

GUIDELINES FOR SAFE POOL OPERATIONS

-

**MANAGING THE RISK
OF COVID-19 IN
AQUATIC FACILITIES**



ROYAL LIFE SAVING
AUSTRALIA

ABOUT ROYAL LIFE SAVING

Royal Life Saving is focused on reducing drowning and promoting healthy, active and skilled communities through innovative, reliable, evidence-based advocacy; strong and effective partnerships; quality programs, products and services; underpinned by a cohesive and sustainable national organisation.

Royal Life Saving is a public benevolent institution (PBI) dedicated to reducing drowning and turning everyday people into everyday community lifesavers. We achieve this through advocacy, education, training, health promotion, aquatic risk management, community development, research, sport, leadership and participation and international networks.

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Australian Government

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Authorisation

	Name, Title	Date
Prepared By:	RJ Houston	30 th August 2021
Endorsed By:	National Aquatic Industry Committee	TBC

Amendments in this Release:

Section Title	No#	Amendment Summary
TREATING THE RISK OF COVID-19	CV2	Specific guidance on treating the risk of COVID-19 in aquatic facilities
TRAINING DURING LOCKDOWNS FOR EMERGENCY RESPONDERS	CV3	Guidance on the suitability of emergency training under lockdown orders
MANDATING VACCINATION IN AQUATIC FACILITIES	CV4	Guidance on mandating vaccinations for staff and patrons of aquatic facilities as well as other medical procedures such as antigen testing and temperature checks.

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DRAFT

SCOPE

This Guideline provides practical guidance for owners or operators of aquatic facilities on how to manage the risks within an aquatic environment as it applies to COVID-19

It includes information on managing the risks associated with COVID-19 within aquatic facilities.

This National Industry Guideline applies to all Hotels, Motels, Camping and Caravan Grounds, Commercial and Public Aquatic Facilities, Learn to Swim Schools, and Body Corporate who own or manage an aquatic facility for the purpose of swimming or recreation such as a pool or waterslide. It may be used for Public Waterways such as Rivers, Creeks, and Streams.

This Guideline has been developed by Royal Life Saving Society Australia under the National Aquatic Industry Committee for adoption by the Commonwealth, state and territory governments and owners and operators of aquatic facilities.

Published by Royal Life Saving Australia, this document reflects the collective opinion of the national aquatic industry in contextualising expert guidance from the Australian Department of Health, Safe Work Australia, Fair Work Australia and other reputable sources - to Australian aquatic facilities.

The Guideline is designed and intended to provide general information only in summary form and is current at the time of publication. The contents do not constitute legal or professional advice and are not intended to be a substitute for legal or other professional advice and should not be relied upon as such.

You should seek your own legal advice or other professional advice in relation to any matter you or your organisation may have.

DOCUMENT OBJECTIVE

RLSSA continues to closely monitor the coronavirus (COVID-19) pandemic and is working closely with the Aquatic Industry, Government and health authorities to support measures to protect the community while ensuring that aquatic facilities can provide the many social, health and economic benefits afforded by the industry to the Australian community..

The document focuses on ways aquatic facility owners/operators can manage and reduce risk with regards to the coronavirus (COVID-19) pandemic.

ABOUT COVID-19

Coronavirus disease (COVID-19) is an infectious disease that is caused by a newly discovered form of coronavirus.

COVID-19 is a respiratory infection that was unknown before the outbreak that started in Hubei Province, China, in December 2019. Other known forms of coronaviruses include Middle East Respiratory Syndrome (MERS) and Severe Acute Respiratory Syndrome (SARS).

What are the symptoms of COVID-19?

Symptoms of COVID-19 can range from mild illness to pneumonia. Some people will recover easily, and others may get very sick very quickly.

The common symptoms of COVID-19 may include:

- fever
- coughing
- sore throat
- fatigue (tiredness), and
- difficulty breathing or shortness of breath.

How is COVID-19 spread?

- The most likely way someone will catch the virus is by breathing in micro-droplets or very small particles that contain the virus.
- A person can, however, also catch it via the hand-to-face pathway: touching a surface where live virus material is present, then touching their mouth, nose or eyes
- Spread of COVID-19 is highest from people with symptoms
- Spread of COVID-19 before symptoms appear is less common

Virus variants of concern (Delta & others)

- The Delta variant causes more infections and spreads faster than earlier forms of the virus that causes COVID-19. It might cause more severe illness than previous strains in unvaccinated people.
- Vaccines continue to reduce a person's risk of contracting the virus that cause COVID-19, including this variant.
- Vaccines continue to be highly effective at preventing hospitalization and death, including against this variant.
- Fully vaccinated people with breakthrough infections from this variant appear to be infectious for a shorter period.
- Getting vaccinated and wearing masks indoors in public spaces reduces the spread of this variant according to public health advice.

Impact of the pandemic

The aquatic industry has been significantly impacted by lockdown closures associated with COVID-19. As one of the first industries to close and last to re-open each time, all 2,113 aquatic facilities were forced into closure at some point throughout 2020 causing a high proportion of the workforce (estimated at 67,000), particularly frontline workers, to be stood down. When able to reopen, the aquatic industry's recovery has been hampered by worker shortages. Across the country, when swim schools reopened, enrolments in learn to swim classes reported falls of up to -25% from the previous year. This places a significant burden on Australia to ensure COVID-19 does not result in a generation of non-swimmers.

Despite the adverse effects of the pandemic, the aquatic industry is uniquely positioned to provide an important resource in the nation's recovery due to its \$9.1 billion in social, health and economic benefits to Australians.

Royal Life Saving and PricewaterhouseCoopers Australia have prepared a report on the Social, Health and Economic Value of the Australian National Aquatic Industry available here: <https://www.royallifesaving.com.au/Aquatic-Risk-and-Guidelines/aquatic-research/the-social,-health-and-economic-value-of-the-australian-national-aquatic-industry-report>

As Australia transitions to 'living with COVID' workplaces must find a 'new normal' and must continue implementing measures to reduce the spread of the virus, respond to the re-emergence of cases and to play their part in preventing health systems from being overwhelmed and preventing unnecessary deaths.

COVID-19 is a public health matter, which means the risks associated with COVID-19 in the workplace must be managed in accordance

with public health laws in the state or territory the business is located. Depending on the state or territory, there may be a number of public health laws that determine what businesses can and cannot do during this pandemic, including whether they need to prepare a COVIDSafe plan. Everyone must always follow the rules that apply in their state or territory.

How to use this Guideline

This document provides guidance to assist aquatic facility operators determine how best to manage the risk of COVID-19 in their workplace. It provides a framework that complements and links to more detailed advice from State and Territory Health Departments as well as Safe Work Australia and Fair Work Australia. This document is not intended to prescribe specific approaches, but instead seeks to help businesses determine what is appropriate for their individual workplaces and circumstances.

In this Guideline, the following terms are used:

- **must** – indicates a legal requirement that businesses must comply with
- **should** – indicates a recommendation
- **may** – indicates a choice
- **can** – indicates a possibility or a capability.

Intersection and/or integration with broader water safety, work health safety and public health and safety risk management

This document provides guidance to assist aquatic facility operators determine how best to manage the risks of COVID-19 transmission. It is however recommended that aquatic facility owners and operators balance the considerations of COVID-19 against the existing water safety, work health safety and

public health and safety risks already inherent in aquatic environments including aquatic facilities and swim schools.

It is acknowledged by Royal Life Saving and the National Aquatic Industry Committee that some risk mitigations are not reasonable or practicable where a greater risk exists – such as the requirement to keep small children within arms reach in the water at all times by a responsible parent or guardian being eschewed in favour of maintaining social distancing which would be neither reasonable nor practicable. For this reason, reasonable adjustment to risk management practices, rules and standard operating procedures is recommended within the individual contexts and situations that arise and where professional rescuers such as Swimming and Water Safety Teachers and Pool Lifeguards are used, the professional judgement of these water safety experts should be relied upon as needed to respond to immediate and present risks, dangers and emergencies as applicable.

More information

For more information about COVID-19 please see the resources available from the [Australian Government Department of Health](#).

You can also call the National Coronavirus Help Line on 1800 020 080 if you have questions about COVID-19. It operates 24 hours a day, seven days a week.

