Government of **Western Australia**
Department of **Mines, Industry Regulation and Safety**

Public Sector Labour Relations
Shaping a contemporary public sector workforce

Please note this circular has been revised. For the current version visit:
www.dmirs.wa.gov.au/PSLR/Circulars

*Since publication of this circular, **PSLR Circular 7/2020 – Government-initiated changes related to COVID-19 – workforce arrangements** has been published. Please refer to Circular 7 for additional workforce measures responding to COVID-19.*

Circular 6/2020 – Leave arrangements for COVID-19

Background

This Circular replaces PSLR Circular 5/2020 – COVID-19 and employment flexibilities, and sets out employment flexibilities available to public sector employers responding 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 for COVID-19

The Australian Government is identifying groups of people required to self-isolate because of COVID-19. The advice will change as the situation develops. Employers and employees should monitor wa.gov.au to ascertain who is affected, and how, at any particular time.

Leave arrangements

The COVID-19 situation will involve absence from work because employees are sick, have caring responsibilities, are required to self-isolate, 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:

o is paid leave, with pay calculated in the same way as for annual leave, excluding loading;

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 according to the preceding four-week average of shifts worked or the employee's rostered future shifts.

Each 'day' of COVID-19 leave is to be calculated according to the rostered or ordinary hours an employee would have worked on that day.

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 required to self-isolate, but are not sick

Employees who are absent from work because of an Australian Government requirement that they self-isolate:

o may work from home in appropriate circumstances where there is a business need and subject to applicable agency procedures; or

o may access COVID-19 leave if working from home arrangements are not available.

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

An employee in this category who is self-isolating because of returning from overseas, where the outbound flight left Australia on or after 16 March 2020, cannot access COVID-19 leave for the period of absence from work unless the employer determines otherwise for compassionate reasons. An employee in this category can access existing leave types or leave without pay.

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 self-isolation; or

o the other person's school has closed or 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 in high risk category

Employees who may be at higher risk than the general population in respect of COVID-19 are encouraged to continue to attend work where possible. If medical advice dictates otherwise, employees in this category:

o   may work from home in appropriate circumstances where there is a business need and subject to applicable agency procedures; or

o   may access other available forms of leave to support absence from work.

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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