

COVID-19 (CORONAVIRUS) MEMBER GUIDE

Frequently Asked Questions

(as at 8 September 2021)

This guide provides general information for members on COVID-19.

You should read this in conjunction with the Construction Requirements FAQs, that members must comply with under the ACT Public Health Orders.

The latest version of the Construction Requirements (1.2) can be accessed [here](#).

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The information in this Member Guide is general information only in relation to coronavirus (COVID-19) and may not deal with all your circumstances. Master Builders Association of the ACT does not accept any responsibility or legal liability arising from or connected to the accuracy, reliability, currency or completeness of the information in this Member Guide. The situation in relation to COVID-19 is changing rapidly. If you have queries regarding specific circumstances, you should contact Master Builders Association of the ACT on 6175 5900.

General

1. What is COVID-19?

The COVID-19 pandemic in Australia is part of the ongoing worldwide pandemic of the coronavirus disease 2019 caused by (SARS-CoV-2). The first confirmed case in Australia was identified on 25 January 2020.

Australian borders were closed to all non-residents on 20 March 2020 and returning residents were required to spend two weeks in supervised quarantine hotels from 27 March 2020. Many individual states and territories also closed their borders to varying degrees, with some remaining closed until late 2020 and continuing to periodically close during localised outbreaks. Social distancing rules were imposed on 21 March 2020, and state governments started to close "non-essential" services. "Non-essential services" included social gathering venues such as pubs and clubs but unlike many other countries did not include most business operations such as construction, manufacturing and large retail categories.

The ACT responded to the significant health risk posed by COVID-19 by restricting community movement. COVID-19 controls were rapidly adopted by the construction sector and enabled important work to continue.

Since late 2020, new and more contagious variants of the COVID-19 have been detected in Australia. Health Authorities have established that these new variants are more likely to be spread via aerosol transmission and these Requirements have been prepared to enhance previous COVID-safe guidance to minimise this risk.

Although experiencing a long period without COVID-19 transmission in the ACT, this ended when the highly contagious delta variant was detected in the ACT in August 2021. A Territory-wide lockdown was instigated including a shutdown of the construction sector. As part of any re-opening of the sector, these Requirements provide an important standard for industry to adopt to ensure the continued safety of our community and the ongoing function of the sector. The measures set out in these Requirements are mandatory

2. How is COVID-19 spread?

COVID-19 spreads from person to person in a similar way to the flu:

- Close contact with an infected person
- From touching objects or surfaces contaminated by the sneeze or cough of an infected person and then touching your eyes, nose or mouth

3. What measures can I take to protect myself and those around me from the virus?

- Regularly and thoroughly clean your hands with an alcohol-based hand rub or wash them with soap and warm water.
- Maintain at least 1.5 metres between yourself and anyone else (**social distancing**).
- Avoid touching your eyes, nose and mouth.
- Make sure you, and the people around you, follow good respiratory hygiene. This means covering your mouth and nose with your bent elbow or tissue when you cough or sneeze. Then dispose of the used tissue immediately.
- **Stay home if you feel unwell. If you have a fever, cough or difficulty breathing, seek medical attention and call in advance. Follow the directions of your local health authority.**
- Keep up to date on the latest COVID-19 hotspots (cities or local areas where COVID-19 is spreading widely) as well as the advice from ACT Health. Avoid travelling to places with known outbreaks of COVID-19.
- Being vaccinated against COVID-19 is one of the ways that you can protect both yourself and those around you.

4. Can I impose a “No Jab, No Work” policy for my workers?

Updated: 8 September

MBA is encouraging all members and their workers to get vaccinated as soon as you are able to do so. This is for your own safety and the wellbeing and those around you, and secondly to continue to support the ACT’s economic recovery following the pandemic and for the benefit of the industry generally.

There is no current requirement for construction industry workers to be vaccinated. The Fair Work Ombudsman’s advice recommends that an employer consider the following factors:

- Is there a specific law that requires your employees to be vaccinated against COVID-19?
- Is there a provision in your enterprise agreement, employment contract or other registered agreement requiring that an employee be vaccinated?
- Is it lawful and reasonable for an employer to mandate vaccination of its workers?

