

## COVID-19 Safe Workplace Policy

<i>Item</i>	<i>Description</i>
Policy description	Through this COVID-19 Safe Workplace Policy Legal Aid NSW recognises its' responsibilities under the <i>NSW Work Health and Safety Act 2011</i> to ensure a safe working environment (so far as is reasonably practicable) and will support and protect our employees, clients, partners, stakeholders and the workplace by managing the risk as far as reasonably practicable to ensure our employees are safe and well
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### Revision History

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01/10/2021	0.1	Pandemic Control Committee and Executive	First draft
05/10/2021	0.2	PSA	Nil
06/10/2021	1.0	CEO	Approval

11/11/2021	1.1	Executive	Included sections 7.1.2, 7.2 and definition for Frontline employees and intro to section 7.
11/11/2021	1.1	PSA	Endorsement
14/01/2022	1.2	PCC	Included Booster vaccination in section 7.1 and expanded 7.1 to includes a conditional requirement for all Legal Aid NSW staff to be fully vaccinated due to increase risk of Omnicom variant. Draft for consultation. Updated section 8.3 and 8.4.
24/01/2022	1.2	PSA	Seeking consultation. Against booster mandate. Wanted section 8.3/8.4 clearer.
31/01/2022	1.2	All staff	Seeking consultation
10/2/2022	1.3	Executive and PSA	<p>7.1 Changed draft to excluded wording on boosters or fully vaccinated (from 14/1 draft) and referenced ATAGI definition – link to ATAGI definition.</p> <p>7.1 Deleted reference to the PHO for working with people with a Disability.</p> <p>Section 10 Definition – deleted draft definition of fully vaccinated.</p> <p>Updated section 8.3 and 8.4. Deleted any reference to requirements by October 2021 to see client fac to face.</p> <p>Delete section 6.1 Office Visitor Register or reference to collecting the data.</p> <p>Update section 7 intro to include key strategies that are then listed in the document.</p> <p>7.2.4 to include ATAGI definition for new employees. Section 8.1 updated to include pre existing conditions and symptoms.</p> <p>Section 7.4 Updated and minimised wording on Physical distancing (old section 6.5.)</p>
10/03/2022	1.4	Executive	Updated draft provided to Executive.

			Updates requested from Crime Exec included.
30/03/2022	1.5	PSA and all staff	Updated provided to PSA and staff for consultation  Updated Section 7.6 Make sure the work environment is clean – added and air filtrated. Updated intro wording and 2 dots points
26/04/2022	2.0	Executive	Executive approval of the draft Policy
26/07/2022	3.0	Pandemic Control Committee	Updated section 7.2.1 and 8.4 to align with legislative changes
02/11/2022	4.0	Pandemic Control Committee	Updated to reflect Public Health Order repeal on 14 October 2022. This includes minor changes to sections 3, 4 and 5. Deleting section 6 Clients and Visitor interactions; 7.2.1 vaccination after testing positive for COVID; 7.2.3 Process for unvaccinated staff; 7.8 travelling to and from work; 8.2 Can I send an employee home; what if an employee has been diagnosed with COVID and is ready to return to work. Updates to sections 7 Supporting employees in the workplace,

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# Table of Contents

1. Policy overview .....	5
2. Policy statement.....	5
3. Objectives.....	6
4. Policy Principles.....	6
5. Understanding the risks to our workplace .....	7
6. Supporting the health and safety of employees in the workplace .....	7
6.1 Workplace Infection Control .....	7
6.2 Vaccination .....	8
6.2.1 Vaccination register.....	8
6.2.2 Future recruitment of roles.....	9
6.3 Rapid Antigen Testing .....	9
6.3.1 Requirement for Rapid Antigen Testing in Legal Aid NSW .....	9
6.3.2 Information and instruction on use .....	9
6.4 Physical distancing.....	9
6.5 Regular and thorough hand washing as well as good hygiene and filtrated air in the workplace .....	10
6.6 Face Masks .....	10
6.7 Support for employees.....	11
7. Managing employees and entitlements .....	11
7.1 What to do if an employee is feeling unwell and suffering flu like symptoms? .....	11
7.2 What if an employee has been diagnosed with COVID-19, do they have to tell their Manager? .....	12
8. Responsibilities .....	12
8.1 Chief Executive Officer .....	12
8.2 Directors .....	13
8.3 Solicitor in Charge/ Managers .....	13
8.4 Employee.....	13
9. Definitions.....	14
10. Monitoring, evaluation and review.....	16
11. Further information, additional resources & associated documents .....	16

# 1. Policy overview

## Scope and purpose of this policy

At Legal Aid NSW the health and safety of our employees, clients and “others” we may engage with is of primary importance.

