

## Changes to COVID-19 testing requirements and outbreak management in Victoria

Members should note that new isolation and testing requirements for COVID-19 cases and contacts took effect from **11:59pm on 30 December 2021**, following commencement of the [Pandemic \(Quarantine, Isolation and Testing\) Order 2021 \(No. 2\)](#) that have broad implications for Victorian workplaces. In addition, the following documents were introduced and/or amended by the Department of Health:

- [Coronavirus \(COVID-19\) Testing requirements for contacts and exposed persons](#)
- [Contact assessment and management guidance: workplaces, business and industry](#)

The changes, first [announced](#) on 31 December 2021, reflect recommendations by National Cabinet and provide a more targeted approach to isolation requirements.

### What are the isolation requirements under the changes?

A **diagnosed person** (i.e. someone who has tested positive on a COVID-19 PCR test) must isolate for **7 days** from the date of the test (down from the previous 10 days). A diagnosed person is automatically released from the isolation period after 7 days, they are **not required** to get another PCR test.

A **close contact** must self-quarantine for **7 days** after being notified that they are a close contact. They must get tested on Day 1 (or as soon as possible) and Day 6 of the self-quarantine period. The test must be a PCR test if symptomatic, and a rapid antigen test if non-symptomatic. If the person is unable to access a rapid antigen test (RAT), they must get a PCR test on Day 6 in order to leave self-quarantine on Day 7.

An **exposed person** or **social contact** is **not** required to self-quarantine for 7 days. However, if they are symptomatic, they must get a PCR test and isolate until they receive the result. If they are non-symptomatic, it is strongly recommended that the person takes daily RATs for 5 days – and get a PCR test if they test positive. If they are unable to access a RAT, they should monitor for symptoms and seek a PCR test if symptoms emerge.

### Who is a close contact?

A close contact is someone who has:

- spent **4 or more hours** with a **diagnosed person** in an **indoor space at a private residence, accommodation premises or care facility during their infectious period**; or
- been notified by an officer of nominated representative of the Department of Health that they are a close contact of a diagnosed person.

### What if close contact has previously had COVID-19?

A close contact is not required to self-quarantine if the person has been given clearance by the Director or Medical Lead of a designated Local Public Health Unit. Such determination may be made where the person is deemed to be of negligible risk of infection of COVID-19, on the basis that the person has previously been a diagnosed person and has since been given clearance from self-isolation. The person must be given written notice of the decision.

## **Who is an Exposed Person?**

An **exposed person** is a **person who has attended a work premises** or education facility, is not a close contact, and has spent at least:

- **15 minutes of face-to-face** contact; or
- **Two hours in an indoor space** (cumulative, on a daily basis)

at the work premises or education facility with a diagnosed person during the diagnosed person's **infectious period**.

Additional guidance on contact assessment and management from the Department of Health is available [here](#).

## **What is the Infectious Period?**

Under the Pandemic Order, infectious period means the period **commencing 48 hours before**:

- taking the COVID-19 PCR test (from which they were diagnosed with COVID-19) if they were **not** experiencing symptoms; or
- first experiencing the symptoms present at the time of taking the COVID-19 test (from which they were diagnosed with COVID-19).

The infectious period **concludes**:

- **7 days** after the day on which the person undertook the COVID-19 PCR test (from which they were diagnosed with COVID-19); or
- such other time as specified by an officer or nominated representative of the Department of Health.

## **What is an Indoor space?**

Indoor space means an area, room or premises substantially enclosed by a roof and walls that are floor to ceiling or at least 2.1 metres high, regardless of whether the roof or walls or any part of them are permanent or temporary, or open or closed.

## **What are my notification obligations as an employer?**

An operator of a work premises who has been informed by the diagnosed person that the person attended work during the diagnosed person's infectious period, must take reasonable steps to notify their employees who meet the definition of **exposed persons** that those employees may have been exposed to COVID-19.

The operator/employer should advise such employees that, in accordance with testing requirements:

- They must get a PCR test if they have symptoms of COVID-19 and isolate until they receive the result; and
- It is strongly recommended that they use a daily rapid antigen test for 5 days if they don't have symptoms.

There is no requirement for such employees to self-quarantine for 7 days unless they test positive on a PCR test.

Members may wish to consider directing such employees to provide proof of negative results (i.e. PCR test if symptomatic, or Rapid Antigen Test if not symptomatic), prior to returning to work.

To assist members, VACC has developed an **Exposed Person notification template** that can be accessed [here](#). Members are encouraged to contact the IR Department should they need any assistance in tailoring the template to their business.

## **What information am I required to collect as an employer?**

The employer must collect, record and store the following information:

- A list of employees who have been notified by the employer that they may have been exposed to COVID-19 (i.e. the list of Exposed Persons); and
- Any results of tests for COVID-19 of those employees.

## **What entitlements apply for employees required to self-quarantine?**

An employee is entitled to paid **personal/carer's leave only** in circumstances where they are unfit for work due to personal illness or injury – or in relation to carer's leave, where they are required to provide care or support to a member of the employee's immediate family or household – because of a personal illness or injury affecting the member, or an unexpected emergency affecting the member. Therefore, an employee who is required to self-quarantine is **not entitled** to paid personal/carer's leave **unless** they meet these requirements.

Where the employee has sufficient **annual leave (or long service leave)** accrued, an employer may approve this request. In certain circumstances an employer might also consider agreeing to a request for annual leave in advance (i.e. prior to the leave having been accrued). Such an agreement must be in writing and meet a number of requirements. It is therefore recommended that members considering granting leave in advance contact the IR Department for further information.

Where neither paid personal/carer's leave nor annual leave is appropriate, the employer may approve a period of **unpaid leave** for the employee. In such circumstances it is important to note that employees required to self-isolate or self-quarantine may be eligible for the **Australian Government's \$750 Pandemic Leave Disaster Payment and/or the Victorian Government's \$450 Coronavirus (COVID-19) Test Isolation Payment**. Employees seeking further information on eligibility requirements can be directed to [Services Australia](#) and the [DHS](#).

VACC will continue to engage with Victorian Government officials over the coming days and will keep members advised of developments as they continue to emerge. This is likely to include further changes to Pandemic Orders to give effect to changes agreed at National Cabinet [announced](#) on 5 January 2022 to address current COVID-19 testing challenges. Importantly, this will include the removal of the requirement for a PCR test to confirm a positive RAT result. VACC also notes the National Cabinet's recognition of the need for clarity that employers are not required to have a COVID-19 testing regime in place in order to meet their obligations under OHS legislation.

In the interim, members seeking further advice or assistance are encouraged to contact VACC's Workplace Relations team on 03 9829 1123 or [ir@vacc.com.au](mailto:ir@vacc.com.au)

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