

**Professionals  
Australia**

WORKING REMOTELY AS  
A WAY OF MITIGATING  
THE HEALTH AND SAFETY  
RISK OF CORONAVIRUS



# WORKING REMOTELY AS A WAY OF MITIGATING THE HEALTH AND SAFETY RISK OF CORONAVIRUS

*The WHS Act requires employers to ensure the health and safety of employees and other persons so far as is reasonably practicable. This is achieved through employers managing risks to health and safety.*

The Act requires employers to identify and control risks to health and safety by following these four steps:



**Identify hazards** – find out what could cause harm;



**Assess risks** – understand the nature of the harm of the hazard, how serious it is and how likely it is to occur;



**Control risks** – implement the most effective control so far as is reasonably practicable; and



**Review controls** – review these controls to ensure that they are working effectively.

COVID-19 is a hazard to the health and safety of employees and others. It is a highly contagious virus that will result in illness in many people and cause serious illness and even death in a smaller group of 'high risk' people. In the current environment in which containment and delay are critical phases of managing the spread of COVID-19, where practicable, putting in place flexible working arrangements that provide for employees to work from home or another remote location is one of the ways employers can mitigate risk for employees.

How should the arrangements be put in place?

Topics to discuss when you are putting remote work arrangements in place include:

- intended periods of working at home compared with being in the office;
- how time and wages records will be maintained;
- how performance will be assessed;
- how the staff member will maintain contact with the workplace;
- supports needed to ensure the arrangement is successful;
- specifics about when the staff member is expected to be in the workplace, for example, team meetings; and
- when and how the effectiveness of working from home will be reviewed.

## HOW SHOULD WE ENSURE THAT BOTH PARTIES UNDERSTAND THE ARRANGEMENT?

Any remote working arrangement should be properly documented and agreed upon by both parties. If you are relying upon flexible work entitlements under an enterprise agreement, it is important that each party has satisfied their obligations under the specific clause.

When proposing, or drafting, a remote work arrangement, it is important that you seek the advice and support of Professionals Australia. A lawyer or industrial officer from our Workplace Advice and Support team will review any proposal to ensure that your rights are being properly protected.

## WHAT HAPPENS WITH MY TOOLS OF TRADE?

Tools of trade can include computers, mobile or landline phones, internet access, email programs and any relevant software. Professionals Australia advises that this should be discussed and agreed upon with your employer, before any remote work arrangements commence. In the current environment, it's possible you'll need to use your own equipment because it's unlikely there will be enough laptops for example to go around.

While some organisations have designed their IT and communications infrastructure to enable staff to work as productively away from their office as when they are in the office, many have not. Likewise some organisations have embraced the idea of 'bring your own device' (BYOD) but others have not. As part of the process of negotiating working from home arrangements it would be prudent to check that technology support is adequate given the work the employee is expecting to undertake from home. Security of company information, speed/availability of a suitable network, application software and hardware needs might all need to be considered including, if necessary, the question of whether it is appropriate or adequate for the staff member to use their personal equipment and telecommunications infrastructure for work purposes.