The Fair Work Ombudsman has a dedicated webpage related to Workplace laws and Vaccinations which is updated frequently. [Click here](#) to read further information on this topic.

The Construction Requirements require that employers actively encourage all workers to get vaccinated as soon as possible and provide information on how to book and where vaccinations are available. High rates of vaccination will help reduce public health risks associated with construction activities.

Employers must support workers to get vaccinated by allowing flexible work arrangements, allowing paid leave or paid time off work to get vaccinated, and use of personal leave if suffering side-effects.

5. Am I liable if I encourage vaccinations and one of my employees has an adverse reaction?

Updated: 8 September

Generally speaking, you will not be liable.

The Commonwealth Government has finalised a no-fault COVID-19 Vaccine Claim Scheme, which provides people with quick access to compensation for COVID-19 claims related to the administration of a TGA approved COVID-19 vaccine delivered through a Commonwealth Government approved program.

From 6 September 2021, Services Australia will accept claims on a no-fault basis for anyone who suffers from severe side effects that may rarely occur from either the Pfizer or Astra Zeneca vaccines.

6. What can I do to make sure that people coming onto my site are compliant with the social distancing and hygiene rules?

The MBA has created a range of resources to assist our members in ensuring that people who attend your site understand the social distancing and hygiene measures that are in place. You can access these printable site posters on our website, in our [COVID-19 Resources section](#). You must also comply with the Construction Requirements that have been mandated by ACT Health.

We have also created procedural documents which you can utilise on your worksite. These are available in our COVID-19 Resources section on the MBA website.

It is important to remind visitors to your site of their obligations to help prevent the spread of COVID-19 which includes the measures outlined above in [question 3](#) of this document.

7. Is construction an essential service and can I continue to operate my site?

Members should refer to the ACT Public Health Orders, the Construction Requirements and our FAQs.

8. Where can I find out more information about the stimulus packages and assistance measures announced?

The following list is not exhaustive but aims to provide link and information regarding the various incentives and assistance currently available:

- The ACT Government has also announced stimulus measures to support businesses during the current lockdown. The ACT COVID-19 Business Support Grants will deliver support in the form of one-off grants of \$20,000 for employing businesses and \$7,500 for non-employing businesses where those businesses' turnover has declined by 30 per cent or more as a result of the COVID-19 health restrictions. Further information is available [here](#).

- The ACT Government has announced various waivers and deferrals, including of payroll tax for eligible businesses, and financial support for the local tourism industry. While there are no direct stimulus packages for the construction industry, you can [click here](#) for further information about the ACT Government's economic support initiatives.
- SME Recovery Loan Scheme. The Small and Medium Enterprise (SME) Recovery Loan Scheme increases lenders' ability to provide cheaper credit, allowing SMEs to access additional funding or refinance existing loans at a lower interest rate. Click [here](#) for more information.
- COVID-19 Disaster Payment. This is a payment to support workers who are unable to work and earn income due to a state or territory public health order. Click [here](#) for more information.
- Simplified Debt Restructuring process. This process is available for eligible small businesses suffering from financial hardship. To read more, [click here](#).

Workplace Issues

1. One of my workers is unwell. What should I do?

You should advise workers that if they are unwell and are displaying flu-like symptoms, then they should not be at work and should utilise their personal (sick) leave.

This policy should apply irrespective of the COVID-19 outbreak. Your existing work health and safety obligations continue to apply.

If you have an Enterprise Agreement, now is a good time for you to read through it to make sure you understand your obligations. If you need assistance with this, please contact the MBA team via canberra@mba.org.au.

