Managing mining operations during COVID-19

As we move forward and restrictions ease, we must adapt and continually manage the risk of COVID-19 at mining operations. Under the NSW work health and safety laws, mine operators must have measures in place to eliminate or minimise the risk of COVID-19. Mine operators must do all that is reasonably practicable to eliminate, and if that's not possible, to minimise the risk to all workers and visitors at a mine.

Public Health Orders

The NSW Government's Public Health Orders are frequently updated based on the evolving situation in NSW. Employers are strongly encouraged to review the orders on a regular basis as they are updated on the NSW Health website.

A new Public Health (COVID-19 General) Order 2021 has been published and commenced at 12:01am 11 October 2021. Changes introduced by the Order include:

- No part of NSW will be subject to stay at home orders. Areas can be made stay at home areas in future amendments of the Order, depending on the COVID-19 situation. The restrictions that would be applicable to a stay at home area are consistent with the restrictions currently in place for Greater Sydney.

- The new Order does not include Local Government Areas of Concern.

- There is no identified Authorised Workers category, and the mandatory vaccination, testing and permit requirements for Authorised Workers leaving Local Government Areas of Concern, have been removed.

- A worker living in Greater Sydney, including Wollongong and the Blue Mountains, travelling more than 50km outside of Greater Sydney for work, will no longer need to register their travel or be tested on a seven-day rolling basis.

- Employers must allow an employee who is fully vaccinated to work at their place of residence if it is reasonably practicable to do so.

- All premises must have a COVID safe plan.

- Masks must be worn by any person on a mine site at the following locations:

    - Indoor areas other than a place of residence;

    - Public transport waiting areas or in a vehicle or vessel being used to provide a public transport service;

    - On domestic commercial aircraft;

- Medical exemptions from wearing a mask continue to apply and individuals are required to carry evidence that lists the illness or condition and produce it for inspection by a police officer if requested.

- Masks can be removed and replaced for the usual reasons including safety reasons, eating and drinking and where clear communication is required.

Vaccination

The Order does **not** require mandatory vaccination for mine workers. This is a matter for mine operators to determine relevant to the risks in the specific operating environment.

You can direct your employees to get vaccinated where mandatory vaccination is included in a NSW Public Health Order or it would be lawful and reasonable to do so for work health and safety reasons. The decision to direct employees should be assessed on a case-by-case basis and depend on a range of factors including the nature of the workplace, the role of the employee, and the likelihood of exposure to COVID-19 in the workplace.

One of the key things to do is to conduct a comprehensive work, health and safety risk assessment. Detailed guidance on how to assess whether it would be reasonable for you to require your employees to be vaccinated is available at the Fair Work Ombudsman website.

If you wish to encourage or incentivise your employees to get a COVID-19 vaccine, you should review the guidance issued by the Therapeutic Goods Administration about promoting COVID-19 vaccines and incentivising individuals to get vaccinated.

For more information to help guide your COVIDSafe plans in relation to vaccination see this factsheet about vaccination of your staff and customers, provided by the NSW Government.

The NSW Government has also provided the following resources to help guide businesses from 70 per cent double vaccination:

- Proof of vaccination requirements

- What to do if your business becomes an exposure site.

In the event of a positive COVID-19 case on site

There have now been several recent instances where workers, while at their workplace, have either received advice of a positive COVID-19 test result, or that they are a close-contact. Key lessons from these incidents are detailed below.

Workers who have had a COVID-19 test on the basis they are symptomatic must self-isolate in accordance with health directions.

Workers who are notified of a positive test result, whether on site or not, need to report the notification to their employer as soon as possible upon receipt of the result.

In the situation where a mine worker who has tested positive is on site, or has been on site, the mine should contact NSW Health or their local Public Health Unit to establish further actions. This is important to protect other workers on site, to assist NSW Health in identifying all people who will be classified as close contacts and organise how these workers are tested and isolated as required by the Public Health Orders.

In each incident, it was highlighted that employers should have procedures developed and implemented to effectively address the following:

- the ability to quickly and safely isolate the worker and their close contacts to prevent potential further spreading of the virus
- arrangements to effectively control entry and exit to site while parts of the mine or groups of workers are subject to temporary isolation

- the establishment of designated areas or zones that can be classified as "clean zones" for external agencies (e.g., NSW Health) to utilise, which are segregated from the normal operating areas of the mine.

Managing close and casual contacts on site

The likelihood that a mine or exploration site is completely shut down for a close contact compared to a positive COVID-19 case should be considered low, however employers must be prepared for the possibility that a close contact has moved extensively through the workforce or later returns a positive result to the COVID-19 test.

Where a person who is classified as a close contact has attended, or is at a site, employer needs to follow the advice of NSW Health and assist the worker, if necessary, to ensure they are safely tested and isolated in consideration of the previous points.

Other considerations to assist in managing COVID-19 incidents

Employers should place a priority on liaising with local emergency services, the Local Emergency Management Committee (LEMC) and other local service providers (e.g. transport and bus companies) to ensure a mutual understanding of how all parties will respond in the event of a COVID-19 incident at the site.

Effective and timely communication will be imperative in dealing with an incident on site. Communication protocols are required to facilitate the provision of concise and timely information to workers, their families and the local community about the mine's response to a COVID-19 incident.

Employers should have arrangements in place with a cleaning contractor, or maintain adequate stocks of appropriate cleaning supplies and PPE on site to complete any deep cleaning that is required and ensure that staff who undertake this cleaning are appropriately trained to undertake the task.

Employers need to consider how workers will safely return home or to accommodation following potentially extended periods at work, considering journey distances and the availability of other services including buses, etc during the current outbreak.

Employers should consider ongoing requirements to maintain a safe working environment for all workers on the site during a COVID-19 related incident, including any inspections that may be needed.

Employers should consider the provision of meaningful support services to assist directly affected workers and their families.