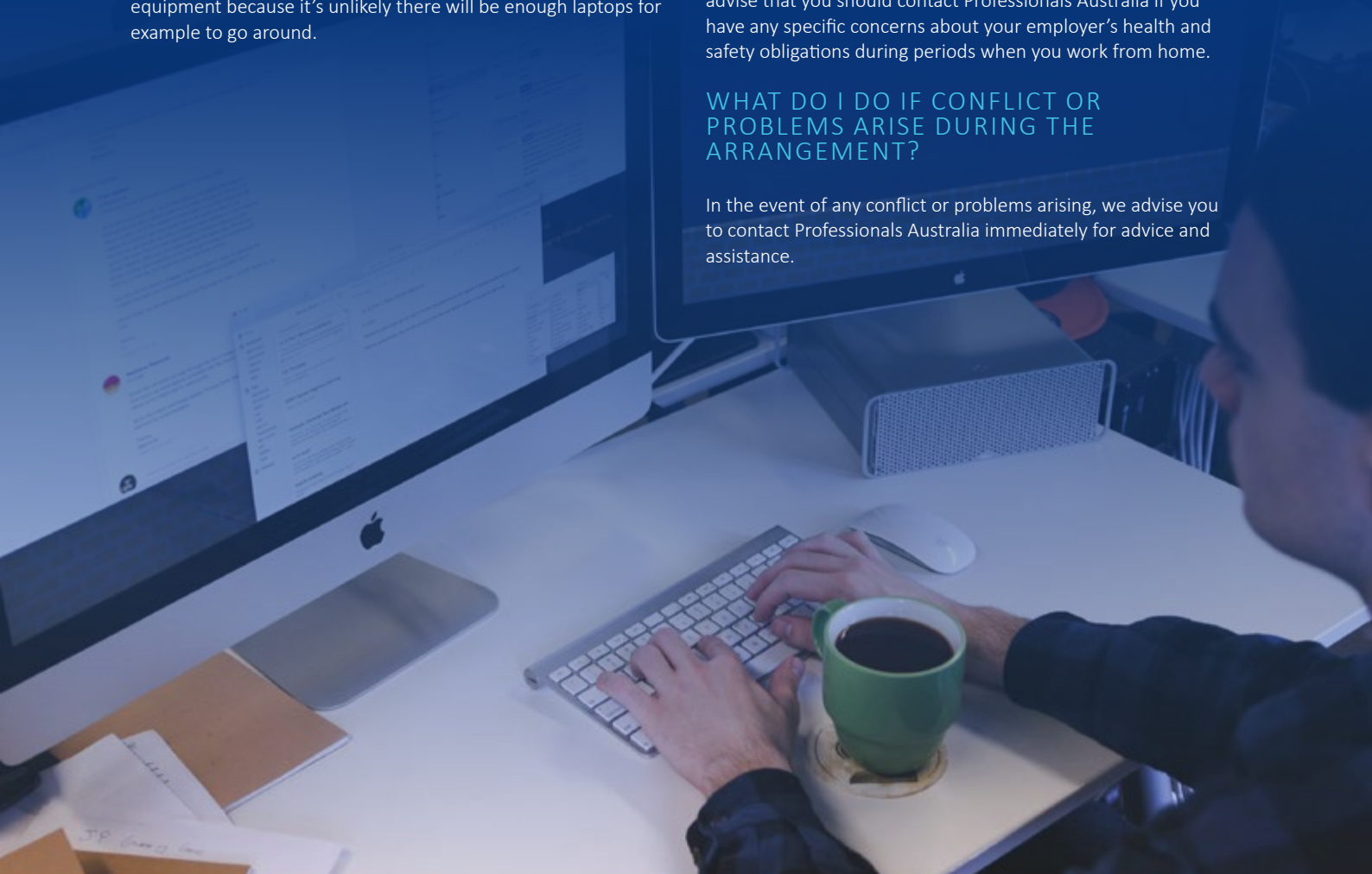
## WHO IS RESPONSIBLE FOR HEALTH AND SAFETY WHEN I WORK FROM HOME?

Your employer maintains their health and safety obligations to you as an employee, even when you are working remotely. This includes the broad duty to provide a working environment that is safe and without risks to health and safety.

Health and safety legislation varies between the states. We advise that you should contact Professionals Australia if you have any specific concerns about your employer's health and safety obligations during periods when you work from home.

## WHAT DO I DO IF CONFLICT OR PROBLEMS ARISE DURING THE ARRANGEMENT?

In the event of any conflict or problems arising, we advise you to contact Professionals Australia immediately for advice and assistance.



*This publication is considered general information only and is not intended to be relied upon as legal advice or as a substitute for legal advice. If you require advice on your specific situation, please contact the Workplace Advice & Support team at Professionals Australia via our website.*



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