

ACTPS Managing workers who test positive for COVID-19 and household contacts policy

PURPOSE

1. The purpose of this policy is to ensure the ACT Public Sector (ACTPS) meets its work health and safety (WHS) obligations to eliminate, or minimise so far as reasonably practicable, the risk of exposure to or transmission of COVID-19 in the workplace by supporting staff who test positive to COVID-19 to not attend the workplace during the period after testing when they are most likely to be infectious.

APPLICATION

2. This policy is issued by the Head of Service under the *Public Sector Management Act 1994* (PSM Act) and applies to all employees and officers engaged under that Act (referred to throughout as the ACTPS).

BACKGROUND

3. This policy needs to be considered in conjunction with other relevant legislation including the *Work Health and Safety Act 2011* (WHS Act). The WHS Act establishes work health and safety (WHS) duties and obligations that require risks arising from work or through the course of work, to be eliminated or minimised so far as reasonably practicable.
4. COVID-19 is an infectious disease that can be spread by aerosol and surface transmission.
5. On the 30th September 2022, the public health emergency declaration in the ACT was revoked and replaced by a [COVID-19 Management Declaration Framework](#). This change reflects the territories approach to transitioning to living with COVID-19.
6. In accordance with the National Cabinet announcement on 30 September 2022, ACT Health has removed the requirement to isolate or quarantine following a positive case of, or exposure to, COVID-19, from the public health directions as of the 14th of October 2022.
7. The legal requirement for the ACTPS to provide a safe workplace for all workers under the WHS Act has not changed regardless of any change to public health directions.
8. There is a greater onus on workplaces to solely manage the foreseeable risk of COVID-19 transmission in the workplace in the absence of public health directions that mandate specific actions by people who test positive to COVID-19.
9. All workers have a responsibility under the WHS Act to take reasonable care for their own safety and that of others in the workplace. Not attending the workplace when unwell with a known transmissible disease is an action workers must take to meet that responsibility.

10. Due to continuing community transmission in the ACT, albeit low, it is prudent for the ACTPS to have an explicit direction for the management of workers who test positive to COVID-19 whilst the public health changes are being implemented.
11. The key tenets of reducing the spread of COVID-19 include:
 - testing for COVID-19 when experiencing symptoms
 - reducing movement in the community, including the workplace, while awaiting a test result; and
 - reducing movement in the community, including not attending the workplace for five calendar days following a positive test result and symptoms have fully resolved, and the person is feeling well.
12. Some workplaces may have additional WHS settings in place to manage the risks in their workplace.

PRINCIPLES

13. To reduce the risk of exposure to or transmission of COVID-19 in the workplace, workers who test positive to COVID-19 must not attend the workplace for five calendar days following their positive test, including:
 - workers who are waiting on the outcome of a COVID-19 test result must not attend the workplace.
 - workers who test positive to COVID-19 must not attend the workplace for at least five calendar days following the return of a positive test, with the day of testing being day 0.
 - workers must not return to the workplace after five calendar days from their positive test result unless their symptoms have fully resolved, and they feel well.
 - workers who test positive to COVID-19 and are not well enough to work from home can access COVID leave.
 - workers who test positive to COVID-19 and are feeling well, and it is reasonably practicable to do so, must be supported to work from home for a period of five calendar days after testing positive.
 - workers who test positive to COVID-19 and who feel well to work but are unable, or it is not reasonably practicable, to work from home, must be provided with COVID leave for five calendar days after testing positive.
14. Workers who test positive to COVID-19 and who have been in the workplace while infectious, must advise their employer they have tested positive and the dates of potential workplace exposure.
15. The workplace must support workers to not attend the workplace, including facilitating working from home arrangements where reasonably practicable to do so and access to COVID leave if required.
16. Household contacts must work from home if they can for a period of seven calendar days since being notified of being a household contact of a positive case, and if unable to work from home safely, attend the workplace with additional risk mitigations, informed by the workplace risk assessment, for a period of seven calendar days.
17. Directorates and agencies must ensure that clear instructions are provided to workers to not attend

the workplace when they feel unwell as a key control to continue to reduce the risk of transmission in the absence of mandatory isolation.

RESPONSIBILITIES

18. In addition to general responsibilities under the WHS Act and *Work Health and Safety Regulations 2011*, the following responsibilities apply under this policy.

A. DIRECTORS-GENERAL, DEPUTY DIRECTORS-GENERAL OR EQUIVALENTS AND AGENCY HEADS

- ensure resources are allocated for supporting workers who test positive to COVID-19, feel unwell, have symptoms, or are household contacts, to not attend the workplace
- ensure all workers are aware of their obligation to exclude themselves from the workplace when they feel unwell or have tested positive to COVID-19; this includes volunteers, contractors and others defined as workers under the WHS Act
- ensure procedures to support the policy are developed and implemented
- ensure systems to respond to positive cases of COVID-19 continue to operate, including business continuity risks and WHS risks; and
- ensure assurance activities are in place to:
 - review incident information and rates of COVID-19 leave and take appropriate action;
 - verify that the reporting of WHS incidents associated with COVID-19 in the workplace are compliant with the WHS Act, this policy and directorate/agency procedures; and
 - check the quality and accuracy of the information and data gathered to support accurate and regular review and monitoring of rates of COVID-19 in workers.

B. EXECUTIVE STAFF AND MANAGERS

- ensuring workers are aware of what they need to do if they feel unwell or have symptoms of COVID-19, are a household contact or test positive to COVID-19
- reviewing incident and COVID-19 leave information; and
- ensuring all WHS incidents associated with COVID-19 in the workplace are reported as per legislation and documented procedures.

C. EMPLOYEE

- follow normal arrangements to promptly advise their manager if they feel unwell and will be absent from the workplace
- advise their manager / supervisor and complete a Work Incident Report if they test positive to COVID-19 and have been in the workplace while infectious; and
- follow any reasonable advice or instruction provided in response to not attending the workplace when they feel unwell, working from home (where safe to do so) and other COVID-19 risk mitigations in the workplace.

LEGISLATIVE REFERENCES

This policy is to be delivered in accordance with:

- *Public Sector Management Act 1994* (ACT)
- *Public Sector Management Standards 2016* (ACT)
- *Safety, Rehabilitation and Compensation Act 1988* (Cwlth)
- *Work Health and Safety Act 2011* (ACT)
- *Privacy Act 1988* (Cwlth); and
- *Information Privacy Act 2014* (ACT).

REVIEW

The policy will be reviewed in December 2022 unless earlier review is required.

APPROVAL AUTHORITY

This policy is approved by Head of Service

DATE. 14 October 2022

Issue Date: 14 October 2022

Review Date: December 2022