



Note:

COVID-19 Leave was introduced on 23 March 2020 via Circular 6/2020 and amended over time in light of the prevailing public health context and to meet Government service delivery priorities.

This Circular rescinds and replaces Circular 6/2020. It supports the public sector workforce in transitioning back to normal working arrangements. The COVID-19 leave quantum has been reset to five days, which is available when an employee does not have access to paid personal, sick or carers leave entitlements.

Circular 4/2023 – Leave Arrangements for COVID-19

Application

1. This Circular applies to Western Australian public sector employers and employees. It takes effect from 1 April 2023.

Purpose

2. This Circular sets out leave arrangements available to public sector employees when managing issues related to COVID-19.
3. COVID-19 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 (e.g. disruption to workplace access).
4. Employers are expected to take a pragmatic and precautionary approach to managing work absences related to COVID-19, with a view to promoting health and safety for employees and the broader community.

Leave Arrangements

5. Employees:
 - a. waiting on the results of a polymerase chain reaction COVID-19 test,
 - b. who have COVID-19, or
 - c. who are experiencing an adverse vaccine reaction,are to access personal or sick leave entitlements in the first instance.
6. Employees with caring responsibilities directly related to COVID-19 are to access personal or carers leave in the first instance.
7. Employees may apply for paid COVID-19 leave where personal, carers or sick leave is not available.

COVID-19 Leave

8. Every public sector employee will be credited with five days of paid COVID-19 leave from 1 April 2023. This replaces all existing COVID-19 leave balances.

9. COVID-19 leave:
 - a. 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;
 - b. does not affect existing annual leave or long service leave accruals;
 - c. is not accruable; and
 - d. is available to all public sector employees including casuals.
10. 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.
11. Employers are to keep records of COVID-19 leave granted, and may be required to provide data reporting to Government Sector Labour Relations (GSLR) on leave usage.

Additional Employer Discretion

12. In compelling circumstances, an employer may provide additional COVID-19 leave to an individual who is unable to attend work because of testing positive to COVID-19.
13. A decision to grant additional COVID-19 leave 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.
14. In determining whether compelling circumstances exist, relevant considerations may include whether the employer considers the employee is likely to have contracted COVID-19 while performing their duties.
15. Employers are not to provide additional COVID-19 leave to occupational groups or classifications of employees without the approval of the Executive Director GSLR.

Evidence

16. Employers may:
 - a. 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 COVID-19 rapid antigen test; or
 - b. choose to waive any requirement for leave evidence if satisfied an absence is justified in connection with COVID-19.

Other

17. Nothing in this Circular prevents an employee:
 - a. working remotely if able and agreed with the employer, or
 - b. accessing other forms of paid leave as provided in the applicable industrial instrument.



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