

Guiding Principles for residential aged care – keeping NSW residents and workers safe

Advisory Group Endorsement: 22/12/20

The safety of residents and workers in residential aged care is the highest priority. These principles are designed to minimise the potential risk of workers unintentionally transmitting COVID-19 either by attending work while experiencing symptoms, or working across multiple sites. This aims to reduce the overall risk of outbreak at any given site as well as reducing the health risk for individual residents and workers in New South Wales aged care homes, located in hotspots.

Development

The original ‘*Guiding Principles for residential aged care – keeping Victorian residents and workers safe*’ were developed by industry leaders with input from Government, peak bodies and unions in July 2020 to address concerns in Victoria. They have been updated for the latest COVID 19 outbreak in the Northern Beaches, Sydney, New South Wales, which has now been defined as a Commonwealth hotspot.

The Guiding Principles should be read in conjunction with the Department of Health’s Support for Aged Care Workers in COVID-19 [Grant Guidelines](#). The Grant Guidelines outline the Australian Government’s provision of funding support to help employers and workers stop the spread of COVID-19 in Commonwealth defined hotspot locations.

Objectives

To keep residents and workers located in hotspots in New South Wales protected from the risks of acquiring COVID-19 in residential aged care facilities.

To have New South Wales aged care workers based with one residential aged care facility only during this high risk pandemic period.

To reduce the risk of aged care workers unintentionally transmitting COVID-19 by working across multiple sites.

Scope

The principles apply to permanent and casual residential aged care workers who work in a Commonwealth defined hotspot in New South Wales and will apply if the worker has multiple employers who are Residential Aged Care Facilities.

The principles do not apply to contractors, the emergency workforce and agency staff.

Guiding Principles

1. Every effort will be made to ensure workers are supported, paid their usual income, not disadvantaged and have choice over their place of employment¹;
2. It is expected that workers will work at the site where they can work the most hours for the duration of the activity period covered by these Guiding Principles.
3. There will be no diminishing impact to the consumer's right to make informed choices about care and services;
4. Implementation of risk management practices and workforce practices will be practical, and employers/providers will have access to avenues of support; and
5. The promotion of sustainable and safe rostering, employment and workplace practices to minimise disruption to any one provider.

Timeframe

The changes in New South Wales affected areas are commencing from Friday 18 December and it is intended they be implemented by employers and workers as soon as practicable. Employers should aim to commence implementing roster changes as soon as practicable from the next roster change, with the intent for flexible extensions across time if needed.

The changes will be in place as long as is necessary to protect residents and staff and for the duration of the Commonwealth hotspot in NSW. The need will be reviewed regularly and extended further if required as a result of the pandemic and on advice from the Commonwealth and NSW Governments.

These Principles apply in Commonwealth hotspot locations in New South Wales only at this time but may be adopted in additional locations and other States and Territories as needed.

Stakeholder engagement

Stakeholder engagement has and will be continued throughout the period covered by the Guiding Principles and any extension. The Guiding Principles have been met with a constructive and cooperative approach from the sector, sector peaks, industrial bodies and Governments, and the initiative to find a solution has been welcomed.

Implementation – Single Site employment

Worker protection:

1. Any changes during this fixed term period will be implemented with a specific focus on not disadvantaging workers.
2. Workers will continue to be protected by safe working conditions (including the provision of appropriate PPE and hand hygiene products).
3. Workers who decide to work at a single site must have the security of other relevant employment and their accrued entitlements and continuity of service maintained during this period, subject to relevant legislation.

¹ No disadvantage to workers with respect exercising their workplace rights.

4. Workers who elect to work at a single site will be able to access annual leave or long service leave entitlements which has accrued at their additional job(s) during this period.
5. Workers who elect to work at a single-site within the Guidelines will be recognised to be exercising a workplace right, reflecting the intent of these Principles to minimise the risk to health and safety.

Practical implementation:

Any worker who requests leave without pay during single site to work at another employer/provider must be granted that leave.

