

Exemption of Healthcare Workers who are close contacts in respect of the Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 4) and Directions given as conditions applicable in respect of the Exemption

Directions given to Healthcare Workers who are exposed persons or social contacts

I, Professor Benjamin Cowie, Acting Chief Health Officer:

- a. consider it reasonably necessary to mitigate potential healthcare staffing shortages — and reasonably necessary to protect public health — to grant an exemption pursuant to clause 36(2) of the Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 4) to a group of persons who are healthcare workers returning to their workplace after they have been identified as close contacts and in respect of the exemption granted to also direct the exempted group of persons to comply with conditions I make pursuant to the exercise of a power under section 165BA(1)(a) of the *Public Health and Wellbeing Act 2008* (Vic); and
- b. consider it reasonably necessary to protect public health to give directions pursuant to the exercise of a power under section 165BA(1)(a) of the *Public Health and Wellbeing Act 2008* (Vic) to a group of healthcare workers attending their workplace after they have been identified as social contacts or exposed persons.

1 Preamble

- (1) The purpose of this exemption is to mitigate potential healthcare staffing shortages that could occur as a result of increased community spread in the State of Victoria of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) The purpose of the directions made as conditions in respect of the exemption granted to healthcare workers who are close contacts and the other directions to the healthcare workers who are social contacts or exposed persons is to manage the potential risk associated with the exemption being granted and the return of healthcare workers to their workplace.
- (3) This exemption and its conditions and the other directions must be read together with the Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 4) (as amended or replaced from time to time) (**the Pandemic (QIT) Order 2022 (No. 4)**).

2 Citation

This document may be referred to as the Exemption of Healthcare Workers - Contacts Conditions and Other Directions (No.2).

3 Exemption period and revocation

- (1) For the purposes of the exemption, the exemption period is the period beginning at 11:59:00pm on 12 January 2022 and ending at 11:59:00pm on 23 February 2022.
- (2) The Exemption of Healthcare Workers - Contacts Conditions and Other Directions (No.1) is revoked at 11:59:00pm on 12 January 2022.

4 Grant of exemption

- (1) Pursuant to section 36(2) of the Pandemic (QIT) Order 2022 (No. 4), applicable only in respect of attending their workplace in order to work, when requested by their employer, and subject to the conditions set out in clause 5, all healthcare workers who are:
 - (a) close contacts; and
 - (b) do not have any symptoms of COVID-19,are hereby exempted from the quarantine requirement set out in clause 18 of the Pandemic (QIT) Order 2022 (No. 4).
- (2) The exemption under sub-clause (1) is granted on the basis that I am satisfied it is appropriate, having regard to:
 - (a) the need to protect public health; and
 - (b) the principles in sections 5 to 10 of the *Public Health and Wellbeing Act 2008* (Vic) (**PHW Act**), as appropriate.
- (3) The exemption under sub-clause (1) does not prevent:
 - (a) the Chief Health Officer or Deputy Chief Health Officer exercising any power the Chief Health Officer or Deputy Chief Health Officer is authorised to exercise under the PHW Act; or
 - (b) an authorised officer from exercising any power the authorised officer is authorised to exercise under the PHW Act, including ensuring compliance with:
 - (i) the extent of an exemption granted under subclause (1) (including any conditions on an exemption as set out in clause 5); or
 - (ii) the requirements of the Pandemic (QIT) Order 2022 (No. 4) and any other Pandemic Orders currently in force.