If you require translating or interpreting services, please call 131 450.

CVI. ASSESSING RISK OF COVID-19 IN AQUATIC FACILITIES

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1.1 Purpose

- 1.1.1 To provide aquatic facilities and swim schools guidance on assessing the risk of COVID-19 cross infection within their workplace

1.2 Scope

- 1.2.1 This guideline applies to aquatic facilities who are considering the impacts of aquatic activities or events which are being conducted under Australian Governments' COVID -19 Social Distancing advisories www.health.gov.au/covid19-resources.

- 1.2.2 Additional guidance on how to conduct a risk assessment, the types of inclusions that should be contained within a risk assessment as well as the importance of an integrated approach to managing risk within the broader management system is contained in the Guidelines for Safe Pool Operations: Risk Management section available at: <https://www.royallifesaving.com.au/subscribers/GSPO>

1.3 About COVID-19

- 1.3.1 Coronavirus disease (COVID-19) is an infectious disease that is caused by a virus.
- 1.3.2 COVID-19 is a respiratory infection that was unknown before the outbreak that started in Hubei Province, China, in December 2019. Other known forms of coronaviruses include Middle East Respiratory Syndrome (MERS) and Severe Acute Respiratory Syndrome (SARS).

What are the symptoms of COVID-19?

- 1.3.3 Symptoms of COVID-19 can range from none to severe respiratory impairment that can be fatal. Some people will recover easily, and others may get very sick very quickly.
- 1.3.4 The common symptoms of COVID-19 may include:
- fever
 - coughing

- sore throat
- fatigue (tiredness), and
- difficulty breathing or shortness of breath.

For the latest update on COVID-19 Symptoms (particularly less common symptoms) please visit [Australian Government Department of Health](#)

- 1.3.5 Most people infected with COVID-19 will have a mild to moderate illness and will recover without special medical treatment. Some people, such as those with underlying vulnerabilities and pre-existing medical conditions, are more likely to suffer from more serious symptoms of the diseases. See also our content on vulnerable workers.

How is COVID-19 spread?

- 1.3.6 The most likely way someone will catch the virus is by breathing in micro-droplets a person close to them has released by sneezing, coughing –or just breathing out
- 1.3.7 A person can, however, also catch it via the hand-to-face pathway: touching a surface where live virus material is present, then touching their mouth, nose or eyes

1.4 Legal Framework

- 1.4.1 State and Territory Work Health and Safety (WHS) laws require you to take care of the health, safety and welfare of your workers, including yourself and other staff, contractors and volunteers, and others (clients, customers, visitors) at your workplace.
- 1.4.2 This includes:
- providing and maintaining a work environment that is without risk to health and safety
 - providing adequate and accessible facilities for the welfare of workers to carry out their work, and
 - monitoring the health of workers and the conditions of the workplace for the purpose of preventing illness or injury.
- 1.4.3 Owners and operators of Aquatic Facilities should refer to the state/territory workplace health and safety authorities for specific advice on their legal advice.

Specific guidance on the legal framework as it pertains to COVID-19 can be found <https://www.safeworkaustralia.gov.au/covid-19-information-workplaces/industry-information/general-industry-information/duties-under-whs?tab=tab-toc-employer>

Commonwealth

- Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Overseas Travel Ban Emergency Requirements) Determination 2020 (25 March 2020)
- Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements) Determination 2020 (27 March 2020)
- Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements – Retail Outlets at International Airports) Determination 2020 (28 March 2020)
- Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements for Remote Communities) Determination 2020 (16 April 2020)
- Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements—Public Health Contact Information) Determination 2020 (25 April 2020)

Australian Capital Territory

- ACT Government - public health directions

New South Wales

- NSW Health - public health orders

Northern Territory

- Northern Territory Government - Chief Public Health Officer directions

Queensland

- Queensland Health – Chief Health Officer public health directions

South Australia

- SA Emergency Declarations and Directions

Tasmania

- [Tasmanian Government Coronavirus disease \(COVID-19\) Resources](#) (under the heading 'Current Directions')

Victoria

- [Victorian Department of Health and Human Services](#) – State of Emergency

Western Australia

- [Western Australian Government](#) – State of Emergency Declarations

1.5 National COVID-19 safe workplace principles

- 1.5.1 Recognising that the COVID-19 pandemic is a public health emergency, that all actions in respect of COVID-19 should be founded in expert health advice and that the following principles operate subject to the measures agreed and implemented by governments through the National Cabinet process
- a) All workers, regardless of their occupation or how they are engaged, have the right to a healthy and safe working environment.
 - b) The COVID-19 pandemic requires a uniquely focused approach to work health and safety (WHS) as it applies to businesses, workers and others in the workplace.
 - c) To keep our workplaces healthy and safe, businesses must, in consultation with workers, and their representatives, assess the way they work to identify, understand and quantify risks and to implement and review control measures to address those risks.
 - d) As COVID-19 restrictions are gradually relaxed, businesses, workers and other duty holders must work together to adapt and promote safe work practices, consistent with advice from health authorities, to ensure their workplaces are ready for the social distancing and exemplary hygiene measures that will be an important part of the transition.
 - e) Businesses and workers must actively control against the transmission of COVID-19 while at work, consistent with the latest advice from the [Australian Health Protection Principal Committee \(AHPPC\)](#), including considering the application of a hierarchy of appropriate controls where relevant.

- f) Businesses and workers must prepare for the possibility that there will be cases of COVID-19 in the workplace and be ready to respond immediately, appropriately, effectively and efficiently, and consistent with advice from health authorities.
- g) Existing state and territory jurisdiction of WHS compliance and enforcement remains critical. While acknowledging that individual variations across WHS laws mean approaches in different parts of the country may vary, to ensure business and worker confidence, a commitment to a consistent national approach is key. This includes a commitment to communicating what constitutes best practice in prevention, mitigation and response to the risks presented by COVID-19.
- h) Safe Work Australia (SWA), through its tripartite membership, will provide a central hub of WHS guidance and tools that Australian workplaces can use to successfully form the basis of their management of health and safety risks posed by COVID-19.
- i) States and Territories ultimately have the role of providing advice, education, compliance and enforcement of WHS and will leverage the use of the SWA central hub in fulfilling their statutory functions.
- j) The work of the National COVID-19 Coordination Commission will complement the work of SWA, jurisdictions and health authorities to support industries more broadly to respond to the COVID-19 pandemic appropriately, effectively and safely.

1.6 Risk Assessment

1.6.1 The owner or operator of an aquatic facility should develop, implement, monitor and continually improve a risk management framework that includes the potential of someone being exposed to the infection of COVID-19.

1.6.2 The risk assessment should:

- Identify the level of risk present in the local community
- The assessment of the level of risk present in the community may depend on:
 - o The number of active cases in the community
 - o The number of mystery cases
 - o The level of vaccination across the community

- o Whether additional variants of concern are present in Australia's quarantine system
- Identify local State / Territory regulations and Public Health Orders
- Identify all of the activities or situations where people in the workplace may contract COVID-19 from each other or from a surface
- Assess the level of risk that people in these activities, areas or situations may contract and spread COVID-19 in the aquatic facility
- When assessing the level of risk, aquatic facility owners and/or operators should give consideration to:
 - o the likelihood of the hazard or risk concerned eventuating;
 - o the degree of harm that would result if the hazard or risk eventuated;
 - o what the person concerned knows, or ought reasonably to know, about the hazard or risk and any ways of eliminating or reducing the hazard or risk;
 - o the availability and suitability of ways to eliminate or reduce the hazard or risk;
 - o the cost of eliminating or reducing the hazard or risk.
- Determine what control measures are reasonably practicable to eliminate or minimise the risk of exposure to COVID-19

1.6.3 The level of risk associated with exposure to COVID-19 may not be the same for all aquatic facilities and/or activities and/or zones within the facility. It will depend on a range of factors, including the community context, geographic location, business size, workforce demographics and characteristics (such as whether the business has any vulnerable workers), as well as:

- the nature of the aquatic facility
- the work tasks and activities undertaken at the aquatic facility, for example is there significant interaction with customers, do any work tasks require workers to be in close proximity to be carried out safely
- the working arrangements of the workers, such as roster bubbles and/or whether workers work across multiple workplaces.

