed because of a stoppage of work (in the case of COVID-19) for any cause for which the employer cannot reasonably be held responsible for. Employers may allow employees, during a stand down period, to use accrued annual leave, RDO's or long service leave entitlements (if applicable). Further, employees will continue to accrue leave entitlements as usual.

An employer's decision to stand down employees should be treated cautiously and employers should seek specific advice about their specific circumstances. For a stand down to occur, the employer must be able to show the following:

1. there is a stoppage of work;
2. the employees to be stood down cannot usefully be employed (which is not limited to the work the employee usually performs); and
3. the cause of the stoppage must also be the one that the employer cannot be reasonably responsible for.

It should be noted that employers cannot stand down employees simply due to a lack of work or a deterioration of business conditions. Further, an employee cannot be stood down because they have contracted COVID-19, but rather should be paid under the relevant employee's personal leave entitlements (if any). Examples for which an employee may be stood down include (but are not limited to):

1. if there is an enforceable government order or direction requiring the business to close (thereby resulting in no work at all for the employees to do); or
2. if there was a stoppage of work due to lack of supply for which the employer cannot be held responsible.

It should be noted that enterprise agreements and employment contracts can have different or extra rules about when an employer can stand down an employee without pay. Members are encouraged to review these industrial instruments prior to standing down any employees.

Disclaimer: This summary is a guide only and is not legal advice. For more information on legislative or contractual obligations, please contact NECA Victoria on necavic@neca.asn.au

pawel - this was in the document after the vic stand down notice stuff....do you want me to include this as we already have something on page 11?

09. PRIVACY

Employers may have to collect, use and disclose personal information in order to prevent or manage the risk of COVID-19 spreading.

Employers should consider the Privacy legislation, their Privacy Policies and avoid disclosing personal information beyond what is necessary.

The Privacy Act 1988 (Cth) imposes stronger protections for personal information which is deemed “sensitive information” for example, health information about an individual. Therefore information about whether an individual is, or may be infected by COVID-19 will be “sensitive information”.

Related information about the individual’s symptoms, treatment or general health status will usually also be considered as “sensitive information”.

Employers are faced with the difficult task of balancing the individual’s right to privacy with the Employer’s obligation to maintain a safe workplace.

Employers should not disclose the reasons for an Employee’s leave or remote working arrangements, except to those Employees who require that information to carry out their employment duties.

Where possible, Employers should notify Employees who may have been subject to a transmission of COVID-19 risk in the workplace, after consultation with qualified medical personnel.

In carrying out such notifications, Employers should not disclose information that might identify the individual who may have caused the transmission



risk.

In relation to “sensitive information” such as health information, the Employer must not collect such information unless the individual consents. If the Employer is unable to obtain the individual’s consent to collect their sensitive information, it may be able to rely on the following exemptions;

- Where collection is required or authorised by Australian law;
- It is unreasonable or impracticable for the Employer to obtain the individual’s consent;
- The Employer reasonably believes that the collection, use or disclosure is necessary to lessen or prevent serious threat to life, health and safety to any individual, or to public health and safety.

10. INSURANCE



NECAGUARD

Guidance for NECA members on business insurance.

Email necaguard@neca.asn.au
Phone 1800 335 014

NECAGuard have put together a short summary of how various common insurance policies may respond to certain events for NECA members. As always, please refer to your own tailored policies as their cover and your situation may vary.

PUBLIC LIABILITY

Your Public Liability policy provides cover if you are legally liable for causing bodily injury to a third party or damage to a third party's property.

A possible claim scenario could be if you were accused of not following adequate protocol which resulted in the transmission of COVID-19 to one of your customers. The third party would need to prove that you were negligent, resulting in their loss.

In the absence of a blanket exclusion for pandemics such as COVID-19, we would expect a good public liability policy to provide a defence for claims of this nature.

PERSONAL ACCIDENT & SICKNESS

If you have selected cover for sickness under your personal accident policy, NECAGuard would expect this to cover claims for loss of income as a result of the covered person contracting COVID-19.

What would be unlikely to be covered is the loss of income from quarantine or isolation with no symptoms or a positive test. General loss of income due to the pandemic without sickness for the covered person would also not be covered.

Policies may have limitations

around pre-existing conditions or pandemics, consult the provider of your policy for details

WORKERS COMPENSATION, MANAGEMENT LIABILITY AND STATUTORY LIABILITY

Employers are required to provide and maintain a safe and risk-free working environment for your Employees, contractors and visitors. You are required to identify hazards and associated risks in the workplace, then do what is reasonably practicable to eliminate or control those risks. COVID-19 is one such potential hazard.

