



Public Sector Labour Relations

Shaping a contemporary public sector workforce

Circular

Circular 5/2020 – COVID-19 leave and other employment flexibilities

Background

Many things about COVID-19 and how it will affect the Western Australian community are uncertain. The State Government is monitoring the situation and responding accordingly.

This Circular sets out workforce flexibilities available to public sector employers. Employers should take a pragmatic and precautionary approach to managing work absences related to COVID-19, with a view to promoting health and safety for individuals, others in the workplace, and the public.

This Circular replaces PSLR Circular 4/2020 – COVID-19 and employment flexibilities.

Application

This Circular applies to Western Australian public sector employers and employees.

Self-isolation for COVID-19

The Australian Government is identifying groups of people required to self-isolate at home because of COVID-19. The advice will change as the situation develops. Employers and employees should monitor wa.gov.au to ascertain who is affected at any particular time.

Employees are urged to reconsider any international travel plans in light of the global pandemic.

Employment flexibilities for public sector employers

1. COVID-19 leave

Employers may grant up to 20 days of COVID-19 leave to employees who:

- o have contracted COVID-19;
- o need to care for another person who:
 - has COVID-19 or is required to self-isolate, or
 - cannot access school or other care arrangements because of COVID-19; or
- o are otherwise prevented from working because of COVID-19.

COVID-19 leave is only available after an employee's existing paid personal, carers or sick leave credits have been exhausted.

COVID-19 leave:

- o is paid leave, with pay calculated in the same way as for annual leave, excluding loading;
- o does not affect existing annual leave or long service leave accruals;
- o is not accruable; and
- o is available to all public sector employees including casuals.

Pay for casual employees is to be calculated according to the preceding four-week average of shifts worked or the individual employee's rostered future shifts.

Employers are to keep records of COVID-19 leave granted for reporting purposes.

Each 'day' of COVID-19 leave is to be calculated according to the rostered or ordinary hours an employee would have worked on that day.

Public Sector Labour Relations (PSLR) will publish guidelines for access to and reporting on COVID-19 leave. Employers should contact PSLR to discuss implementation arrangements for specific occupational groups or work sites.

2. Employees required to self-isolate

An employee, including a casual employee, required to self-isolate because of Australian Government advice, but who is well, is to be paid the salary he or she would ordinarily be paid during their absence from work.

Pay for casual employees is to be calculated according to the preceding four-week average of shifts worked or the individual employee's rostered future shifts.

Working from home arrangements can be accommodated consistent with agency policies.

3. Employees absent from work because of reasonable concern about exposure

Some employees may seek not to attend work because of reasonable concern about exposure to COVID-19, even though the employee is not required to self-isolate.

Employers should take a pragmatic and precautionary approach, informed by current information about health risks.

Following an individual assessment of risk, an employer may decide to:

- o maintain the employee's salary for the duration of their absence;
- o allow the employee to access available leave or COVID-19 leave, or elect to take leave without pay; or
- o accommodate working from home arrangements, consistent with agency policies.

4. Employees who have contracted COVID-19

An employee who has contracted COVID-19 can access:

- o existing personal or sick leave credits (however those leave types are described in the applicable industrial instrument); or
- o COVID-19 leave if the employee has no personal or sick leave credits.

5. Evidence

Employers may:

- o before granting COVID-19 leave, providing salary maintenance, or exercising other flexibilities under this Circular, require employees to show reasonable evidence of their entitlement or to substantiate their concerns about exposure to COVID-19;

- o choose to waive any requirement for leave evidence if satisfied an absence is justified in response to the COVID-19 situation.

6. Working from home

Existing working from home arrangements can be accessed to manage absences from work due to COVID-19, subject to applicable agency procedures.

7. Temporary change of worksite

Employees may need to work elsewhere if an existing worksite becomes unavailable or inaccessible. Employers' existing business continuity plans should identify alternative arrangements for key employees in instances of this kind. PSLR can advise individual employers on the applicability of notification of change provisions and other industrial relations and workforce implications of temporary worksite change.

8. Temporary change of duties

Employers may temporarily deploy or relocate employees to priority work within or between agencies. Some employers have power to redirect employees in various ways under their statutes. Others may need to rely on the capacity to second officers under section 66 of the *Public Sector Management Act 1994* and applicable Public Sector Commissioner's Instructions.

In such a situation:

- o employees are not to be disadvantaged in relation to their existing pay and conditions; and
- o employers are to monitor temporary deployments and recall employees when priorities change.

9. Staff not attending work without notice

Employees are expected to attend work or notify the employer of reasons for not attending.

Employees not attending work without notification will be deemed to be on leave without pay.

Further advice

To discuss how this circular applies in individual circumstances, employers can contact their [Labour Relations Adviser](#) or email publicsectorlabourrelations@dmirs.wa.gov.au.



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