- 1.6.4 The risk management framework should be consistent with the AS/NZS ISO 31000:2018 Risk management- Principles and Guidelines, the Guidelines for Safe Pool Operations - Risk Management and any of their amendments.

Generic guidance on risk assessment as it pertains to COVID-19 can be found <https://www.safeworkaustralia.gov.au/doc/key-considerations-undertaking-risk-assessment-covid-19>

Specific Examples for a Risk Assessment is:

- Checklist – Key considerations when undertaking a COVID-19 risk assessment
- Template - Template and Example COVID-19 risk register
- Workplace checklist - What can I do to keep my workers safe at the workplace and limit the spread of COVID19?

Non-aquatic Activity Risk Assessment

1.6.5 When identifying the activities or situations where people in the aquatic facility may contract COVID-19 from each other or from a surface, the owner or operator of an aquatic facility should assess:

- work tasks, workflows or processes carried out at the aquatic facility, such as using shared equipment
- areas where workers may be in close proximity, such as in offices, behind the counter at a reception, café or retail store and/or shared areas such as break rooms or kitchens
- interactions between workers, including when travelling to and from work (for example when carpooling) and when on a meal or rest break
- interactions between workers and customers or other people who attend the aquatic facility, for example delivery drivers
- interactions between visitors and customers at the workplace, for example people who are not part of the same household, and
- high touch surfaces at the workplace which may become contaminated, such as door handles, drink fountains, taps or access control points such as turnstiles and fob swipe points

1.6.6 The operator should consider external issues when undertaking their risk assessment. These issues can include:

- public health laws
- rates of COVID-19 in the local community
- how workers travel to and from work – where large numbers of workers have no other option but to use public transport businesses may need to:
 - o clearly communicate ways they can minimise the risks associated with COVID-19 while on public transport and direct them to appropriate resources to help with this, or
 - o put in place arrangements such as staggering start and finish times and/or session times to prevent large numbers of workers and/or patrons travelling at peak hour and arriving at the same time, causing congestion in common areas like foyers and changerooms
- workers' personal circumstances, such as whether they have been classified as a vulnerable worker, have caring responsibilities for a vulnerable person or there is a vulnerable person in their household
- issues regarding access to childcare and schools in the community at the particular point in time and stage of restrictions currently active in the jurisdiction the business is located in – this may impact the business's application of its working from home policy (if working from home is possible in the industry the business is operating in)
- changes in customer expectations or behaviours
- supply chain issues, including demand or availability of products/services, and
- increased or decreased demand for products/services.

1.6.7 The owner or operator of an aquatic facility should consider internal elements of the aquatic facility's operations as part of the risk assessment. These may include:

- the size and nature of the workplace:
 - o number and location of workplaces within the business
 - o type of workplaces - for example whether they are an office, retail outlet, factory, warehouse, in-home service or other type of workplace
 - o physical layout of the workplace in accommodating physical distancing measures
 - o facilities available to manage the risks associated with COVID-19, such as adequate provision of handwashing facilities
- the size and nature of the workforce, for example:
 - o a high proportion of casual workers without access to paid leave
 - o whether there are vulnerable workers who may be more likely to experience serious illness if they contract the virus
- the nature and organisation of work tasks carried out at the workplace, for example:
 - o whether the job roles involve significant interaction with other workers, customers/clients or other people
 - o how work is organised for the duration of the pandemic including processes to manage any increased worker absences (due to sickness, self-isolation or quarantine requirements etc.) – where work tasks need to be performed by two or more workers to be done safely, consideration may need to be given to whether these tasks can be rescheduled if there is a reduced workforce due to circumstances related to the pandemic.

Aquatic Activity Risk Assessment

1.6.8 As part of an overall risk assessment the owner or operator of an aquatic facility should consider specific assessment for each of the activities that it does within its facilities. Owners and Operators of Aquatic Facilities should refer to the following GSPO SV4 Aquatic Activity Risk Assessment.

1.6.9 The aquatic activity risk assessment in relation to COVID-19 should consider at a minimum the following:

- **Physical distancing of parents** to other parents/children/teacher/coach in the water
- **Physical distancing of children** to other children/parents/teacher/coach in the water
- **Physical distancing of parents** to other parents watching or teachers/coaches
- **Requirements to touch the child** in order to assist them in their learning activities (i.e. assisting the child to float)
- **Safety requirements to physically support** the student in their learning activities
- **Supervision requirements** if student is unable to support themselves in the activities
- **Social practices of children in managing their own hygiene** (i.e. wiping their nose in the water)
- **Physical distancing of other aquatic activities** within the pool / area that may cause social distancing to be compromised
- **Sharing of teaching and pool equipment** from one class to another or within the same class
- Placement / Location of personal items and their vicinity to others (i.e. water bottles on the side of deck)
- **Additional supervision requirements** in order to allow the social distancing to occur both in the water and out of the water
- **Air circulation and filtration in indoor spaces** to determine the flow of air and to ensure appropriate management of air flows

CV2. TREATING THE RISK OF COVID-19 IN AQUATIC FACILITIES

Issued: 1/09/2021

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Version: 1.0

2.1 Purpose

- 2.1.1 To provide aquatic facilities and swim schools guidance on assessing the risk of COVID-19 cross infection within their workplace

2.2 Scope

- 2.2.1 This guideline applies to aquatic facilities who are considering the impacts of aquatic activities or events which are being conducted under Australian Governments' COVID -19 Social Distancing advisories www.health.gov.au/covid19-resources.

2.3 Risk Treatment

- 2.3.1 The owner or operator of an aquatic facility should consider a range of risk treatments to minimise the risk of COVID-19. These include but are not limited to the following risk treatment strategies:
- Emergency Planning and Response
 - Vulnerable Persons
 - Staff, Contractor and Visitor Health Monitoring
 - Physical Distancing
 - Hygiene
 - Cleaning
 - Personal Protection Equipment

2.4 Vulnerable Persons

2.4.1 Some people are at greater risk of more serious illness with COVID-19. These include:

- Aboriginal and Torres Strait Islander people 50 years and older with one or more chronic medical conditions
- People 65 years and older with one or more chronic medical conditions
- People 70 years and older, and
- People with compromised immune systems

Specific guidance on vulnerable person as it pertains to COVID-19 can be found <https://www.safeworkaustralia.gov.au/covid-19-information-workplaces/industry-information/general-industry-information/vulnerable?tab=tab-toc-employer>

2.5 Supervision Planning

2.5.1 Owners and/or operators of an aquatic facility should review and update their supervision plan as a result of the COVID-19 pandemic in accordance with the Guidelines for Safe Pool Operations – Supervision

2.5.2 At a minimum all owners and operators of an aquatic facility should include within their supervision plan arrangements for Lifeguards to proactively minimise the risk of COVID-19 within the aquatic facility.

2.5.3 Owners and/or operators should also test their updated arrangements they have developed as a result of the COVID-19 pandemic.

Specific guidance on supervision planning as it pertains to COVID-19 can be found at www.guidelines.royallifesaving.com.au

2.6 Emergency Planning and Response

- 2.6.1 Owners and/or operators of an aquatic facility should have an emergency plan in accordance with the Guidelines for Safe Pool Operations - Emergency Planning
- 2.6.2 Owners and/or operators of an aquatic facility should review and update their emergency plan as a result of the COVID-19 pandemic.
- 2.6.3 At a minimum all owners and operators of an aquatic facility should include within their emergency plan response arrangements following the detection of COVID-19 within the aquatic facility.
- 2.6.4 Owners and/or operators should also test their new emergency planning arrangements they have developed as a result of the COVID-19 pandemic.

Specific guidance on **emergency planning** as it pertains to COVID-19 can be found <https://www.safeworkaustralia.gov.au/covid-19-information-workplaces/industry-information/general-industry-information/emergency-plans?tab=tab-toc-employer>

Specific guidance on an **emergency response** as it pertains to COVID-19 can be found <https://www.safeworkaustralia.gov.au/covid-19-information-workplaces/industry-information/general-industry-information/covid-19-your?tab=tab-toc-employer>

2.7 Health and Fitness

2.7.1 In consultation with your workers, owners and operators of aquatic facilities must put in place policies and procedures relating to COVID-19, including what workers must do if they or a patron are diagnosed or suspect they may have COVID-19.

