Notes:

This Circular was first published on 23 March 2020 and revised on 15 April and 13 November 2020. The November revisions resolve any ambiguity about how paid leave is to be calculated; clarify that COVID-19 leave cannot be used to cover mandatory quarantine following return from travel; update terminology; and reflect current Australian Health Protection Principal Committee advice.

Circular 6/2020 – Leave arrangements for COVID-19

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Background

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

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. It is also important to monitor leave applications to ensure employees access appropriate leave types only when they are entitled to do so.

The Government is monitoring the situation as it emerges. Another circular, PSLR Circular 7/2020 – Government-initiated changes related to COVID-19 – workforce arrangements, has been published to cover further measures required to manage larger scale service disruption.

Application

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

Self-isolation and self-quarantine for COVID-19

The Australian and Western Australian Governments are identifying groups of people required to self-isolate or self-quarantine because of COVID-19. The advice changes as the situation develops. Employers and employees should monitor wa.gov.au to ascertain who is affected, and how, at any time.

Leave arrangements

The COVID-19 situation may involve absences from work because employees are sick, have caring responsibilities, are required to self-isolate or self-quarantine, or are unable to attend work for some other reason such as widespread disruption to transport or 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. COVID-19 leave:

- 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;
- does not affect existing annual leave or long service leave accruals;
- is not accruable; and
- 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 PSLR to discuss implementation arrangements for specific occupational groups or work sites.

2. Employees who are sick

Employees who are sick can access existing personal or sick leave entitlements.

An employee who has no personal or sick leave entitlements can access COVID-19 leave if they have been diagnosed with COVID-19.

3. Employees who are not sick but required to self-isolate or self-quarantine

3.1 Self-isolation

Employees subject to a Government requirement to self-isolate while awaiting the results of a COVID-19 test (other than a test required in connection with self-quarantine) may access COVID-19 leave if they cannot work remotely.

An employee in this category who becomes sick must access personal or sick leave. Clause 2 of this Circular will then apply.

3.2 Self-quarantine for close contacts

Employees subject to a Government requirement to self-quarantine because they are a close contact of a person diagnosed with COVID-19 may access COVID-19 leave if they cannot work remotely.

3.3 Self-quarantine following work related travel

Employees subject to a Government requirement to self-quarantine on returning to the State after work-related travel who cannot work remotely should be paid their ordinary salary for the duration of the quarantine period.

3.4 Self-quarantine following all other travel

COVID-19 leave is **not** available to employees subject to a Government requirement to self-quarantine on returning to the State from travel within Australia or internationally. An employee in this category who cannot work remotely can access existing other leave types or leave without pay.

Compassionate access to COVID-19 leave for self-quarantine may be granted in the most exceptional circumstances. Employers are to keep records of compassionate access granted and the reasons for it for reporting purposes.

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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:

- the other person has COVID-19 or is in self-isolation; or
- the other person's school has closed or other care arrangements are unavailable because of COVID-19.

5. Evidence

Employers may:

- require employees to show reasonable evidence of their entitlement to COVID-19 leave before granting the leave; or
- 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 6 July 2020 supports all employees, even those at higher than usual risk, to return to the workplace with appropriate controls in place.

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 publicsectorlabourrelations@dmirs.wa.gov.au.

Employees need to contact the human resource area of their department or organisation.

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