5 Conditions applicable to the exemption

- (1) The exemption granted under clause 4 is made subject to the following conditions that are directed pursuant to the exercise of a power under section 165BA(1)(a) of the PHW Act and as applicable to the described categories:

Healthcare worker status	Conditions for exemption from self-quarantine to return to workplace
Close contacts	If the healthcare worker does not have any symptoms of COVID-19, they may

	<p>return to the workplace on the following conditions:</p> <ul style="list-style-type: none"> - They must notify each employer that they are a close contact. - Following this notification to the employer, the employer requests and consents to their return to the workplace where their attendance at work is required to prevent significant risk to safe service delivery. - They must travel directly to and from the premises where they are self-quarantining to the workplace, minimising contact with other persons. - The worker must wear a face covering (an N95/P2 respirator) at all times when required to wear a face covering, as well as when physical distancing cannot be maintained (except if the person is consuming medicine, food or drink or when doing so is not safe in all the circumstances). - While in the workplace, they must not enter shared break areas. - They must undertake daily COVID-19 rapid antigen testing and return a negative result prior to attending the workplace for 5 days following notification as a close contact (this requirement is in addition to the Testing Requirements for Contacts and Exposed Persons provided by the Pandemic (QIT) Order 2022 (No. 4)). - When travelling to the workplace, they must not use car pooling and where possible avoid public transport. - They must immediately notify
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	<p>each employer that they intend to rely on this exemption and must comply with any employer policy, procedures, directions and orders that may apply in respect of their attendance at the workplace.</p> <ul style="list-style-type: none"> - They must immediately advise each employer that the exemption no longer applies, if they no longer meet any of these conditions. - They must comply with all other applicable requirements under the Pandemic (QIT) Order 2022 (No. 4).
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6 Other directions to healthcare workers who are social contacts or exposed persons

(1) I make the following directions to healthcare workers who are social contacts or exposed persons pursuant to the exercise of a power under section 165BA(1)(a) of the PHW Act and as applicable to the described categories:

Healthcare worker status	Directions in respect of return to workplace
<p>Social contacts</p> <p>Exposed Persons</p>	<p>If the healthcare worker does not have any symptoms of COVID-19, they may return to the workplace on the following conditions:</p> <ul style="list-style-type: none"> - They must notify each employer that they are either a social contact or exposed person. - Following this notification to the employer, the employer requests and consents to their return to the workplace where their attendance at work is required to prevent significant risk to safe service delivery. - The worker must wear a face covering (an N95/P2 respirator) at all times when required to wear a face covering, as well as when physical distancing cannot be maintained (except if the

	<p>person is consuming medicine, food or drink or when doing so is not safe in all the circumstances).</p> <ul style="list-style-type: none"> - While in the workplace they must not enter shared break areas. - They must undertake daily COVID-19 rapid antigen testing and return a negative result prior to attending the workplace for 5 days following notification as a contact (this requirement is in addition to the Testing Requirements for Contacts and Exposed Persons provided by the Pandemic (QIT) Order 2022 (No. 4)). - They must immediately advise each employer that the conditions no longer apply, if they no longer meet any of these conditions. - They must comply with all other applicable requirements under the Pandemic (QIT) Order 2022 (No.4).
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7 Definitions

For the purposes of this document:

- (1) **close contact** has the same meaning as in clause 17(1) of the Pandemic (QIT) Order 2022 (No. 4), that is: (1) an officer or nominated representative of the Department makes a determination that the person is a close contact of a diagnosed person or a probable case, including in the event of an outbreak, and has given that person a notice of the determination in accordance with subclause (2); or the person has spent more than four hours in an indoor space at a private residence, accommodation premises or care facility with a diagnosed person or a probable case during their infectious period;
- (2) **exposed person** has the same meaning as in clause 26 of the Pandemic (QIT) Order 2022 (No. 4), that is: a person is an exposed person if: (1) the person has attended a work premises or education facility; and (2) the person is not already determined to be a close contact; and (3) the person has spent at least: (a) 15 minutes of face-to-face contact; or (b) two hours in an indoor space, at the work premises or education facility with a diagnosed person or a probable case during the diagnosed person's or the probable case's infectious period;