2.7.2 Owners and operators of aquatic facilities should monitor your workers for key symptoms of COVID-19 which are:

- fever
- coughing
- a sore throat
- fatigue, and
- shortness of breath.

2.7.3 In particular consideration should be given to casual employees who otherwise may not be appropriately incentivised to stay home from work.

Specific guidance on health monitoring as it pertains to COVID-19 can be found <https://www.safeworkaustralia.gov.au/covid-19-information-workplaces/industry-information/general-industry-information/health-monitoring?tab=tab-toc-employer>

2.8 Physical Distancing

2.8.1 Physical distancing (also referred to as 'social distancing') refers to the requirement that people distance themselves from others. The current advice from the [Department of Health](#) is that everyone must keep at least 1.5 metres apart from others (outside of their family unit) where possible. In addition, in a given space, there must be a 4 square metres of space per person where possible.

2.9 Specific Consideration for Staff in Aquatic Facilities

2.9.1 It will not always be possible for workers and others to keep 1.5 metres apart at all times at the workplace. For example, workers may have to work closely with each other or others because of the nature of the task, such as:

- Lifeguard performing a rescue or first aid.
- Swimming and Water Safety Teaching
- Training of water safety and/or rescue competencies for lifeguards and swimming and water safety teachers

2.9.2 Working in close contact increases the risk of workers and patrons being exposed to COVID-19. You must consider whether the work task must be completed or could be modified or rescheduled to a later date. If the task must be completed and your workers will be in close contact, your risk assessment should determine what control measures are reasonably practicable in the circumstances to eliminate or minimise health and safety risks from COVID-19.

2.9.3 In addition to avoiding close contact with others where reasonable and practicable, and/or when unavoidable, owners and operator of aquatic facilities must implement other control measures. Depending on the level of risk present within the community and local public health orders, these can include measures such as:

- Minimising the number of people within an area at any time.
- Continuing to offer 'Work-from-home' opportunities to staff not required for immediate direct service, supervision or safety
- Considering the need to train and re-train new and existing staff on emerging ways of managing the risk associated with COVID-19
- Consulting with staff on the way that the facility is managing the risk of COVID-19
- Limiting access to the workplace or parts of the workplace to essential workers only
- Staggering start, finish and break times where appropriate
- Moving work tasks to different areas of the workplace or off-site if possible
- If possible, separating workers into dedicated teams and have them work the same shift or work in a particular area and consider whether these dedicated teams can have access to their own meal areas or break facilities
- Ensuring if reasonably practicable that each worker has their own equipment or tools
- Modifying workflows and processes so that work tasks are carried out in a way that minimises interactions between people
- Ensuring the physical layout of the workplace supports physical distancing

- Ensuring that appropriate barriers are erected to minimise droplets transferring from workers and/or patrons onto each other
- Ensuring that workers and patrons over the age of 5 wear appropriate face masks in line with public health guidance
- Ensuring, where reasonably practicable, that traffic flows and session and/or lesson times are adjusted to eliminate or limit significantly the mixing of different groups of people
- Ensuring that contact tracing check-in points in line with local State / Territory guidance are prominently displayed and available throughout each part of the facility
- Ensuring that staff have an adequate supply of uniform to ensure cleaned and disinfected clothes are used each day
- Ensuring staff have access to appropriate PPE in line with public health guidance
- If available and reasonable and practicable with consideration to the increased costs, increase the number of supervisory staff to support the ability to manage additional necessary activities
- Implementing temperature checks and/or rapid antigen testing where reasonable and practicable
- Ensuring that workers are supported with accessing testing, staying home if that have symptoms and/or becoming vaccinated
- Requiring the staff to produce a valid vaccination certificate and/or passport where reasonable, practicable and lawful

NB: COVID-SAFE information should never be placed on, over or in conflict with other key safety information – such as pool depth information or child supervision information.

Safety messages should not be confusing or conflicting and should be placed in accordance with the hazards present in each aspect of the customer's journey through the aquatic facility. 'Danger Deep Water' for example is the most relevant information at or near deep water, not for example hygiene information.

2.10 Specific consideration for patrons in Aquatic Facilities

2.10.1 Owners and operator of aquatic facilities must implement control measures to reduce the risk of transmission of COVID-19 among patrons in aquatic facilities. These can include measures such as:

- Changing or modifying the activities to allow for social distancing and/or density limits
- Implementing zoning barriers (such as hoarding) which permit 1.5m distancing
- Reducing or restricting numbers suitable for the size of the pool or zone of the pool
- Reducing the length of sessions and stagger times if reasonable or practicable to reduce mixing of different groups
- Modifying the program to minimise team/group activities if reasonable or practicable
- Modifying the program to restrict use of equipment such as kick boards / noodles etc that may be used from class to class
- Where equipment is required, assigning toys/kickboards etc to individual students during class and clean and disinfect routinely
- Adjusting program/training/lesson plans to reduce/inhibit face to face teaching and/or adopt distance to teaching for more advanced levels
- Where available and/or reasonable, use of dolls or mannequins to demonstrate movement visually rather than hands on
- Moving the location of the activity to other pools
- Ensuring the physical layout of the workplace supports physical distancing
- Ensuring that appropriate barriers such as sneeze-guards (glass/Perspex) are erected to minimise droplets transferring from workers and/or patrons onto each other
- Providing web-based reservation and payment systems to minimise face-to-face interactions
- If applicable, displaying a sign at each public entry that includes a statement with the maximum number of people that can be present in the facility at a single time and implement ways of ensuring these capacities are adhered to if applicable

- Encouraging swim school participants and other users to shower and get changed away from the venue where practical. It is noted in colder climates they may create additional risk so should only be implemented when reasonable
- Introducing hygiene stations at the entry and exit point of the facility
- Implementing signage/floor markers for entry, access and queuing areas to support the maintenance of physical distancing
- Identifying separate entry/exit options for patrons if multiple doors are available to create a single directional flow
- Ensuring that workers and patrons wear appropriate face masks in line with public health guidance
- Ensuring, where reasonably practicable, that traffic flows and session and/or lesson times are adjusted to eliminate or limit significantly the mixing of different groups of people
- Ensuring that contact tracing check-in points in line with local State / Territory guidance are prominently displayed and available throughout each part of the facility
- Adhering to existing public health regulations with regards to the disinfection of pool water which if maintained to regulated levels is sufficient to kill viruses such as COVID-19
- If available and reasonable and practicable with consideration to the increased costs, increasing the number of supervision staff to support the ability to manage additional necessary activities
- Implementing temperature checks and/or rapid antigen testing where reasonable and practicable
- Requiring the sighting of a valid vaccination certificate and/or passport for patrons and/or staff where reasonable, practicable and lawful
- Advising patrons of the inherent risks of the transmission COVID-19 associated with indoor close-contact activities and allow patrons to make their own decisions as to their own level of personal risk they are willing to adopt
- Communicating appropriate hygiene and physical distancing measures at appropriate touchpoints through the facility such as toilets, showers, drinking fountains, queues, turnstiles and high foot traffic areas
- If applicable under State / Territory health guidance, reducing or eliminating the availability of seating areas to discourage congregating or mixing for longer periods of time

- Managing / discouraging lap swimmers congregating at the ends of pools for rest breaks
- Ensuring that an appropriate escalation process is available to support staff in managing challenging patrons or patrons who refuse to comply with public health orders and/or facility rules

2.10.2 Where these risk mitigation measures do not reduce the risk to acceptable levels the owner and operator of the aquatic facility should consider cancelling the activity.

