



# BUSINESS AS USUAL

*During COVID-19*

While the advice in this document is general and does not take into account your organisational objectives, financial position or business situation needs, if you are looking for further advice or consultation in any of the mentioned areas please reach out to

KLC Recruitment.

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## INDUCTING AND TRAINING

Whether a pandemic or a normal business day, by setting out the clear expectations of the role, the hours of work, perimeters around routine and how you would expect to be updated to monitor output is all the same. We have found that ensuring the interviewee is aware of the objectives and protocols in place and isn't deterred by any conflict or misinterpretation from the start then the transition is smooth and stress free.

### Prior to their first day

Send out a welcome email a week or two before their start date to open the lines of communication. In this email you should include:

- A set out itinerary for the first few days, weeks or months - depending on your onboarding program.
- Provide details for a point of contact in HR or management, in case the new starter has any initial questions.
- Send your business or employee handbook and policies or provide early access to your employee intranet to give insight into your business culture, vision, and values.
- Provide access to FAQs to answer common queries around who to contact, when employees will receive their equipment etc
- Send a 'Welcome to the Team Pack' - this might be as simple as branded stationery or a coffee mug!



## IT and access

Spend time working with the employee prior to their first day to ensure they have access to the network and emails, the correct equipment and the importation contact information to a dedicated IT person to make this process as seamless as possible for them. If they don't have a desk or dedicated workspace, think about offering them an affordable amount to purchase the essentials - even better, order it for them and have it delivered!

## On the first day

A virtual induction, including meetings with key members of the team and their management structure. Establish key communication platforms and the standard of minimum level communication. Even host a virtual team welcome lunch to make them feel really welcome and included. If possible, assign a dedicated "buddy" - this person is there as an information sharing and question answering friend. Also ensure there is a dedicated 1:1 meeting with their direct manager.

## The first couple of weeks

Bi-weekly meetings with management and the team in the first couple of weeks are key and where possible ensure it is a virtual face to face meeting to build confidence, camaraderie and team morale.

Just like you would if you were in the office, you want the new starter to meet those within key areas of your business. Dependent on the size of your business consider setting up meetings with Management, HR, Finance, Admin etc to ensure they feel 'in the know' as much as possible.

Set clear deliverable KPIS and ensure you not only outline what is expected but the timeframe in which these are to be delivered. These can be complex or even as simple as "Work in Progress Sheet must be updated by COB everyday". By keeping the new starter accountable to the work, they are achieving each day ensures they feel as though they are contributing to a part of the wider team.

If you're a direct manager of a new starter during this time make sure you diarise "Check in Meetings" to open up the line of communication with any questions they may have and were too afraid to ask or needed some prompting to ask. The check in's also enable you to highlight any concerns, check in if they need further training, ask for feedback on how they are handling the workload etc.



## **WORKPLACE HEALTH AND SAFETY**

Ensuring the health and safety of your employees is paramount and there is no difference if they are working from home or in the office for this to be a high priority not only for their safety but for yours.

The conversation around workplace safety when working from home needs to be had from the outset, policies need to be created, put in place and signed.

### **Employer obligations**

According to Worksafe Victoria, “Employers have a duty to - as far as is reasonably practicable - to provide a working environment for their employees that is safe and without risks to health.”

This includes identifying and controlling risks to health or safety associated with potential exposure to COVID-19.

It also includes controlling new risks that may be introduced when an employee works from a location other than their normal workplace, such as their home office.

These duties extend to any independent contractor engaged by an employer and the employees of independent contractors.



## Employer obligations when staff Work from Home

Whether working from home is a reasonably practicable measure will depend on the specifics of the workplace, the facilities available for employees to work remotely and the ability for employees to do their work safely from home.

When making decisions about whether employees should work from home, employers should:

- Consult with employees about whether working from home is an appropriate arrangement, including at an individual employee level
- Keep up to date with information about COVID-19 risks and appropriate control measures
- Seek specific advice from employee and employer organisations and the department of health and human services

During consultation, employees should consider whether they will be able to carry out their normal work at home with appropriate risk control measures in place.

Health and safety issues to consider when setting up a home office, include:

- Whether working from a different location such as working from home will introduce additional risks
- The suitability of work activities
- The suitability of the workstation set up
- The environment, for example lighting and noise
- Communication requirements
- Mental and emotional wellbeing
- Any training in safe working procedures that may be required

You may already have a working at home policy in place that outlines your method to verify the safety of employees' work environments. For some companies mainly small companies we are seeking that they are struggling to develop a work-at-home policy at short notice that is relevant and up to date to move as rapidly as the Coronavirus outbreak.

The best option right now is along with an appropriate policy have a well-developed working from home checklist, for employees to verify to the company they were working in a safe environment. From an employer perspective, if you can show that you have trained your employees on how to conduct their work safely, then that's a protection for you in the current climate. With modern technology, an easy fix for employers here is to have the employee use Skype, Zoom or Microsoft Teams to show their workspace and how they will move around in it.



