



FURTHER UPDATE ON COVID-19

**Waste Industry Circular for WCRA Members
23 March 2020**

On 12th March 2020 we issued a circular to all Members dealing with questions arising from the developing situation surrounding Coronavirus/Covid-19.

Since that circular, WCRA has been asked a number of further questions by our Members so we have decided to issue this update.

The unprecedented issues around Covid-19 are changing rapidly and NSW Health is providing regular updates, with advice being updated to reflect the continually changing circumstances <https://www.health.nsw.gov.au/Infectious/alerts/Pages/coronavirus.aspx> It is also important that Employers and Workers follow SafeWork NSW's advice at www.safework.nsw.gov.au

The provision of effective waste management services is a fundamental requirement for a safe & healthy community. Without it, we risk compromising our Australian environment, our health and our economy. In accordance with the provisions of the NSW Essential Services Act 1988, the collection and disposal of garbage is an essential service.

What can individuals do to minimise the risk?

Practising good hand and sneeze/cough hygiene is the best way to minimise the risk from COVID-19. You should:

- Wash your hands frequently with soap and water for at least 20 seconds, before and after eating, and after going to the toilet.
- Cover your coughs & sneezes, dispose of tissues & use alcohol-based hand sanitiser (WCRA is in talks with the NSW Government to secure a supply of hand sanitiser).
- If unwell, avoid contact with others, consider deferring travel & seek healthcare advice.
- Exercise personal responsibility for social distancing measures (stay more than 1.5 metres from people).
- If you are feeling unwell or want more information on the recommended personal control measures, visit www.health.gov.au
- Consider calling the National Coronavirus Health Information Line on **1800 020 080**

What steps should Members take to protect their workplace?

Please refer to WCRA's previous circular which touched on this topic. A copy of is available at http://wcra.com.au/files/Covid-19%20Circular%20to%20WCRA%20Members_12March2020.pdf

WCRA recommends that all Members implement any measures that are reasonably practicable to create a safe workplace. Members should:

- Determine appropriate control measures in consultation with workers, their representatives and take account of official information sources. These might include restructuring the workforce and operations wherever possible to minimise workers' exposure to the public and to each other. For example:
 - Drivers' start and finish times could be staggered so that they are not at the depot at the same time;
 - Supervisors should conduct driver debriefing via telephone;
 - Encourage drivers to spend a minimum amount of time on-site;
 - Review the manual use by workers of bundy clocks (or similar).
- Implement those measures and clearly communicate them to all workers, including providing clear direction and guidance about what is expected of workers. Workers should know:
 - when to stay away from the workplace;
 - what action to take if they become unwell; and
 - what symptoms to be concerned about.
- Continually monitor relevant information sources and update control measures when and if necessary. PCBU's should continue to provide information to workers, including changes to control measures, as the situation develops;
- Provide workers with continued access to official government sources for current information and advice;
- Provide workers with appropriate personal protective equipment and facilities, and information and training on how and why they are required to use them;
- Regularly remind workers to practice good hygiene, including:
 - frequent hand washing with soap;
 - limiting contact with others, including through shaking hands; and
 - covering their mouths while coughing or sneezing.
- Require workers to stay away from the workplace if they are unwell and not fit for work and encourage them to seek medical advice as appropriate.
- Seek advice from health authorities immediately if there has been a confirmed case of COVID-19 in your workplace.

- Limit access to the workplace by other people unless necessary and ask any visitors to declare any overseas travel or possible exposure to COVID-19;
- Remind workers that they have a duty to take reasonable care for their own health and safety and to not adversely affect the health and safety of others.
- Provide workers with a point of contact to discuss their concerns, and access to support services, including employee assistance programs.

How should Members handle collection of waste from healthcare facilities?

First and foremost, Members should remind drivers of their PPE obligations, in particular to always use gloves when moving bins or other equipment. Drivers should also be reminded of the importance of following all safety procedures when collection all forms of waste.

The healthcare facility is the waste generator and it is their responsibility to classify their waste. If they classify the waste as infectious, it is also their responsibility to dispose of the waste into a suitable container (or dedicated waste bin). The healthcare facility's workers will be responsible for managing this risk and placing this material into the bins provided for clinical & related waste.

Members can assist by reminding healthcare facilities of the waste classification guidelines <https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/waste-classification-guidelines> Assistance can also be provided by Members organising a commercial service for clinical & related waste bins with collection by licensed, lawful operators.

If you have reason to suspect that waste is not being appropriately classified by a healthcare facility, you should bring that to the attention of the customer, discuss and seek a resolution. If you require further information on waste classification please phone the NSW EPA on 131 555 or by email to info@epa.nsw.gov.au. If you are sending an email, we recommend that you state your concerns in the subject line. If a Member needs an introduction to a clinical waste specialist, please contact WCRA on 02 9604 7206 or by e mail to tony@wcra.com.au

What are Employers pay obligations to workers who can't attend work?