1. The employer must hold the employee's position for a minimum of twelve weeks or for the agreed period of single site leave;
2. The employee must notify the employer in writing, if the worker elects to extend the single site leave period (The Guiding Principles do not provide for extension beyond the duration of the Guiding Principles);
3. The worker's primary and additional employment must be with an approved residential aged care provider;
4. The additional employer(s) has a right to request evidence of the worker's selected primary job (evidence may be in the form of an employment agreement, letter of offer, pay slip or statement of service from the employer). The worker may choose to redact personal information from such documents;
5. Workers will continue to be allowed to access their annual leave and long service leave entitlements only via their usual leave application and approval channels;
6. Personal and annual leave will not continue to accrue with additional employer(s) during this period if the worker is taking unpaid leave (although personal and annual leave **will** continue to accrue if the employee is taking paid leave); [see [s.22 of the FW Act](#)];
7. Continuity of service is protected (including for redundancy purposes) and long service leave will continue to accrue; and
8. As a result of taking this leave, the worker will not be disadvantaged in the future with respect to progression, development, learning and other opportunities in the workplace.

Provider support:

9. Providers will continue to have access to Government support through the Aged Care Support Program, access to PPE, and support to boost an emergency workforce.
10. Providers without sufficient internal resources will have access to practical tools to support them in complying with the Principles. Providers will access support via the support hub, which operates with the specialist support of the Peak Bodies.
11. Providers will work cooperatively to stabilise the workforce and prevent disadvantage to any one provider.

Support hub:

12. Resources from Peak Bodies will be engaged to serve as the support hub specialist and operational support to provide guidance, tools and advice to employers to assist them in implementing the Guiding Principles.
13. An Advisory Committee will be led by Peak Bodies and will include representatives from Government, Unions, Aged Care Quality and Safety Commission (ACQSC), and other sector representatives.

14. The support hub will promote regional and state collaboration to facilitate access to resources, expertise and information for smaller providers who may require support to adapt to the requirements of the Guiding Principles, including through support, to adopt new HR processes.

Support from providers, peak bodies, industrial bodies and Governments

An effective workforce pandemic response will require generous and open collaboration between providers, peak bodies and industrial bodies, with support from Governments. A regional cooperative approach to a temporary single-site solution is critical.

Providers will be required to:

- Adhere to the guidelines to preserve the safety of their consumers and their workers;
- Act reasonably and in accordance with the Guiding Principles and workplace laws;
- As far as reasonably practicable, employers will take steps to mitigate the risk of worker fatigue;
- Contribute to the regional solution through participation in facilitated conversations, providing due consideration to other local providers, and considering how the aged care workforce is best utilised and mobilised for the benefit of the sector;
- Contribute resources and expertise, where this is possible and safe, to support smaller providers or providers where an outbreak has occurred; and
- Provide employees with extra shifts, where operational requirements allow, to make up for shifts they have foregone with their other aged care facility(s) employers.

The **Peak Bodies** will provide strong mentorship of providers to assist them to maintain the safety of their consumers and workers. Peak Bodies have the capacity to offer:

- Direct communications channels to providers to circulate information, policy, resources and toolkits;
- Deep sector touch points to understand the challenges of members, advocate for change for more effective solutions and escalate providers to the support network;
- Expert, sector-specific resources to support implementation of the guidelines; and
- A channel for feedback and data collection to evaluate impact and opportunities for continuous improvement.

The **Unions** representing aged care workers will continue to represent member interests and ensure that all workers are provided with accurate information and support to guide their decisions, mindful of the primary obligation of the Principles to ensure resident and worker safety. Such unions have the capacity to offer:

- Direct communications channels to their members to circulate information and support;
- Deep sector touch points to understand the challenges of workers, advocate for change for more effective solutions and escalate worker issues to providers and governments;
- A channel for feedback and data collection to evaluate impact and opportunities for continuous improvement.

To enable aged care providers to implement the principles, support from **Governments** will be provided in the form of funding to:

- Residential providers to ensure aged care employers can cover costs to enable employees to work at a single site; and
- Funding to facilitate the establishment of a hub which will support providers to implement these principles.

In addition to supporting New South Wales aged care workers to be based with one residential aged care facility, the Australian Government Department of Health will provide additional supports for workers through:

- Paid leave for workers who are not to attend work due to testing positive for COVID-19, experiencing symptoms, or as a result of self-isolation or quarantine.
- Training additional staff where existing aged care workers are not to attend work due to self-isolation, quarantine or single site requirements.