Through this COVID-19 Safe Workplace Policy Legal Aid NSW recognises its’ responsibilities under the *NSW Work Health and Safety Act 2011* to ensure a safe working environment and will support and protect our employees, clients, stakeholders, contractors and the workplace by managing the risk as far as reasonably practicable to ensure our workers are safe and well.

## Applicability and target groups

All Legal Aid NSW employees, contractors, Legal Aid NSW Board and Audit and Risk Members must comply with this policy. Managers should ensure that all relevant employees are aware of and understand how to apply this policy.

If you are unclear or are unsure about how to apply the policy, contact the person listed on the cover page of this policy

## Legislative environment

- [Work Health and Safety Act 2011](#)
- [Work Health and Safety Regulation 2017](#)
- Code of Practice - [How to manage work health and safety risks](#) (SafeWork Australia)

# 2. Policy statement

Legal Aid NSW, including all managers, employees and others must work together to reduce the spread of COVID-19 while at work. A risk management approach must be used to eliminate and/or minimise the risk of spreading or contracting COVID-19 in the workplace so far as is reasonably practicable.

The objectives of this Policy are to, as far as reasonably practicable:

- Achieve a safe and healthy workplace
- Consider the risks of COVID-19 in the context of our work activities, the people we work with, the places where we work and the nature of our work
- Involve our employees and other stakeholders in the development of this Policy through consultation and communication
- Identify, control and monitor the effectiveness of COVID risks in the workplace
- Enhance our employee’s knowledge through continuous, timely and accurate information and education on COVID risks

### 3. Objectives

By applying this policy in alignment with associated risk assessments, our aim is that:

- we have a safe work environment and comply with our work health and safety duties
- managers consult with employees in working together to ensure the workplace is COVID safe
- employees raise any work health and safety concerns with their Health and Safety Representatives (HSR) or manager
- we conduct risk assessments to manage the risk of COVID-19 in the workplace and implement control measures to eliminate and/or minimise these risks so far as is reasonably practicable
- risks are assessed that result from any changes to work practices, procedures, the work environment, and from public health information, and are communicated with employees and HSRs about any changes that have been put in place or updated.
- all employees are aware of [COVID-19 symptoms](#) such as fever, cough, sore throat, shortness of breath, runny nose, loss of taste or loss of smell in themselves, colleagues, clients and stakeholders
- employees advise their Manager if they:
  - ✓ are unwell or experiencing symptoms of COVID-19 or
  - ✓ have been tested for COVID-19 and direct them to stay home

### 4. Policy Principles

Our COVID Safe Workplace principles underpin our whole approach to managing the risk of COVID and apply to all decisions regarding our risk assessments, effective controls and supporting employees.

#### Committed

Legal Aid NSW strongly supports our workforce to be protected by way of the highest control measures (applying the Hierarchy of Controls) available in safeguarding themselves, their families, our clients and the community in general.

We will consult with our workforce, contractors and others regularly to make sure that the controls implemented to reduce the risks of COVID-19 are understood and workers can participate in decisions around those controls.

#### Safety first

We strive to achieve the highest level of protection and therefore recognise the higher the control measures put in place for employees, the better we can reduce the risk to our employees and to our clients both directly and/or indirectly.

#### Supportive

We support risk assessment for employees in the context of their role, interaction with clients, colleagues and communities, and the available risk controls to provide as much

protection as we can to our clients and their communities, and to our employees and their families.

## Consistent and aligned

Our principles are in keeping with the Government's direction as well as being consistent with the research, science and with other Public Sector Agencies.

## 5. Understanding the risks to our workplace

Identifying and controlling risks to employees, and other persons connected to the workplace, arising from COVID-19 within Legal Aid NSW involves:

- closely monitoring official advice, such as updates from the NSW Government and Department of Health
- reviewing measures for infection control, including educating employees on best practice
- undertaking COVID-19 Safe Workplace risk assessment and regularly reviewing and monitoring controls

## 6. Supporting the health and safety of employees in the workplace

There are important steps employees should take to help reduce the spread of COVID-19 and protect themselves, our clients and the community.

