



COVID-19 (CORONAVIRUS)

GUIDELINES FOR THE BUILDING AND CONSTRUCTION

INDUSTRY VICTORIA AS AT 31 MARCH 2020

[NB. These guidelines are applicable as at 31 March 2020, noting that it is likely that further Government announcements regarding COVID-19 may result in changes. These guidelines will be updated as required. Victoria introduced restrictions on certain non-essential activities and venues across the state on 23 March 2020 (effective from midday on 23 March 2020), and a suite of restrictions on additional non-essential activities and venues on 25 March 2020 (effective from 12:00am on 26 March 2020). On 29 March 2020 the National Cabinet introduced a further limit to most indoor and outdoor non-essential gatherings to 2 people. For now, Building and Construction work not able to be done from home is deemed an essential gathering and the limitation to 2 people does not apply. Those restrictions do not prevent construction sites and activities from operating. Further advice is available at <https://www.dhhs.vic.gov.au/coronavirus>.]

1. Purpose

1.1. To provide guidelines for the Building and Construction industry in Victoria, providing direction to employers and workers, for the steps required to be taken to best provide a safe and healthy environment, and the actions available in the event of interruption to building and construction work, as a result of the COVID-19 pandemic.

1.2 These guidelines have been adopted and agreed between the unions and the Industry Associations involved in their development.

1.3 These Guidelines incorporate the “*Best practice for managing construction sites in the coronavirus environment*” issued by the Victorian State Government 29 March 2020.

1.4 The Guidelines are intended to have application across all sectors of the building and construction industry – the participants have endeavoured to take a whole of industry approach and the Guidelines should not be limited to any particular sector.

1.5 These Guidelines will be regularly updated to reflect changes resulting from Government announcements, directions of the Victorian Chief Health Officer and best practices.

2. Background

2.1 A working party of unions and Industry Associations directly involved in the Building and Construction Industry, with the support of the Victorian State Government, requested that the Victorian Building Industry Disputes Panel facilitate discussions with the participants, for the purposes of preparing a set of guidelines. This has been a collaborative effort on behalf of all participants.

2.2 There are huge efforts being made nationally and across Victoria regarding the containment of COVID-19. The industry participants have declared their commitment to responding in a way that supports this containment as well as minimising long and short-term economic and community implications for the industry, and in particular workforce management.

2.3 It is evident that the building and construction industry in Victoria is likely to be hit by a significant downturn, the potential for which cannot be underestimated.

2.4 It is noted that various stimulus packages, support measures and health directions have been and are being announced and implemented by both State and Commonwealth Governments. It is anticipated that these will continue to be made and these Guidelines may as a result need to change accordingly. In this event, steps will be taken to inform all stakeholders by the working party as soon as practicable. All employers and workers however are urged to ensure they keep themselves informed of the very latest developments. Refer references at end of this document.

2.5 The working party is committed to not only protecting community health but also limiting the massive community impacts if the industry is brought to a standstill.

2.6 The working party has collaborated to develop an industry response, which is proportionate and takes care of building and construction workers while doing everything it can to avoid going into lock down. Closing a site, or many sites, will cost many businesses more than some of them can bear. The flow on effects of insolvency will cause unprecedented economic hardship for business, workers and their families. It will also result in massive delays to project completion dates and have flow on effects to public and private developers, investors and clients. Recovering from this scenario is likely to be slow and difficult due to the economic dependencies and systemic impacts.

2.7 The working party considers that ongoing confidence and certainty in the building and construction industry is vital during these unprecedented times. It is essential that there is a focus on ensuring a pipeline of work is in place for the building and construction industry to ensure jobs are kept, as far as is reasonably practicable, businesses remain solvent and the workplace is safe. The option to work from home is not feasible for most building and construction roles. It is therefore essential that decisions made in relation to building and construction sites, are made in the context of a rigorous understanding of both the environment in which people work and the controls that are currently in place or being implemented.

2.8 The working party has agreed that no site or workforce should be shut down or workers sent home for COVID-19 related reasons, unless instructed by Victoria's Chief Health Officer or their Representative, or by WorkSafe or by agreement between the employer and the union. If a shutdown occurs, it is unclear how long the shut-down will last. In the event of such a decision, the following guidelines include measures and steps to assist the workers.

If the Victorian Government determines to suspend or shut down government funded construction projects on account of public health concerns relating to coronavirus, it will make reasonable attempts to give advance notice of those decisions to relevant employers and unions. No government site will be partially or fully closed on account of public health concerns relating to coronavirus without direction by or advice from the Victorian Chief Health Officer.

2.9 The following has been developed by the working party with guidance and assistance of the Victorian Building Industry Disputes Panel and includes measures that must be followed, together with guidelines for dealing with issues and the steps and options that can be taken as necessary related to COVID-19. These guidelines have also been informed by relevant Government authorities including WorkSafe and the Victorian Department of Health and Human Services (DHHS). These will guide employers and workers through the various workplace issues they may encounter arising from COVID-19.

2.10 Given this is an unprecedented situation, it is recommended that all participants, employers and workers and the unions keep themselves and each other well-informed and start planning for various contingencies. In all cases, it is better for employers, unions and workers to engage and agree a way forward together.

