

BULLETIN

Workplace Relations



Reference No: Phase D/dh-11-21

Date issued: 19/11/2021

Directions giving effect to 'Phase D' restriction levels have commenced

Further to our previous [Bulletin](#), various public health directions giving effect to the Victorian Premier's [announcement](#) of the easing of restrictions ('Directions') commenced operation at **11:59pm last night, 18 November 2021**.

The following list of Directions have been updated, with each having a current nominal expiry date of **11:59pm, Wednesday 15 December 2021**.

- [Workplace Directions \(No 56\)](#)
- [Open Premises Directions \(No 5\)](#)
- [COVID-19 Mandatory Vaccination \(Workers\) Directions \(No 8\)](#)
- [COVID-19 Mandatory Vaccination \(General Workers\) Directions \(No 3\)](#)
- [Stay Safe Directions \(Victoria\) \(No 29\)](#)
- [Diagnosed Persons and Close Contacts Directions \(No 34\)](#)
- [Extension of the Declaration of State of Emergency](#)

A summary of the key COVIDSafe Setting changes are provided below:

Vaccination Status Requirements

- **Essential Retail** – i.e. **petrol stations, vehicle and mechanical repair services and car washes that can operate in a fully contactless manner:**
 - An employer must ensure that **workers** do not attend the premises (or work other than from home) unless they are **at least partially vaccinated or an excepted person** (i.e. **medical exemption**). **Partially vaccinated workers have until 26 November 2021 to become fully vaccinated.**
 - There is **no requirement** for an operator of an essential retail premises to check the vaccination status of **customers**.
- **General Retail** – including **vehicle dealerships, auto parts retailers, car rentals.**
 - **From 11:59pm on 18 November 2021**, the operator must not permit any person to work at the premises unless the person is **fully vaccinated or an excepted person**. However, if **no customers are, or may be, present** at the time, a **partially vaccinated** worker may attend the premises.
 - **From 11:59pm on 18 November 2021**, the operator must take **all reasonable steps** to ensure that **customers are fully vaccinated or excepted persons** (which includes children under 12 years and 2 months of age).

Note 1: This includes both indoor and outdoor general retail premises, as well as test drives. Where a vehicle dealership also operates an essential retail premises (e.g. service centre) – the essential retail arrangements apply to customers and workers of that essential retail premises.

Note 2: Reasonable steps to ensure customers' vaccination status includes maintaining a system that must include the placement of a worker as a **COVID-Check In Marshal** to request provision of acceptable evidence confirming their vaccination status. See further detail in COVID-Check In Marshal section below.

- **Food and drink facilities (e.g. cafes and restaurants)**
 - The operator must not permit any person to work at the premises unless the person is **fully vaccinated or an excepted person**. However, if **no customers are, or may be, present** at the time, a **partially vaccinated** worker may attend the premises.
 - The operator must take **all reasonable steps** to ensure that **customers are fully vaccinated or excepted persons** (which includes children under 12 years and 2 months of age).

Note 1: A food and drink premises that is being operated only for the purposes of providing **take-away goods or delivery of pre-ordered goods**, the fully vaccinated requirement on both workers and customers do not apply. In such circumstances, partially vaccinated workers would have until **26 November 2021** to be fully vaccinated.

Note 2: A food and drink premises can operate a **take-away and dine in at the same time**, with the **customer vaccination** requirements not applying in relation to customers that are purchasing take-away goods **or** delivery of pre-ordered goods.
- **Office work environments**
 - General workers who are not 'authorised workers' (i.e. were not previously able to work anywhere other than from home) and are therefore not covered by the COVID-19 Mandatory Vaccination (Workers) Directions or Open Premises Directions, continue to be able to return to the workplace (or work other than from home) **only** if they are fully vaccinated or an excepted person. **Note:** This obligation does not apply if it is not reasonably practicable for the general worker to work from home.
 - There is **no requirement** for an office work environment to check the vaccination status of customers / clients.

Face masks

- **Retail premises (including Essential and General Retail)**
 - Must be carried at all times and **worn by workers and customers whilst in an indoor space that is a publicly accessible area of a retail premises** (except if an exemption applies). It is **recommended** that masks continue to be worn where you cannot physically distance, if you have any symptoms or if you are with people who may be particularly vulnerable to COVID-19.
- **Food and drink facilities (e.g. cafes and restaurants)**
 - Must be carried at all times and **worn by workers whilst in an indoor space that is a publicly accessible area of a food and drink premises (except if an exemption applies)**. It is **recommended** that masks continue to be worn where you cannot physically distance, if you have any symptoms or if you are with people who may be particularly vulnerable to COVID-19.
- **Office work environments**
 - Must be carried at all times, but **no longer a requirement to wear**. It is **recommended** that masks continue to be worn where you cannot physically distance, if you have any symptoms or if you are with people who may be particularly vulnerable to COVID-19.

