

Exemption of Specific 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, Adjunct Clinical Professor Brett Sutton, Chief Health Officer:

- a. consider it reasonably necessary to mitigate potential workforce 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 fall within specific classes of workers (exempted 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 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 staffing shortages to specific classes of workers (exempted workers) 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 exempted 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 exempted 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 Specific Workers - Contacts Conditions and Other Directions (No. 1)**.

3 Exemption period and revocation

- (1) For the purposes of the exemption, the exemption period is the period beginning at 11:59:00pm on 18 January 2022 and ending at 11:59:00pm on 1 March 2022.
- (2) The **Exemption of Healthcare Workers - Contacts Conditions and Other Directions (No.2)** and the **Exemption of Critical Food Industry Distribution Workers – Contacts, Conditions and Other Directions (No. 1)** are revoked at 11:59:00pm on 18 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 exempted 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 subclause (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 subclause (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:

Exempted worker status	Conditions for exemption from self-quarantine to return to workplace
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Close contacts	<p>(1) If it is reasonably practicable for an exempted worker to work from the premises designated for their self-quarantine, the exempted worker must do so.</p> <p>(2) If it is not reasonably practicable for an exempted worker to work from the premises designated for their self-quarantine, provided the exempted 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"> (a) The exempted worker must notify each employer that they are a close contact. (b) Following the notification to the employer in subparagraph (a), 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. (c) The employer must not require an exempted worker to leave quarantine to work outside the premises designated for their self-quarantine, if the exempted worker does not consent to do so. (d) The exempted worker must travel directly to and from the premises where they are self-quarantining to the workplace, minimising contact with other persons. While in direct transit, the exempted worker may leave their vehicle for the purposes of: <ul style="list-style-type: none"> (i) accessing toilet and bathroom facilities; or (ii) paying for fuel; or (iii) purchasing takeaway food or drink (e) If the exempted worker is leaving their vehicle for a permitted reason in subparagraph (d) the exempted worker must wear a face covering at all times unless, in accordance with this exemption, an exception from the requirement to wear a face covering applies to the person. (f) An exempted worker (other than a healthcare worker) must wear a face covering (at minimum, a surgical mask) at all times when at, or travelling to and from, the work premises. (g) An exempted worker who is a healthcare worker must wear a face covering (an N95/P2 respirator) at all times when at the work premises, and must wear a face covering (at
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	<p>minimum, a surgical mask) at all times when travelling to and from the work premises.</p> <p>(h) Subparagraphs (f) and (g) do not apply to an exempted worker if:</p> <ul style="list-style-type: none"> (i) it is not practicable because the person is escaping harm or the risk of harm, including harm relating to family violence or violence of another person; (ii) the person is riding a bicycle or motorcycle; (iii) the person is consuming: <ul style="list-style-type: none"> (A) medicine; (B) food or drink; (iv) the person is smoking or vaping (including e-cigarettes) while stationary; (v) for emergency purposes; (vi) when required or authorised by law. <p><i>Note: Unless specified in subparagraph (h), other exceptions to the requirement to wear a face covering permitted under the Movement and Gathering Order do not apply.</i></p> <p>(i) While in the workplace, an exempted worker must not enter shared break areas, unless only accessible to other exempted workers. If only one break room is available to staff, exempted workers who are close contacts are only able to use this room if break times are staggered, such that only exempted workers who are close contacts are accessing the break room at the same time.</p> <p>(j) Where practicable, an exempted worker must not share facilities or amenities with other staff.</p> <p>(k) An exempted worker must undertake daily COVID-19 rapid antigen testing and return a negative result prior to commencing work at the workplace or work premises for 5 days after the person has been defined 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)).</p> <p>(l) When travelling to and from the workplace, an exempted worker must not use carpooling and where possible avoid public transport.</p>
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	<p>(m) An exempted worker must immediately notify 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> <p>(n) An exempted worker must immediately advise each employer that the exemption no longer applies, if they no longer meet any of these conditions.</p> <p>(o) An exempted worker must comply with all other applicable requirements under the Pandemic (QIT) Order 2022 (No. 4).</p>
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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 who is a social contact or exposed person does not have any symptoms of COVID-19, they may return to the workplace on the following conditions:</p> <p>(a) The healthcare worker who is a social contact or exposed person must notify each employer that they are either a social contact or exposed person.</p> <p>(b) A healthcare worker who is a social contact or exposed person must wear a face covering (an N95/P2 respirator) at all times when at the work premises, and must wear a face covering (at minimum, a surgical mask) at all times when travelling to and from the work premises.</p> <p>(c) Subparagraph (b) does not apply to a healthcare worker who is a social contact or exposed person if:</p> <p>(i) it is not practicable because the person is escaping harm or the risk of harm, including harm relating to family violence or violence of another person;</p> <p>(ii) the person is riding a bicycle or motorcycle;</p>

