

New Victoria Stay Safe Directions and Restricted Activity Directions

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Abstract

The Victorian Government released new [Stay Safe Directions](#) and [Restricted Activity Directions \(No 9\)](#) (the 'Directions'). The Directions, which replace the Stay at Home Directions (No 7) and Restricted Activity Directions (No 8), took effect from 1 June 2020. The restricted activity period is due to end on 21 June 2020.

Restrictions on businesses

The purpose of these Directions is to contain the spread of Novel Coronavirus 2019 (Covid-19) by limiting the activities of business and other organisations and to limit, recreational, cultural and entertainment activities.

As Covid-19 restrictions gradually ease across Australian states and territories, employers are now considering the return of the workforce to places of employment. The Directions impose strict obligations on employees and employers, with serious consequences on employers for non-compliance.

The Restricted Activity Directions state employers are not permitted to allow employees to perform work at the employer's premises where it is reasonably practicable for the employee to work from the employee's home or another suitable premises.

The Stay Safe Directions provide that a person who is in Victoria during the Stay Safe period may leave their residence only if it is not reasonably practicable to work from their home or another suitable premises which is not the employer's business.

'Reasonably practicable' is given its ordinary common sense meaning, for example, it would not be reasonably practicable for a person employed in a school to work from home when on-site schooling has resumed. The same may be said for those employed in various hospitality and retail roles.

Severe consequences apply for non-compliance, with fines of up to \$100,000 for employers who breach the Directions.

Although the Directions are due to expire on 21 June 2020, Victorian Premier Daniel Andrews emphasised that employees are expected to work from home till the end of June with a "staggered return" to the workforce commencing from July.

Practical considerations

Return to work plans must factor in the Directions by focusing on the practical utility of returning to the workplace. If work can be done elsewhere then employers must continue to support remote working options.

For employees that will be returning to their place of employment, [Safe Work Australia](#) and [Worksafe Victoria](#) have published detailed guidance and resources guiding employers on Covid-19 work and health practices.

See: [LLU: Pandemics and COVID-19 — COVIDSafe planning tool and Safe Work Australia online hub, COVID-19 toolkit for employers](#), and [Pandemics and COVID-19](#)