A risk management approach has been adopted to determine the control measures required to prevent workplace transmission of COVID-19 and identifies key strategies:

- Vaccination - being up to date with vaccination against COVID-19 reduces your risk of severe illness, hospitalisation and death.
- Get tested for COVID-19 -If you are not feeling well or experience any cold or flu symptoms do not attend the workplace.
- Hygiene - Practice good hand and respiratory hygiene at all times
- Physically distance -practice 1.5 metres distancing at all times as reasonably practicable
- Be Aware – of symptoms and infection control

This section addresses the key strategies and workplace controls the Legal Aid NSW Executive have determined are appropriate and necessary to manage the risk of COVID-19.

The Executive determine circumstances where key strategies and controls are to be added or altered based on the rapidly changing environment, increase in risk and keeping Legal Aid NSW employees safe. Any changes will be communicated to staff via On the Radar messaging.

### 6.1 Workplace Infection Control

Legal Aid NSW has developed an Infection Control Awareness eLearning course that is compulsory for all employees to complete. The course is based on the Australian Government COVID Infection Awareness Course but is tailored to the Legal Aid NSW environment and controls.

The course can be found on the Legal Aid NSW LMS – [Workplace Infection Control](#) eLearning.

## 6.2 Vaccination

Legal Aid NSW has determined that being vaccinated against COVID-19 is a conditional requirement for all employees to protect the health and safety of staff, the community and workplace.

The risk management approach to determine the control measures required to prevent workplace transmission of COVID-19 includes SafeWork NSW advice that vaccination is a high order risk control measure against COVID-19.

As at the date of this policy (as amended):

- Front line employees were required to obtain two doses of available vaccines by 1 December, 2021.
- Employees, who are not immunised as a result of an approved medical contraindication form, are subject to additional safety requirements when attending in person an office, court or other worksite to perform their role. This might include appropriate testing, screening and mask wearing.
- Private practitioners attending our offices need to provide evidence that they have had 2 doses of an available vaccine.
- Any new employees to Legal Aid NSW are required to be immunised in accordance with the advice of Australian Technical Advisory Group on Immunisation (ATAGI) with respect to COVID-19.
- Existing Legal Aid NSW employees are strongly encouraged to receive any required primary or booster vaccinations in order to be immunised in accordance with the ATAGI advice.

There may be medical reasons why an employee can't get any of the approved COVID-19 vaccines. The [Australian Immunisation Register - Immunisation medical exemption form \(IM011\)](#) is the only approved form in NSW to provide evidence of a medical contraindication to COVID-19 vaccination.

The NSW COVID-19 vaccine medical contraindication form is no longer valid from 25 February 2022. A NSW COVID-19 vaccine medical contraindication form issued by a medical practitioner to a person before this date remains valid.

Legal Aid NSW will accept the Australian Immunisation Register - Immunisation medical exemption form as medical evidence for the purposes of this Policy however will require additional information from a medical practitioner to advise on risk mitigation and support strategies for the workplace. The procedures for managing non work related injury or health conditions will be followed.

### 6.2.1 Vaccination register

Legal Aid NSW will keep a vaccination register of employee's vaccination status to support the conditional requirement for all employees be vaccinated to protect the health and safety of the community and workplace.

The vaccination register is mandatory for all employees to complete and will open on 7 October 2021. All employees are required to complete the register accurately and honestly and to ensure their details are up to date.

The information will be kept securely in accordance with Health Records and Information Privacy Act 2002 and access limited to nominated officers in HR and Executive

### **6.2.2 Future recruitment of roles**

The Legal Aid NSW Executive has determined that any new employees to Legal Aid NSW are required to be immunised in accordance with the advice of Australian Technical Advisory Group on Immunisation (ATAGI) with respect to COVID-19.

## **6.3 Rapid Antigen Testing**

Rapid antigen testing is an important screening tool to help protect Legal Aid NSW employees and the wider community.

Rapid antigen tests provide an extra layer of defence against infection, along with other COVID-safe controls. Rapid antigen tests are quick, easy and safe and provide results in 15 minutes.

Legal Aid NSW has purchased self-test kits for employee use at home. Employees will administer their own Rapid Antigen Test. Rapid Antigen test kits will be sent out to Office Managers/Managers to coordinate providing them to employees.

### **6.3.1 Requirement for Rapid Antigen Testing in Legal Aid NSW**

Rapid antigen testing is an important screening tool to help protect Legal Aid NSW employees and the wider community.

The Pandemic Control Committee will determine circumstances where Rapid Antigen Testing (RAT) is to be required in Legal Aid NSW based on the rapidly changing environment, increase in risk, availability and cost of test kits and keeping Legal Aid NSW staff safe. Any changes will be communicated to staff via On the Radar messaging.