2. Is there anything I can do to help prevent the spread of COVID-19 through my workplace?

There are some simple ways to prevent the spread of COVID-19 in your workplace including:

- Surfaces (e.g. desks and tables) and objects (e.g. telephones, keyboards) need to be wiped with disinfectant regularly
- Promote regular and thorough hand-washing and hygiene by employees, contractors and customers
- Put sanitizing hand rub dispensers in prominent places around the workplace. Make sure these dispensers are regularly refilled
- Ensure this with other communication measures such as offering guidance from occupational health and safety officers, briefings at meetings and information on the intranet to promote hand-washing
- Make sure that employees, contractors and customers have access to places where they can wash their hands with soap and water
- Comply with social distancing and gathering guidelines
- Review rostering of trades and workplaces to ensure persons are limited in enclosed areas and only those necessary are on site
- Provide education and training to workers. You may refer them to the Department of Health online COVID-19 training
- Utilise other communication methods such as phone, email, video conferencing for meetings, rather than face to face where possible
- Display posters promoting respiratory hygiene. Combine this with other communication measures such as offering guidance from occupational health and safety officers, briefing at meetings and toolbox talks
- Ensure that face masks and paper tissues are available at your workplaces
- Comply with government travel advice and restrict all non-essential interstate travel

If possible, and in line with the current advice from the Australian Government, if your employees are able to work from home that is preferred.

3. Are there recommended guidelines for cleaning or decontamination?

It is good practice to routinely clean surfaces that are frequently touched, such as door handles and rails and common surfaces. Where possible, you should use a TGA-listed hospital-grade disinfectant with activity against viruses.

When cleaning and managing outdoor construction sites, it may be worth considering:

- Gloves to be worn where possible, ensuring they are removed and replaced during meal breaks, toilet breaks and at the end of a shift
- Provision of P2 dust masks for workers
- Additional handwash and hand sanitising stations around the site and lunchroom facilities, including mandatory handwashing at the main entrance prior to commencing works
- Signage and information for workers around the site
- Sending home any worker who is unwell

The focus on outdoor construction sites should be in the communal areas including toilet facilities, bathrooms, site offices and lunch sheds.

4. How can I prioritise the risks associated with COVID-19?

As with any risk associated to your business, it is important to **identify, assess, control and review** the **likelihood and potential consequences** of risks that COVID-19 may present to your business, including (but not limited to):

- **Physical and psychological health and well-being of internal and external stakeholders**
 - Hygiene, amenities and cleaning (including sanitisation and decontamination)
 - Psychological impacts (mental health, personal finances, isolation, high work demands etc)
 - Panic/ hysteria/ being overwhelmed
 - Infected persons or contact with infected persons
 - Modes of contamination (such as water dispensers, taps, handles, small confined meeting rooms etc)
- **Financial risks**
 - Limitations on trades/ imports and exports
 - Limitations on supplies
 - Loss of income/ revenue due to ceased works or activities
 - Additional costs to allow remote works
 - Payment of wages
 - Impact to contracts
 - Price increases
- **Business Continuity**
 - Remote working capabilities
 - Staff with children (if schools or day care centres are closed)
- **Compliance**
 - Mandatory self-isolation

- Testing
- Up-to-date information from regulatory and governing authorities
- **Reputational risks**

MBA has developed a dedicated one-page [COVID-19 checklist](#) to assist you.

The list is not exhaustive. The purpose of the checklist is to prompt discussions, assessment, consultation and change.

You can contact us on 6175 5900 if you need further assistance with a risk assessment.

5. What do I do if a COVID-19 case has been confirmed to have attended my worksite?

Updated: 8 September

If a worker has been diagnosed with COVID-19 and attended the workplace while infectious, ACT Health will contact you to determine the appropriate next steps to minimise the risk of virus transmission.

Employers must contact WorkSafe ACT immediately and complete a [Notifiable Incident form](#) upon being informed of a positive case.

ACT Health, Access Canberra or WorkSafe ACT will provide guidance about the actions that should be taken immediately, which may include:

- Arranging for 'Deep Cleaning' of the affected areas
- Communicating with staff, own and subcontractor workforces to isolate pending instruction by ACT Health.

If a worker becomes a confirmed case of COVID-19, the worker must not attend the workplace under any circumstances.

All workers on that site must be fully informed of what has occurred as soon as possible, ensuring appropriate privacy considerations are complied with.

