

COVID-19 Information for Employers



If my employee contracts COVID-19 at work will they have an entitlement to compensation?

Workers compensation claims relating to COVID-19 will be considered on individual merits.

As with all claims, the injury must be work-related to be compensable. As the virus can be contracted through community contact as well as workplace exposure, there needs to be a clear link between an employee's employment and contracting the virus for a claim to be accepted. This is similar to other conditions such as influenza, measles and gastroenteritis.

Where an employee's work places them at greater risk of contracting COVID-19, it might be more likely that the injury is work-related. Examples include where employment involves:

- travel to an area with a known viral outbreak
- activities that include interaction with people who have contracted the virus.

If a claim is lodged, employers should provide details of the worker's exposure to the virus and the link to employment. This will help Agents make timely liability decisions.

What if my employee sustains an injury working from home?

Any injury sustained whilst undertaking work duties away from usual work premises, such as working from home, is also considered as occurring in the course of employment and is covered by your policy. This includes injuries sustained during an authorised recess or break, but does not include after hours or when the person is not performing work duties.

Employers and workers should work together to set boundaries and expectations about hours of work and timing of breaks. This helps determine whether any injury or illness sustained while working remotely is work-related.

When employees are working from home their routines and patterns of work can be quite different to when in the office. Employers need to ensure that appropriate supports are in place to prevent workers sustaining injuries, where they have been asked to work remotely or from home.

Do employer's RTW obligations still exist given the current COVID-19 pandemic?

Yes, an employer's RTW obligations (those within sections 103-109 of the Workplace Injury Rehabilitation and Compensation Act 2013 (WIRC Act) remain in place. However, these obligations are "to the extent reasonable" and each individual claim would need to be reviewed to determine what is required in that particular situation.

Does WorkSafe expect employers to offer home-based duties to an injured worker?

As the RTW obligations are "to the extent reasonable", each case would need to be reviewed to determine what is reasonable in that specific circumstance. However, employers need to ensure they are not discriminating against an injured worker and are offering them the same options as any of their other staff members. If an injured worker requests to work from home due to concerns relating to COVID-19 when other staff members are not, the employer must consult with the worker and take their views into account (as is required in section 105 of the WIRC Act). This request may be reasonable and able to be accommodated in some cases and not in others.

Does an employer need to identify suitable duties if they are unsure if the business will keep operating?

An employer would need to ensure they continue to complete RTW planning until such time as the business ceases to operate. This would include consulting with the injured worker and providing them with clear, current and accurate details of their RTW arrangements. In some cases, WorkSafe may request additional evidence from the employer to confirm the cessation of the business.

How can an employer supervise and monitor an injured worker if they are working from home?

In the same way an employer is supervising their other staff working from home. This could include increasing consultation with the worker or arranging regular meetings to monitor their progress.

Does an employer need to continue to plan a worker's RTW if the injured worker is now required to self-isolate?

Yes, an employer must continue to complete RTW planning, to the extent that it is reasonable to do so. An employer must continue to consult with the worker and assess and propose (where possible) options of suitable employment to be completed from the worker's home. If however, the worker is unwell due to contracting COVID-19 they must consult with their employer in relation to utilising their existing sick leave (unless they have an accepted WorkCover for COVID-19).

Will RTW inspectors continue to enforce obligations?

Yes, WorkSafe's RTW inspectors will continue to engage with employers and use all available compliance tools to ensure employers continue to comply with their RTW obligations.

What support can I provide to my employees working from home?

Support may include providing instruction on working remotely, such as setting up ergonomic home workstations to prevent neck, back and other common injuries.

An example of instructions to workers is attached.

Normal modes of communication and team dynamics may also be different and for some this can increase uncertainty and anxiety. Employees should be supported in this regard. Clarifying goals and roles of team members is important to keep the team focused. Continue to schedule regular meeting time with your team to come together virtually. Set aside time on the agenda for personal updates to preserve a sense of camaraderie. Encourage each other to call as needed rather than wait for scheduled meetings.

Employers should direct employees to any Employee Assistance Program they may have.

Contacts and links

- The Department of Health and Human Services has established a hotline where any member of the public can call to seek information on COVID-19 on **1800 675 398**.
- **Victoria's 'Nurse on Call' 1300 60 60 24**

Staying safe when working from home or other secure location

Information for workers

Physical workstation:

- A suitable & comfortable space to work (office/desk/table)
- An area free of hazards including electrical cabling/not overloaded power outlets
- A chair that provides appropriate support, consider a lumbar support
- A table at the appropriate height

Breaks:

- Make sure you take dedicated and clear breaks from work. Continuing routines around start, finish and break times is important.
- Stretch during the period you are working. As a guide, change position every 30 minutes. Everyone is different so listen to your body and move frequently.
- Advise and report any OHS issues, hazards or incidents to your manager or supervisor.

Hygiene:

- Regularly clean your hands with soap and water (minimum 20 seconds) or alcohol-based hand rub. If your hands are visibly dirty wash them with soap and water.
- Always wash your hands with soap and water before eating or visiting the toilet.
- Cover your nose and mouth when coughing and sneezing dispose of tissues immediately.
- Avoid close contact with anyone with cold or flu-like symptoms.
- Ensure work surfaces and restroom facilities are regularly cleaned.

Keeping connected:

- Connecting with friends and colleagues via phone, Skype, or FaceTime is important to prevent feelings of isolation.
- Not all communication needs to be email. Making time for personal interaction is more important than ever.

Setting expectations:

- Try your best to set expectations with other family members around work requirements to reduce interruptions when working from home.