2.10.3 Owners and operators of aquatic facilities should refer to the National Principles for the Resumption of Sport and Recreation Activities, which provides the pathway for a safe return to sport in conjunction with the following:

Specific guidance on physical distancing as it pertains to COVID-19 can be found <https://www.safeworkaustralia.gov.au/covid-19-information-workplaces/industry-information/general-industry-information/physical?tab=tab-toc-employer>

2.12 Ventilation

- 2.12.1 Where possible, activities that involve multiple persons should be conducted outdoors and/or where there is a risk of the spread of COVID-19 appropriate face masks should be worn by all participants over the age of 5.
- 2.12.2 Where activities must be conducted indoors, there are two ventilation options available to reduce the likelihood and consequence of the spread of COVID-19 in indoor settings:
- Increasing the amount of fresh air entering the building from outside; and/or,
 - Removing the virus from the air inside the building.
- 2.12.3 When used properly, air cleaners and HVAC filters can help reduce airborne contaminants including viruses in a building or small space. By itself, air cleaning or filtration is not enough to protect people from COVID-19.
- 2.12.4 There is currently no evidence that COVID-19 can be spread through HVAC systems according to Safe Work Australia. However, adjusting the settings of HVAC system may help minimise the risk of COVID-19 spreading in aquatic facilities, such as:
- allowing more air circulation in common areas
 - limiting or not using recirculated air
 - increasing outside air intake
 - upgrading air filters to the highest efficiency possible that is compatible with the system
 - minimising filter air bypass
 - consider using portable air cleaners to supplement increased HVAC system ventilation and filtration
- 2.12.5 If you consider it is reasonably practicable to avoid using recirculated air, you should speak to your building owner or facilities manager to organise to have the recirculation dampers closed. If the HVAC system in your building does not have a setting that allows for recirculation of air to be stopped or limited, you may wish to consider working with the building owner and/or facilities manager to organise for doors and windows to be opened to increase the intake of fresh air within the building, so far as is reasonably practicable. However, do not open windows and doors if doing so poses a safety risk to staff, patrons, or swimmers.

2.12.6 Air cleaners and HVAC filters are designed to filter pollutants or contaminants out of the air that passes through them. Air cleaning and filtration can help reduce airborne contaminants, including particles containing viruses. Portable air cleaners (also known as air purifiers) may be particularly helpful when additional ventilation with outdoor air is not possible without compromising indoor comfort (temperature or humidity), or when outdoor air pollution is high.

2.12.7 In order for an air cleaner to be effective in removing viruses from the air, it must be able to remove small airborne particles (in the size range of 0.1-1 μm). Manufacturers report this capability in several ways. In some cases, they may indicate particle removal efficiency for specific particle sizes (e.g. "removes 99.9% of particles as small as 0.3 μm "). Many manufacturers use the Clean Air Delivery Rate (CADR) rating system to rate air cleaner performance. Others indicate they use High Efficiency Particulate Air (HEPA) filters. In order to select an air cleaner that effectively filters viruses from the air, choose:

- a unit that is the right size for the space you will be using it in,
- a unit that has a high CADR for smoke (vs. pollen or dust), is designated a HEPA unit, or specifically indicates that it filters particles in the 0.1-1 μm size range.

2.12.8 Where HVAC systems have been temporarily shut down, owners and operators of aquatic facilities must take all reasonably practicable steps ensure risks to health and safety are eliminated or minimised. This includes any risks associated with the HVAC system being restarted. HVAC maintenance must be carried out by a competent person and in accordance with all recognised standards. If a complex HVAC system (those that can be found in large buildings that can transfer heating and cooling to secondary units or are integrated into the Building Automation System) has been shut down, the building owner or facilities manager should consult experts to implement the correct start-up procedures, to check control settings and to compare the system's operation with commissioning baseline data. Before you restart the HVAC, you should confirm with the building owner or facilities manager that this has taken place if your building has a complex HVAC system installed

2.12.9 Where HVAC systems are available, maintaining the air temperature at 1 or more degrees Celsius above the pool temperature pushes humidity (and droplets) down to the pool and floor surfaces where chlorine/bromine disinfection can eliminate the virus. Air circulation patterns can be demonstrated through a so-called 'smoke test' as used in hotel quarantine facilities as part of their risk assessment and management process.

Further advice on Ventilation in Aquatic Facilities can be obtained from the Guidelines for Safe Pool Operations – Aquatic Facility Design

www.guidelines.royallifesaving.com.au

2.13 Hygiene Measures

- 2.13.1 Owners and operators of aquatic facilities should require workers and patrons to practice good hygiene.
- 2.13.2 Owners and operators of aquatic facilities should ensure appropriate medical/biohazard waste containers are provided and covered under an appropriate service contract in line with the First Aid Equipment Guideline.
- 2.13.3 Refer to specific guidance above for staff and patrons (CV2.09 and CV2.10).

Specific guidance on hygiene measures as it pertains to COVID-19 can be found <https://www.safeworkaustralia.gov.au/covid-19-information-workplaces/industry-information/general-industry-information/hygiene?tab=tab-toc-employer>

2.14 Cleaning

- 2.14.1 Owners and operators of aquatic facilities should ensure aquatic facilities are cleaned at least daily. Cleaning with detergent and water is sufficient.
- 2.14.2 High touch surfaces at the workplace which may become contaminated, such as door handles, taps or access control points such as keypads should be frequently cleaned and disinfected by appropriate means.

Specific guidance on hygiene measures as it pertains to COVID-19 can be found <https://www.safeworkaustralia.gov.au/covid-19-information-workplaces/industry-information/general-industry-information/cleaning?tab=tab-toc-employer>

Checklists for cleaning can be found here:

<https://www.safeworkaustralia.gov.au/doc/how-clean-and-disinfect-your-workplace-covid-19>

2.15 Personal Protective Equipment (PPE)

2.15.1 Owners and operator of aquatic facilities should implement additional measures for PPE to patrons and workers that can be used to protect against COVID-19. This includes but is not limited to:

- masks
- gloves
- eye protection, and
- screens (if applicable)

Specific guidance on **PPE measures** as it pertains to COVID-19 can be found <https://www.safeworkaustralia.gov.au/covid-19-information-workplaces/industry-information/general-industry-information/ppe?tab=tab-toc-employer>

Specific guidance on **Face Masks** as it pertains to COVID-19 can be found <https://www.safeworkaustralia.gov.au/covid-19-information-workplaces/industry-information/general-industry-information/masks?tab=tab-toc-employer>

Specific guidance on **gloves** as it pertains to COVID-19 can be found <https://www.safeworkaustralia.gov.au/covid-19-information-workplaces/industry-information/general-industry-information/gloves?tab=tab-toc-employer>

2.16 Staff Training and Induction

2.16.1 Owners and operator of aquatic facilities should implement additional measures for staff training and induction in relation to COVID-19. This includes but is not limited to:

- The COVID-19 hazard and its impact
- Legal requirements
- The risk assessment
- Additional risk treatment measures
- Use of equipment including PPE
- New policies and their roles and responsibilities in response to enforcement of policies
- Emergency planning
- Emergency response to a COVID-19 incident

2.16.2 Where applicable training and induction information may be delivered in the native tongue of employees. Specific COVID-19 information is available in a range of languages here: <https://covid19inlanguage.homeaffairs.gov.au/>

2.17 Signage

2.17.1 Owners and operator of aquatic facilities should implement additional signage measures that support their policies and health and safety guidance in relation to COVID-19. This includes but is not limited to signs and posters around the aquatic facility to remind workers and others of the risks of COVID-19 and the measures that are necessary to stop its spread. Sample posters are below

- [Coronavirus \(COVID-19\): Know the signs](#)
- [Coronavirus \(COVID-19\): Stop the spread](#)
- [Simple steps to help stop the spread poster](#)
- [Good hygiene practices poster for businesses](#)
- [How to hand wash poster](#)
- [How to hand rub poster](#)
- [Keeping your distance poster](#)
- [Keeping mentally healthy](#)
- [Change of hours poster for businesses](#)
- [Temporary changes poster for businesses](#)
- [Temporary closure poster for businesses](#)

2.18 Providing visual traffic and distancing cues

2.18.1 Owners and operator of aquatic facilities should provide visual clues or guides i.e. tape and decals on foyer and pool deck floors, at reception etc) to ensure that patrons are able to understand physical distancing measures easily.

CV3. TRAINING FOR EMERGENCY RESPONDERS DURING LOCKDOWNS

Issued: 1/09/2021

Effective as of: 1/10/2021

Version: 1.0

3.1 Purpose

3.1.1 To provide guidance on the necessity of water safety and lifesaving training for key emergency response staff during lockdowns.

3.2 Scope

3.2.1 This guideline applies to aquatic facilities, swim schools, registered training organisations who are under lockdown orders during the COVID-19 pandemic.