- (3) **healthcare worker** means:
- (a) a hospital worker, as that term is defined in Schedule 1 of the Pandemic (Visitors to Hospitals and Care Facilities) Order 2022 (No. 2) (as amended or replaced from time to time), that is: a person is a hospital worker in relation to a hospital if: (1) the person is an employee or contractor of the hospital or a student under the supervision of an employee or contractor of the hospital; or (2) the person's presence at the hospital: (a) is for the purposes of providing health, medical or pharmaceutical goods or services to a patient of the hospital, whether the goods or services are provided for consideration or on a voluntary basis; and (b) has been arranged by appointment in advance; and (c) is approved by an officer of the hospital with the position of Chief Medical Officer, Chief Operating Officer, or equivalent; or (3) the person is a disability worker and the person's presence at the hospital is for the purposes of providing a disability service to a patient with a disability; or (4) the person's presence at the hospital is for the purposes of providing goods or services that are necessary for the effective operation of the hospital, whether the goods or services are provided for consideration or on a voluntary basis; or (5) the person's presence at the hospital is authorised or required for the purposes of emergency management, law enforcement, or the performance of a duty, function or power under a law; or
 - (b) a worker who is engaged to provide ambulance and paramedics services, or air ambulance and medical retrieval services (including Royal Flying Doctor Service), and is providing a service in connection with a hospital;
 - (c) a residential aged care facility worker means a person (including a volunteer) that is: (a) employed, or engaged as a contractor, by an operator that operates a residential aged care facility to perform work at the residential aged care facility including: (i) direct care workforce including nurses, personal care workers, allied health professionals, and allied health assistants; (ii) administration staff including reception and management staff; (iii) ancillary staff including food preparation, cleaning, laundry, gardening and general maintenance staff; (iv) dental practitioners; (v) phlebotomists (pathology nurses); (vi) lifestyle and social staff, such as those delivering music or art therapy; (vii) transport drivers who are responsible for collecting and transporting residents to and from the residential aged care facility for outings;
 - (d) a disability worker has the same meaning as in Schedule 1 of the Pandemic Order (Visitors to Hospital and Care Facilities) Order 2022 (No 2), that is has the same meaning as in the **Disability Service Safeguards Act 2018**;
- (4) **hospital** has the same meaning as in Schedule 1 of the Pandemic (Visitors to Hospitals and Care Facilities) Order 2021 (No. 2) (as amended or replaced from time to time), that is: hospital means: (1) a public hospital; (2) a denominational hospital; (3) a multi-purpose service; (4) a private hospital; (5) a day procedure centre;

- (5) **Pandemic Orders** means orders made under section 165AI of the PHW Act;
- (6) **social contact** has the same meaning as in clause 30 of the Pandemic (QIT) Order 2022 (No. 4), that is: a person is a social contact if: (1) the person has spent more than 15 minutes of face-to-face contact with a diagnosed person or a probable case during the diagnosed person's or a probable case's infectious period; or (2) the person has spent more than two hours in an indoor space with a diagnosed person or a probable case during the diagnosed person's or the probable case's infectious period; and the person is not already determined to be: (3) a close contact; or (4) an exposed person;
- (7) **worker** has the same meaning as in Schedule 1 of the Pandemic (QIT) Order 2022 (No. 4), that is: includes employees, subcontractors (and their employees), volunteers and any other person engaged or permitted by an employer to perform work;
- (8) **workplace** means the place at which a person works and/or provides goods and services as a healthcare worker;
- (9) the following expressions have the same meaning that they have in the Pandemic (QIT) Order 2022 (No. 4):
 - (a) **diagnosed person**;
 - (b) **employer**;
 - (c) **indoor space**;
 - (d) **infectious period**;
 - (e) **probable case**;
 - (f) **work premises**.
- (10) the following expressions have the same meaning that they have in the COVID-19 Mandatory Vaccination (Specified Facilities) Order 2022 (No. 2):
 - (a) **facility**.



Professor Benjamin Cowie

Acting Chief Health Officer, as authorised under clause 36(2) of the Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 4) and as an authorised officer authorised to exercise powers under section 165BA of the *Public Health and Wellbeing Act 2008*.

12 January 2022