Managers will be responsible for liaising with and sending Rapid Antigen test kits to unvaccinated non frontline employees home addresses prior to their attendance in the workplace.

### **6.3.2 Information and instruction on use**

Prior to undertaking any rapid antigen testing utilising the self-test kits:

- Employees must read the [Information sheet](#) for how to administer the rapid antigen self-test

## **6.4 Physical distancing**

One way to slow the spread of COVID-19 is physical distancing. The more space between you and others, the harder it is for the virus to spread. Legal Aid NSW is requesting all staff to maintain 1.5 metres distance between individuals where reasonably practicable.

Physical distancing means:

- keeping 1.5 metres away from others wherever possible

- avoiding physical greetings such as handshaking, hugs and kisses
- practising extra care on public transport
- practising good hygiene
- getting tested and staying at home if you have any cold or flu symptoms

## 6.5 Regular and thorough hand washing as well as good hygiene and filtrated air in the workplace

Everyone plays a part in stopping the spread of COVID-19 by having good personal hygiene:

- wash your hands often for 20 seconds with soap and water
- use alcohol-based hand sanitisers when you can't use soap and water
- avoid touching your eyes, nose and mouth
- clean and disinfect surfaces you use often such as benchtops, desks and doorknobs
- clean and disinfect objects you use often such as mobile phones, keys, wallets and work passes.

If you have cold or flu like symptoms you should get tested for COVID-19, even if your symptoms are mild.

- avoid physically obtaining evidence such as files, briefs etc. and do so electronically if possible. If this cannot be avoided, ensure appropriate hand hygiene after handling documents and
- avoid physically sharing items e.g., pens, hybrids, keyboards.
- Employees are to make sure their workplace is regularly cleaned and disinfected. High touch surfaces such as door handles, lift controls and amenities should be cleaned more regularly – see [Safe Work Australia cleaning and disinfecting guidance for further information.](#)
- Employees are to utilise the portable air filtration systems purchased for offices and meeting rooms, as far as reasonably practicable, and ensure they are switched on and off accordingly.
- Managers are to consider the use of portable air filtration systems for use in Court duty rooms in consultation with employees and make a request through [servicedisruption@legalaid.nsw.gov.au](mailto:servicedisruption@legalaid.nsw.gov.au) if a portable system is requested and reasonably practicable to use.

**Important:** cleaning surfaces and the use of air filtration systems are not to be used in isolation of other COVID-19 safety controls such as face masks, good hand and respiratory hygiene, physical distancing etc.

## 6.6 Face Masks

Wearing a face mask helps to reduce community transmission of COVID-19 and can help protect you and those around you. Face Masks are encouraged and supported for staff who choose to wear one voluntarily.

To use a mask properly you should:

- wash or sanitise your hands before putting it on or taking it off
- make sure it covers your nose and mouth and fits snugly under your chin
- avoid touching the front of your mask while wearing or removing it
- keep it in place – don't hang it around your neck or under your nose
- use a new single use mask each time
- wash and dry reusable masks after use and store in a clean dry place.
- Masks are available from Office Managers or Manager and it is important to know how to use and dispose of them correctly
- Employees are encouraged to carry a clean face mask with them at all times and wear it if it is mandatory to wear a mask or if you cannot maintain 1.5 metres of physical distance from others
- Employees must watch this Australian Government video on [how to wear a face mask](#) to ensure it is effective.

**Important:** a mask is not a substitute for good hand hygiene and physical distancing.

## 6.7 Support for employees

Employees may be anxious about the COVID-19 virus and have questions about how their workplace and employment may be impacted by the continuing and evolving nature of the COVID-19 virus

Managers must consult with employees to understand concerns they may have about COVID safe. Work practices

Employees are to be encouraged to raise any work health and safety concerns with their Health and Safety Representatives (HSR) or manager.

If employees are feeling anxious they are encouraged to call our EAP provider Converge on **1300 687 327**.

Converge also have made available free tools and resources which all employees can access via the Converge online hub.

## 7. Managing employees and entitlements

### 7.1 What to do if an employee is feeling unwell and suffering flu like symptoms?

The most common symptoms of COVID-19 are fever, cough, sore throat, shortness of breath, runny nose, loss of taste and loss of smell. Other reported symptoms including fatigue, acute blocked nose, muscle pain, joint pain, headache, diarrhea, nausea/vomiting and loss of appetite.