For those Employers who operate their workplaces in accordance with the Waste Management Award's rostered day off system, the Award (clause 27.3(vi)) allows you to direct employees to take up to 5 rostered days off where operations have ceased as a result of circumstances beyond your control. This would include circumstances where there is no work to be done as a result of the pandemic.

For all other Employers, the usual position applies:

1. If a permanent employee is unfit for work or they are required to care for a member of their immediate family or their household, they are entitled to take paid personal/carer's leave;

2. If an employee (including casual employees) does not have accrued paid personal/carer's leave, then the employee is entitled to 2 days of unpaid carer's leave for each occasion when a member of their immediate family or household requires support because of a personal illness.
3. In either case, the worker must (if you request it) provide evidence of their incapacity.
4. Employees may need or want to take accrued annual leave. They must do so by agreement with you, but you cannot unreasonably refuse a request for annual leave.
5. Under the NSW Long Service Leave Act, long service leave must be taken as a continuous period, although it may be divided across up to four shorter periods by agreement depending on the worker's length of service. It cannot be taken on a day-by-day basis like other forms of leave. If a worker requests long service leave, the employer should be sure to agree all periods of long service leave so that it has complied with the Act.

What if we direct workers not to come to work?

If you direct an employee to stay away from work because of a stoppage of work for which you cannot reasonably be held responsible (a "stand down") then the employee is not entitled to be paid during the period of the stand down. This would include if there is no waste to be collected because restaurants, retail outlets, etc are not operating or have reduced volumes. This provision may not apply to you if different arrangements are set out in your enterprise agreement or employment contracts. You should consult those documents to make sure.

A stand down is a temporary measure but can persist for significant periods of time in appropriate circumstances. Qantas has today announced that it is standing down much of its workforce until late May 2020.

Workers who are stood down are entitled to access their annual leave and, if the stand down is expected to be long enough, their long service leave.

What should Members be doing now?

If you haven't already done so, please review your business continuity plans to ensure they are up to-date.

Based on several scenarios, prepare a checklist of what could go wrong, consult with workers & stakeholders and detail suggested corrective actions.

One scenario might be that a number of collection drivers are infected or unable to attend work and the business cannot provide the waste collection service. What will the Member do in that situation?

- Contact customers, discuss and agree on an alternative arrangement.

- Hire additional drivers from a job agency.
- Discuss with a trusted competitor to ascertain if they can provide sub-contract support on a short-term basis.
- Some other option

Consideration should specifically be given to management arrangements, employees / owner/drivers (their working arrangements, health, absenteeism and the need for information), all tipping facilities and customers.

Policies and procedures will need to be reviewed to ensure they are appropriate for a pandemic situation. It is important that policies and procedures encourage the right behaviour and it may be necessary to issue overriding directives to achieve that result or make amendments to the policies themselves. For example, sick leave policies need to encourage workers to stay home when they are unwell and not feel like they must attend the workplace. A doctor's certificate may be difficult to obtain if medical services are stretched and the business may not consider it necessary preferring people to stay home out of an abundance of caution. Other specific pandemic matters need to be considered including the availability of hygiene products and advice for workers, evacuation and deep cleaning procedures when a building or collection vehicle is suspected of having been infected and return to work protocols. It is important to remember that quarantine can be challenging for workers. Some workers will feel quite isolated in this type of situation especially where they live alone, do not have close family nearby or already suffer from health issues. You may want to consider a daily telephone calling tree to ensure quarantined workers are safe, especially if the COVID-19 situation worsens.

Finally, if you haven't already done so, contact your insurance broker and ascertain the insurance cover your business may have.

Advice from NSW EPA

Now is the right time to check you have everything in place to enact your pollution incident response management plan.

To assist the EPA in managing risks during this period, all licensees should notify the EPA by email to info@epa.nsw.gov.au

- If you anticipate any significant risk to your ability to comply with your licence or licences under which you operate.
- If you need advice on business continuity preparedness for your operations.

This is not a legal obligation but a request to assist the EPA and the NSW Government in managing the current situation in the public interest.

A business continuity plan will help meet responsibilities for any environmental impacts from activities because licence conditions and other regulatory responsibilities remain in place and associated obligations also remain in place. These include priority responsibilities of maintaining & operating pollution control equipment & storing, transporting & disposing of waste appropriately. Licensees in the waste industry should maintain good communications



with clients & the EPA, particularly around any predicted service disruptions. Licensees must continue to notify EPA of pollution incidents & other regulatory or compliance issues or events.

WCRA will continue to provide support to all Members during these unprecedented times as we all work together to ensure the waste industry best serves its workers, families and the community. If you have any questions in relation to this or WCRA's previous circular, please contact Tony or Jay using the details below.

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