2.11 These guidelines are to be read to cover all personnel attending on a building site or project, whether management, staff, employees, contractors or service providers, as applicable.

3. Guidelines, Measures and Steps to be taken

3.1 What measures/reasonable steps can be put in place to assist in providing a safe and healthy environment at work?

3.1.1 Various control measures on site should be followed by employers and workers including:

3.1.2 Screening workers coming to site

To minimise the introduction of coronavirus to site the following measures are to be implemented:

- all workers, current and new-starts, must sign a declaration that they have not been overseas, or in contact with anyone who has coronavirus. Once such a declaration has been made by a worker the following requirement applies.

- screening all workers entering the site at the start of their shift by asking whether they have been overseas, in contact with anyone who has coronavirus, or have flu-like symptoms.

3.1.3 Self-isolation

All travellers returning from overseas to Victoria will be placed in enforced quarantine for a self-isolation period of 14-days. This new measure is operational from 11.59pm on Saturday 28 March. If a worker has recently returned from overseas on or after 16 March 2020 or had close contact with a confirmed case, they need to:

- self-isolate at home for a period of 14 days and follow the self-isolation guidelines
- not attend work
- contact their employer
- seek urgent medical attention if they have flu like symptoms
- not return to work until they have been cleared by a medical practitioner.

If they are experiencing flu like symptoms regardless if they have travelled overseas or had close contact with a confirmed case, they must:

- not attend work
- contact their employer for further advice and;
- not return to work until they have been cleared by a medical practitioner

Employers must implement clear processes to identify personnel that would have been in contact with someone if they tested positive for coronavirus. Consider and plan for business continuity should workers have to self-isolate.

Regardless of the above, workers are to minimise interaction with vulnerable people, including the elderly and those with compromised immune systems.

3.1.4 Physical distancing

Physical distancing of 1.5 metres between workers is to be implemented wherever possible. Where this is not possible, the length of time workers spend in close proximity is to be kept to a minimum. PPE equipment is encouraged, where available, for workers required to be in close proximity for prolonged periods of time. Where workers are required to work in close proximity or prolonged periods of time, a SWMS must be prepared and use of items such as PPE must be considered.

If space permits, spread out in site-offices to maintain 4m² per person. Introduce restrictions on the number of staff visiting site offices at any one time.

Reduce the number of staff on-site, through working remotely where possible.

Reduce instances of having to work in close proximity in site offices.

If space permits, spread out in site amenities to maintain 4m² per person, or have meal breaks outside, or alternate meal breaks.

Actively consider measures to reduce the number of workers on-site at any one time through staggering start times and/or reducing the number of trades working in one area at any one-time.

- Physical distancing practices should be required and implemented on all sites - on any particular site, working spaces must be clearly delineated, and communicated, in both time and space to particular trades and activities. Much of the space is usually large and in the open air until the final state of project construction. Particular emphasis must be given to the ability for workers to physically distance within these designated areas. Regard must be had to the maximum number of personnel allowed in an area or group consistent with the Government directives. If outdoor work, workers should keep 1.5m - 2.0m from other workers at all times. If indoor work, there should be no more than 1 worker per 4 sq m. A risk assessment should be undertaken to ensure work can be conducted safely. Arrangements should be made to enable safe mobility of workers throughout a site by effective planning and organisation of work.
- Employers should seek to manage the works so as to maximise exposure to fresh air and light. Physical distancing rules must be observed in hoists and lifts and measures such as ticketing procedures introduced to properly manage this.

General requirements for lifts and hoist (further guidance is in the process of being prepared by WorkSafe)

- Staggered start and finish times should be implemented to manage the number of people in the hoist/lift and limit the time spent in the hoist/lift.
- With the staggered start times workers should be made aware of when their allotted time is for the hoist/lift and they should only be waiting for the hoist/lift at that time, and not before.
- If a worker is waiting for the lift, where possible make sure you practice physical distancing (1.5 meters). When carrying personnel only, hoists/lifts should stop at designated floors only. The workers may need to walk up or down a floor or two, but the aim is to make sure the workers are spending the least amount of time as possible in the hoist.

Internal Lifts

- the numbers of workers should be limited.
- For standard size internal lifts there should be no more than 4 workers, including the driver.

External Hoists

- For external standard size man/material hoists (e.g. Alimak or Scando 20/32) there should be no more than 6 workers including the driver, i.e. one worker in each corner facing out and 2 others located appropriately in the middle of the lift.

- For larger external hoists additional numbers will be possible and this should be resolved with the employer and Health and Safety Representatives by applying the guidelines in a commonsense way. When in the hoist, workers should be spread out appropriately, having regard to the size of the area and to the time to be spent in the hoist/lift.
- Workers cannot stand face to face. It is recommended that no more than 10 minutes is spent in the hoist with the same people.
- Before workers get in the hoist, they must wash their hands with soap or use hand sanitiser. The hoist should be cleaned periodically throughout the day and at the end of each shift. The Hoist Driver should be provided with PPE: P2 face mask, gloves, glasses and hand sanitiser. To limit the amount of time the hoist driver is spending in the lift they should be rotated throughout the day with 2 hourly shifts.
- Gathering in queues or in groups, including at hoists and lifts, should be managed and workers must observe physical distancing practices.
- Employers should ensure a person on site is appointed as a “monitor” or similar role to ensure compliant physical distancing and hygiene is practiced across site by all personnel. Employers and Health and Safety Representatives are encouraged to work together to assist in this important requirement.
- Common areas on sites such as the amenities pose risks, and these are reduced by ensuring the following measures are adopted:

1. The time spent in those areas must be limited so as not to breach time constraints recommended by DHHS;

2. Staggering of meal breaks and separation of work groups to achieve maximum personal space and reduce the number of people accessing those areas at any one time consistent with the Government requirements (i.e. the total number of persons present in the indoor space at the same time must not exceed the number calculated by dividing the total area, measured in square metres, of the indoor space by 4);

3. Sanitisation must occur between occupation of amenities by different work group;

4. Spread out furniture to ensure physical distancing measures in common areas;

5. There must be an increased frequency of industrial grade cleaning/additional cleaning with specific emphasis on cleaning after each meal breaks in those areas - employers must follow the specific guidance of DHHS - refer <https://www.dhhs.vic.gov.au/business-sector-coronavirus-disease-covid-19>;

6. Workers electing to minimise amenity access;

7. Staggered working hours must be considered on sites with appropriate consultation (however, consideration must be given to Construction

Management Plans, and workers must be given adequate notice of a change in hours)

3.1.5 Behavioural Controls and Hygiene

Employers should display health information in prominent locations on the construction site such as tea rooms, site offices, toilets, foyers, lifts and site entrances.

- Every effort must be made by employers to upgrade personal hygiene and minimise person to person contact and all workers must co-operate in all necessary measures to achieve these objectives. These measures need to include:
 1. Promote regular hand washing with soap for at least 20 seconds. Employers must facilitate regular hand washing by providing ease of access/additional facilities where possible. Communicate to all staff where hand sanitisers are located and encourage their regular use.
 2. Promote good cough etiquette by covering your cough and sneeze, or cough into your elbow or shoulder.
 3. Don't touch your eyes, nose or mouth if you can help it.
 4. Additional cleaning/decontamination on-site. There must be an increased frequency of industrial grade cleaning/additional cleaning/decontamination on sites across all areas including particular emphasis on commonly touched/communal surfaces;
 5. Provide suitable personal and protective equipment, including gloves as necessary, where workers are in close proximity for work or site access purposes;
 6. Provide hand sanitiser and/or hand washing facilities with soap in all site entrances and exits hoists, amenities and areas/levels of the site;
 7. 5. Conduct regular, if necessary daily, toolbox meetings to provide up-to-date information.
- Toolbox talks should be utilised (with physical distancing in place) to highlight personal and site hygiene measures and ensure workers and contractors have access to, and adhere to, the physical distancing advice and directives of Government and these Guidelines.
- An established and effective employer and union communication and consultation structure needs to be in place.
- Site inductions need to be modified to both ascertain potential risks such as recent international travel and presence of fever or symptoms of acute respiratory tract infection (cough, sore throat, runny nose and shortness of breath), as well as educating new-starts in the environmental and behavioural controls of the site.

3.1.6 Maintaining shared spaces and touchpoints

Minimise the use of shared tools. Where used, tools are to be cleaned regularly.

Implement twice daily cleaning to 'Frequently Touched Surfaces' (door handles, stair handrails, light switches, lift buttons, table tops in between individual uses, fridges and microwave handles, tapware etc.). Advice on cleaning and disinfecting non-healthcare settings to reduce transmission can be found [here](#).

To reduce interaction between trades, allocate specific areas in the site amenities to each trade and request they eat at the same location daily.

Avoid meetings with others, adopt alternative measures such as merged phone calls, skype or video conferencing where established.

Maintain a clean site and provide rubbish bins for tissues and any used PPE. Empty bins regularly and remove off-site.

3.1.7 Inspections

Inspections of sites are likely to be conducted by WorkSafe and the Victorian Building Authority. Everyone should ensure all measures are in place to ensure compliance. Employers and Health and Safety Representatives are encouraged to work together to assist in this important objective.

3.1.8 Communication

Establish an employer and union communication structure.

Modify site inductions to identify potential risks, such as recent travel and health issues, and to educate new starters on the controls in place on the worksite.

Provide clarity to staff on leave arrangements for those that cannot work to encourage self-reporting and minimise the spread of risk.

Reinforce the Chief Health Officer's messaging on the severity of the pandemic and the importance of physical distancing at toolbox meetings.

Encourage workers to put forward practical ideas at toolbox meetings for changing work practices to avoid the spread of coronavirus.

3.1.9 Other measures

Other measures may include:

- using alternatives to face to face meetings where practicable;
- reducing the length and size of meetings, especially for critical employees, by requiring some or all to dial in;
- consider off-site fabrication;
- ensuring working from home arrangements are enabled where feasible;
- structuring management teams to ensure contingency in the event of team members needing to be isolated or quarantined at home;
- considering allowing vulnerable employees to work from home immediately where feasible or exploring other duty options; and cancelling or postponing non-essential events where larger numbers of workers congregate physically together in auditoriums or other venues for training, conferences and large-scale meetings.

3.1.10 Chief Health Officer

It is noted that the Chief Health Officer or their representative may inspect sites for compliance with hygiene standards and this is welcome.