3.3 Background

3.3.1 Aquatic facilities are regulated workplaces under both Work Health Safety (WHS) legislation and Public Health legislation. These facilities are governed by Acts, Regulations, the Common Law, Local Laws, Australian Standards and Industry Standards – such as the Guidelines for Safe Pool Operations.

3.3.2 For over 30 years, the Guidelines for Safe Pool Operations have mandated, based on evidence, certain training requirements for key aquatic industry roles. These include considerations and requirements that due to the inherent drowning risks in aquatic facilities, key staff should refresh their rescue, resuscitation and emergency response skills, in a practical and physical way, formally through a registered training organisations (operating within the nationally recognised training system) at least annually and formally through aquatic safety and emergency response in-service training at least once every three months.

3.3.3 During the extended periods of lockdown experienced in some parts of the country, many thousands of workers have been unable to complete training in key safety and emergency response skills either through registered training organisations or through their employers.

3.3.4 When facilities have been able to reopen, this has led to unavailability of appropriately qualified and trained staff and in some cases has led to an enhanced risk of inappropriate emergency preparedness and response across the aquatic industry.

3.3.5 The Victorian Department of Health has provided guidance on essential workers during circuit breaker lockdowns available at:
https://www.dhhs.vic.gov.au/sites/default/files/documents/202102/Essential%20Workers%20and%20Essential%20Providers%20List_2.pdf

3.3.6 It is proposed by Royal Life Saving and the National Aquatic Industry Committee that under the Victorian definition “essential infrastructure and essential services that are required to maintain or protect human health, safety and wellbeing (whether provided by a public or private undertaking), and including construction, maintenance and repair of such infrastructure” should be extended to include the facilitation of skills currency for key emergency response staff in aquatic facilities in swim schools.

3.3.7 It is recognised that to safely facilitate the reopening of aquatic facilities and swim schools, owners and operators of aquatic facilities and swim schools must ensure that key safety staff and emergency responders such as:

- Lifeguards
- Swimming and Water Safety Teachers
- Duty Managers / Supervisors
- And other staff as applicable under the facility’s Emergency Management Plan / Emergency Control Organisation (ECO) structure who have a primary responsibility for emergency rescue and response

Are trained, competent and ready to prevent and respond to aquatic based rescues and emergencies in line with industry standards and community expectations.

3.3.8 In order to achieve the standard of care that the community expects and that legal and industry standards require, aquatic facilities require sufficient time and preparation to their workforces are ‘rescue-ready’ prior to reopening to the public after lockdown closures and/or during periods where facilities remain open for critical activities.

3.3.9 While industry guidance cannot nor should not supersede local State / Territory public health orders, aquatic facility owners and operators (as well as policy makers) should give consideration to the ability of key emergency responders to maintain and refresh their skills via appropriate formal rescue training and that aquatic facilities are able to continue safety and emergency training for key ECO personnel even when facilities are mandated to be closed to the public.

3.3.10 It is noted that when restrictions ease, the wider community place enormous pressure on local governments and/or business owners to resume trading activities immediately, which does not allow for a staged and practical resumption of activities and/or can place unnecessary burden on aquatic facilities to resume activities without adequate emergency preparedness activities like lifeguard reaccreditation to occur.

3.4 'Pilot light' lifesaving and emergency training

3.4.1 Royal Life Saving and the National Aquatic Industry Committee recommend that that a 'pilot-light' level of training activities for key emergency responders are available throughout any lockdown period which should balance the wider health and safety considerations of the aquatic sector with the wider community risk of transmission of COVID-19 in aquatic facilities for key emergency responders.

3.4.2 The definition of 'pilot light' in the context of aquatic facility emergency preparedness and response may be:

- no more than ten (10) training participants, adequately socially distanced;
- one (1) appropriately accredited trainer working under paid arrangements; and
- two (2) lifeguard and/or water safety supervisors overseeing the in-water training activity and able to respond in an emergency and ensure the security and safety of persons on-site as well as appropriate adherence to COVIDSafe plans.

3.4.3 Owners and operator of aquatic facilities should ensure additional measures are met by external organisations providing training and induction. This includes but is not limited to the provision of updated information in relation to:

- ARC Guidelines relevant to the provision of CPR during COVID-19
- COVID-19 safe work practices to minimise risks and potential hazards
- COVID-19 infection control principles and procedures, including use of standard precautions
- Reasonable adjustments to training and assessment in line with this Guideline, and the directions provided by the Australian Skills Quality Authority (ASQA) for Registered Training Organisations.

The provision of risk assessments and risk treatment plans that demonstrate the risk of transmission of COVID-19 has been reduced to as low as is practically possible.

CV4. MANDATING VACCINATIONS IN AQUATIC FACILITIES

Issued: 1/09/2021

Effective as of: 1/10/2021

Version: 1.0

4.1 Purpose

4.1.1 To provide owners and operators of aquatic facilities and swim schools guidance on mandating vaccinations, rapid tests and/or temperature screening to reduce the likelihood of the transmission of COVID-19 within the aquatic facilities.

4.2 Scope

4.2.1 This guideline applies to mandating vaccines and what is reasonable for aquatic facility owners and operators within the evolving context of the COVID-19 pandemic. It is current at the time of publication but may evolve based on the public health responses and community expectations which are changing rapidly.

4.2.2 It is acknowledged that the uptake of vaccines in the community have a profound impact on public health and safety and have the overall effect of reducing the likelihood and consequence of COVID-19 transmission and/or infection.

4.2.3 While the decision to vaccinate is a deeply personal one and the procedure itself is intimate, the impacts of these decisions as well as the legal and reputational risks that aquatic facility owners and operators carry if vaccines are not mandated are significant.

4.2.4 The decision to mandate vaccines in aquatic facilities and swim schools for patrons and/or staff is driven primarily by two factors:

- The scientifically proven importance of vaccination as a means of reducing the likelihood and consequence COVID-19 transmission – including in aquatic facilities and swim schools; and,
- along with other established measures, to reduce industry/activity risk to acceptable levels to avoid lockdown closures on aquatic facilities and swim schools, so they can remain open even when the virus is moving through the community.

4.3 Background and context

- 4.3.1 The National Aquatic Industry delivers \$9.1 billion in social, health and economic benefits to the 5 million Australians who regularly swim and the 89% of Australians who live within 20 minutes' drive of an aquatic facility
- 4.3.2 The 2,113 Australian aquatic facilities are visited over 333 million times per year
- 4.3.3 There are 67,000 workers in the aquatic industry; 47% of whom are casual; 73% of whom are female; 50% of whom are under the age of 40
- 4.3.4 58% of aquatic facilities are located outside of capital cities
- 4.3.5 \$174 million is contributed in avoided child drowning costs to society via swimming and water safety education delivered by the aquatic industry
- 4.3.6 As a result of COVID-19 lockdown closures, 8.2 million swim lessons have been missed
- 4.3.7 Swim lesson enrolments are down by up to 25% when reopening after lockdowns, with wait lists for swim lessons of up to 2000% due to staff shortages and density caps when able to reopen
- 4.3.8 Young people, parents and children are big users of aquatic facilities and swim schools who are last to be eligible for vaccines, and likely to be least vaccinated cohort of the population
- 4.3.9 Many people with disabilities rely on swimming pools for physical activity and social inclusion
- 4.3.10 90% of pool staff surveyed in September 2021 are either vaccinated or in the process of being vaccinated, with 84% saying they believe customers should be vaccinated
- 4.3.11 74% of pool owners and operators surveyed believe the government should mandate vaccines for pool users, not individual businesses
- 4.3.12 73% supported or did not oppose the GSPO determining whether vaccine mandates are reasonable

- 4.3.13 Public pools are a key accessible form of physical activity for vulnerable persons and communities
- 4.3.14 Vulnerable people including Aboriginal and Torres Strait Islander communities, people with disabilities, Culturally and Linguistically Diverse communities are lagging behind in vaccination rates
- 4.3.15 In the UK, 60% of the people who died from COVID-19 had disabilities, despite representing only 17% of the population.
- 4.3.16 Employers have a duty under the model Work Health and Safety (WHS) laws to eliminate, or if that is not reasonably practicable, minimise the risk of exposure to COVID-19 in the workplace.
- 4.3.17 Due to the above factors, and the duty of care owed, it may be reasonable for aquatic facility owners and operators to mandate either vaccines or routine negative COVID-19 tests for both staff and patrons to ensure the health and safety of staff and patrons and to ensure that industry can continue to trade with risk levels reduced to as low as is reasonably practicable in a 'living with COVID' Australian society.
- 4.3.18 Through implementation of the risk mitigation measures outlined in the Guidelines, it is proposed that aquatic facilities and swim schools can remain and/or be opened for all their social, health and economic benefits while ensuring the risk of transmission of COVID-19 remains as low as is reasonably practicable within a wider vaccinated Australian community, although this will depend on the local State / Territory public health orders.
- 4.3.19 This Guideline, along with existing Royal Life Saving guidelines, is intended to provide a framework that the aquatic industry can apply which can give confidence to public health officials that the industry's health and safety practices are robust, evidence-based and prioritise the health and safety of staff and patrons while contributing to a healthier, more resilient Australian community.