It is important for the ongoing control of COVID-19 that anyone who has any [COVID-19 symptoms](#), no matter how mild undertakes a PCR or RAT test and if positive Legal Aid NW requires you to self isolate for 5 days.

Employees who have underlying health conditions that have similar or the same symptoms as COVID-19 there is a responsibility on the employee as well as the organisation to manage the risk.

It is acknowledged that the employee is best placed to manage their condition with their General Practitioner (GP) or specialist. It is proposed for employees to speak with their GP in understanding their symptoms, treatment and management plan and how to differentiate on a daily basis between any pre-existing conditions and COVID19 symptoms.

The employee and GP should determine a way of identifying this difference to give the employee the confidence they need to safely attend the workplace and work i.e., this may be a RAT or PCR test if there are no other means of differentiating the two.

[Tips for managing allergies during COVID-19 - COVID-19 update \(nsw.gov.au\)](https://www.nsw.gov.au/health-and-care-services/news/allergies-during-covid-19) may be a useful resource.

## 7.2 What if an employee has been diagnosed with COVID-19, do they have to tell their Manager?

If an employee has tested positive for COVID-19 Legal Aid NSW requires:

- workers to not attend the workplace for 5 days from the positive test.
- absence of a worker who has tested positive to COVID-19 is to be taken as sick leave.
- all positive cases of COVID-19 to be reported to [servicedisruption@legalaid.nsw.gov.au](mailto:servicedisruption@legalaid.nsw.gov.au) or via (02) 9219 5781.
- workers with symptoms should RAT prior to attending work and
  - stay at home if feeling unwell and not to work remotely,
  - isolate (from the workplace) if COVID-19 positive for 5 days and do not work remotely if unwell and
  - come to work if RAT test is negative and not feeling unwell

# 8. Responsibilities

## 8.1 Chief Executive Officer

It is the responsibility of the Chief Executive Officer (CEO) to ensure a healthy and safe working environment by:

- ensuring systems are in place to identify, manage and monitor health and safety risks associated with the COVID-19 disease
- ensuring that Legal Aid NSW makes available, and utilises, the appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of daily activities; and
- ensuring that effective support systems such as an employee assistance program are in place and accessible to employees.

## 8.2 Directors

It is the responsibility of the Directors to:

- implement preventative actions to manage COVID-19 risks in the workplace
- review investigation reports for incidents that are notifiable to SafeWork NSW and/or result in a worker's compensation claim; and
- ensure that effective corrective action is taken following reports of COVID-19 risks.

## 8.3 Solicitor in Charge/ Managers

Managers have a responsibility to:

- take responsibility for their own education pertaining to COVID-19, the associated risks and the agreed Legal Aid NSW controls
- proactively ensure the health and wellbeing of their employees through creating an environment where employees are encouraged to seek help when needed
- regularly discuss wellbeing at regular team meetings and regular individual employees' supervision
- ensure that all employees and other relevant stakeholders are made aware of this policy;
- identify and manage the risks related to COVID-19 in the workplace and provide individualised support to any affected employee
- provide individual regular check-ins aligned with individual needs
- report all occasions where evidence of health and safety COVID-19 risk is apparent; and
- provide regular check ins with all employees, especially when they are working remotely, in isolation or just not coping as well.

## 8.4 Employee

All employees have a responsibility to:

- understand this policy and seek clarification from management where required
- advise their Manager if they:
  - ✓ are unwell or experiencing symptoms of COVID-19
  - ✓ have been tested for COVID-19 and are positive
- be aware of [COVID-19 symptoms](#) such as fever, cough, sore throat, shortness of breath, runny nose, loss of taste or loss of smell in themselves, colleagues, clients, and stakeholders
- complete the vaccination register accurately and honestly and to ensure their details are up to date
- support fellow team members in their awareness of this policy
- take reasonable care of their own health and safety

- take reasonable care that their actions do not affect the health and safety of other people in the workplace
- take responsibility for their own health, safety and ability to perform the duties for which they are employed. This includes taking appropriate steps to address any health issues they may have/develop, if these impact on their capacity to safely perform the inherent requirements and demands of their role
- support individuals to raise issues in supervision if they need help or are not coping
- understand [connect to support](#) options both within Legal Aid NSW and externally should early warning signs be apparent within themselves or in others
- cooperate with workplace policies and procedures; and
- support initiatives aimed at improving COVID-19 health and safety in the workplace.

## 9. Definitions

[ATAGI “up to date” definition](#) or fully vaccinated definition.

All individuals aged 16 years and over are recommended to receive a COVID-19 vaccine booster dose to maintain an “up-to-date” status.