	<p>(iii) the person is consuming:</p> <p>(A) medicine;</p> <p>(B) food or drink;</p> <p>(iv) the person is smoking or vaping (including e-cigarettes) while stationary;</p> <p>(v) for emergency purposes;</p> <p>(vi) when required or authorised by law.</p> <p><i>Note: Unless specified in subparagraph (c), other exceptions to the requirement to wear a face covering permitted under the Movement and Gathering Order do not apply.</i></p> <p>(d) While in the workplace, a healthcare worker who is a social contact or exposed person may only share a break room with other healthcare workers who are social contacts or exposed persons. They must not share break rooms with other workers, including exempted workers who are close contacts. If only one break room is available to staff, a healthcare worker who is a social contact or exposed person is only able to use this room if break times are staggered, such that only healthcare workers who are social contacts or exposed persons are accessing the break room at the same time.</p> <p>(e) Where practicable, a healthcare worker who is a social contact or exposed person must not share facilities or amenities with other staff.</p> <p>(f) A healthcare worker who is a social contact or exposed person must undertake daily COVID-19 rapid antigen testing and return a negative result prior to commencing work at the workplace or work premises for 5 days after the person has been defined as a social contact or exposed person (this requirement is in addition to the Testing Requirements for Contacts and Exposed Persons provided by the Pandemic (QIT) Order 2022 (No. 4)).</p> <p>(g) A healthcare worker who is a social contact or exposed person must immediately advise each employer that the conditions no longer apply, if they no longer meet any of these conditions.</p> <p>(h) A healthcare worker who is a social contact or exposed person must comply with all other applicable requirements under the Pandemic (QIT) Order 2022 (No. 4).</p>
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7 Definitions

For the purposes of this document:

- (1) **agricultural and forestry worker** means a person who directly provides or coordinates the delivery of:
 - (a) food safety and verification, inspection or associated laboratory services and biosecurity functions;
 - (b) animal saleyards, knackeries and animal transportation services (including livestock and pets);
 - (c) services connected with animal health, husbandry or welfare;
 - (d) farm, animal and bloodstock leasing activities, including:
 - (i) farming activities and other operations relating to agriculture, horticulture, viticulture, irrigation, permaculture, apiculture, grains, fibre production, dairy, commercial fishing, aquaculture and livestock;
 - (ii) intensive agricultural production including greenhouses and animal production;
 - (iii) agricultural, veterinary chemicals and vaccine production, transportation and distribution (including the Pig Services Centre);
 - (iv) animal feed production, transportation, packaging, sale, and feeding (including livestock and pets);
- (2) **care worker** means a person who works at:
 - (a) an alcohol and drug residential service;
 - (b) a disability residential service;
 - (c) services provided to an NDIS participant in any setting;
 - (d) a homelessness residential service;
 - (e) a secure welfare service;
 - (f) a supported residential service;
 - (g) essential relief activities including the activities provided at Neighbourhood Houses;
 - (h) an eligible SDA enrolled dwelling;
 - (i) a short-term accommodation and assistance dwelling;
 - (j) a mental health residential service including the service provided at a Community Care Unit or a Prevention and Recovery Centre;
 - (k) a retirement village that provides direct care for residents;
 - (l) child protection services;
 - (m) family violence and sexual assault support services;
 - (n) homelessness support services;
 - (o) public housing support services;

