



COVID-19 Bulletin – Timesheets, leave and other matters during lockdown period

This bulletin is an informal brief to public sector employers on workforce matters arising from the lockdown of the Perth, Peel and South-West regions between 31 January and 5 February 2021.

Under lockdown rules, public sector employees not providing “essential services” could not leave home to attend work. Most employers advised non-essential workers to work from home where possible. [Public Sector Labour Relations Circular 2 of 2021](#) contained temporary workforce flexibilities for the lockdown period. To ensure no public sector employees were disadvantaged because of lockdown, it provided that they:

- o were to be paid as per their normal entitlements for the lockdown period; and
- o did not have to take leave (including COVID-19 leave) to cover absence from work during the lockdown, unless they were already on leave or starting leave during lockdown, and the employer did not agree to reverse it.

PSLR has answered numerous employer queries about the lockdown. We have based our approach to answering them on (1) the no-disadvantage principle and (2) reducing administrative burden by keeping things as simple as possible given the short period of disruption. Some areas where lots of questions arose are dealt with below.

1. Keeping timesheets during the lockdown

Not all employees will have been able to work all their usual hours while at home.

Employers will need to ensure employees are paid, and accrue leave, according to their expected hours for the lockdown period, whether or not they actually worked those hours.

Employees required to work more than their expected hours for the week should be compensated for those hours under applicable industrial instruments and agency policies.

Circular 2/2021 does not change the need to keep time and wage records under the *Industrial Relations Act 1979*. Employers should advise employees how to keep records of time actually worked if payroll systems or policies require timesheets to reflect ordinary hours. For instance, a “notes” section may be used to record hours actually worked while the timesheet itself shows the hours expected to be worked that day.

2. Absences from work during lockdown

Application of Circular – Circular 2/2021 was published on 2 February but has effect retrospectively, from 31 January at 6:00pm. Employers should be mindful of this when considering applications to reverse leave over the lockdown period.

Employees who were sick – Given Circular 2/2021 relieves employees from the need to take other forms of leave to cover absence from work during the lockdown period, employees are not expected to apply for personal or sick leave if they were unwell during the lockdown period. Employees who became sick so could not work from home as intended were expected, as a minimum, to notify employers. Circular 2/2021 makes it clear there is no expectation that

long-term sick leave (or long-term leave of any kind) will be reversed because of the lockdown pay arrangements.

Employees affected by bushfires – As separately advised via email, industrial instruments allow public sector employees to access personal leave for unanticipated matters requiring immediate attention. Other leave types may be available, and employers should provide leave without pay if no other leave is available. For absences during the lockdown period, employers can also apply Circular 2/2021.

Employees declining to work – Employers should be sensitive to underlying reasons why an employee may have declined to work from home, as any number of family and economic factors could be at play. There is ordinarily no requirement for employees to have appropriate work spaces or equipment at home and employers should not expect employees at home to be ready or able to work. Similarly, employees whose work is defined as “essential” may have good reasons for being unable to attend work over the lockdown period.

If an employer considers that, by declining to work from home or to perform essential work, an employee is disregarding a lawful order, disciplinary action may be considered.

3. Managing other questions

Public sector employers are encouraged to be supportive and pragmatic in managing employee questions about entitlements during the lockdown period. Your Labour Relations adviser is available to discuss any questions you may have.

Public Sector Labour Relations

5 February 2020