



Notes:

This Circular was first published on 23 March 2020 and was revised on 15 April 2020, 13 November 2020, 5 February 2021, 2 September 2021, 4 and 9 February 2022, and 13 October 2022.

The October 2022 revision clarifies the circumstances in which an employee can access COVID-19 leave following the revocation of mandatory isolation and quarantine requirements on 14 October 2022.

Circular 6/2020 – Leave arrangements for COVID-19

Background

This Circular sets out employment flexibilities available to public sector employers in response to the COVID-19 situation.

Another circular, [Circular 7/2020 – Government-initiated changes related to COVID-19 – workforce arrangements](#), covers further measures to manage larger scale service disruption.

The Government is monitoring the situation as it changes. 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.

Application

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

Leave arrangements

The COVID-19 pandemic may involve absences from work because employees test positive to COVID-19, have caring responsibilities, or are unable to attend work for some other reason such as disruption to workplace access. Employees can access a combination of existing leave types and COVID-19 leave in these situations. The clauses below describe the types of leave available in each situation.

1. COVID-19 leave

Each employee may be granted up to 20 days of COVID-19 leave in the circumstances described in this Circular.

The balance of available days of COVID-19 leave is reset to 20 days for each employee on 5-February 2022, irrespective of the number of days taken by an employee before that date.

COVID-19 leave:

- o is paid leave, with pay for each day of leave calculated according to the rostered or ordinary hours the employee would have worked on that day;
- 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.

Paid leave for a casual employee is to be calculated with reference to the employee's rostered future shifts or, if there is no certainty about future rosters, the preceding four-week average of shifts worked.

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

Employers should contact GSLR to discuss implementation arrangements for specific occupational groups or work sites.

2. Employees who test positive to COVID-19 or experience an adverse vaccine reaction

2.1 Employees who test positive to COVID-19

On or after 9 February 2022, employees who test positive to COVID-19 can access COVID-19 leave before existing personal or sick leave entitlements.

2.2 Additional discretionary period

In compelling circumstances, an employer may extend the number of days of COVID-19 leave available for an individual employee who is unable to attend work because of testing positive to COVID-19.

A decision whether or not to grant an extension, or the number of days to grant, is a matter wholly within an employer's discretion having regard to the employee's individual circumstances and based on appropriate evidence. Employers are to keep records of any extended time granted and the reasons for reporting purposes.

In determining whether compelling circumstances exist, relevant considerations may include:

- o whether the employer considers the employee is likely to have contracted COVID-19 in the course of performing their duties; and
- o whether, if the extension is not granted, the employee will be unable to access personal or sick leave to cover the absence from work.

2.3 Employees experiencing an adverse vaccine reaction

On or after 9 February 2022, employees who experience an adverse reaction following a COVID-19 vaccination and cannot attend work as a consequence can access COVID-19 leave before existing personal or sick leave entitlements.

3. Employees presenting for COVID-19 test or required to isolate or quarantine

3.1 Presentation for COVID-19 tests and isolation awaiting test results

Employees who undertake a polymerase chain reaction COVID-19 test (PCR test) may access COVID-19 leave:

- o for the time they are present at a COVID-19 testing facility; and
- o while awaiting the results of a PCR test if they cannot work remotely.

Employees may access COVID-19 leave for PCR testing or isolating awaiting PCR test results even if they have already used the 20 days of COVID leave referred to in clause 1 of this Circular.

4. Employees who are required to care for someone else

Employees with caring responsibilities can access existing carers leave entitlements.

An employee who has no carers leave entitlements can access COVID-19 leave if they are caring for someone else because:

- o the other person has COVID-19; or

- o the person's other care arrangements are unavailable because of COVID-19.

5. Evidence

Employers may:

- o require employees to show reasonable evidence of their entitlement to COVID-19 leave before granting the leave, such as a positive result from a PCR test or rapid antigen COVID-19 test; or
- o choose to waive any requirement for leave evidence if satisfied an absence is justified in response to the COVID-19 situation.

6. 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.

7. Employees at higher than usual risk

The [Australian Health Protection Principal Committee's statement of 12 October 2021](#) supports all employees, including those at higher risk of becoming severely ill from COVID-19, to continue attending work with appropriate precautions in place where public health restrictions allow.

Employers are encouraged to work with employees in this category to understand and appropriately mitigate any risks, on the basis of medical advice, individual risk factors, and broader relevant circumstances, including the degree of community spread of COVID-19.

Some employees may wish to prepare a workplace COVID-19 action plan in consultation with their medical practitioner. Employers should support development of these plans, consistently with existing workforce risk management approaches, if an employee chooses to have one.

Further advice

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

Employees with questions about this circular need to contact the human resource area of their department or organisation.



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