

COVID DUE DILIGENCE

Persons conducting a business or undertaking (PCBUs) in workplaces operating in areas where there is elevated or high levels of COVID-19 community transmission, the AIHS recommends a precautionary approach. This guidance material provides insights for PCBUs and Officers to assist in meeting their legal duties.

Duties of Organisations

Under harmonised work health and safety (WHS) laws in Australia, employers (PCBUs) owe a primary duty of care to workers and other persons who may be affected to ensure their health and safety while at work so far as is reasonably practicable. The duty extends to providing and maintaining a safe working environment and safe systems of work, even during the current pandemic. Determining what is reasonably practicable and discharging that duty of care requires workplaces to adopt a proactive risk management approach. This means that in order to meet WHS legal obligations, PCBUs must undertake risk assessment to determine what is reasonably practicable to manage the risks associated with COVID-19.

It is on this basis that AIHS advocates that PCBUs be proactive in acting on their WHS duties and obligations to reduce risk to as low as reasonably practicable. This includes the hygiene and cleaning recommended by SafeWork Australia.

In addition, the AIHS recommends PCBUs in workplaces conduct inquiries and case management of confirmed and likely close contacts to support workers, and to complement existing State and Territory Health Department contact tracing.

Duties of Officers

Under harmonised WHS laws an Officer is generally:

- the owner or operator of a small business
- makes, or participates in making, big decisions about all or part of a business, or
- has the capacity to significantly affect a business's financial standing.

[Officers](#) must exercise due diligence in risk management and workers and worker representative groups should not accept any delay between a workplace being able to investigate and identify these likely close contacts and remove them from the workplace to prevent transmission and when contact tracing teams speak to each individual.

[Officers](#) should lead this discussion on risk tolerance levels within their organisations to inform the risk management approach. They also need to ensure that the organisation has provided instruction and training to workers on things they need to do to help manage the risk of COVID-19 spreading in the workplace.



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