

# BULLETIN

## Industrial Relations



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### Permitted Worker Scheme

The Victorian Government has just [released](#) the details of the new worker permit requirements that will apply for employers engaged in a [permitted activity](#), that require their staff to attend a work site. Members have reported difficulty in accessing this information from the Department of Justice website, so the key details been provided below:

From 11:59pm Wednesday 5 August 2020, workplaces in Melbourne must be **closed** unless:

- the workplace is part of a permitted activity, or
- all employees are working from home.

From 11:59pm on Wednesday 5 August, employers that require their staff to attend a work site must issue a worker permit to their employees – this is the employer's responsibility.

Penalties of up to \$19,826 (for individuals) and \$99,132 (for businesses) will apply to employers who issue worker permits to employees who do not meet the requirements of the worker permit scheme or who otherwise breach the scheme requirements.

There will also be on-the-spot fines of up to \$1,652 (for individuals) and up to \$9,913 (for businesses) for anyone who breaches the scheme requirements. This includes employers, and employees who do not carry their worker permit when travelling to and from work.

### Eligibility

Employers can issue a worker permit to their employee if:

- the organisation is on the list of permitted activities
- the employee is working in an approved category for on-site work, and
- the employee cannot work from home.

In rare circumstances an employee does not need a worker permit. This includes:

- if an employee is at risk at home, such as at risk of family violence
- law enforcement, emergency services workers or health workers who carry employer-issued photographic identification, which clearly identifies the employer.

An employee must not use a worker permit, even if they have been issued one, if:

- they test positive to coronavirus (COVID-19) and are required to self-isolate
- they are a close contact of someone who has tested positive.

### Information employers will need

To issue a worker permit, employers will need:

- name, ABN, company address and trading name
- the name and date of birth of the employee
- the employee's regular hours and place of work
- to meet all eligibility criteria, including that the business is a permitted activity
- to meet all relevant legal obligations
- to have a COVID-19 safe plan in place
- to authorise a person or people to issue the worker permit.

### **How to issue a worker permit**

Each employee required to be on site must receive an individual worker permit with the required details.

Employers must:

1. Download this template and fill it out. To download a copy of the template visit <https://www.vic.gov.au/worker-permit-scheme>. If unable to connect to the government website due to congestion you can also download a copy VACC obtained earlier [here](#).
  - Employers must use this template for all worker permits issued under this scheme.
2. Sign the worker permit. You can print and sign or sign it electronically.
  - Businesses must get an authorised person to sign the worker permit. This person might be the CEO, a HR manager, an operations manager or anyone else that is suitable.
  - They must be accountable for the details they provide.
  - They may be contacted by Victoria Police or other enforcement agencies to confirm the details.
3. Ask the employee to sign the worker permit. They can print and sign or sign electronically.
  - You can email or text the worker permit to your employee.
  - An employee may travel to work without a worker permit once to get their **first** permit.

### **Carrying a permit**

Employees must carry the worker permit and should carry photo identification when travelling to and from the workplace. A worker permit can be shown electronically to authorities such as a photo, or scanned copy, on a mobile device.

### **Casual Workers**

Employers may need to issue worker permits for specified date ranges for employees who do not have regular hours.

If this means that employers need to issue separate worker permits for new rostering periods, the employee will need to carry their old worker permit, to ensure authorities can verify with their employer that they are on their way to work.

### **Picking up shifts and last-minute shift changes**

Employees that are unexpectedly called in outside of their specified hours can attend their workplace.

They will need to carry the worker permit they do have, to ensure authorities can verify with their employer that they are on their way to work.

### **Working across multiple sites**

Each employer must determine who will be authorised to issue their employees a worker permit.

For an employer with multiple work sites, they may decide to designate an authorised person at each work site.

Employers should minimise any requirement for employees to work at different sites.

An employee working at more than one site must keep a log of the places visited including date, time and place of attendance.

### **Working from home**

Employers are responsible for determining whether an employee can work from home.

If you are concerned that your workplace is unsafe for you to attend, you should contact [WorkSafe \(External link\)](#).

In rare circumstances where an employee is at risk at home, an employee does not need a worker permit. This includes in a situation of family violence.

### **Transport to and from work**

An adult can take an essential worker to and from their place of work without a worker permit, if the worker is their dependant and unable to transport themselves.

If needed, authorities must be able to confirm that travel is in accordance with the worker permit.

### **Sole Trader**

Sole traders must issue a worker permit and sign the worker permit as both the employer and employee.

### **Sub contractors**

The employer of the sub-contractor needs to be satisfied that the sub-contractor is required on-site.

The employer may be the main contractor, or it may be that the sub-contractor is a sole trader.

### **Franchisees**

The person or entity who must issue the worker permit is determined by who is the employer under the franchise agreement. If the franchisee is the employer, they will be responsible for issuing the permit.

## **International or national organisations**

If your employer has not been in contact about a worker permit, you should contact your manager or human resources department and ask them to arrange a worker permit.

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