QR Code Requirements

The electronic record keeping requirements through **Victorian Government QR Code Service** continue to apply throughout Victoria. The requirement to make reasonable efforts to ensure people check-in and to prominently display QR Code signage at each entrance and points of sale remains unchanged.

In addition, operators of **General Retail Premises** (including **vehicle dealerships, auto parts retailers, car rentals**) and/or **Food and Drink Premises** (e.g. **cafés and restaurants**) must also have a worker designated as a **COVID-Check In Marshal** at each entrance to the premises that is accessible by customers to request that the customer records their attendance (i.e. scans in). However, this requirement **does not apply** to the following:

- **small general retail premises** - i.e. a general retail premises where the total of all indoor spaces accessible to members of the public is less than 2000 square metres

- **small food and drink premises** - i.e. a food and drink premises with a total area of all spaces accessible to members of the public of less than 100 square metres
- **food courts**
- **take-away only premises**
- **take-away and dine-in services** – in regard to customers accessing take-away services only

COVID Check-In Marshal

Subject to the same exclusions outlined above in the QR Code Requirements, an operator of a **General Retail Premises and/or a Food and Drink Premises** must place a worker designated as a **COVID Check-In Marshal at each entrance** to the premises that is accessible by customers to **request each customer** (except a customer under 12 years and 2 months of age) attending the premises to provide **acceptable evidence that they are either fully vaccinated or an excepted person.**

Whilst not required to designate a worker as a COVID Check-In Marshal, an operator of a **small general retail premise and/or small food and drink facility** must still **ensure that a person working at the premises requests that each customer** (except customers under 12 years and 2 months of age) show **acceptable evidence** that they are either fully vaccinated or an excepted person - **at an entrance** to the premises or at **the first point of service.**

Acceptable evidence for a **fully vaccinated customer** who ordinarily reside in Australia, means:

- successful completion of a Service Victoria QR check-in that includes confirmation that the person is fully vaccinated displayed through the Service Victoria App; or
- a COVID-19 digital certificate displayed through the Medicare App, the Service Victoria App or equivalent smartphone wallet; or
- a printed version of the COVID-19 digital certificate or immunisation history statement issued by the vaccination provider, a medical practitioner or the Australian Immunisation Register.

Acceptable evidence for an **excepted customer**, means:

- a COVID-19 digital certificate issued by Services Australia and displayed through the Medicare App, Service Victoria App or equivalent smartphone wallet that states that the person is unable to receive a dose, or a further dose, of any COVID-19 vaccine that is available in Australia; or
- a printed version of the COVID-19 digital certificate referred to above.

Density quotients

From 11:59pm 18 November 2021, density quotients **no longer apply to automotive businesses.**

COVIDSafe Plan

COVIDSafe Plans are mandatory for **all** Victorian workplaces. VACC recommends that COVIDSafe Plans should be **reviewed to ensure it is tailored to your business and is updated to reflect the new COVIDSafe Settings**; and that face covering, cleaning, signage, record-keeping and other requirements applicable to your business (including response to suspected or confirmed case of COVID-19 at the work premises) are being adhered to and communicated with all relevant staff. Penalties have recently been issued to several automotive businesses who have not been able to provide an up-to-date COVIDSafe Plan.

Members are encouraged to contact the VACC OHSE Unit for any further information or assistance, including in relation to their [COVIDSafe Plan obligations](#) on 03 9829 1265.

COVID-19 Mandatory Vaccination (Workers) Directions

As noted above, the Acting Chief Health Officer has issued the **COVID-19 Mandatory Vaccination (Workers) Directions (No 9)** (the Directions) which commenced at **11:59pm, 18 November 2021**. The previous nominal end date on 11:59pm 18 November 2021 has been replaced with the new date of **11:59pm 15 December 2021**, in line with the current extension to the Declaration of State of Emergency.

Members should note however, that under the **Open Premises Directions (No 5)**, from 11:59pm on 18 November 2021 an operator of a General Retail premise or a Food and Drink Facility must not permit any person to work at the premises unless the person is fully vaccinated or an excepted person if any customer is, or may be, present at the time.

Members should however ensure that any correspondence that they issue in future to workers are updated to reflect the latest version of the relevant Directions.

Members are reminded that they are strongly encouraged to seek member-specific advice and assistance from the IR Department before actioning the above (including how to facilitate vaccination exempted employees working at the workplace), to ensure that the written correspondence provided to an employee reflects the consultation process that has occurred – and that it is undertaken in a lawful and procedurally fair manner.

Members seeking further advice or assistance are encouraged to contact VACC's Workplace Relations team on 03 9829 1123 or ir@vacc.com.au.

Daniel Hodges
Executive Manager – Workplace Relations
Industrial Relations | OHSE