If the diagnosed worker is employed by a subcontractor working for the head/principal contractor, the worker's employer must immediately notify the head/principal contractor of the positive diagnosis.

Further information about managing a positive COVID-19 case on a construction site is outlined in section 4 of the ACT Construction Requirements.

6. An employee is due to return from interstate this week. What are my obligations?

Travel from other jurisdictions is not permitted under the current ACT Health Public Orders, without an exemption.

You will need to consider where your employee has travelled from and the risk of having attended an exposure site whilst on their travels. The ACT Government COVID-19 website is updated frequently and has information about exposure sites, self-isolation requirements as well as testing requirements. [Click here](#) to access the ACT Government COVID-19 website.

From a work, health and safety perspective, you have an obligation to ensure that you are providing a safe workplace for your workers. This means that it is best practice to have a policy in place which sets out what your expectations are of workers if they are intending to travel interstate and what your risk mitigation strategy is to protect you and your workers from exposure.

You should consider whether your employee is able to work from home during a period of self-isolation, if required by ACT Government. If their role and your business can facilitate working from home, this should be your preferred option. If not, the employee may be entitled to access personal leave (if accrued) or pandemic leave under a Modern Award. There is no legal obligation to pay casual workers who are unable to attend work due to self-isolation requirements, or workers who do not have any personal leave.

7. What do I do if one of my workers is diagnosed with COVID-19?

If an employee is diagnosed with COVID-19, we recommend that you immediately seek advice from ACT Health regarding exposure and containment. This advice is rapidly changing as information about COVID-19 develops. Information has been released by [SafeWork Australia](#) which we encourage all members to read.

If the employee has come into contact with other employees, they may be required to self-isolate for a period of 14 days or obtain a COVID-19 test (whether or not they are showing symptoms).

PCBUs should notify WorkSafe ACT if it is suspected that a person may have contracted COVID-19 and requires treatment in hospital or meets the prescribed serious illness from within the workplace. Notification must be made immediately after the PCBU becomes aware of the incident.

Please note that Section 4.0 of the ACT Building and Construction Industry COVID-19 Requirements contains information about managing positive cases and close contacts.

8. Are my workers covered by workers' compensation if they contract COVID-19?

Workers' compensation arrangements differ across jurisdictions, however, to be eligible for compensation a worker would need to be covered by the scheme, either as an employee or a deemed worker, and would need to have an injury, illness or disease of a kind covered by the scheme, **that arose out of in the course of their employment.**

These eligibility factors continue to apply during the COVID-19 pandemic.

Compared to the usual work-related injuries, it can be difficult to prove that a disease was contracted in, or caused by, employment. In the case of a virus such as COVID-19, establishing the time and place of contraction may become increasingly hard.

Whilst the spread of COVID-19 in the ACT is currently contained, it may be easier to establish whether contraction is work-related, for example, if in the course of their employment a worker travels to a high-risk area with a known viral outbreak or interacts with people who have contracted the virus. However, if the virus becomes more widespread in the local community, establishing the degree of contribution of a worker's employment to their contraction will inevitably be more difficult.

Whether a workers' compensation claim for contracting the COVID-19 virus is accepted is ultimately a matter for the Workers' Compensation Regulator, applying ACT's workers' compensation laws. Workers' compensation authorities will have to consider each claim on its merits, with regard to the individual circumstances and evidence.

9. What do you need to do if you are a close contact, casual contact or need to "monitor" for symptoms?

Updated: 8 September

A close contact must:

- Complete the [ACT Contact Declaration Form](#)
- Immediately quarantine
- Get tested for COVID-19 as advised by ACT Health
- Remain in quarantine until advised further by ACT Health, even if you get a negative test result.

A casual contact must:

- Complete the [ACT Contact Declaration Form](#)
- Immediately quarantine
- Get tested for COVID-19 as advised by ACT Health

The number of tests you need depends on how many days ago you were at the exposure location. The day you were at the exposure location counts as day zero.

If you have been to a location at a date and time that ACT Health identifies as a "Monitor" location, you should monitor for COVID symptoms for 14 days. You are not required to isolate or quarantine during this time, unless you develop symptoms.

