

COVID-19 | Work Rights

Working at alert level 4 – Health and Safety

Health and safety does not stop at level 4

- At level 4 only essential services are to remain open
- If you are carrying on as an essential industry or you are working from home, your employer must look after your health and safety
- You have the right to stop work if you believe it is unsafe.

Essential services

During the Alert level 4 lockdown, only essential services are allowed to continue working onsite. Everyone else must work from home or otherwise stop. Your employer cannot declare themselves to be an essential service and continue operating, they must meet certain criteria. Find out [here](#) if your business qualifies as essential.

Managing the risk of COVID-19

COVID-19 is a workplace risk that employers have a duty to manage like any other workplace risk. Under the [Health and Safety at Work Act 2015](#) your employer must take all reasonably practicable steps to ensure your health and safety against COVID-19. This includes whether you are working as an essential service or if you are now working from home.

What response your employer must take to protect you against COVID-19 will depend on your particular circumstances, however all risks must be addressed using the [hierarchy of controls](#):

- Employers must seek to eliminate the risk so far as is reasonably practicable.
- If elimination is not possible, they must then try to minimise the risk through other control measures such as physical distancing, barriers, providing hand sanitiser, or other administrative controls.
- If any risk remains, they should issue you with suitable PPE.

If you are an essential worker and working onsite during level 4, you should expect your employer to:

- Ensure that all persons onsite can observe 2m physical distancing
- Ensure proper infection protection and control measures are in place
- Ensure all workers have access to PPE
- Follow all Government advice
- Support any worker who feels unwell to stay home

For anyone working from home during level 4 your Health and safety obligations still apply. WorkSafe have some guidance on working from home [here](#).

Your employer must also manage any new risks that arise through the management of COVID-19 for example if you are now working from home that you are properly set up to work safely.

Engaging with your employer on matters of health and safety

Our Health and Safety legislation requires employers to engage with workers on all matters that effect workers' health and safety. [This is a legal requirement](#) and still applies at level 4. This includes when your employer is making decisions about what control measures are being put in place, as well as listening (and acting on) any concerns raised by workers.

If you have any concerns about your health and safety at work speak with your employer, engage your Union, and get in touch with your health and safety representative (HSR). Your HSR has powers under the Act to assist you with workplace health and safety matters.

If you believe your work is unsafe you have the right to cease work

[You can stop unsafe work when:](#)

1. The work will expose any worker or other person to a serious risk. Work should be ceased if there is a real likelihood of harm regardless of the whether the resulting injury would be minor; and
2. The exposure to the hazard is immediate or imminent.

Vaccines

We support all workers to get the COVID vaccine. Employers should make accessing the vaccine as easy as possible for their workers i.e., by providing paid time off to get vaccinated.

Although vaccination is one of the key control measures for managing the spread of COVID, other control measures still need to be in place. Vaccination does not take away the need for effective infection prevention and control measures.

More general information about vaccines in the workplace can be found [here](#).

WorkSafe

WorkSafe have issued guidance for essential services [here](#).

You should still report serious injuries and illnesses to WorkSafe or if you or anyone else who is at risk of serious harm. The details to notify WorkSafe can be found [here](#).