3.1.11 Travel

Adequate arrangements are to be made by workers to ensure their travel to and from work is conducted safely in accordance with Government advice and that adequate sanitisation facilities are in place for workers upon attending the work site and when returning to the work site during work. Workers should ensure that for transport to and from work that they adhere to the physical distancing guidelines and if in vehicles, to ensure the driver is alone in the front of the vehicle and a single passenger is in the rear seat, similar to the rules for Taxis and Uber. For single cab vehicles (i.e. 2 seater), there should only be 1 passenger per vehicle. Work vehicles that are shared should be regularly cleaned to ensure adequate hygiene and protection.

3.2 What if a worker has been diagnosed with COVID-19?

3.2.1 If a worker becomes a confirmed case of COVID-19, the worker must not attend the workplace under any circumstances. This is part of the employer's and worker's obligation to ensure a safe workplace. Positive test results should also be immediately communicated by the worker to the employer. If the diagnosed worker is employed by a subcontractor working for the head/principal contractor, the worker's employer must immediately notify the head/principal contractor of the positive diagnosis.

3.2.2 Upon a confirmed diagnosis, DHHS is required to be immediately notified by the medical facility/provider and DHHS then conducts a process to inform a workplace, if the worker has been at a workplace within the requisite time frame, and provide instructions and guidance as to the steps the employer or head/principal contractor must follow.

3.2.3 The principal/head contractor must advise the unions and appropriate arrangements made to communicate with workers as to the required actions without delay. All workers on that site must be fully informed of what has occurred as soon as possible, ensuring appropriate privacy considerations are complied with. The DHHS requirements are likely to include a mapping exercise of who the affected worker has had close or casual contact with, and where the worker has been on the site. Following identification and contact with all potential identified persons, any instructions of DHHS must be adhered to (also see paragraphs 3.2.9, 3.4 & 3.5 of this document).

3.2.4 The worker must follow all medical advice provided by their health care practitioner and/or the relevant government agency. This will include a 14-day self-quarantine period and testing requirements. Following the DHHS determining release from isolation of the worker, the employer will facilitate an immediate return to work.

3.2.5 A worker who is diagnosed with COVID-19 will be able to use any entitlement they have to accrued paid personal/carer's leave. If the worker doesn't have sufficient accrual or an entitlement, the worker can access unpaid personal/carer's leave for the period they are unfit for work.

3.2.6 If the applicable Enterprise Agreement provides for Incolink or Protect entitlements, where a worker is experiencing hardship and they receive Incolink or Protect redundancy contributions, they may be able to access Incolink or Protect benefits. Incolink and Protect have announced additional measures to assist affected workers. If Incolink is applicable, the worker may be able to access entitlements from the Incolink Portable Sick Leave fund. Entitlements to Incolink's Portable Sick Leave Fund may be utilised if the worker has exhausted their paid personal/carer's leave with their employer. A worker may also be entitled to seek further assistance from the measures announced by the Commonwealth Government on 22 March 2020 - refer paragraph 3.16.

3.2.7 For workers who have been in the construction industry for seven years or more for whom CoINVEST entitlements apply, they are able to access their entitlements from CoINVEST via its online system. CoINVEST is presently considering measures to assist workers in hardship.

3.2.8 Employers and employees should also ensure that they take steps to prevent employees discriminating against others of a particular race/ethnic background and/or those who have contracted COVID-19. Employers should ensure managers and supervisors have been trained to identify and prevent this sort of discriminatory behaviour and that support is in place for workers who feel they are being discriminated against for these sorts of reasons. Employers should ensure policies regarding anti-discrimination and privacy are up to date.

3.2.9 Where there has been a worker on site who has tested positive to COVID-19, other personnel that may have had close contact with the confirmed case will be identified and notified by DHHS. The employer is required to accept any advice and direction of DHHS regarding any actions required to minimise the risk of transmission which may include the partial or complete closure of the site for decontamination and cleaning and the reopening of the site. Where decontamination has been required on a site, it shall be in accordance with the requirements of DHHS and suitable evidence of compliance shall be provided.

3.3 What if a worker is experiencing some of the COVID-19 symptoms but has not been diagnosed?

3.3.1 The symptoms of COVID-19 include shortness of breath, fever, sore throat and coughing.

3.3.2 If a worker is away from work and experiences any of these symptoms, they should call the COVID-19 hotline on 1800 675 398 and/or seek immediate medical assistance.

3.3.3 If a worker is at work or onsite and experiences any of these symptoms, the worker should immediately advise the employer, leave work and call the COVID-19 hotline on 1800 675 398 and/or seek immediate medical assistance. The worker should ensure, with the employer's assistance, that in travelling home or to medical attention from the site, that precautions are taken to avoid exposure to others, consistent with Government advice.

3.3.4 The employer cannot request or direct any worker in self-isolation, quarantine or with symptoms of COVID-19 to attend work.

3.3.5 A worker who has developed any of the symptoms can be considered unfit for work and may access paid personal/carer's leave where they have an entitlement. If the medical test comes back clear, and the worker has otherwise recovered from the symptoms enough to return to work, the worker can return, provided they are fit for work.