The [ACT Health website](#) has further information about the different requirements for close, casual and secondary contacts.

10. What does self-isolation mean, and who should be self-isolating?

If you, or a worker, is required to self-isolate, you should immediately refer to the guidelines produced by the Department of Health, which are available [here](#).

You can also call the COVID-19 Health Information Line on **1800 020 080** for up-to-date information on who is required to self-isolate. The line operates 24 hours a day, seven days a week. Further information is also available on the ACT Health [website](#).

11. Do I need a Safe Work Method Statement (SWMS) for COVID-19?

You will need to have a COVID Safe Plan for each site. Please refer to the Construction Requirements.

You do not need a separate SWMS for COVID-19. The risk of infection is a hazard, not a high-risk construction activity. You do need to update your existing SWMS to include the hazard where it applies and the controls for this. You may also need to review your existing controls and ensure they are appropriate in the current circumstances, and do not introduce any new hazards, such as non-compliance with social distancing guidelines for extended periods.

12. I am concerned about the mental health and wellbeing of my employees during this time. How can I assist them?

It is important to consider both the mental health of your employees and your own mental health during this time. The near-constant updates on COVID-19 can induce feelings of anxiety and distress. We have created a Physical and Psychological Health Risk Assessment Template for our members which you can access [here](#).

OzHelp previously created a [Fact Sheet](#) to provide you with advice on looking after yourself and others during this difficult time.

If you are feeling overwhelmed and need help, you can contact OzHelp for counselling and wellbeing support on **1300 694 357**.

13. My employees are asking about working from home. What are my obligations?

This section must be read in conjunction with the current ACT Public Health orders which only allow a person to leave their home for essential work. Please refer to the Construction Requirements FAQs for information about office workers returning to the office once work is permitted to resume on construction sites.

Employers are not required to automatically grant a request for an employee to work from home, including during the COVID-19 pandemic. However, it may be desirable for employees to work from

home and employers should consider this as part of your business plan for dealing with a COVID-19 outbreak.

Prior to agreeing to an employee working from home, an employer should confirm the following in writing:

- The hours of work
- The tasks to be undertaken from home (especially if modified from their usual role)
- That the employee has an appropriate workspace and resources
- The circumstances by which an employee must return to the office i.e. when their period of self-isolation ends or when the business recommences usual operations
- The procedure if the person becomes ill and is unable to work.

14. What are my obligations regarding travel?

Adequate arrangements are to be made by workers to ensure their travel to and from work is conducted safely in accordance with Government advice, and that adequate sanitisation facilities are in place for workers upon attending the work site and when returning to the work site during work.

Car-pooling to and from the should be discouraged for people who do not live within the same household.

Work vehicles that are shared should be regularly cleaned to ensure adequate hygiene and protection.

Workers who live outside the ACT and the surrounding border region covered by a standing exemption (Standing Exemptions (including transiting) - COVID-19 (act.gov.au)) are not permitted to enter the ACT without an exemption if travel restrictions are in place. Exemptions are only granted in exceptional circumstances and Site Managers should plan and work on the basis that only local ACT and surrounding border region staff will be available.

In NSW, carpooling is not generally permitted, however, there are exemptions for those that are vaccinated or booked in to have their first vaccination as soon as possible and not later than 10 September. The vehicle must also be a vehicle arranged by the employer, have a Service NSW QR code, and has windows that can be opened. Masks are required to be worn at all times.

You are encouraged to check the rules relevant to the State or Territory your workers will be travelling to and/or within as these may change at short notice.

15. I don't have enough work for all my employees. Can I stand them down?

The answer to this question depends on your personal circumstances, including whether or not your employees are covered by an Enterprise Agreement. Before you take any steps to stand-down an employee or make someone redundant, you should contact the MBA and speak with our Member Services Team on 6175 5900.

The Fair Work Ombudsman is regularly updating the information available regarding COVID-19 and employee entitlements. You can read more information about your rights and responsibilities [here](#).