This booster dose is now recommended from 3 months after the last primary dose. This is called the ‘due date’.

Initial protection is reduced and increased waning is evident following primary COVID-19 vaccination (usually 2 doses) against the Omicron variant. This warrants the inclusion of booster doses in a person’s up-to-date status:

- **Individuals aged 16 years and over** have previously been considered up-to-date with COVID-19 vaccination after completing an appropriate primary course of a Therapeutic Goods Administration (TGA) approved or recognised vaccine. To optimise protection from the Omicron SARS-CoV-2 variant, individuals should receive a booster dose 3 months after completion of their primary schedule. A person will be considered ‘overdue’ if a booster has not been received within 6 months of completing their primary schedule.
- **Severely immunocompromised individuals aged 5 years and over** require a 3rd primary dose of a COVID-19 vaccine from 2 months (and no later than 6 months) after dose 2 to remain up-to-date. Those who are aged 16 years and over are recommended a booster (4th) dose, 3 months after dose 3 of their primary vaccination course. However, for the purpose of being up-to-date in the AIR (which does not contain any information on medical conditions) only a total of 3 doses will be counted as being up-to-date in this subgroup.
- **Individuals who have had prior COVID-19**, including asymptomatic SARS-CoV-2 infection, still require completion of the above vaccination schedule, but can defer receipt of the next dose for up

to 4 months following their infection. This recommendation has changed from the previous 6-month interval. Some people may choose to be vaccinated prior to 4 months. Refer to ATAGI clinical guidance on people with a past SARS-CoV-2 infection.

Client	Legal Aid NSW defines a client as a person who uses the services of Legal Aid NSW or another party in a matter (e.g. a parent in a family law matter who does not have a grant of legal aid).
COVID-19	A highly contagious respiratory disease caused by the SARS-CoV-2 virus. SARS-CoV-2 is thought to spread from person to person through droplets released when an infected person coughs, sneezes, or talks. It may also be spread by touching a surface with the virus on it and then touching one's mouth, nose, or eyes, but this is less common. The most common signs and symptoms of COVID-19 are fever, cough, and trouble breathing. Fatigue, muscle pain, chills, headache, sore throat, runny nose, nausea or vomiting, diarrhea, and a loss of taste or smell may also occur. The signs and symptoms may be mild or severe and usually appear 2 to 14 days after exposure to the SARS-CoV-2 virus. Some people may not have any symptoms but are still able to spread the virus. Most people with COVID-19 recover without needing special treatment. Some people are at higher risk of serious illness. Those at higher risk include older adults and people with serious medical problems, such as heart, lung, or kidney disease, diabetes, cancer, or a weak immune system. Serious illness may include life-threatening pneumonia and organ failure.
Frontline employee	<p>For the purposes of this Policy a frontline employee is:</p> <ul style="list-style-type: none"><li>• An employee who provided any face to face services to legally aided persons, clients or professional visitors of Legal Aid; or</li><li>• An employee who provides any face to face assistance to legally aided persons (whether inside or outside an office) or visitors to Legal Aid premises; or</li><li>• An employee who ordinarily works in an area of Legal Aid premises that is attended or accessed by clients; or</li><li>• An employee who is physically co-located with staff who provide face to face services to clients</li></ul>
Manager	Is any person who has charge and direction of a work area, other persons, and/or work practices, even if the title does not contain the word 'manager' in it.
Risk Management	Co-ordinated activities to direct and control an organisation with regard to risk. A risk management process is the systematic

application of management principles, procedures and practices to the activities of communicating, consulting, establishing the context, and identifying, analysing, evaluating, treating, monitoring and reviewing risk.

Reasonably practicable As defined under the [Work Health and Safety Act 2011](#).

Employee Any person employed by Legal Aid NSW, either full-time, part-time or on a casual basis to undertake work on behalf of Legal Aid NSW.

## 10. Monitoring, evaluation and review

This document is to be reviewed initial in (6 or 12 months) and then every three years or more frequent depending on risk and Government advice. See cover page of this policy for more information about changes to the policy since its release. Effectiveness of the policy will be assessed through:

- feedback from workers, the Health and Wellbeing Committee (if applicable), and management
- review of the policy by management and committee to determine if objectives have been met and to identify barriers and enablers to ongoing policy implementation.

## 11. Further information, additional resources & associated documents

- Legal Aid NSW COVID Safe Workplace risk assessment
- [Premier & Cabinet Procedures for Managing Non-Work Related Injuries or Health Conditions](#)