[INSERT CEO NAME]

[INSERT TITLE]

[INSERT EMPLOYER]

[INSERT EMAIL]

cc: [insert Union Email]

**Re: COVID-19 - Infection Control**

**Background:** Infection Control

There is a duty for the PCBU - Northcott to provide a safe working environment, with controls in place to effectively eliminate or minimize risk of infection.

* Currently there is an expectation in Northcott that workers will transport and/or support customers to day programs.
* As a consequence of the current global pandemic, there is an elevated risk of exposure to COVID-19, which has a period after infection before symptoms may become apparent.
* The clients attending these day programs are disabled and in many instances have comorbidities which lower their immune systems placing them at a high risk of infection.
* The attendance at the day programs does not align with the health advice where you must remain home unless it is for an essential gatherings such as:
	+ going to work or education (if you are unable to do so at home)
	+ shopping for essential supplies such as groceries, return home without delay
	+ going out for personal exercise in the neighbourhood, on your own or with one other
	+ attending medical appointments or compassionate visits
* There is no assurance that day program operators have the facilities to ensure:
	+ appropriate social distancing in accordance with the health advice;
	+ correct sanitation in accordance with the health advice;
	+ compliance with the health orders to not participate in a public gathering of two or more people.

We refer to the following health advice on COVID-19 from the Federal Health Department and the heath orders from the NSW Government:

* <https://www.health.gov.au/news/health-alerts/novel-coronavirus-2019-ncov-health-alert/how-to-protect-yourself-and-others-from-coronavirus-covid-19/limits-on-public-gatherings-for-coronavirus-covid-19#essential-gatherings>
* <https://preview.nsw.gov.au/covid-19>

**Cease Work action:**

As a consequence of this serious and imminent risk to workers’ health and safety, we, the undersigned workers, are exercising our right under [section 84 of the NSW Work Health and Safety Act 2011](https://www.legislation.nsw.gov.au/#/view/act/2011/10/part5/div6/sec84) (the Act), to cease unsafe work in this environment.

This includes not undertaking the following actions:

* Workers will not be transporting customers to, or supporting customers on, day programs.

In accordance with [section 87 of the NSW Work Health and Safety Act 2011](https://www.legislation.nsw.gov.au/#/view/act/2011/10/part5/div6/sec87) we are available for suitable alternative duties until it is safe to resume normal duties.

It is also requested that a consultation and risk management process is commenced as a matter of urgency and that the affected workers and their Health and Safety Representatives (HSRs) are involved in that consultation and risk management process. Risk management measures that can be discussed include but are not limited to increased infection control protocols, and measures to be undertaken if or when a worker or customer displays symptoms that require them to self-isolate and/or if they test positive for COVID-19.

We also appoint the PSA/CPSU NSW as our representative under [section 4](https://www.legislation.nsw.gov.au/#/view/act/2011/10/part1/div3/subDiv1/sec4) and [section 81](https://www.legislation.nsw.gov.au/#/view/act/2011/10/part5/div5/sec81) of the NSW Work Health and Safety Act 2011 and request that they be included in consultations to resolve this issue.

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**Work Health and Safety Act 2011 No 10**

[Part 5](https://www.legislation.nsw.gov.au/#/view/act/2011/10/part5?)  [Division 6](https://www.legislation.nsw.gov.au/#/view/act/2011/10/part5/div6?)  Section 84

**84**   **Right of worker to cease unsafe work**

A worker may cease, or refuse to carry out, work if the worker has a reasonable concern that to carry out the work would expose the worker to a serious risk to the worker’s health or safety, emanating from an immediate or imminent exposure to a hazard.

**85 Health and safety representative may direct that unsafe work cease**

(1) A health and safety representative may direct a worker who is in a work group represented by the representative to cease work if the representative has a reasonable concern that to carry out the work would expose the worker to a serious risk to the worker’s health or safety, emanating from an immediate or imminent exposure to a hazard.

(2) However, the health and safety representative must not give a worker a direction to cease work unless the matter is not resolved after:

(a) consulting about the matter with the person conducting the business or undertaking for whom the workers are carrying out work, and

(b) attempting to resolve the matter as an issue under Division 5 of this Part.

(3) The health and safety representative may direct the worker to cease work without carrying out that consultation or attempting to resolve the matter as an issue under Division 5 of this Part if the risk is so serious and immediate or imminent that it is not reasonable to consult before giving the direction.

(4) The health and safety representative must carry out the consultation as soon as practicable after giving a direction under subsection (3).

(5) The health and safety representative must inform the person conducting the business or undertaking of any direction given by the health and safety representative to workers under this section.

(6) A health and safety representative cannot give a direction under this section unless the representative has:

(a) completed initial training prescribed by the regulations referred to in section 72 (1) (b), or

(b) previously completed that training when acting as a health and safety representative for another work group, or

(c) completed training equivalent to that training under a corresponding WHS law.

**86**   **Worker to notify if ceases work**

A worker who ceases work under this Division must:

(a)  as soon as practicable, notify the person conducting the business or undertaking that the worker has ceased work under this Division unless the worker ceased work under a direction from a health and safety representative, and

(b)  remain available to carry out suitable alternative work.

**87**   **Alternative work**

If a worker ceases work under this Division, the person conducting the business or undertaking may direct the worker to carry out suitable alternative work at the same or another workplace if that work is safe and appropriate for the worker to carry out until the worker can resume normal duties.

**88 Continuity of engagement of worker**

If a worker ceases work under this Division, that action does not affect the continuity of engagement of the worker for prescribed purposes if the worker has not unreasonably failed to comply with a direction to carry out suitable alternative work:

(a) at the same or another workplace, and

(b) that was safe and appropriate for the worker to carry out.

**89 Request to regulator to appoint inspector to assist**

The health and safety representative or the person conducting the business or undertaking or the worker may ask the regulator to appoint an inspector to attend the workplace to assist in resolving an issue arising in relation to the cessation of work.