



**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 and 4 and 9 February 2022.*

*The 4 February 2022 revisions reinstate a 20-day COVID-19 leave entitlement for all public sector employees and clarify the leave is available for employees subject to a Government requirement to isolate or quarantine.*

*The 9 February 2022 revisions allow COVID-19 leave to be taken before personal or sick leave in certain circumstances, and provide for employers to grant additional COVID-19 leave in some situations where there are compelling circumstances.*

## 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.

### Isolation and quarantine for COVID-19

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

In this Circular, the term “Government requirement” includes any mandatory requirement of Government, whether issued directly to an individual or as advice to a group of people. A reference to a requirement to “isolate” or to “quarantine” (or both) includes a reference to a requirement to remain at home or at another location because of exposure or possible exposure to COVID-19, however it is expressed in a Government requirement.

### Leave arrangements

The COVID-19 pandemic may involve absences from work because employees test positive to COVID-19, have caring responsibilities, are required to isolate or 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.

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.

Only a positive result from a COVID-19 test carried out in accordance with any applicable directions under the *Public Health Act 2016* is sufficient to establish access to COVID-19 leave.

### *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:

- o testing positive to COVID-19, or
- o a Government requirement to isolate or quarantine because of exposure or possible exposure to COVID-19 at work.

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 for the time they are present at a COVID-19 testing facility.

Employees subject to a Government requirement to isolate while awaiting the results of a PCR test may access COVID-19 leave if they cannot work remotely. Employees who cannot access COVID-19 leave to cover quarantine after returning from non-work-related travel because of clause 3.4 cannot access COVID-19 leave for testing associated with the quarantine.

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.

### ***3.2 Employees subject to a Government requirement to isolate or quarantine***

On or after 4 February 2022, employees subject to a Government requirement to isolate or quarantine may access COVID-19 leave if they cannot work remotely.

### ***3.3 Quarantine following work related travel***

Employees subject to a Government requirement to 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 Quarantine following all other travel***

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

Compassionate access to COVID-19 leave for quarantine following non-work-related travel 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.

## **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 is in isolation or quarantine; or
- o a child's school has closed or 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; 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](mailto:gslr@dmirs.wa.gov.au).

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



Jane Hammond | **Executive Director  
Government Sector Labour Relations**

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