

## Public Sector CSA Agreement 2022

### Guidance Note

## Public Health Emergency Arrangements

The Public Health Emergency Arrangements (PHEA) clause is intended to financially support employees unable to attend work because they are effected by Directions issued under Parts 11 or 12 of the *Public Health Act 2016* in response to a public health emergency or significant event as agreed between the Civil Service Association and the Executive Director, GSLR. Employers will be notified by GSLR of any such significant events.

All employees will be entitled to 20 days of non-cumulative leave (pro rata for part time and casual employees) on 1 January each year. Unused leave will expire on 31 December each year.

For 2023, Employers can credit each employee with 20 days of leave to use in the defined situations as soon as practicable.

### Meaning of 'ordinary pay'

Employees are entitled to be paid for the rostered or ordinary hours they would have worked, had they not been affected by the public health emergency.

Employees should continue to receive any applicable allowances unless the Agreement provides otherwise.

### Evidentiary requirements

Employees can be required to provide evidence that would satisfy a reasonable person of their entitlement to special public health emergency leave. Employers need to consider all of the circumstances surrounding an absence to determine what is reasonable in any particular case. Some examples may include:

- A positive result for a disease the subject of the public health emergency by way of a testing or diagnostic regime accepted within the WA health system as being a reliable indicator that the person has the disease (such as a polymerase chain reaction or rapid antigen test).
- A medical certificate.
- A statutory declaration.
- Any other supporting documents, e.g., emails, government alerts, evidence of the employees residence etc.

Employers may choose to waive any requirement for evidence if they are satisfied that an absence is justified in response to a public health emergency situation or authorised significant event.

Supporting evidence provided to the employer must be retained in accordance with record keeping requirements.

### Compassionate access

In compelling circumstances, an employer may grant an employee access to special public health emergency leave irrespective of whether they meet the eligibility criteria for the leave.

A decision whether or not to grant the leave is a matter wholly within an Employer's discretion having regard to the employee's individual circumstances and based on appropriate evidence.

#### Interaction with Circular 6/2020 - Leave arrangements for COVID-19

Employees will continue to have access to COVID-19 leave while Circular 6/2020 remains in force.

In accordance with Circular 6/2020, employees who test positive to COVID-19 can access COVID-19 leave before existing personal, sick leave or special public health emergency leave entitlements.