If you have an Employee who

Contracts COVID-19, it could potentially be compensable through Workers' Compensation, provided a link can be established between the infection and their employment. This link might be easier to identify in the very early stages of population infection where outbreaks are isolated and can be more confidently traced back to employment. However, the link to employment is expected to quickly weaken as COVID-19 infection becomes more widespread within the community and the source of infection cannot be confidently established.

PROPERTY INCLUDING BUSINESS INTERRUPTIONS

Business interruption insurance is available under a commercial property policy (sometimes also referred to as consequential loss as it is primarily designed to provide cover following damage to your property).

You may notice some policies have an extension covering infectious disease or closure by public authority. The intention of these extensions is to cover localised

events connected to the property such as legionnaires' disease. Cover under such an extension is intended to be limited in nature with insurers preserving their claims performance against large scale losses.

Whilst the wording under your own policy may vary, there are usually two incidents which both need to occur:

1. Origin of outbreak of disease is at your property; and
2. Closure is forced by government or relevant authority

In addition to this, following the outbreak of SARS in 2003/2004, the insurance industry added an additional exclusion to make it clear the intention of this extension was to not provide cover for pandemics.

TRAVEL

If you have a corporate travel policy and booked your travel before the outbreak of the disease, your policy should provide cover.

Some domestic travel policies have a general exclusion for pandemics which may not provide cover at all (regardless of when the travel was booked or policy was bound).

Additionally, some policies may not provide cover for cancellations following the bankruptcy of airlines or travel agencies.

Policies are unlikely to respond to claims if a booking was made after the outbreak was classified as a pandemic.

Willis Australia Limited ABN 90 000 321
237 | AFSL No. 240600 CKA Risk Solutions
Pty Ltd | ABN 33 109 033 123 | AFSL No.
276915

Disclaimer: While all reasonable skill and care has been taken in preparation of this document it should not be construed or relied upon as a substitute for specific legal advice from your legal adviser, or for specific advice on your insurance needs. No warranty or liability is accepted by Willis Australia Limited its shareholders, directors, Employees, other affiliated companies for any statement, error or omission. willistowerswatson.com.au

PRACTICAL STEPS AROUND INSURANCE

STEP ONE

Identify the impact on your business.

What loss has been suffered or liability may arise from claims against the business?

STEP TWO

Review insurance policies to confirm coverage and any policy condition.

If you are unsure then contact your broker for the policy and/or explain the coverage.

STEP THREE

If you have potential coverage, notify your insurer or broker that you will be making a claim.

Quantum of the claim can be confirmed at a later date.

STEP FOUR

Make notes with dates and details around what happened, what was done to minimise the impact of the loss and what you did to re-open the business. Highlight actions taken and hours spent.

Collate all costs as a consequence of the event and keep scanned copies of invoices.

11. ADVOCACY



FEDERAL ADVOCACY

NECA National has been engaging with the Federal Government to identify electrical contracting work as an 'Essential Services Industry'.

During times of crisis, the Government defines some industry's as 'Essential Services Industry's. This classification enables the industry to operate around any lockdowns/Government directions etc.

The rationale is obvious, without electricians and communications workers, the lights go out, communication channels and networks go down, and the economy switches off.

STATE BASED ADVOCACY

On Wednesday, 18 March 2020, NECA together with several construction industry representatives including the Master Builders Victoria, CMFEU, Civil Contractors Federations, Master Plumbers, ETU, AMWU, and the PPTEU met to put a case forward to the Premier's office for the need to protect the

building and construction industry as we deal with the impacts of COVID-19.

Amongst other topics, industry representatives pushed the importance for the Victorian Government to ensure there will be no mandating of site closures, instead focusing on solutions to keep workers safe whilst ensuring works continue. The conversation also touched on how to ensure a strong pipeline of work continues into the future.

The Victorian Government and Industry Representatives were committed to protecting community health whilst limiting the broader community impact of our industry being brought to a standstill – something which should give our Electrical Contractors some peace of mind as we all navigate these turbulent times.

A detailed copy of the joint recommendation paper can be viewed via the following link <https://bit.ly/395w8JW>.

12. RESOURCES

The following links will provide you with up-to-date information about the status of the COVID-19 in Australia and worldwide.

WORLD HEALTH ORGANISATION

Latest updates on the virus worldwide.

