

Fact Sheet

Occupational Health and Safety (COVID-19 Incident Notification) Regulations

August 2020

What has changed?

- From 28 July 2020, employers and self-employed persons must notify WorkSafe immediately after becoming aware that an employee has received a confirmed and a probable coronavirus (COVID-19) diagnosis.
- Failure to report an incident to WorkSafe is an offence and may result in prosecution.
- Timely notification of potential workplace transmission of COVID-19 is critical for efficient and effective management of related health and safety risks, and the prompt investigation of potential breaches of employer duties.

When do the changes commence?

- The OHS COVID-19 Regulations commenced on Tuesday 28 July 2020.

Are the changes temporary?

- The OHS COVID-19 Regulations are temporary in nature and will expire 12 months after their commencement.
- WorkSafe will review the OHS COVID-19 Regulations during the 12-month period of operation.

When do I need to notify WorkSafe?

- Employers and self-employed persons, with management or control of a workplace must notify WorkSafe immediately after becoming aware:
 - that an employee or independent contractor engaged by the employer, and any employees of the independent contractor, has received a confirmed diagnosis of COVID-19, and has attended the workplace within the infectious period (being 14 days prior to receiving the confirmed diagnosis of COVID-19 and until clearance from isolation has been received); or
 - a self-employed person has received a confirmed diagnosis of COVID-19 and has attended the workplace within the infectious period (being 14 days prior to receiving the confirmed diagnosis of COVID-19 and until clearance from isolation has been received).
- An employer will be considered to be 'aware' of the incident, when they have been notified of the positive diagnosis by either the employee, independent contractor, employee of the independent contractor, or by the Department of Health and Human Services (DHHS).
- Notification is not required when a person's workplace is their home, and that person has not attended any other workplace over which their employer has management or control of, within the relevant infection period (being 14 days prior to receiving the confirmed diagnosis of COVID-19 and until clearance from isolation has been received).

How do I notify WorkSafe?

1. A COVID-19 notifiable incident in the workplace requires immediate notification to WorkSafe on 13 23 60.
2. WorkSafe will lodge details of the incident and email you a link to an online incident notification form.
3. Written notification is then required within 48 hours on the approved form.

4. Once you have completed and submitted the online incident notification form, you will receive a confirmation email with a copy of your records.

How do I know whether I need to report?

- You must report any incident outlined in the OHS COVID-19 Regulations.
- A 'workplace' means a place, whether or not in a building or structure, where employees or self-employed persons work.
- Therefore, if you are working it is considered to be a workplace however if you are unsure please contact WorkSafe on 13 23 60.

What happens if I don't comply?

- Failure to comply with the incident notification requirements can lead to fines (for each offence) of up to:
 - \$39,652.80 for individuals*; or
 - \$198,264.00 for companies*.
- *Subject to variation depending on the value of a penalty unit.

Do I have a duty to preserve the incident site?

- There is a requirement to preserve the site of a notifiable incident; however, you are not required to do so if there is a need to:
 - protect the health and safety of a person
 - aid an injured person involved in the incident or;
 - take essential action to make the site safe or to prevent further occurrence of an incident.
- If a person with a confirmed diagnosis of COVID-19 has attended the workplace during the infectious period, it is essential that the site is cleaned and disinfected, in order to prevent further transmission of the virus. Therefore, the requirement to preserve the incident site does not apply after a confirmed diagnosis of COVID-19.
- Employers should follow any advice or direction provided by DHHS when a confirmed case of COVID-19 has been identified.

What happens if I didn't know a staff member tested positive for COVID-19?

- You are required to notify WorkSafe as soon as you become aware an employee, contractor, or employee of a contractor has a confirmed case or a probable case of COVID-19.

Where can I find out more about this change?

- WorkSafe
www.worksafe.vic.gov.au
13 23 60
- Department of Human Health Services
<https://www.dhhs.vic.gov.au/preventing-infection-workplace-covid-19#what-toexpect-if-a-case-of-coronavirus-covid-19-is-confirmed-at-your-workplace>
1800 675 398
- Cleaning Standards
<https://www.dhhs.vic.gov.au/preventing-infection-workplace-covid-19#cleaning-anddisinfecting-for-business-and-constructions-sites>