4.4 Temperature checks

4.4.1 Owners and operators of aquatic facilities may consider implementing a process to screen workers and/or patrons before they enter the workplace.

4.4.2 Conducting temperature checks with touch-free thermometers can be used in combination with other measures but they should not be solely relied on.

- Temperature checks do not indicate whether a person has COVID-19. A person could have a temperature for another reason unrelated to COVID-19, and
- people with COVID-19 may also be asymptomatic or on medication that reduces their temperature.

For more information on temperature checks and related health monitoring measures, see Safe Work Australia: <https://www.safeworkaustralia.gov.au/covid-19-information-workplaces/industry-information/general-industry-information/health-monitoring>

4.5 Rapid antigen testing

4.5.1 The Therapeutic Goods Administration (TGA) has approved a number of rapid antigen tests, or rapid antigen point of care tests (PoCTs) for supply in Australia.

4.5.2 The TGA currently requires health care practitioner involvement in PoCT testing and there is a current prohibition on self-testing (home testing).

4.5.3 The TGA has acknowledged that planning for the greater use of rapid antigen testing as part of Australia's COVID-19 testing strategy in the future is underway.

4.5.4 It may be appropriate in the future to require unvaccinated persons to produce a negative rapid antigen test or proof of a negative COVID-19 test.

4.6 Mandating vaccines for patrons of aquatic facilities

4.6.1 According to the Australian Human Rights Commission, if there is no specific law requiring a person to be vaccinated, individuals, businesses and service providers, such as aquatic facilities and swim schools, are encouraged to obtain legal advice about their own specific circumstances, and to carefully consider the position of vulnerable groups in the community before imposing any blanket COVID-19 vaccination policies or conditions.

4.6.2 There are medical reasons why a person may not be able to receive a COVID-19 vaccination, or may choose not to in their circumstances, including because of protected attributes such as pregnancy or disability. Additionally, at present, many younger Australians have not been eligible for particular COVID-19 vaccinations at all, or for shorter periods of time than older Australians.

4.6.3 The Sex Discrimination Act 1984 (Cth) (SDA), the Disability Discrimination Act 1992 (Cth) (DDA) and the Age Discrimination Act 2004 (Cth) (ADA) make it unlawful to discriminate on the grounds of pregnancy, disability and age in many areas of public life, including in the provision of goods, services and facilities.

4.6.4 'Disability' is broadly defined in the DDA and includes past, present and future disabilities, as well as imputed disabilities.

4.6.5 A strict rule or condition that requires COVID-19 vaccination as a condition of entry, or as a condition for the delivery or provision of goods, services or facilities, may engage the 'indirect discrimination' provisions in the SDA, the DDA and the ADA.

4.6.6 Whether a court considers it 'reasonable' for a business or service provider to make COVID-19 vaccination a condition of entry, or a condition for the delivery or provision of goods, services or facilities is likely to be highly fact dependent, taking into account all the circumstances. It may consider information such as:

- The existence and scope of any relevant public health orders.
- The reasons advanced in favour of the COVID-19 vaccination condition, including operational requirements and reasonable business grounds.
- The nature of the goods/services/facilities being delivered. NB: It can be expected that a court would strictly scrutinise the reasonableness of any measure that had the effect of seriously limiting or depriving people with disability of essential services.

- The physical space of the location (e.g. the aquatic facility) and associated risk of transmission.
- Issues relating to an employee's disability, age, pregnancy or medical condition.
- The nature and extent of the disadvantage resulting from the imposition or proposed imposition of the COVID-19 vaccination condition.
- The feasibility of overcoming or mitigating any disadvantage to the person attempting to access goods/services/facilities by the COVID-19 vaccine condition.
- Whether the disadvantage to the person attempting to access goods/services/facilities is proportionate to the result sought by the business or service provider.
- Whether the business or service provider has close contact with people who are most vulnerable to severe COVID-19 health impacts. For example, people working in aged care, disability care, health care, people over 60 or people with respiratory conditions.
- Whether the business or service provider interacts with people who have an elevated risk of being infected with COVID-19. For example, medical professionals, flight crew, border control or hotel quarantine workers.
- Whether the business or service provider provides any opportunity for people who cannot be vaccinated to access its goods/services/facilities.
- The incidence, severity and distribution of COVID-19 in the areas where the business or service provider operates.
- The availability of the vaccine.

4.6.7 Advice from medical and work health and safety bodies such as the Australian Health Protection Principal Committee and Safe Work Australia about COVID-19 and COVID-19 vaccinations at the relevant times, including duties owed by employers to staff and customers under work health and safety laws.

4.6.8 Whether there are any alternative control methods that might reasonably achieve the business/ service provider's objective without recourse to the condition, such as:

- testing regimes
- physical distancing
- personal protective equipment.

- 4.6.9 The SDA, DDA and ADA explicitly place the burden of proving 'reasonableness' on the person who requires compliance with the requirement or condition — in this case, the business or service provider.
- 4.6.10 The DDA requires businesses involved in the provision of goods and services to make 'reasonable adjustments' for people with disability. 'Reasonable adjustments' are all adjustments that do not impose an unjustifiable hardship on the business making the adjustments. Unjustifiable hardship is a high test, and it recognises that some hardship on businesses and employers may be needed and justifiable to reduce discrimination against people with disability.
- 4.6.11 Depending on the circumstances, a 'reasonable adjustment' may include allowing unvaccinated customers into an aquatic facility or swim school or to receive services if they cannot receive a COVID-19 vaccination for medical reasons.
- 4.6.12 Section 48 of the Disability Discrimination Act 1992 (Cth) (DDA) provides that it is not unlawful for a person to discriminate against another person on the basis of disability — either directly or indirectly — if the person's disability is an infectious disease and the discrimination is reasonably necessary to protect public health.
- 4.6.13 The exemption in section 48 of the DDA clearly applies to people who have a disability that is an infectious disease. 'Infectious disease' is not defined in the DDA but it appears likely that it would apply to COVID-19, as it has been accepted as applying to other transmissible viruses such as HIV.
- 4.6.14 The exemption in section 48 of the DDA may also extend to people who are not vaccinated against COVID-19 (see *Beattie (on behalf of Kiro and Lewis Beattie) v Maroochy Shire Council* [1996] HREOCA 40 (20 December 1996)).
- 4.6.15 However, as judicial consideration has not been given to the application of section 48 of the DDA to unvaccinated people, it is strongly encouraged that anyone seeking to rely upon the exemption in relation to mandatory COVID-19 vaccinations seek legal advice.
- 4.6.16 Aquatic facilities and swim schools should strongly encourage and recommend vaccination for their patrons however, in light of discrimination laws, should provide alternative arrangements for reasonable adjustment.

4.7 Background to mandatory vaccination for aquatic facility staff

4.7.1 Guidance from the Fair Work Ombudsman has stated that employers can only require their employees to be vaccinated where:

- a specific law (such as a state or territory public health order) requires an employee to be vaccinated (see Legislation and public health orders requiring vaccination against coronavirus)
- the requirement is permitted by an enterprise agreement, other registered agreement or employment contract (see Agreements or contracts relating to vaccinations), or
- it would be lawful and reasonable for an employer to give their employees a direction to be vaccinated, which is assessed on a case-by-case basis (see Lawful and reasonable directions to get vaccinated).