- (p) mental health services;
 - (q) any essential social services provided or contracted by the government to support members of the community who have a particular need because of family violence, homelessness, illness or a chronic health condition, infirmity, disability, contact with the justice system or other essential support service; or
 - (r) interpreter, cultural, or support services;
- (3) **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;
- (4) **critical food industry distribution** means processing, warehousing and distribution services in relation to food or beverages (including abattoirs and meat processing facilities, poultry processing facilities, perishable food work premises, seafood processing facilities and supermarkets), but excluding a retail facility other than a supermarket;
- (5) **critical food industry distribution worker** means a person who:
- (a) is a worker at a critical food industry distribution workplace; or
 - (b) works in the distribution of food or beverages (excluding a retail facility other than a supermarket) and is a:
 - (i) agricultural and forestry worker;
 - (ii) manufacturing worker;
 - (iii) meat and seafood processing worker;
 - (iv) port or freight worker;
- (6) **custodial worker** means a person who works directly in the provision of services at a custodial facility that is a facility used for the detention of persons, including but not limited to a:
- (a) prison;
 - (b) remand centre;
 - (c) youth residential centre;
 - (d) youth justice centre;
 - (e) residential facilities;
 - (f) residential treatment facilities;
- (7) **education worker** means:
- (a) any person who is employed by an education operator to work in an education facility (including teachers, early childhood educators and educational support staff);

- (b) a person contracted to work at an education facility and who will or may be in close proximity to children, students or staff, whether or not engaged by the education operator including casual relief teachers, NDIS providers and auditors, (but does not include delivery personnel);
 - (c) a cleaner working at an education facility;
- (8) **emergency service worker** means a person who directly provides or coordinates the delivery of any of the following emergency services:
- (a) the Victoria State Emergency Services;
 - (b) Fire Rescue Victoria, the Country Fire Authority or any other firefighting services;
 - (c) the Emergency Services Telecommunications Authority;
 - (d) aquatic safety services, including lifesaving services and marine search and rescue services;
 - (e) paramedical services;
 - (f) ambulance and paramedics services;
 - (g) air ambulance and medical retrieval services (including Royal Flying Doctor Service);
 - (h) Victoria Police, protective services and police custody services;
 - (i) essential infrastructure and essential services that are required to maintain or protect human health, safety and wellbeing (whether provided by a public or private undertaking), and including maintenance and repair of such infrastructure,
- and the maintenance or repair of equipment essential for the provision of these services;
- (9) **exempted worker** means a person who is a:
- (a) healthcare worker;
 - (b) critical food industry distribution worker;
 - (c) emergency service worker;
 - (d) custodial worker;
 - (e) utility and urban worker;
 - (f) port or freight worker;
 - (g) transport worker;
 - (h) education worker;
 - (i) care worker;
 - (j) pharmacy worker;
 - (k) funeral worker;
- (10) **Exemption of Healthcare Workers - Contacts Conditions and Other Directions (No.2)** means the Exemption of Healthcare Workers who are close contacts in respect of the **Pandemic (QIT) 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 (No. 2)** as amended or replaced from time to time;

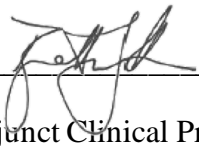
- (11) **Exemption of Critical Food Industry Distribution Workers – Contacts, Conditions and Other Directions (No. 1)** means the Exemption of Critical Food Industry Distribution Workers who are close contacts in respect of the **Pandemic (QIT) Order 2022 (No. 4)** and Directions given as conditions applicable in respect of the Exemption (No. 1), as amended or replaced from time to time;
- (12) **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;
- (13) **funeral worker** means a person who works in the delivery or coordination of funerary or mortuary services;
- (14) **healthcare worker** means:
 - (a) a person who directly provides or coordinates the delivery of the following at a hospital or primary healthcare facility including on-call and after hours:
 - (i) healthcare services including:
 - (A) medical practitioners, dental professionals, nurses and midwives;
 - (B) allied health professionals (including those that work within a discipline classified by the Victorian Department of Health as allied health, or are registered with the Australian Health Practitioner Regulation Agency);
 - (C) palliative care workers;
 - (D) personal care attendants;
 - (E) phlebotomists and pathology workers;
 - (F) social workers;
 - (G) formal language and interpretation services;
 - (ii) administrative or ancillary roles, including:
 - (A) essential administrative, clerical and managerial worker;
 - (B) food preparation, cleaning and laundry services;
 - (C) patient service assistants and porters;
 - (D) operating theatre technicians;
 - (E) security, maintenance and repair;

