

Date:

Time:

To:

From:

Members of the abovementioned union request an immediate response from the management representative named above on all the necessary measures you are taking to protect the health of everyone in relation to the COVID-19 pandemic.

**COVID-19 is a risk to health and safety. Employers have a duty to ensure the health and safety of employees and others so far as is reasonably practicable.**<sup>1</sup> Employers must implement the **most effective** controls to minimise the risks to health and safety.

The **most effective control** of a viral pandemic is to implement social distancing. This means that where practical workers **should be supported to work from home**.

Where work from home is not practical the next most effective control is to support workers who are unwell and suspect they may be affected by COVID-19, to self-isolate. Management **must** support these workers with **paid special leave** to ensure **no financial disadvantage**. Failure to provide such leave will increase the likelihood that workers, in particular casual and insecure workers, will attend work when infected with COVID-19. This will **increase** the risks to other employees in the workplace and rapidly accelerate the spread of COVID-19.

The provision of hygiene facilities such as soap, water and hand sanitizers, along with other workplace measures is also required. This should **not be the only measure** implemented in workplaces. **Paid special leave** is a necessary control to prevent the exposure of workers and for employers to meet their duty of care.

We ask that you confirm in writing that:

1. Where possible work from home arrangements will be facilitated;
2. Where work from home is not possible that **paid special leave** will be provided for any worker (permanent, casual or contractor) in the event they suspect infection with COVID-19;
3. Provide appropriate hygiene facilities and procedures will be provided; and
4. You consult workers and HSRs regarding these risks and the controls in place.

**In the circumstances that you have not made a response in the next 48 hours we will be forced to explore all rights provided to working people under relevant State or Territory Work, Health and Safety Laws.**<sup>2</sup>

We further advise that under relevant State or Territory Work, Health and Safety Laws you are required to consult with workers regarding risks to health and safety and the appropriate controls, including the review of controls, to manage these risks.<sup>3</sup>

From: *Insert Delegates or HSR names or better still have the letter signed by all members.*

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<sup>1</sup> See Model WHS Act 2011, s19, Victorian OHS Act 2004, s21, WA OSH Act 1984, s19

<sup>2</sup> See Model WHS Act 2011, s90 and s84, Victorian OHS Act 2004, s60 and s74, WA OSH Act 1984, s51

<sup>3</sup> See Model WHS Act 2011, s44, Victorian OHS Act 2004, s35, WA OSH Act 1984, s35

**Note: A copy of the letter should be retained for record by members issuing this letter.**