<https://bit.ly/2xOKdi4>

DEPARTMENT OF HEALTH WEBSITE

Latest information on the virus, including requirements and conditions for isolation and quarantine periods and when testing should be sought.

<https://bit.ly/2WuTvtS>

VICTORIAN GOVERNMENT HEALTH ALERTS

The Chief Health Officer publishes health alerts and advisories to the Victorian public and the health sector.

<https://bit.ly/3boDeLx>

CORONAVIRUS HEALTH INFORMATION LINE

Operates 24 hour a day, seven days a week
1800 020 080

SMART TRAVELLER

Updates on current travel advice in Australia and worldwide.

<https://bit.ly/2UkLipr>

WORKSAFE VICTORIA

Exposure to coronavirus in workplaces.

<https://bit.ly/3dgWlsA>

SAFE WORK AUSTRALIA

Guidance for Employers on Health & Safety Obligations in the workplace.

<https://bit.ly/2J3ltoC>

FAIR WORK OMBUDSMAN

Provide information on Employee entitlements during this time, including leave, payments and stand down and termination. This page also includes a list of frequently asked questions.

<https://bit.ly/2vBCPWL>

NECA VICTORIA

Guidance for NECA members on Workplace Relations, Health & Safety obligations in the workplace and more.

FAQ's <https://bit.ly/2vARDF3>

Email necavic@neca.asn.au

Phone 1300 300 031

“

It's important not to panic.

More information will soon be released by the Government around Employer obligations and long term planning. It is important to keep informed through our website and the above resources.

”

- NATALIE MILL, WORKPLACE RELATIONS ADVISOR

13. GLOSSARY

CORONAVIRUS

The word virus comes from a Latin word meaning venom and describes a tiny, tiny agent that causes infectious disease. Coronavirus is a family of viruses that got its name from its appearance.

The word corona means crown. The scientists who in 1968 came up with the term coronavirus thought that, under a microscope, the virus they were looking at resembled a solar corona: the bright crown-like ring of gasses surrounding the sun that is visible during a solar eclipse. (The beer brand Corona, incidentally, based its logo on the crown atop the Cathedral of Our Lady of Guadalupe in Puerto Vallarta.)

COVID-19

Short for “coronavirus disease 2019”, the name given by the World Health Organization (WHO), because the new strain which has triggered the current pandemic was first identified in late December in the central Chinese city of Wuhan.

EPIDEMIC/PANDEMIC

An epidemic is when there are outbreaks in several places. A pandemic is the next level when it affects an entire continent but often refers to when it becomes a worldwide issue which what the World Health Organisation declared on March 10.

SURGE CAPACITY

Medical surge capacity is the health care system’s ability to care for a huge increase in patients

FLATTENING THE CURVE

Uncontrolled, the number of COVID-19 cases will rise quickly and burden the health system. Slowing the spread means that spike will be flattened, like in a line graph, and help authorities manage the problem.

SOCIAL DISTANCING

Making a conscious effort to reduce close contact between people. Avoid hugs, kisses and handshakes. Advice is to keep about 1.5m apart

SELF-ISOLATION

When a person voluntarily confines themselves, for example, staying at home. Isolation is for separating those who are sick from healthy people.



QUARANTINE

Is used to restrict the movement and separate people who don’t feel sick but may have been exposed to coronavirus.

FOURTEEN-DAY

This term stems from the word quarantine, which originally referred to the 40-day isolation period for people suspected of having the plague. The COVID-19 incubation period — the time between infection and the appearance of symptoms — is estimated at between one and 14 days. Most governments around the world have imposed 14-day isolation periods for suspected cases.

COMMUNITY TRANSMISSION

Community transmission: When the virus is spreading from unknown sources, compared to identifiable person-to-person transmission.

SUPER SPREADER

This refers to a person who has infected a large number of other people. Unless protective measures such as isolation are taken, it is estimated that an infected person will transmit the illness to at least two or three other people.

WFH

Acronym for work from home.

ASYMPTOMATIC

A person who has contracted the coronavirus usually has a fever, dry cough and sometimes breathing difficulties. But some remain asymptomatic, meaning they have no symptoms. The risk of contracting COVID-19 from an asymptomatic person is low, because the illness is mainly spread via droplets which collect in the air when someone coughs or sneezes. But it remains possible to catch the disease from someone with a light cough and does not feel ill.

CLUSTER

In medical terms, 'cluster' means several people infected in a specific place. In the case of an epidemic, a cluster is a disease hotspot.