3.3.6 In the event testing for COVID-19 is unavailable and the worker continues to remain unwell, the worker can continue to use personal/carer's leave if they have an entitlement. If there is any doubt, a worker should self-isolate for a period of 14 days. If the worker does not have sufficient personal/carer's leave accrual, they can access unpaid personal leave or, alternatively, the employer and the worker can agree to the worker accessing any entitlement to annual leave, long service leave or accrued RDOs.

3.3.7 If the applicable Enterprise Agreement provides for Incolink or Protect entitlements, where a worker is experiencing hardship and they receive Incolink or Protect redundancy contributions, they may be able to access Incolink or Protect benefits. Incolink and Protect have announced additional measures to assist affected workers. If Incolink is applicable, the worker may be able to access entitlements from the Incolink Portable Sick Leave fund. Entitlements to Incolink's Portable Sick Leave Fund may be utilized if the worker has exhausted their paid personal/carer's leave with their employer. A worker may also be entitled to seek further assistance from the measures announced by the Commonwealth Government on 22 March 2020 – refer paragraph 3.16.

3.4 What if a worker has been identified as having had close contact with someone diagnosed with COVID-19?

3.4.1 A worker must self-quarantine at home if they have come in close contact with a person who has a confirmed case of COVID-19.

3.4.2 Close contact is defined as:

- Spending more than 15 minutes face to face with a person who is a confirmed case in the 24 hours before they showed symptoms until the case is no longer considered by DHHS to be infectious; or
- Sharing a closed space for more than two hours with a person who is a confirmed case in the 24 hours before they showed symptoms until the case is no longer considered by DHHS to be infectious.

3.4.3 If the worker is required to self-quarantine at home, but is otherwise well, the worker and employer may reach an agreement in relation to arrangements for the period of self-isolation including work from home, if this is feasible. Alternatively, the employer and the worker can agree for the worker to take accrued annual leave, long service leave, banked RDOs or unpaid leave subject to an entitlement. If symptoms develop, the worker can access personal/carer's leave.

3.4.4 Where a worker is experiencing hardship and they receive Incolink or Protect redundancy contributions, they may be able to access Incolink/Protect benefits. Incolink and Protect have announced additional measures to assist affected workers. For workers who have been in the construction industry for seven years or more for whom CoINVEST entitlements apply, they are able to access their entitlements from CoINVEST via its online system. CoINVEST is presently considering measures to assist workers in hardship. A worker may also be entitled to seek further assistance from the measures announced by the Commonwealth Government on 22March 2020 – refer paragraph 3.16.

3.5 What if a worker has been identified as being in casual contact with someone diagnosed with COVID-19?

3.5.1 A worker who has only been in casual contact with a confirmed case of COVID-19 must monitor themselves for symptoms for 14 days from the time after the casual contact. These people are not required to self-quarantine at home.

3.5.2 Casual contact is defined as:

- Spending fewer than 15 minutes face to face with a person who is a confirmed case in the 24 hours before they showed symptoms until the case is no longer considered by DHHS to be infectious; or
- Sharing a closed space for fewer than two hours with a person who is a confirmed case in the 24 hours before they showed symptoms until the case is no longer considered by DHHS to be infectious.

3.5.3 If the worker does not have any symptoms of COVID-19 (i.e. fever, shortness of breath, sore throat and coughing), the worker can continue to attend work.

3.5.4 In such cases, an employer and worker may agree to take some prudent steps. These may include allowing the worker to work from home where feasible or enabling the worker to take some form of leave (whether paid or unpaid).

3.5.5 A worker who shows symptoms of COVID-19 should immediately notify the employer, leave work and call the COVID-19 hotline on 1800 675 398 and/or seek immediate medical assistance. The worker should ensure, with the employer's assistance, that in travelling home or to medical attention from the site, that precautions are taken to avoid exposure to others, consistent with Government advice.

3.5.6 Workers should maintain regular communication with their employer/client in relation to their ability to work and to attend the workplace.

3.6 What if a worker has returned from overseas?

3.6.1 After midnight Sunday 15 March 2020, all people returning to Australia from travel overseas must self-quarantine for a period of 14 days.

3.6.2 The Victorian Premier has also announced that Victoria has been placed in a State of Emergency. This allows the Victorian Police to enforce self-quarantine measures and to impose penalties on individuals or bodies corporate that do not comply with requirements to self-quarantine. This will affect employees who are returning from overseas travel and workers who have either had close contact or been diagnosed themselves.

3.6.3 For a worker who is required to self-quarantine, an agreement can be reached with their employer in relation to entitlements during the self-quarantine period. Options can include taking additional annual leave days, drawing down accrued long-service leave, utilising banked RDO days, working from home if it is feasible or a period of unpaid leave by agreement of both parties, subject to entitlements available.

3.6.4 If the worker, while on the period of quarantine, becomes unwell and would be unfit to work, they can access their personal/carer's leave entitlement while unwell. In these circumstances an employer may require a worker to provide supporting medical evidence. The employer may request a medical clearance from the worker before their return to work onsite.

