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industrial relations : human resources : employment matters : training

CIRCULAR: GEN/109/NAT/109/20
DATE: 6 August 2020
SUBJECT: Stage 4 (Metro) and Stage 3 (Regional) Business Restrictions - **Victoria only**
ATTENTION: Chief Executive Officer

The full Stage 4 (Metro) and Stage 3 (Regional) business restrictions are now in force.

Overnight the Victorian Public Health Commander issued updated Directions, which apply from 11:59pm on 5 August until 11.59pm on 16 August. Links to the Directions are at the end of this Circular.

1. For businesses in Metropolitan Melbourne (Stage 4):

- The Restricted Area is the aggregate area consisting of the municipal districts, suburbs, localities and addresses within greater Melbourne.
- The default under Stage 4 is that workplaces are closed unless they are part of a permitted industry.

Permitted Work Premises have been updated (www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19) and may operate for the following reasons:

- Essential maintenance.
- Permitting employees to work from home.
- As required or authorised by law.
- In an emergency.

If work premises are used for a number of functions, the permitted functions may continue, e.g. cafes, restaurants, pubs, taverns and bars are limited to operating take away and food delivery services.

Importantly, and to avoid doubt, DHHS have stated:

The following are Permitted Work Premises in the following circumstances:

- *Ancillary and support businesses are able to open on-site to ensure the necessary production, supply, manufacture, repair, maintenance, cleaning, security, wholesale, distribution, transportation or sale of equipment, goods or services required for the operations of a Permitted Work Premises, or for Closed Work Premises where there are safety or environmental obligations. The business cannot operate on-site for any other purpose.*
- *Services and ancillary services that relate to the COVID-19 health response are Permitted Work Premises.*
- *Services connected with animal health, husbandry or welfare, including the RSPCA, are Permitted Work Premises.*
- *Union/peak body/employer organisation officials attending a worksite as permitted by law or for Occupational Health and Safety advice is permitted.*

Closed Work Premises (i.e. non-Permitted Work Premises) may operate for the following reasons:

- Essential maintenance.
- To ensure that the premises is closed safely for the restricted activity period.

- Permitting employees to work from home to operate the premises.
- As required or authorised by law.
- In an emergency

The Permitted Worker Permit Scheme

Employers are responsible for issuing Permitted Worker Permits in the approved form [Permitted worker permit \(Word\)](#).

All employees:

- whose organisation is on the list of permitted activities,
- who work in an approved category for on-site work, and
- who cannot work from home

must carry a worker permit (hard or electronic copy) and photo identification when travelling to and from the workplace.

Exceptions apply:

- if an employee is at risk at home, such as at risk of family violence
- for law enforcement, emergency services workers or healthcare workers who carry employer-issued photographic identification, which clearly identifies the employer.

A person who has been **diagnosed** with COVID-19 or a **close contact** is not permitted to:

- hold a Permitted Worker Permit; or
- otherwise attend a Work Premises.

If someone is notified that they are a diagnosed person or a close contact:

- they must immediately notify their employer; and
- they must not attend or remain at the Work Premises; and
- any Permitted Work Permit is automatically revoked upon such notification.

2. For Regional Victoria (Stage 3):

- Regional Victoria includes all areas outside Metropolitan Melbourne – including Mitchell Shire.

Food and drink businesses

- Restaurants, cafes, RSLs, bowls clubs and other multi-purpose venues can provide takeaway or delivery services but not offer sit-down meals or drinks.
- Workplace canteens and cafes can open for staff – and rules apply for physical distancing.
- Hospital cafeterias may not serve members of the public.

Pubs, bars, nightclubs and hotels

- Pubs, bars, nightclubs and hotels are closed and may only operate:
 - Bottle shops.
 - Takeaway or home delivery of food and drink.
 - Accommodation.

Full closures apply to

- Beauty and personal services.
- Entertainment and cultural venues.
- Community sport.

3. For all workplaces

The new **Workplace Directions** apply to every Victorian workplace that is still operating.