4.7.2 Employers should also consider how protections for employees under anti-discrimination laws may apply.

For more information on mandating vaccines, see the Fair Work Ombudsman: <https://coronavirus.fairwork.gov.au/coronavirus-and-australian-workplace-laws/covid-19-vaccinations-and-the-workplace>

4.7.3 Employers can direct their employees to be vaccinated if the direction is lawful and reasonable. Whether a direction is lawful and reasonable will be fact dependent and needs to be assessed on a case-by-case basis.

4.7.4 For a direction to be lawful, it needs to comply with any employment contract, award or agreement, and any Commonwealth, state or territory law that applies (for example, an anti-discrimination law).

4.7.5 There are a range of factors that may be relevant when determining whether a direction to an employee is reasonable. Things to take into consideration include:

- the nature of each workplace (for example, the extent to which employees need to work in public facing roles, whether social distancing is possible and whether the business is providing an essential service)
- the extent of community transmission of COVID-19 in the location where the direction is to be given, including the risk of transmission of the Delta variant among employees, customers or other members of the community

- the effectiveness of vaccines in reducing the risk of transmission or serious illness, including the Delta variant (find out more at the Department of Health: statement from ATAGI external-icon.png)
- work health and safety obligations (find out more at Safe Work Australia external-icon.png)
- each employee's circumstances, including their duties and the risks associated with their work
- whether employees have a legitimate reason for not being vaccinated (for example, a medical reason)
- vaccine availability.

4.7.6 When undertaking this case-by-case assessment, it may also be helpful as a general guide to divide work into four (4) broad tiers:

- **Tier 1 work**, where employees are required as part of their duties to interact with people with an increased risk of being infected with COVID-19 (for example, employees working in hotel quarantine or border control).
- **Tier 2 work**, where employees are required to have close contact with people who are particularly vulnerable to the health impacts of COVID-19 (for example, employees working in health care or aged care).
- **Tier 3 work**, where there is interaction or likely interaction between employees and other people such as customers, other employees or the public in the normal course of employment (for example, stores providing essential goods and services).
- **Tier 4 work**, where employees have minimal face-to-face interaction as part of their normal employment duties (for example, where they are working from home).

4.7.7 Requiring a prospective employee to be vaccinated before starting work may be permissible.

4.7.8 Before requiring that a prospective employee be vaccinated before starting employment, employers should consider their obligations and responsibilities carefully, for example, under general protections or anti-discrimination laws.

4.7.9 Aquatic facility owners and operators should consider their obligations and responsibilities under anti-discrimination laws, which generally prohibit discrimination against employees in the workplace based on protected characteristics, such as disability.

4.7.10 Before requiring employees to be vaccinated, employers need to consider:

- Commonwealth, state or territory discrimination laws
- General protections provisions under the Fair Work Act.

4.7.11 An employer's direction to employees performing Tier 1 or Tier 2 work is more likely to be reasonable, given the increased risk of employees being infected with COVID-19, or giving COVID-19 to a person who is particularly vulnerable to the health impacts of COVID-19.

4.7.12 An employer's direction to employees performing Tier 4 work is unlikely to be reasonable, given the limited risk of transmission of COVID-19.

4.7.13 For employees performing Tier 3 work:

- where no community transmission of COVID-19 has occurred for some time in the area where the employer is located, a direction to employees to be vaccinated is in most cases less likely to be reasonable
- where community transmission of COVID-19 is occurring in an area, and an employer is operating a workplace in that area that needs to remain open despite a lockdown, a direction to employees to receive a vaccination is more likely to be reasonable.

4.8 Reasonability of mandating vaccines for aquatic facility staff

- 4.8.1 Aquatic facility staff vary in the level of responsibility and requirements to interact in close proximity and/or hands on capacities to members of the public, depending on their status as paid rescuers and their obligations under various Work Health Safety and Common Law requirements.
- 4.8.2 For the purposes of clarity for aquatic facility owners, operators, regulators and the wider community, the following recommendations apply to mandating vaccines for certain aquatic industry roles depending on the community context. These classifications are contained in Table 1.
- 4.8.3 The classification of a particular role within this framework depends upon the duties the staff member undertakes or has responsibility for undertaking and/or the vulnerability of the patrons that the staff member either intersects with or who could reasonably intersect with in undertaking their duties. For example, a private swim school may not have a lifeguard on pool deck, but one of the senior swim teachers has the responsibility for CPR / rescue on a given shift. In this case, the person responsible for rescue / CPR would be classified as the lifeguard for the purposes of the employer mandating that this employee should be vaccinated.
- 4.8.4 This guidance is not intended to override the requirement not to discriminate and/or any legitimate medical reasons why an employee could not be vaccinated. Employers should consult with their employees and determine if a person cannot be vaccinated - what other duties the employee could undertake to ensure appropriate protection of the employee's health and safety.

Table 1

Role	Relevant duties	Applicable Fair Work Ombudsman Classification	Vaccine mandate reasonable? (Yes / TBC)	
			Where local community transmission is occurring	Where local community transmission is not occurring
Lifeguards & Duty Managers	Paid rescuer and frontline emergency responder required to perform rescues and cardiopulmonary resuscitation (CPR) on all patrons of all types at a moment's notice	Tier 2	Yes	Yes
Swimming and Water Safety Teacher (General)	Frontline staff member in close contact with children. *If responsible for rescue in a workplace without lifeguards, is a Tier 2.	Tier 3*	Yes	TBC
Swimming and Water Safety Teacher (Access, Inclusion / Special Needs)	Frontline staff member in close contact with vulnerable people such as the elderly or people with a disability.	Tier 2	Yes	Yes
Aquatic Program Instructor (Swim Coach)	Frontline staff member able to maintain social distance generally dealing with older children and athletes. *If working with athletes with a disability, would be a Tier 2.	Tier 3*	Yes	TBC
Aquatic Program Instructor (Aqua Instructor)	Frontline staff member in close contact with vulnerable people such as the elderly or disabled.	Tier 2	Yes	Yes
Allied Health / Physiotherapists	Frontline staff member in close contact with vulnerable people such as the elderly or disabled.	Tier 2	Yes	Yes
Personal Trainers (Working with vulnerable patrons)	Frontline staff member in close contact with vulnerable people such as the elderly or disabled.	Tier 2	Yes	Yes
Frontline reception staff	Frontline staff member able to maintain social distance	Tier 3*	Yes	TBC
Administration / Management staff	Back of house staff member able to mostly work from home and/or socially distance.	Tier 4	TBC	TBC

References

- Australian Government COVID -19 Social Distancing advisories
www.health.gov.au/covid19-resources
- Australian Health Protection Principal Committee
[Advisories Australian Health Protection Principal Committee \(AHPPC\)](#)
- Australian Government Department of Health
[Department of Health](#)
- Australian Government Department of Health - Therapeutic Goods Administration
<https://www.tga.gov.au/resource/covid-19-rapid-antigen-tests-guidance-and-checklist-businesses>
- Australian Human Rights Commission
<https://humanrights.gov.au/about/covid19-and-human-rights/covid-19-vaccinations-and-federal-discrimination-law>
- Guidelines for Safe Pool Operations – Risk Management
www.guidelines.royallifesaving.com.au
- Guidelines for Safe Pool Operations – Emergency Planning
www.guidelines.royallifesaving.com.au
- Guidelines for Safe Pool Operations -Incident Management
www.guidelines.royallifesaving.com.au
- Guidelines for Safe Pool Operations - SV4 Aquatic Activity Risk Assessment
www.guidelines.royallifesaving.com.au
- Safe Work Australia
<https://www.safeworkaustralia.gov.au/covid-19-information-workplaces>
- Specific COVID-19 information in a range of languages
<https://covid19inlanguage.homeaffairs.gov.au/>
- Fair Work Ombudsman <https://coronavirus.fairwork.gov.au/coronavirus-and-australian-workplace-laws/covid-19-vaccinations-and-the-workplace>
- United States Environmental Protection Agency
<https://www.epa.gov/coronavirus/air-cleaners-hvac-filters-and-coronavirus-covid-19>



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