If you are struggling to keep up with the legal obligations around WHS, policies and checklists, please reach out to KLC.

### Legal duties

Employers have duties under the Occupational Health and Safety Act 2004 (OHS Act), which include that they must, so far as is reasonably practicable:

- Provide and maintain a working environment that is safe and without risks to the health of employees and independent contractors
- Provide such information, instruction, training or supervision to employees and independent contractors as is necessary to enable those persons to perform their work in a way that is safe and without risks to health
- Monitor the health of employees of the employer
- Monitor conditions at any workplace under the employer's management and control
- Provide information concerning health and safety to employees, including (where appropriate) in languages other than English
- Ensure that persons other than employees of the employer are not exposed to risks to their health or safety arising from the conduct of the undertaking of the employer
- Consult with employees and HSRs, if any, on matters related to health or safety that directly affect, or are likely to directly affect them

Employees also have duties under the OHS Act, which includes that they must:

- Take reasonable care for their own health and safety
- Take reasonable care for the health and safety of persons who may be affected by the employee's acts or omissions at a workplace
- Co-operate with their employer with respect to any action taken by the employer to comply with a requirement imposed by or under the OHS Act

### Exercise & Mental Health

When people think Work Health Safety, they often think 'slips trips and falls', but in addition you need to be thinking about your responsibility for your employee's mental health. With many companies working from home, looking out for your employee's mental health is extremely important. The government has increased funding for mental health and tele counselling services knowing the impacts of self-isolation on mental health.

Talk to your employees regularly, see them virtually regularly and provide access to EAP programs or telephone counselling services.



One way to assist your employees is to educate your employees about the importance of exercise in regard to their health and mental health. If they are sitting at a desk all day, talk them through best practise when it comes to breaks and their overall health. Set aside time in their diary for their lunch everyday so they are prompted to get out of their seat and take a walk outside and get some fresh air.

We have found working from home means you do forget to get up and get out because it is so easy sitting a quiet room working away and not having any distractions. Encourage exercise and outdoor breaks to keep spirits high.

**\*\* References from Worksafe Victoria**



## PERFORMANCE MANAGEMENT

If before this pandemic you were performance managing someone and they are now working from home, you are well within your right to continue this process just like they are in the office.

You will have to up your communication and daily touch points, even move your meetings to virtual ones, however if an employee is not performing their role, our current situation does not mean you can stop managing their performance.

In the current environment we have started to hear whispers of employers using COVID-19 as an ingenuine excuse for terminating employment when they should have performance managed the employee. **Our advice do not do this**, unless your business has been severely impacted by COVID-19 (ensure you obtain advice from your accountant in terms of the downturn in your income), otherwise this is a sure fire way to end up in Fair Work for unfair dismissal.

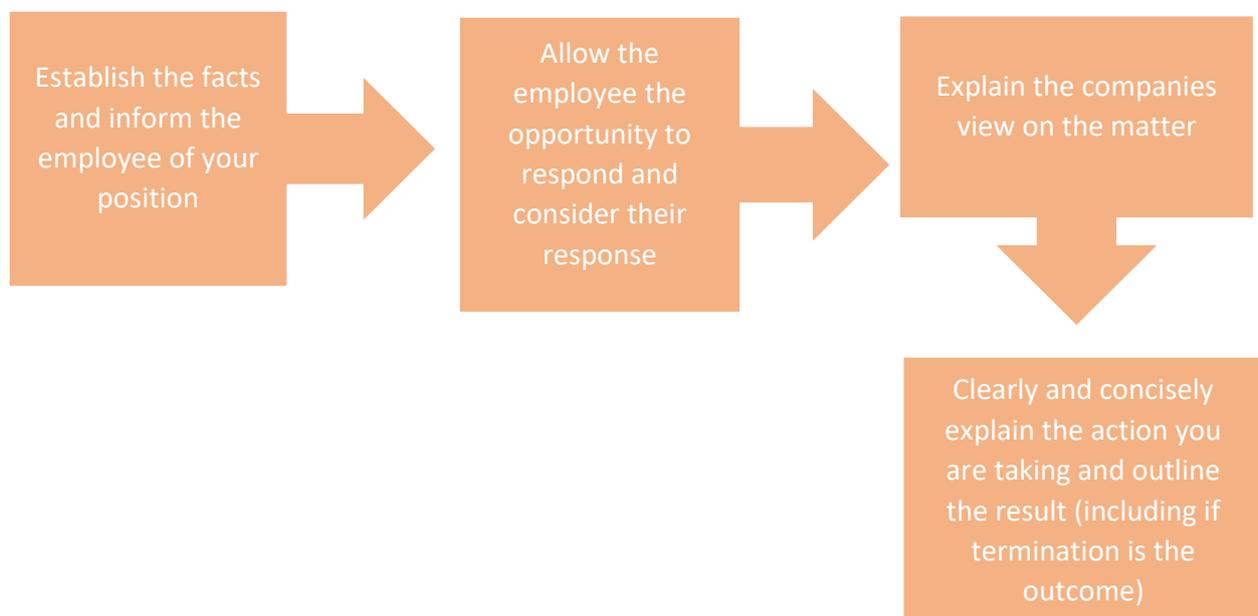
**Based on our extensive experience, our best practice tip is:**

