



COVID-19 Bulletin – 31 March 2020

This bulletin is to informally brief employers on common queries arising under the new COVID-19 employment and leave framework.

Please contact your Labour Relations Adviser with any questions about how the new framework applies in your situation.

Working from home and carer responsibilities

Many employers have adapted working from home procedures to meet changed needs. There have been questions about whether employees needing to care for children can work from home instead of using carers leave.

Naturally, the degree of supervision children need varies, depending on the number of children being cared for and their ages. Employees cannot work from home while they are also the primary caregiver for a child or children requiring active supervision and care. It may be possible for employees with primary care responsibilities for children who are more independent to work from home. It is ultimately for the employee to judge what is manageable in their own situation.

Some industrial agreements allow employees to request span of hours changes to work outside 7am to 6pm. These arrangements could be considered in situations where an employee has caring responsibilities but may be able to work at other times. Employers managing requests of this kind should consider, among other things, employees’ wellbeing and need for recreation. Consideration can be given to less than full time work hours where suitable.

“Salary the employee would otherwise have been entitled to be paid”

[PSLR Circular 07-2020](#) allows for employees advised to temporarily cease work to receive the salary they would otherwise have been entitled to be paid. As a general principle, this would be calculated according to the applicable base rate of pay for either salary or wages employees and:

<p>Includes:</p> <ul style="list-style-type: none"> o Longer term acting arrangements (12 months or more) o Annualised payments and commuted allowances 	<p>Does not include:</p> <ul style="list-style-type: none"> o Shift, overtime, on-call penalties o Specific activity-based allowances (as none of these will have been incurred while not at work)
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The position may change depending on applicable industrial instruments; employers should review instruments and contact their Labour Relations Adviser with any queries.

Employers can consider rotating employees who are temporarily not at work to share the load of any reduced income due to temporary unavailability of penalty and allowances, and to maximise contact and engagement with their workforces.

Consultation and notification of change

PSLR continues to work through workforce flexibilities with unions, including via holding weekly teleconference briefings. Most unions have informally indicated they understand the need to relax consultation and notification of change requirements in situations where rapid decisions need to be made.

HR/IR practitioners should make sure they are in regular contact with unions to signal emerging issues and maintain communication and a degree of trust.

If broader workplace changes are needed, agency DGs or CEOs should personally contact affected union secretaries immediately to discuss the requirement and the proposed change. It is likely in most situations this will be taken to adequately meet consultation and notification requirements. PSLR will continue to signal the need for flexibility and pragmatism.

Public Sector Labour Relations

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