

21 July 2021

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Mr Stewart Little
State Branch Secretary
Community and Public Sector Union

Mr Troy Wright
State Branch Assistant Secretary
Community and Public Sector Union

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Dear Stewart and Troy,

TAFE NSW and COVID-19 Restrictions

On behalf of the Technical and Further Education Commission (**TAFE NSW**), I refer to your letter from the Community and Public Sector Union (**CPSU NSW**) dated 15 July 2021 that asked five questions about the organisation's work health and safety (**WHS**) response to COVID-19. Mr Steffen Faurby, Managing Director at TAFE NSW has requested that I respond to your letter on his behalf as his authorised delegate.

The five questions that the CPSU NSW have asked are as follows:

- Question 1:** What risk assessments have been conducted into the opening of each campus, and functional areas of each including those in a high risk area? Who were they consulted with and we request a copy of these.
- Question 2:** What controls are in place to support staff transport to and from work, including use of private vehicles?
- Question 3:** What controls are in place to prevent infection of staff who work in facilities that remain open, including appropriate ventilation, negative pressure systems, screens and click and collect systems for goods, including in administration and library areas?
- Question 4:** What controls are in place to prevent infection of students (others) who are utilising facilities at the campuses for whom TAFE NSW has control?
- Question 5:** What assessments have been put in place to classify different roles as essential requiring attendance, requiring facilities to be opened?

For ease of reference I shall answer the questions in the order listed above.

Question 1: What risk assessments have been conducted into the opening of each campus, and functional areas of each including those in a high risk area? Who were they consulted with and we request a copy of these.

- 1.1 TAFE NSW is considered an educational institution / establishment under the NSW Public Health Order, which is updated from time to time. This means that the Reasonable Excuses and Exempted Gatherings provisions in the NSW Public Health Order apply.
- 1.2 Notwithstanding that TAFE NSW is an educational institution / establishment under the NSW Public Health Order, its officers who are considered to be persons conducting a business or undertaking are fully aware of their obligations under Work Health and Safety (WHS) law and that they continue to apply in the midst of the COVID-19 pandemic.
- 1.3 When the COVID-19 pandemic made its unwelcome arrival in Australia early last year TAFE NSW conducted risk assessments in consultation with its staff and, where considered necessary external industry experts, to put as many controls in place as reasonably practicable to continue to provide a duty of care to its employees, students and all persons that enter its campuses as required by WHS legislation.
- 1.4 Based on the Delta variant of COVID-19 spreading within Greater Sydney including the Blue Mountains, Central Coast, Wollongong, and Shellharbour, the risk assessments that were previously conducted at TAFE NSW have been updated and continue to be updated as required in consultation with employees.
- 1.5 The review and updating of risk assessments is primarily because of new and/or modified directions announced by the NSW Government that are reflected in the NSW Public Health Order which is updated from time to time, and also updated information published by SafeWork NSW and SafeWork Australia which TAFE NSW has regard to and complies with.
- 1.6 TAFE NSW is willing to discuss with the CPSU NSW how it may provide a copy of updated risk assessments or how arrangements can be made for them to be inspected.

Question 2: What controls are in place to support staff transport to and from work, including use of private vehicles?

- 2.1 TAFE NSW employees in Greater Sydney including the Blue Mountains, Central Coast, Wollongong, and Shellharbour who cannot perform their work from home because they need access to technology and/or are in front facing customer service roles may utilise their ordinary means of transport, whether that be public or private, to travel to and from work.
- 2.2 Where reasonably practicable TAFE NSW encourages employees that need to attend a campus to perform their work, to consider and discuss with their line manager whether flexible work arrangements including alteration to start and finish times is possible, particularly if public transport is being utilised.
- 2.3 TAFE NSW will continue to review updates to the NSW Public Health Order and concurrently review its controls that are in place, eg., wearing face masks if public transport is utilised, to determine if they need to be modified and/or new controls introduced.

Question 3: What controls are in place to prevent infection of staff who work in facilities that remain open, including appropriate ventilation, negative pressure systems, screens and click and collect systems for goods, including in administration and library areas?

- 3.1 When the COVID-19 pandemic made its unwelcome arrival in Australia early last year, TAFE NSW conducted risk assessments and as a result introduced a plethora of controls across the entire organisation.
- 3.2 As the COVID-19 pandemic continues in Greater Sydney including the Blue Mountains, Central Coast, Wollongong, and Shellharbour, and potentially now other areas in regional NSW, TAFE NSW has reviewed the controls that are in place and will continue to and modify and/or introduce new controls to support WHS for its employees, students and all persons that enter its campuses.
- 3.3 A non-exhaustive list of the controls that TAFE NSW has introduced in response to the COVID-19 pandemic include:
- 3.3.1 social distancing;
 - 3.3.2 supply of face masks to be worn by employees, students and any persons that enter TAFE NSW campuses;
 - 3.3.3 utilising the Service NSW App to check-in and check-out when entering and exiting TAFE NSW campuses;
 - 3.3.4 additional cleaning of TAFE NSW campus buildings and its contents;
 - 3.3.5 hand sanitisation;
 - 3.3.6 erection of desk / counter screens in customer service areas;
 - 3.3.7 click and collect library services where reasonably practicable;
 - 3.3.8 sending employees and students home and to not return if they are unwell or showing flu-like symptoms and asking them to get a COVID-19 test;
 - 3.3.9 encouraging employees and students to get regularly tested for COVID-19;
 - 3.3.10 encouraging employees and students to get a COVID-19 vaccination.

Question 4: What controls are in place to prevent infection of students (others) who are utilising facilities at the campuses for whom TAFE NSW has control?

- 4.1 Please refer to the response provided to Question 3 above.

Question 5: What assessments have been put in place to classify different roles as essential requiring attendance, requiring facilities to be opened?

- 5.1 Please refer to the response provided to Question 1 above.

TAFE NSW takes its WHS legal obligations to its staff, students and all persons that enter its campuses very seriously and always has, and during this COVID-19 pandemic will continue to do so. TAFE NSW welcomes robust discussion about WHS during this COVID-19 pandemic, and to that end invites the CPSU NSW to weekly COVID-19 meetings for 30 minutes in the same way that was undertaken in 2020 and the beginning of this year. If the CPSU NSW would like to see those weekly COVID-19 meetings reintroduced please let me know. If those weekly COVID-19 meetings are reintroduced, TAFE NSW respectfully requests for the CPSU NSW to look beyond traditional (adversarial) industrial relations and instead constructively, and where possible cooperatively, engage with each other so that together we can navigate as safely as possible through this COVID-19 pandemic.

If you have any further queries about the information in this reply letter please contact me by phoning 0434 781 630 and/or by sending me an email to Julian.Oliveux1@tafensw.edu.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Julian Oliveux', with a long horizontal flourish extending to the right.

Julian Oliveux
Head of Workplace Relations
TAFE NSW

Cc: Mr Thane Pearce
Industrial Manager
Community and Public Sector Union

Ms Jessica Epps
Industrial Officer
Community and Public Sector Union

Mr Shane Jobberns
Organiser
Community and Public Sector Union