IMMUNOCOMPROMISED

Someone with a weakened immune system, making them more susceptible to contracting the virus. You can be immunocompromised by diseases like AIDS or taking some anti-cancer drugs, but you can also be immunocompromised by losing sleep, not drinking enough water and eating poorly.





XX. MENTAL HEALTH

The mental health of our members and their employees is a priority for us at NECA Victoria. During this uncertain time, it's important to look after each other.

Below are some ways to seek support for yourself or your mates.

PROTECT

Protect offers free counselling to Employers as well as to Employees who ceased employment within three months.

All members of Protect and their immediate family are eligible for free counselling services. Protect Counselling is an external service that ensures total privacy. It's separate from the employer, the union and the insurer.

Protect partners with the Employee Assistance Provider Hunterlink to provide a free professional confidential service Australia wide 24 hours a day, 7 days a week.

CALL THE DEDICATED COUNSELLING PHONE NUMBER
1300 725 881

BLACK DOG INSTITUTE

The Black Dog Institute has created an Online Clinic that takes individuals through a series of clinical assessments for common mental health concerns. After the online assessment you receive a free personalised report with suggested support services as well as free and low-cost resources for you to access and forward to your family of general practitioner.

Visit the Online Clinic <https://onlineclinic.blackdoginstitute.org.au/>

BEYOND BLUE

Beyond Blue offer a number of immediate support options to those who need it. There is a phone service, chat service and email service available. All manned by trained Mental Health Professionals.

Get immediate support <https://www.beyondblue.org.au/get-support/get-immediate-support>

Beyond Blue has published a dedicated 'Coping with the Coronavirus' thread in their online forum. A safe, understanding place to share how you are feeling about the virus outbreak and to offer support to others. The thread is available at bb.org.au/39L2pHu

For practical tips and advice about managing feelings of uncertainty, stress and anxiety associated with the coronavirus outbreak, and links to several reliable information sources, visit bb.org.au/33ekUla

If you are feeling distressed or overwhelmed call Beyond Blue 24/7 on 1300 22 46 36.

MENTAL HEALTH CARE PLAN

A Mental Health Care Plan is provided by a General Practitioner who will assess whether you have a disorder that would benefit from a mental health treatment plan.

A mental health care plan entitles an individual to Medicare rebates for up to 10 individual and 10 group appointments with some allied mental health services in a year.

More information can be found here <https://www.beyondblue.org.au/get-support/who-can-assist/getting-support-how-much-does-it-cost>

XX. TIPS FOR MANAGING THE ISOLATION BLUES

During times of crisis and times where we are isolated, our mental health needs to be at the top of its game.

Take this opportunity to slow down, be present and invest in your wellbeing (and embrace not being stuck in the morning traffic!).

Here are some tips to assist with isolation or “social distancing”:

WHEN WORKING FROM HOME

SET UP A STRUCTURE

Start your day as you normally would. Make the bed, have a shower, get dressed, have breakfast – whatever you would normally do. This will set you up for success when working from home.

TAKE YOUR BREAKS!

Make sure you are taking your lunch break as the brain needs moments to recharge.

CONNECT WITH YOUR COLLEAGUES

Stay connected! Chat via phone or online software.

OUTSIDE OF WORK HOURS

EMBRACE YOUR HOBBIES

Take the opportunity to dive into your hobbies with your whole heart and mind.

LEARN SOMETHING NEW

Learn a new skill, there is no time like the present to pick up that dusty guitar!

ESTABLISH SELF-CARE PRACTICES

Exercise, stretching, listen to music, reading, playing games.

EAT THE RAINBOW

Try and stay away from the fast foods and oven/microwave meals, add foods that promote a healthy immune system and aid mental clarity - fruits, veggies, whole grains, bit hearty meals that grandma would make!

SOAK UP THE SUN

Get outside and breathe some fresh air, get some sunshine on your face and look at the trees, birds etc.

CREATE JOY AND PLEASURE

Call a friend/family member, try some breathing exercises, play a game with the family or on your phone – shift your focus!

PRACTICE MINDFULNESS

Stay in the moment and let go of fear or worry about the future or what you feel you SHOULD be doing.



XX. WORKING FROM HOME

Members have requested an example of a “working from home procedure”.

A sample document can be downloaded here: [<insert link>](#)

This document would apply in normal circumstances. It can be adapted to accommodate the recent Government directive for non-essential businesses to work remotely, where possible.

In particular, members are directed to clauses and definitions on pages 6 - 9



neca

national
electrical and
communications
association