All employers must have in place the following preventative measures:

(a) Face coverings

Employers must take reasonable steps to ensure a worker wears a face covering at all times (with limited exceptions for health and safety and particular circumstances).

(b) COVID Safe Plan

Employers must have a COVID Safe Plan by 7 August.

For guidance, refer to <https://www.business.vic.gov.au/disputes-disasters-and-succession-planning/covid-safe-business/creating-a-covid-safe-workplace>

A COVID Safe Plan must include:

- the employer's actions to help prevent the introduction of coronavirus in the workplace;
- the level of face-covering or personal protective equipment (PPE) required for the particular workforce; and
- how the employer will prepare for, and respond to, a suspected or confirmed case of coronavirus in the workplace.

The plan must demonstrate how the employer will meet all of the requirements set out by the Victorian Government. Higher-risk industries or workplaces, such as aged care, have additional and enhanced requirements.

(c) Record keeping

Employers must collect records of all workers, subcontractors, customers and clients attending the work premises for 15 minutes or longer (certain exemptions will apply).

(d) Density quotient

Employers must safeguard one worker per four square metres of enclosed workspace or in shared areas.

(e) Signage requirement

Where a work premises has a publicly accessible space, an employer must display a sign at each public entry that includes a statement specifying the maximum number of members of the public that may be present in the space at a single time, being the number permitted by the density quotient, rounded down to the nearest whole number.

(f) Cleaning requirement

Regularly cleaning is required of facilities and shared spaces and employers must provide additional cleaning supplies.

(g) Reducing work across multiple sites

Unless an exemption applies, employers must ensure that workers do not work across multiple sites, or for multiple employers.

In terms of **responding to suspected and confirmed cases** of coronavirus, employers must:

- ensure that workers are in good health;
- not require workers with symptoms to attend work;
- if a worker is unwell, send them home and direct them to be tested;
- require an unwell worker to stay home until they have their result;
- report any positive cases of coronavirus (COVID-19) to DHHS, Worksafe, Health and Safety Representatives, and notify the workforce; and
- undertake risk assessments for cleaning and the potential closure of your workplace in certain situations.

Full list of current Directions

As of the publication of this Circular, the complete current Directions from the Public Health Commander in accordance with emergency powers arising from the declared state of emergency are:

Stay at Home (Restricted Areas)

- [Stay at Home Directions \(Restricted Areas\) \(No 8\) \(PDF\)](#)
- [Stay at Home Directions \(Restricted Areas\) \(No 8\) \(Word\)](#)

Stay at Home Directions (Non-Melbourne)

- [Stay at Home Directions \(Non-Melbourne\) \(PDF\)](#)
- [Stay at Home Directions \(Non-Melbourne\) \(Word\)](#)

Restricted Activity (Restricted Areas)

- [Restricted Activity Directions \(Restricted Areas\) \(No 6\) \(PDF\)](#)
- [Restricted Activity Directions \(Restricted Areas\) \(No 6\) \(Word\)](#)

Restricted Activity Directions (Non-Melbourne)

- [Restricted Activity Directions \(Non-Melbourne\) \(PDF\)](#)
- [Restricted Activity Directions \(Non-Melbourne\) \(Word\)](#)

Restricted activities

- [Directions - Restricted activity \(No 16\) \(PDF\)](#)
- [Directions - Restricted activity \(No 16\) \(Word\)](#)

Permitted Worker Permit Scheme Directions

- [Permitted Worker Permit Scheme Directions \(PDF\)](#)
- [Permitted Worker Permit Scheme Directions \(Word\)](#)

Workplace Directions

- [Workplace Directions \(PDF\)](#)
- [Workplace Directions \(Word\)](#)

If you have any questions or if you require further information, please contact the SIAG National Advisory Service on 03 9644 1400 or 1300 (SIAG HR) / 1300 742 447. The Information provided in this email is generic advice. For advice in respect of your specific situation please contact us.



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