3.6.5 If the applicable Enterprise Agreement provides for Incolink or Protect entitlements, where a worker is experiencing hardship and they receive Incolink or Protect redundancy contributions, they may be able to access Incolink or Protect benefits. Incolink and Protect have announced additional measures to assist affected workers. If Incolink is applicable, the worker may be able to access entitlements from the Incolink Portable Sick Leave fund. Entitlements to Incolink's Portable Sick Leave Fund may be utilised if the worker has exhausted their paid personal/carer's leave with their employer. A worker may also be entitled to seek further assistance from the measures announced by the Commonwealth Government on 22 March 2020 - refer paragraph 3.16.

3.6.6 Employers must not and cannot require a worker to come into work if they are required to self-quarantine under this directive.

3.6.7 Workers should be encouraged not to undertake non-essential travel. Employers and workers should cancel non-essential activities including business travel, visits, social and sporting activities.

3.7 What if a worker is required to look after a dependant if their school or childcare has shut down?

3.7.1 As a result of COVID-19, there may be disruptions to schools and childcare services.

3.7.2 If a worker is at work and they are required to collect their child from school or childcare because the facility was closed due to COVID-19, the worker may utilise their entitlement to personal/carer's leave to collect their child. In this circumstance, it can be considered an unexpected emergency and the personal/carer's leave entitlement may be utilised to collect the child and provide immediate care.

3.7.3 If the school or childcare centre remains closed for days or weeks following the initial closure, the worker will not be able to use their personal/carer's leave. If your child is not sick, personal/carer's leave can only be utilised in situations where there is an unexpected emergency. Where a child (or other dependent) becomes unwell, personal/carer's leave can be accessed to care for that child.

3.7.4 Where a worker has children that need ongoing care due to a school or childcare closure, the worker may be entitled to carer's leave to assist in an emergency and/or they should seek to arrange alternative care. If a worker is unable to find suitable care, the worker and employer may come to an agreement to use any entitlement to annual leave, long-service leave, banked RDOs or go on a period of unpaid leave. Employers are encouraged to assist wherever possible to avoid placing further burdens on childcare providers or on elderly relatives who should be protected as far as possible.

3.7.5 Alternatively, an employer and worker may reach an agreement to reduce working hours and pay pro-rata for the period of reduced hours. Any such arrangement should be in writing and signed by both the employer and worker. This can only be done in strict accordance with any applicable Enterprise Agreement.

3.8 What if an employer/principal has been directed by the Government to temporarily close a building site or project?

3.8.1 We all must act in accordance with any lawful government directives and guidelines. This may include future mandatory local lock-downs, quarantines, exclusion areas or travel restrictions which stop work. Should there be a requirement to close a site for community health reasons, every endeavor should be made to ensure consultation with the relevant employers and unions, as far as practicable. This will enable sufficient planning and aims to minimise disruption as much as possible. No site will be partially or fully closed without direction or advice by the Victoria's Chief Health Officer or representative. DHHS may be required to close a site under the provisions of the Public Health and Wellbeing Act 2008 or other regulatory powers on public health grounds, which may not allow for consultation.

3.8.2 The stand-down provisions in the Fair Work Act provide that workers can be stood down without pay in certain limited circumstances. These include situations where a worker cannot usefully be employed because a stoppage of work for any cause for which the employer cannot reasonably be held responsible. **See further, question 3.10.**

3.8.3 Employers should be aware that a contract of employment or Enterprise Agreement may modify the ability to stand down employees under the Fair Work Act. Employers and workers should seek further advice from their union or industry association as applicable.

3.8.4 If the government requires that work on a particular site should stop, or operations must cease, or the employer or workers lose access to the site or premises because of a lock down, as an alternative to a stand down of workers, the employer must consider:

- whether workers can be reasonably redeployed elsewhere;
- whether any of the workers can work from home;
- whether any other arrangements can be made so that the work can continue;
- agree to allow employees to have limited access paid or extended unpaid leave, including accrued RDO's, in a measured and sensible way.

3.8.5 If there is no capacity to apply the measures set out in 3.8.4, and a closure of the site must proceed, it is extremely important to ensure that the consultation between the employer and the union includes the preparation of a clear and reasonable process for workers to obtain access to relevant entitlements. The financial circumstances of the worker and the longer term viability of the employer and sub-contractors needs to be considered by all affected. It will not serve the longer term interests of the worker or the employer if for example all accrued leave entitlements were drawn upon at once. In the first instance it may be feasible for the worker and employer to access the government assistance in accordance with paragraph 3.16. If it is possible to structure a phased approach to drawing on accrued entitlements this will provide the best opportunity for the future viability of the business and the future employment of the worker following the COVID-19 disruption.

3.8.6 Where a worker is experiencing hardship and they receive Incolink or Protect redundancy contributions, they may be able to access Incolink or Protect benefits. Incolink and Protect have announced additional measures to assist affected workers. For workers who have been in the construction industry for seven years or more for whom CoINVEST entitlements apply, they are able to access their entitlements from CoINVEST via its online system. CoINVEST is presently considering measures to assist workers in hardship. A worker may also be entitled to seek further assistance from the measures announced by the Commonwealth Government on 22 March 2020 - refer paragraph 3.16.

3.8.7 Any site partially or fully closed as directed/advised by the Victorian Chief Health Officer or their representative will be re-opened as soon as actions requested/required are completed and DHHS has advised the site can be reopened. Workers without symptoms and/or negative test results, will be advised by the employer to return to work.

