

Critical COVID-19 Response Information for New South Wales Employers

Current as at Thursday 5 November 2020

The following information is intended to assist businesses to navigate the unprecedented changes arising out of enhanced responses to the COVID-19 pandemic. Information about Government Response measures were current at the time of publication however, given the rapidly evolving situation, businesses should monitor reliable Government sources for updated information.

What is the current NSW Response?

Any person who is the occupier of a premises must ensure there is no more than one person per 4 sqm on the premises. This does not apply to:

- A place of residence
- Hospitality venues
- A major recreation facility;
- A vessel used for commercial purposes, but only if there are 50 or fewer people on the vessel
- Caravan parks and camping grounds
- Holiday homes and short-term rentals
- A gathering at a place of worship

Hospitality Venues

- For a hospitality venue with electronic entry recording, the maximum number of persons is capped at one person per 4 sqm (indoor) or 2 sqm (outdoor), or 300 people, whichever is the lesser. For hospitality venues with separate areas, each area is subject to this cap.
- For a hospitality venue without electronic entry recording, the maximum number of persons is capped at one person per 4 sqm, or 300 people, whichever is the lesser. For hospitality venues with separate areas, each area is subject to this cap.
- Individual bookings or reservations cannot exceed 30 people
- As far as practicable, people must remain seated and there must be a COVID-19 Safety Marshal if there are more than 250 people.

Major recreation facilities: Excluding staff, admission must be ticketed and each person assigned a seating area and must not exceed the lesser of 25% of the capacity of the premises or 10,000 persons. This does not apply to venues limited to 500 people and is large enough to allow 1 person per 4 sqm.

Households may have up to 20 visitors at any one time, which does not include people who live in the home or who are attending the premises for a range of care related reasons.

Holiday homes must not be leased to more than 20 people.

Restriction on the following activities is limited to the lesser of 1 person per 4sqm or:

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	<ul style="list-style-type: none"> • for a corporate event, 300 persons • for a funeral or memorial service, 100 persons • for a religious service, 300 persons • for a wedding or reception, 150 persons <p>Public outdoor gatherings (other than as set out above) are limited to 30 people</p> <p>Gymnasiums with more than 20 people onsite must have a Safety Marshal.</p> <p>The NSW Government directs a wide range of places/facilities to have a COVID-19 Safety Plan in place and to keep a record of all people entering the premises.</p>
For how long will the current Stage be in place?	The New South Wales Government will monitor the progress following each stage of easing restrictions.
What if I am not one of the employers that is included in the types of businesses included in the current Stage Response?	Businesses that are permitted to be open must adhere to the “4sqm rule”, maintain social distancing and follow other measures to mitigate against potential infection exposure. Employees must be permitted to work from home where work from home is reasonably practicable.
Are the borders closed?	<p>From 11:59pm on Tuesday 7 July 2020 the Victorian/ NSW border was closed. The NSW premier has announced the border will reopen on Monday 23 November 2020.</p> <p>The New South Wales borders are otherwise open to the other States and territories, with no self-isolating required.</p> <p>Any person who arrives in Australia after midnight on 15 March 2020 must go into immediate compulsory quarantine in a hotel for 14 days.</p>
Do I need to keep paying workers?	<p>If your workers can work safely from home (discussed below), then they may do so.</p> <p>In the circumstances that impacted businesses experience a stoppage of work and all paid leave has been exhausted, there may arise the basis to implement a stand down without pay, however legal advice should be sought first.</p>
What should I be thinking about in implementing working from home arrangements?	<p>Kingston Reid has developed a Working from Home Checklist, to which employers may refer in preparing employees to work from home.</p> <p>This Checklist is not exhaustive, and employers should have regard to any particular safety, information security and other considerations that may be unique to the work undertaken by particular employees.</p>

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What are other safety measures that I should be considering right now?

The nature of the Response measures and the effect of isolation will invariably have an impact upon the mental health of all workers. Check in regularly with employees at home and ensure that all are reminded of Employee Assistance Programs. Employers should remain mindful that, if employees are directed to undertake non-essential work, and they become infected, there will foreseeably arise exposure to workers' compensation and potentially negligence claims under the workers' compensation scheme.

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