16. Do the normal requirements for a redundancy apply during this COVID-19 pandemic?

Yes. If a redundancy (or redundancies) is required, you must ensure that it is a genuine redundancy as required by the *Fair Work Act*. The three requirements for a genuine redundancy are:

- You no longer require the person's job to be performed by anyone because of changes in the operational requirements of your enterprise, and
- You must consult with any employees who are covered by a modern award or enterprise agreement (in accordance with the relevant consultation provisions)
- It must not have been reasonable in all the circumstances for the person to be redeployed within your business or an associated entity.

If termination of employment is brought about due to redundancy, employees may be entitled to payments above their accrued leave entitlements.

If you are unsure of your consultation requirements or need specific assistance and advice, you should contact our Industrial Relations and Legal Adviser.

17. What do I do if one of my employees doesn't want to return to work?

Updated: 8 September

If you have stood down employees, or they have concerns about returning to work, we recommend you speak with them about their individual concerns in the first instance, and if possible, discuss alternative working arrangements with them, if that is practicable.

You can contact the MBA Member Services team on **6175 5900** for further guidance and advice if you have employee-related questions.

18. I need further assistance with my obligations to my workers. Can you help?

You can contact the MBA on **6175 5900** and speak with our Member Services Team regarding both your work health and safety obligations, and your employment responsibilities.

Contracts & Work

1. What should I know about contracts?

All parties to a contract should take a sensible approach given the circumstances and **not be legally opportunistic**.

The MBA expects all members., whether principal contractor or subcontractor, to adhere to the payment times specified in contracts or terms of trade. This expectation extends to developers and home-owners, as well as the ACT and Commonwealth Governments. The integrity, stability and viability of the construction industry depends on all participants paying on time.

We expect that our members do not attempt to enforce liquidated damages clauses that have been invoked as a result of COVID-19.

We have previously raised this issue with the Federal Government and have recommended that they take the lead with government contracts and ask that the private sector follow suit. This position has been reiterated by the ACT Government and we understand that they will work with contractors to extend completion timeframes where necessary on ACT Government projects.

If you have information about a party to a contract attempting to take advantage of the impact of COVID-19 (Coronavirus) please contact our Member Services Director by [email](#).

2. If someone on my site is diagnosed with COVID-19, do I need to shut down the site?

If someone on your site is diagnosed with COVID-19, please refer to the Construction Requirements.

The answer depends on the specific circumstances of your site. The factors that will need to be taken into account include the size of the site, when the person was diagnosed and who else on the site may have come into contact with the person infected by COVID-19 (and when).

As a minimum precaution, you should arrange to have the site cleaned. You can read more about how to clean your site [here](#). Further guidance is available from Safe Work Australia.

MBA ACT recommends you ensure you have appropriate and significant controls in place to prevent the spread of infection, to avoid your site needing to close.

3. Is COVID-19 considered a “force majeure” event?

A force majeure event is an unforeseeable circumstance that prevents a party from fulfilling a contract. There is no standard force majeure clause in Australia, and the definition varies between contracts. There may also be circumstances where the head contract includes force majeure provisions that cover COVID-19, but subcontracts do not (or vice versa). Consideration should be given to the entire supply chain in these circumstances.

It is our view that COVID-19 is likely to be a force majeure event if the contract was entered into before the COVID-19 pandemic, and therefore parties to a contract are able to rely on the force majeure clauses that are often in most building and construction contracts. What this entitles a party to do will differ from contract to contract, including time extensions without financial penalty through to the ability to terminate a contract. We recommend that you read through your contract(s) and familiarise yourself with your legal rights, seeking independent legal advice where appropriate and necessary.

The ability to rely on the force majeure clause may weaken as the COVID-19 pandemic continues and may not apply to contracts that have been entered into since the pandemic was declared.

4. What does the ACT lockdown mean for projects covered by the ACT Home Building Contract?

Clause 13 of the ACT Home Building Contract (version 2020) states that a Builder is entitled to a reasonable extension of time if the Works are delayed due to *“anything else beyond the control of the Builder, such as, but not limited to trade contractor shortages or material shortages which affect the Builder’s ability to do the Works”*.