3.8.8 If a closure of a site must proceed, upon its reopening, the employer will ensure that its previous workforce is returned to work on a fair and reasonable basis. Consultation between the employer and the union is required.

3.9 What if the employer wants to shut down the site?

3.9.1 It is understood that there is genuine concern for ensuring health and safety onsite. It is not in the interests of the employer or the workers to close a worksite unnecessarily and without direction from government authorities. If a concern exists, the employer should immediately engage with the relevant Government authorities and engage in consultation with the workers and their union, prior to a closure of the site.

If the employer decides to close a worksite without being asked to do so by DHHS or required through a regulatory order, the employer should direct its employees to work at another worksite if possible. If work is not available in another location, the employer may direct employees not to attend for work and send them home on full pay. Alternatively, an employer can endeavor to come to an agreement with workers and their union for an alternative measure. Any such agreement should be in writing.

3.10 In what circumstances may an employer stand down workers without pay?

3.10.1 Before any worker is stood down without pay, the employer needs to carefully consider the terms of any applicable Enterprise Agreement and/or the contract of employment.

3.10.2 The stand-down provisions in the Fair Work Act provide that workers to be stood down without pay in certain circumstances. A stand-down with no pay may be applied in a situation where a worker cannot usefully be employed for a reason that is outside the employer's control. This is a high bar and will not apply merely to a down-turn in work or economic conditions.

3.10.3 The ability to stand down a worker may be available in circumstances where the employer is directed by the government to cease its operations on-site, there are local travel restrictions or exclusions zones which result in a stoppage of work.

3.10.4 If a stand down of workers is being considered, employers must seek to reach agreement with workers to access a form of accrued paid leave (i.e. annual leave) for the period of the stand down or agree to go on unpaid leave. Where a worker is experiencing hardship and they receive Incolink or Protect redundancy contributions, they may be able to access Incolink or Protect benefits. Incolink and Protect have announced additional measures to assist affected workers. A worker may also be entitled to seek further assistance from the measures announced by the Commonwealth Government on 22 March 2020 - refer paragraph 3.16.

3.10.5 Employers should be aware that a contract of employment or Enterprise Agreement may modify the ability to stand down employees under the Fair Work Act. Any employer contemplating a stand-down should seek further advice from their relevant Industry Association.

3.11 What if a worker does not have COVID-19 but does not want to come to work?

3.11.1 Some employees may be particularly anxious in relation to COVID-19 for various reasons. For instance, a worker (or a member of their immediate family or household) may have a particular health condition that places them in a higher risk category in relation to COVID-19. As a result, such workers may not want to come into work, despite not having COVID-19.

3.11.2 In these circumstances, employers should consider whether they can accommodate a worker's request and either allow them to work from home or alternatively, to allow the worker to take annual leave, long service leave, banked RDOs or unpaid leave.

3.11.3 Employers that contribute to Incolink or Protect may be able to refer anxious and concerned employees to Incolink Wellbeing & Support Services or Protect Counselling services.

3.12 What to do if someone on site is unwell but says they don't have COVID-19?

3.12.1 If a worker is showing signs of an illness, they should not be at work.

3.13 What impact is COVID-19 going to have on casual employees?

3.13.1 If any workers are engaged on a casual basis, those employees are unlikely to be entitled to personal leave, annual leave or long-service leave in normal circumstances. COVID-19 is likely to have a major financial impact on casual employees if they are unable to work due to COVID-19 and do not have leave entitlements. A worker may also be entitled to seek further assistance from the measures announced by the Commonwealth Government on 22 March 2020 - refer paragraph 3.16.

3.14 What if an employer has a significant reduction in work, or unable to pay employees wages because of the downturn?

3.14.1 COVID-19 will have an impact on businesses as well as cash flow and the ability to pay workers' entitlements if sites close. Where the impact may lead to redundancy the following must occur:

- consider whether there are any options for redeployment within the business or associated entities; and
- make sure the employer complies with consultation obligations under any enterprise agreements or modern awards.
- redundancies should only occur as a last resort.
- If employers are considering making workers redundant, they should contact their relevant Industry Association before acting.

3.15 What if the parties cannot reach agreement in relation to any of the foregoing?

3.15.1 In the event that a matter concerning the application of these guidelines and measures cannot be resolved between the relevant parties, where an applicable Enterprise Agreement is in place, either party may refer the matter to the Victorian Building Industry Disputes Panel (VBIDP) for assistance and resolution. The VBIDP is an independent body and arbitrator that can provide further advice, arbitration and conciliation to the industry across a range of issues. This includes occupational health and safety, employment conditions such as hours of work, wages, allowances and leave entitlements. Visit VBIDP at <http://vbidb.org.au>.

3.16 Commonwealth Government Assistance

3.16.1 The Commonwealth Government has announced the following measures:

- expanding eligibility for income support payments and providing a new "coronavirus supplement" of \$550 per fortnight for the next six months, paid on top of the existing \$550 payment, for existing and new recipients of the JobSeeker payment, previously known as NewStart. Workers without work can apply online at <https://www.servicesaustralia.gov.au/individuals/services/centrelink/jobseeker-payment/how-claim>
- permitting individuals in "financial stress" due to the Coronavirus to access up to \$10,000 of their superannuation in 2019-20 and a further \$10,000 in 2020-21. Workers are advised to seek financial advice if considering access to Superannuation, noting the volatility in the financial market.
- A *Job Keeper* payment was announced on 30 March 2020 – a \$1500 subsidy will be provided to workers via their employer subject to the announced criteria.

