

FAQs: Requirements Related to Mandatory Face Masks in Victoria



Some Q&As about face masks and the current directive to wear face masks – including who is responsible for their purchase and supply.

When do I need to wear a face covering?

Recent advice from the Victorian Chief Health Officer has seen the Victorian Government announce that commencing at 11.59pm on Wednesday 22 July 2020, if you live in Metropolitan Melbourne or Mitchell Shire, you must wear a face covering when you leave your home.



The Victorian Government has produced a video providing directions on wearing a face mask which can be accessed via: <https://youtu.be/nwXJtN2Yt60>

Are there any exemptions?

There will be some extenuating circumstances that mean a person may not be required to wear a face covering. These circumstances include:

- for medical reasons
- if the person is under the age of 12
- for professional reasons, for example, teachers
- if it's not practical, for example, running. The person will still be required to carry a face covering at all times, to wear before and after exercise.

Are there penalties for not wearing a face covering?

The fine for not wearing or carrying a face covering will be \$200.

How does this affect your workplace and employees?

There are several ways in which this affects the workplace environment and employees. These impacts are outlined below.

Travel to and from the workplace	Your staff will be required to wear a face mask when leaving home and travelling to work. They can store the used face mask in a ziplocked bag (for discarding later) when they have finished using it – a new/fresh mask can be used for their return journey home. <ul style="list-style-type: none">• Wearing a face covering when travelling to and from the workplace is the employee's responsibility• Face covering not needed if driving alone in own vehicle• Face covering required on public transport, travelling with other passengers, walking to work
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<p>Is the service you require your employees to provide a face to face service?</p> <p><i>Examples: medical practice, maternal and child health nurse, aged care provider, close retail assistant (e.g. hairdresser)</i></p>	<p>Employers should provide masks for those employees who are providing a level of service that could be considered to be in close proximity with other persons, i.e. not being able to maintain/meet the safe distancing requirements. In which case the employee may need to change masks between service delivery.</p>
<p>Can I require my employees to wear a face mask?</p>	<p>Employers must take all reasonable steps to make sure that the workplace is safe for everyone. The Australian Government has ruled that people must practice social distancing.</p> <ul style="list-style-type: none"> • Employers should make sure that employees can: • Practice social distancing at work • Wash their hands regularly with soap and water • Follow all other rules from health authorities. <p>In some workplaces face masks and hand sanitiser may be essential to maintain the health and safety of employees. Employers must provide these items to employees where they are essential for maintaining health and safety (for example, in a hospital or other setting where there is a high risk of exposure to infectious diseases), and require them to be utilised as instructed.</p>
<p>Can employees be disciplined for not wearing a face mask?</p>	<p>Yes, because it is a clear Victorian Government directive – all people living in the Metropolitan Melbourne or Mitchell Shire regions are required to wear a face mask at all times when outside their house.</p> <p>In addition, the Fair Work Regulations define ‘serious misconduct’ as follows:</p> <ol style="list-style-type: none"> a. wilful or deliberate behaviour by an employee that is inconsistent with the continuation of the contract of employment; and b. <i>conduct that causes serious and imminent risk to:</i> <ol style="list-style-type: none"> i. <i>the health or safety of a person; or</i> ii. <i>the reputation, viability or profitability of the employer’s business.</i> <p>The Fair Work Regulations also list the following conduct as being deemed serious misconduct:</p> <ol style="list-style-type: none"> c. <i>the employee, in the course of the employee’s employment, engages in theft, fraud or assault;</i> d. <i>the employee being intoxicated at work;</i> e. <i>the employee refusing to carry out a lawful and reasonable instruction that is consistent with the employee’s contract of employment.</i>
<p>My staff can maintain a safe distance when working, do I need to provide face masks?</p>	<p>For those staff who can meet safe distancing requirements, they should wear their own face masks as they have been directed to when outside of their home. While it is not a requirement to provide face masks, it is recommended that face masks are available if needed.</p>

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<p>Do I have to pay for masks?</p>	<p>Only if you have directed your employees to wear a face mask or they are undertaking close activity that would require them to change masks often (e.g. a nurse and patient treatment scenario).</p> <p>In other cases, there has been a Government directive for all Victorians in Metropolitan Melbourne and the Mitchell Shire to wear a face mask when they leave the house. Their own face mask should suffice for their day at work.</p>
<p>Do I need to provide a certain standard of face mask?</p>	<p>Ideally, the standard of face mask is appropriate for the situation the person is in. For example, a disposable surgical mask would be required in a health care setting. Re-washable cloth masks in normal day to day settings would be fine.</p> <p>For further information on the different types of face masks see: https://www.safeworkaustralia.gov.au/doc/types-and-uses-face-masks</p>
<p>Can I make my own face mask?</p>	<p>Yes, the Department of Health has a pdf on how to make masks. See: https://www.dhhs.vic.gov.au/updates/coronavirus-covid-19/face-coverings-1159pm-wednesday-22-july#where-can-i-get-a-face-mask</p> <p>Types of face coverings that can be used:</p> <ul style="list-style-type: none"> • Cloth masks • Surgical mask (disposable) • N95/P2 mask (These are not recommended for use in the community and not advised to be used outside of healthcare or specific industries under health advice) • Face shields
<p>What other health and safety protections do employees have at work?</p>	<p>At all times, both employers and employees must follow occupational health and safety laws. These laws continue to apply during the pandemic.</p> <p>This means that:</p> <ul style="list-style-type: none"> • Employers have a duty to take reasonable care of all their employees' health and safety • Employees have a duty to take reasonable care of their own and their co-workers' health and safety. <p>Everyone's workplace is different. What is a reasonable health and safety measure in one workplace may not be reasonable in a different workplace.</p>
<p>Can I require customers to wear a mask?</p>	<p>The Victorian Government directive is clear – all people living in the Metropolitan Melbourne or Mitchell Shire regions are required to wear a face mask at all times when outside their house. Therefore, you may refuse entry to those not wearing a face mask, as it is a requirement by law. A \$200 fine may apply where this legal requirement is not met.</p> <p>See: https://www.dhhs.vic.gov.au/updates/coronavirus-covid-19/updated-restrictions-1159pm-wednesday-22-july-2020</p>