There is a requirement on the Builder to serve a notice on the Owner outlining the cause of the delay. We recommend that this be done on any contract which you are concerned will be impacted by COVID-19. The ability to rely on the force majeure clause may weaken as the COVID-19 crisis continues.

5. I am really concerned about the financial impact COVID-19 is continuing to have on my business in 2021. What can I do?

Please refer to the economic assistance and incentives mentioned above. The MBA will continue to engage with the ACT Government about local initiatives to ensure that our members, the building and construction industry and small and family businesses in particular are supported during these times.

If you are experiencing financial difficulty, we recommend that you consider the following:

- Speak with your creditors and discuss extended payment terms
- Regularly review your debtors and request prompt payment
- Contact your bank to see what support they may be able to provide
- Discuss the possibility of ATO arrangements with your accountant, such as a payment plan.

It is vital that everyone in the Canberra community and especially the building and construction industry and MBA family support one another during this pandemic. If you are experiencing difficulties when engaging with customers, subcontractors or suppliers, please let us know. We may not be able to advocate or act on your behalf in individual circumstances, if we are able to identify trends then we may be able to assist generally.

Whilst the MBA is unable to provide you with financial advice, we can try and direct you to the appropriate people, so please get in touch with us if you have concerns. You can call and speak with our Member Services Director on **6175 5900** or [email us](#).

We also strongly recommend that you reach out to [OzHelp](#) if you are experiencing increased levels of stress and uncertainty about your financial situation.

6. What does it mean if the site I am working on mandates vaccines?

Updated: 8 September

A number of sites in the ACT have made it mandatory for all workers on site to have received at least one COVID-19 vaccination before they are permitted to enter the site. In most circumstances, this is something that a head contractor is allowed to do as part of their health and safety conditions.

This does not mean that you are required to mandate vaccinations for all your employees however, you will need to ensure that only vaccinated employees are sent to that site.

You should speak with the head contractor if this requirement is causing difficulties for you to fulfill your contractual obligations.

The Construction Requirements require you to encourage and support your employees getting vaccinated as soon as possible.

7. What can we do about the shortage of supply of building products and trades?

MBA is aware of the ongoing supply issues with building materials and trades. We are having continuous discussions with the Federal Trade Minister and the ACT Government, as well as the Timber associations, about the significance of these ongoing issues. We will continue to raise awareness of the gravity of the situation within the industry, with government, and with the public.

Supply issues are obviously having an impact on the progress of building works as well as causing an increase in the cost of some materials and trades. These issues will no doubt be exacerbated as a result of the lockdown impacting the construction industry including manufacturing and suppliers.

We remind members to:

- Factor these delays into your building pipeline
- Speak with your clients regularly to discuss the potential delays. In some instances, contracts may need to be varied or extended.
- Where contracts are **yet to be signed**, we recommend you take into account the trade and materials shortages, as well as the potential for increased costs, before you sign.

The MBA ACT Home Building Contract has provision for the Builder to increase the Contract Sum if any delays result in an increase to Actual Costs. We recommend you review clause 13 and 15 of the contract. The NSW Residential Building Contract does not have a similar provision. If members have ongoing projects using the NSW BC4 Contract, we recommend you consider utilising clause 11. You can contact the Member Services Team on 6175 5900 for specific advice.

To assist members in having conversations with your clients, we have prepared a letter that you may wish to provide. You can access it [here](#).

Additional Resources

Additional information can be found from the following sources:

[Department of Health](#) – for the latest information and advice about COVID-19

[ACT Government](#) – for the latest information and advice about COVID-19 in the ACT

[Fair Work Ombudsman](#) – for information about workplace entitlements and obligations

[Safe Work Australia](#) – for information and referrals about dealing with COVID-19 in the workplace

[World Health Organisation](#) – for information and guidance about the outbreak of COVID-19

[OzHelp](#) – for specialised mental health advice and assistance

[Evoenergy](#) – operational response to COVID-19

[NSW Government](#) – for the latest information and advice about COVID-19 in NSW