3.16.2 Other forms of assistance are also available for small businesses.

3.17 Additional points in relation to COVID-19

3.17.1 We encourage all employers and workers to work together during this difficult time.

For further guidance, you can call the DHHS hotline on 1800 675 398.

You can access more information and resources on the DHHS website:
<https://www.dhhs.vic.gov.au/coronavirus>

Employers whose employees are feeling anxious and stressed and who contribute to Incolink or Protect may be able to refer their employees to the Incolink Wellbeing & Support Services or Protect Counselling services.

If any worker is experiencing difficulties getting food or necessities, they can call 1800 675 398 for support. It should be noted that privacy is important and no private individual information should be shared with other workers or third parties.

Where to go for coronavirus updates and further information:

- Vic Dept of Health and Human Services: [dhhs.vic.gov.au/coronavirus](https://www.dhhs.vic.gov.au/coronavirus)
- World Health Organisation: www.who.int
- Aus Dept of Health: [health.gov.au/news/health-alerts/novel-coronavirus-2019-ncov-health-alert](https://www.health.gov.au/news/health-alerts/novel-coronavirus-2019-ncov-health-alert)
- Victorian Government guidance re cleaning for the business sector: <https://www.dhhs.vic.gov.au/business-sector-coronavirus-disease-covid-19>
- WorkSafe Alert: Exposure to coronavirus in workplaces: <https://www.worksafe.vic.gov.au/safety-alerts/exposure-coronavirus-workplaces>
- Preparing for a pandemic: a guide for employers: <https://www.worksafe.vic.gov.au/resources/preparing-pandemic-guide-employers>
- Victorian Government Guidance regarding managing construction sites: <https://www.dhhs.vic.gov.au/managing-construction-sites-during-COVID-19-pandemic>
- Fairwork: <http://www.fairwork.gov.au/about-us/news-and-media-releases/website-news/coronavirus-and-australian-workplace-laws>

Incolink	1 Pelham Street Carlton VIC 3053 Phone: 03 9639 3000 Email: redund@incolink.org.au
Protect	Ground Floor, 200 Arden Street North Melbourne VIC 3051 Phone: 1300 344 249 Email: info@protect.net.au
CoINVEST	478 Albert Street East Melbourne VIC 3002 Phone: (03) 9664 7677 Email: info@coinvest.com.au
CBUS	Level 26, 2 Lonsdale Street Melbourne VIC 3000 Phone: 1300 361 784 Email: cbusenq@cbussuper.com.au

List of unions and Industry Associations

	<i>Australian Manufacturing Workers' Union (AMWU)</i>	251 Queensberry Street Carlton VIC 3053 Phone: (03) 9230 5700 Email: amwu@amwu.org.au
	<i>Air Conditioning & Mechanical Contractors' Association (AMCA)</i>	30 Cromwell Street Burwood VIC 3125 Phone: (03) 8831 2800 Email: shannon.thomas@amca.com.au
	<i>The Australian Workers' Union</i>	685 Spencer Street West Melbourne VIC 3003 Phone: (03) 8327 0827 Email: ben.davis@awu.net.au
	<i>Construction, Forestry, Maritime, Mining and Energy Union (CFMEU)</i>	540 Elizabeth Street Melbourne VIC 3000 Phone: (03) 9341 3444 Email: vicqueries@cfmeu.org
	<i>Civil Contractors Federation (CCF)</i>	9 Business Park Drive Notting Hill VIC 3168 Phone: (03) 9588 7600 Email: ccfvic@ccfvic.com.au
	<i>Electrical Trades Union (ETU)</i>	Level 1/200 Arden Street North Melbourne VIC 3051 Phone: (03) 8329 0000 Email: etu@etuvic.com.au
	<i>Master Builders Victoria (MBV)</i>	332 Albert Street East Melbourne VIC 3002 Phone: (03) 9411 4555 Email: ceo@mbav.com.au
	<i>Master Plumbers</i>	15/306-312 Albert Street Brunswick VIC 3056 Phone: (03) 9329 9622 Email: membership@plumber.com.au
	<i>National Fire Industry Association (NFIA)</i>	PO Box 403 Petrie QLD 4502 Phone: 07 3882 2273 Email: info@nfia.com.au
	<i>National Electrical and Communications Association (NECA)</i>	12/222 Kings Way South Melbourne VIC 3205 Ph: (03) 9645 5533 Email: necavic@neca.asn.au
	<i>Plumbing and Pipe Trades Employees Union (PPTAU)</i>	52 Victoria Street Carlton South VIC 3053 Phone: 03 9662 3388 Email: info@ppteu.asn.au
	<i>Property Council of Australia</i>	136 Exhibition Street Melbourne VIC 3000 Phone: (03) 9650 8300 Email: vic@propertycouncil.com.au
	<i>Urban Development Institute of Australia (UDIA)</i>	Victorian Office 4/437 St Kilda Road Melbourne VIC 3004 Phone: (03) 9832 9600 Email: info@udiavic.com.au