- (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) **residential aged care facility worker** means a person (including a volunteer) that is 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 and essential maintenance staff;
 - (iv) dental practitioners;
 - (v) phlebotomists (pathology nurses);
- (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**;
- (15) **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;
- (16) **manufacturing worker** means a person who works at a work premises used for the distribution, production or processing of goods, including but not limited to production or processing of:
 - (a) food (excluding meat, seafood or poultry);
 - (b) beverages including brewed and bottled drinks;
 - (c) chemical, including fertilisers, pesticides, pharmaceutical, medicinal, cleaning products, toiletries;
- (17) **meat and seafood processing worker** means a person who works at an abattoir or a meat, seafood or poultry processing plant;
- (18) **Movement and Gathering Order** means the **Pandemic (Movement and Gathering) Order 2021 (No. 3)** as amended or replaced from time to time;
- (19) **Pandemic Orders** means orders made under section 165AI of the **PHW Act**;
- (20) **pandemic orders in force** has the same meaning as in the **Movement and Gathering Order**;
- (21) **pharmacy worker** means a person who is:
 - (a) a registered pharmacist;
 - (b) a dispensary assistant or technician at a pharmacy; or

- (c) directly carrying out or supervising the delivery of vaccination services at a pharmacy;
- (22) **port or freight worker** means a person works at a work premises providing:
- (a) air transport services;
 - (b) port operations;
 - (c) freight services (including postal and courier services);
 - (d) services provided by a transport, freight or logistics driver;
 - (e) monitoring compliance with the Heavy Vehicle National Law;
- (23) **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;
- (24) **transport worker** means a person directly provides or coordinates the delivery of:
- (a) a bus company service;
 - (b) a public transport service,
- and the maintenance or repair of equipment essential for the provision of these services;
- (25) **utility and urban worker** means a person who directly provides or coordinates the delivery of:
- (a) specialist services to support telecommunications as a critical service during the COVID-19 pandemic;
 - (b) services to support the ongoing provision and regulation of electricity, gas, liquid fuels and refinery services, water, sewage and waste and recycling services and their maintenance;
 - (c) domestic and commercial waste and resource recovery services (including collection, treatment and disposal services and transfer stations);
 - (d) the operation of primary clinical waste incinerators by specialised clinical waste workers;
 - (e) telecommunications, broadcasting and internet infrastructure and services sector,
- and the maintenance or repair of equipment essential for the provision of these services;
- (26) **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;

- (27) **workplace** means the place at which a person works and/or provides goods and services;
- (28) the following expressions have the same meaning that they have in the **Pandemic (Additional Industry Obligations) Order 2022 (No. 3)**:
- (a) **abattoirs;**
 - (b) **meat processing facility;**
 - (c) **perishable food work premises;**
 - (d) **poultry processing facility;**
 - (e) **seafood processing facility;**
- (29) 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.**
- (30) the following expressions have the same meaning that they have in the **Pandemic COVID-19 Mandatory Vaccination (Specified Facilities) Order 2022 (No. 2)**:
- (a) **childcare or early childhood service;**
 - (b) **education facility;**
 - (c) **education operator;**
 - (d) **facility;**
 - (e) **residential aged care facility;**
 - (f) **school;**
 - (g) **school boarding premises;**
- (31) the following expressions have the same meaning that they have in the **Pandemic COVID-19 Mandatory Vaccination (Specified Workers) Order 2022 (No. 2)**:
- (a) **alcohol and drug residential service;**
 - (b) **bus company;**
 - (c) **disability residential service;**
 - (d) **eligible SDA enrolled dwelling;**
 - (e) **homelessness residential service;**
 - (f) **mental health residential service;**
 - (g) **prison;**

- (h) **public transport service;**
- (i) **remand centre;**
- (j) **residential facility;**
- (k) **residential treatment facility;**
- (l) **retail facility;**
- (m) **retirement village;**
- (n) **secure welfare service;**
- (o) **short-term accommodation and assistance dwelling;**
- (p) **supported residential service;**
- (q) **youth residential centre;**
- (r) **youth justice centre.**



Adjunct Clinical Professor Brett Sutton

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 sections 165BA and 20A of the *Public Health and Wellbeing Act 2008*.

18 January 2022