



COVID-19 - Information for Employers

This is a rapidly changing scenario, so we advise employers to stay up to date with government advice first and foremost.

We strongly encourage you to follow the guidelines from the World Health Organisation on infection control, both whilst at work and in your daily life.

Commonly asked questions from employers

Question/Scenario	Answer
1. If an employee has been travelling outside of Australia, or been in contact with a person with coronavirus, and they have to self-quarantine for 14 days - are they on paid or unpaid leave?	<p>You could consider any appropriate arrangements to mitigate financial loss to the employee such as allowing the employee to work from home (if possible) or use their accrued paid leave entitlements (annual leave or long service leave, if a permanent employee).</p> <p>You may allow the employee to take paid personal leave, if available, although this is not a requirement since the employee is not sick.</p> <p>It is best practice to allow the employee to access paid leave where possible, otherwise it would be unpaid leave.</p>
2. What if an employee presents for work and they are sick? Can I send them home to self-quarantine?	<p>If you request staff to self-quarantine, beyond the government recommendations, you must pay them as normal. If they are sick and have a medical certificate they can access their sick leave entitlements.</p>
3. What if an employee refuses to come into work, or perform certain duties, as they are concerned about being exposed?	<p>If an employee refuses to attend work (or perform certain duties) as a precaution against being exposed to coronavirus, unless the employee is acting in accordance with government advice to do so, you do not have to pay them or allow them to access leave (but can agree to do so anyway).</p> <p>We would suggest considering alternative work arrangements such as working from home or implementing other hygiene protocols.</p>

<p>4. Does the employer have to pay an employee to self-quarantine?</p>	<p>If you are directing an employee to self-quarantine, and this is beyond government recommendations, then yes you need to pay them as normal.</p> <p>If you are directing an employee to self-quarantine, within government recommendations, then see 1 above.</p>
<p>5. Does the employer have to allow an employee to work from home (if they are not sick)?</p>	<p>It is up to you to decide if this is an appropriate arrangement for your business, depending on the role and whether you have the required IT and other infrastructure to support it.</p> <p>You will need to ensure your Working from Home policies are up to date and appropriate health and safety risk assessments are performed.</p>
<p>6. What if schools and childcare center's close and an employee has to stay home and care for their child? What type of leave will they be on?</p>	<p>Personal (carer's) leave is available to care for someone in an unexpected emergency.</p> <p>Permanent employees are able to access paid personal/carer's leave, and casual employees are able to take unpaid carer's leave to care for their children.</p> <p>You may wish to consider whether the employee is able to continue some work from home in this scenario.</p>
<p>What about casuals or independent contractors?</p>	<p>The government has recently announced that they will waive the one week wait period for access to sickness allowance for casuals and contractors (but not sole contractors).</p> <p>Otherwise, there is no requirement to pay casual employees or contractors.</p>
<p>Can the employer direct employees not to travel overseas or interstate?</p>	<p>The government is not currently enforcing an all-round travel ban. However, all non-essential travel should be carefully considered, and employees will have to self-quarantine in accordance with government advice upon their return.</p>
<p>What if the employer needs to close all or part of the business?</p>	<p>It is best practice to try and deploy staff to other duties where possible instead of standing them down.</p> <p>If a business is required to temporarily cease its operations due to government advice (i.e. it is outside of the employer's control), the employer may be able to stand down employees that cannot usefully be employed.</p>

	This will depend on any agreements, awards or contracts applicable to the employees. We recommend you source independent legal advice if this is the only option you have.
Can the employer force employees to reduce their hours or salary in the event of a business slow-down?	<p>Changes to working hours or remuneration for permanent employees may constitute redundancy.</p> <p>We would suggest consulting with your employees to find alternative solutions where possible such as reductions in hours or salary for a period of time by agreement between the employer and employee.</p> <p>This agreement should be in writing to avoid confusion and be for a specific period of time and reassessed on a regular basis..</p>

What else can you do?

- Be aware of your obligations under the legislation, relevant agreement, contract or modern award applying to your employees.
- Stay up to date with advice from federal and state authorities
- Communicate regularly with your employees and give them factual information.
- Provide access to appropriate personal protective equipment (PPE) sanitisers and other basic hygiene tools such as tissues and wipes.
- Plan for different eventualities - review your business continuity plan, your leave policies and your working from home arrangements.
- Be fair and flexible with your decisions making (as much as possible). Your employees are going to be concerned, so be understanding and compassionate.
- You may have to make some difficult decisions in the coming days/weeks or months. Be open and transparent as much as you can and communicate frequently.

Need help?

Keeping up with the ever-changing environment is hard. If you need help ensuring you're on top of your obligations, contact us today at the HR Dept Perth Eastern Region on 6165 8847