



Public Sector Labour Relations

Shaping a contemporary public sector workforce

Circular

Circular 4/2020 – COVID-19 and employment flexibilities

Background

Many things about COVID-19 (also known as novel coronavirus) and how it will affect the Western Australian community are uncertain. Throughout the emerging situation, employers remain responsible for providing a safe working environment.

For that reason, employers are encouraged to 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 generally.

This Circular sets out workforce flexibilities available to public sector employers. The State Government is monitoring the situation in relation to COVID-19 and responding accordingly, and this Circular will be updated and reissued as required.

This Circular replaces PSLR Circular 3/2020, “Novel coronavirus and absence from work”.

Application

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

‘At-risk group’ for COVID-19

The current Australian Government response includes a recommendation that people at risk of infection be isolated at home for 14 days following possible exposure, whether or not they display any symptoms.

As at 8 March 2020, the Australian Government Department of Health defines the at-risk group as including people who, in the last 14 days:

- have been in mainland China, Iran, or the Republic of Korea, or
- have been in contact with a confirmed COVID-19 case.

The identity of the at-risk group, and Australian Government advice to people who are at risk, is changing as the situation develops. Employers and employees should monitor advice issued by the Australian Government.

Employees are urged to review their personal travel plans in the context of the situation and not to travel at all to countries identified as “do not travel” on www.smartraveller.gov.au.

Further advice

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

Available employment flexibilities

The following flexibilities are available to public sector employers while this Circular is in force.

1. Employees in isolation because they are in an officially identified at-risk group

An employee in an at-risk group, who is required to remain at home but is otherwise well, is to be paid the salary he or she would ordinarily be paid for the duration of the absence.

Working from home arrangements can be accommodated consistent with agency policies.

Employers may require employees to provide reasonable evidence they are in an at-risk group.

2. Employees absent from work because of reasonable concern about exposure

Some employees may seek not to attend work because of reasonable concern about exposure to COVID-19, even though the employee is not in an officially identified at-risk group.

Employers should take a pragmatic and precautionary approach, informed by current information about health risks.

Following an individual assessment of risk, an employer may decide to:

- o treat the employee as if they were in an identified at-risk group;
- o allow the employee to access available leave or elect to take leave without pay; or
- o accommodate working from home arrangements, consistent with agency policies.

Employers may require employees to provide reasonable evidence to substantiate their concerns or any information reasonably needed to assess the risk.

3. Employees required to care for another person who is in voluntary isolation or sick

An employee caring for a person required to remain at home because they are in an at-risk group can access existing personal or carers leave credits (however those leave types are described in the applicable industrial instrument).

[Note: An employee caring for a person who has contracted COVID-19 will themselves be in an at-risk group so will be covered by item 1 of this Circular.]

4. Employees who have contracted COVID-19

An employee who has contracted COVID-19 can access existing personal or sick leave credits (however those leave types are described in the applicable industrial instrument).

5. Evidence

Employers may choose to waive any requirement for leave evidence if satisfied an absence is justified in response to the COVID-19 situation.

6. Casual employees

Employers with specific questions about how workforce flexibilities apply to casual employees should contact PSLR.

7. Working from home

Existing working from home arrangements can be accessed to manage absences from work due to COVID-19, subject to applicable agency procedures.

Employers should now be prioritising a review of working from home policies and encouraging employees in key roles who have access to suitable home-based working areas to seek approval in advance. Matters to be considered include streamlining approval processes where possible and clarifying arrangements for reimbursement of costs.

8. Temporary change of worksite

Employees may need to work elsewhere if an existing worksite becomes unavailable or inaccessible. Employers' existing business continuity plans should identify alternative arrangements for key employees in instances of this kind. PSLR can advise individual employers on the applicability of notification of change provisions and other industrial relations and workforce implications of temporary worksite change.

9. Temporary change of duties

Employers may temporarily deploy or relocate employees to priority work within or between agencies. Some employers have power to redirect employees in various ways under their statutes. Others may need to rely on the capacity to second officers under section 66 of the *Public Sector Management Act 1994* and applicable Public Sector Commissioner's Instructions.

In such a situation:

- o employees are not to be disadvantaged in relation to their existing pay and conditions; and
- o employers are to monitor temporary deployments and recall employees when priorities change.

10. 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.

11. Declaration of an emergency

PSLR will issue specific workforce advice if an emergency (however described) is declared under the *Public Health Act 2016* or the *Emergency Management Act 2005* and, as a result,

- o a workplace is closed or inaccessible, or
- o an employee is quarantined or prevented from attending work.



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