



KEY INFORMATION SOURCES

www.fairwork.gov.au

www.dhhs.vic.gov.au

www.health.gov.au

CONTACT

Need more information and support?

Emma Baldwin
0439 277 841
emma@inspirehq.com.au

Claire Huntington
0429 843 433
claire@inspirehq.com.au

MINIMISING INFECTION IN THE WORKPLACE

Entitlements and Responsibilities

Adapted from source www.fairwork.gov.au

Employees and employers are encouraged to work together to find appropriate solutions that suit the needs of individual workplaces and staff. This may include taking different forms of leave, working from home, or taking extra precautions in the workplace.

Tips and ideas implemented by other businesses:

- Consider flexible work arrangements, which may include working from home, to minimise contact.
- Offering employees to take leave (annual, RDOs or long service) or work reduced work hours.
- Skype or telephone meetings, instead of face-to-face.
- Cancelling non-essential meetings (internal and external).
- Essential meetings held outside as walking meetings.
- Lunches split into shifts.
- 'Clean' and 'Dirty' shift groups (staff not moving between groups).
- Distancing within the workplace.
- Educating staff on handwashing and hygiene practices.
- Increase cleaning and disinfecting.

What happens if an employee or their family member is sick with coronavirus?

Employees who are sick with the coronavirus cannot attend the workplace for a period due to the workplace health and safety legal obligations that both employers and employees have.

Full-time and part-time employees can access their personal/sick leave. If an employee needs to look after a family member or a member of their household who is sick with coronavirus, they are entitled to take paid carer's leave. An employer cannot require an employee to take sick or carer's leave. However, in these circumstances the employee is not entitled to be paid unless they use their paid leave entitlements.

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What if an employee is stuck overseas or is required to be quarantined or to self-isolate?

The Fair Work Act does not have specific rules for these kinds of situations so employees and employers need to come to their own arrangement. This may include:

- working from home or another location (if this is a practical option), noting they should review any applicable enterprise agreement, award, employment contracts or workplace policies
- taking sick leave if the employee is sick
- taking annual leave
- taking any other leave available to them (such as long service leave or any other leave available under an award, enterprise agreement or employment contract)
- arranging any other paid or unpaid leave by agreement between the employee and the employer.

Where an employer directs a full-time or part-time employee to stay home in line with advice, for example in line with the Australian Government's health and quarantine advice, and the employee is not sick with coronavirus, the employee should ordinarily be paid while the direction applies. Employers should consider whether their obligations are impacted by any applicable enterprise agreement, award, employees' employment contracts or workplace policies.

If an employee cannot work due to travel restrictions (for example, they are stuck overseas), they are not entitled to be paid (unless they use paid leave entitlements). Again, employers should consider whether their obligations are impacted under any applicable enterprise agreement, award, employees' employment contracts or workplace policies.

What if an employee wants to stay home as a precaution?

Employees who want to stay at home as a precaution need to come to an arrangement with their employer that best suits their workplace, such as making a request to work from home (if this is a practical option) or to take some form of paid or unpaid leave, such as annual leave or long service leave. Normal leave application processes in the workplace apply. If the employee does not enter into an arrangement with their employer or use paid leave, they are not entitled to payment in these circumstances.

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