*“Ensure you have in writing a performance management policy that outlines how underperformance will be managed and the possible consequences of underperformance. Being clear about what could happen can make it clear what the employee responsibilities are. It can also help prevent employees feeling victimised if an issue does come up”*

So, you need to either begin performance managing or continue performance managing an employee during COVID-19, what's the best process to follow?

1. **Informal discussion with your employee**
2. **Counselling discussion**
3. **Formal counselling / warning with a support person**
4. **Performance improvement plan**
5. **Final warning with a support person**
6. **Dismissal**

During your formal discussions with the employee always ensure you.



***Above all you must ensure that you have a valid reason for terminating someone's employment. Identify that there are no mitigating circumstances and if there are these have been considered and the reason for termination is procedurally fair***



## CHANGES IN BUSINESS CONDITIONS

With the current ever changing stages of lockdowns and unknown closure of schools, day care centres and maximum number of gatherings, it's understandable that the normal conditions of certain employees within your business may have changed. You may have to adapt, your business as usual to ensure social distancing regulations are met or reduce hours due to a reduction of financial income, right through to offering flexibility to parents who have children at home while they work from home.

### Varying hours or rosters

As a result of the spread of COVID-19 some employers may be considering varying operations, for example to reduce the risk of exposure for employees by altering start and finishing times or to address changes in demand patterns of consumers.

An employer's ability to vary hours and/or rosters will largely depend upon the applicable industrial instrument (e.g. enterprise agreement or award) or contract that applies to their employees. For example, some employers whose workforces are covered by an award or enterprise agreement may be restricted from altering work arrangements without first consulting with employees (and potentially also union/s).

Changes to an employee's start and finish times (for example, in order to avoid crowds during peak hours) might be possible under the span of hours provisions in an award or enterprise agreement. Some awards and enterprise agreements also allow the span of



hours to be varied by agreement. Reducing a permanent employee's ordinary hours usually requires the employee's agreement. We therefore strongly recommend if you are considering making certain variations to your operations that you call KLC to get advice on your specific options and obligations prior to making any changes, especially considering the government is making changes to over a hundred award in terms of flexibility of work hours effective immediately.

### Reducing Operations

As a result of the potential further spread of COVID-19 some employers may be forced to consider scaling down operations.

For example, by:

- Placing a freeze on new hires
- Reducing any supplementary labour such as contractors or labour hire workers
- Reducing employee hours; or
- Providing annual or long service leave in advance or at half pay.

An employer's ability to make such changes will largely depend upon the applicable industrial instrument (e.g. enterprise agreement or award) or contract that applies to their employees. We therefore strongly recommend if you are considering scaling down your operations that you seek advice from KLC on your specific options and obligations prior to making any changes.

### Redundancies

Some employers may decide that things have gotten so financially stringent that they are compelled to reduce the size of their workforce and as a result need to make some staff redundant. Before making any employees redundant it is important to first consider:

- Whether there are any options for redeployment within the business or associated entities; and
- Your consultation obligations under any enterprise agreements or modern awards. Most employees (who have at least one year of service with the employer) will be entitled to receive a minimum redundancy payment in accordance with the Fair Work Act (a general exception applies to employers with fewer than 15 employees in most (but not all) industries). This payment is in addition to a period of notice and payment for untaken annual leave. The amount of redundancy pay employees are entitled to will be based upon their continuous service, as well as any terms in any applicable enterprise agreement or award. It is possible for employers to ask the Fair



Work Commission to reduce an amount that would otherwise be payable on redundancy if:

- The employer finds other acceptable employment for the employee; or
- The employer cannot afford the full redundancy amount. If as an employer you are considering redundancy of 15 or more staff, you must also give written notice to the Department of Human Services of the proposed dismissals. Before taking steps to make an employee redundant we strongly suggest getting advice on your specific circumstances.

*Whilst these times are unprecedented and we know the financial impacts are going to be long-lasting for some individuals and businesses, you still need to ensure you follow the letter of the law when it comes to you employees, because I can assure you no compensations will be made if you fail to meet the minimum requirements and obligations as an employers in terms of your employees*

*This advice is general and does not take into account your objectives, financial or business situation or needs. You should consider whether the advice is suitable for you and your personal circumstances.*