



This information is current as at 16 March 2020. Please note it may be subject to change, as further information is released by the Australian Government. If you require more specific advice, please contact the Australia Hotels Association (WA) on 9321 7701.

COVID-19 Employment related FAQ sheet

Question: What if the virus prevents my employees attending work?

Mandatory 14 day self-isolation for employees returning from overseas

As of Monday, 16 March 2020, any person returning from an overseas trip is required to self-isolate for a period of 14 days before returning back to work.

This means that any employees returning from an overseas holiday, irrespective of where they travelled to/from is required to self-isolate and not be at work.

The *Fair Work Act 2019* (Cth) (**FW Act**) does not specifically contemplate this type of pandemic situation, so employers and employees need to come to their own arrangement. We are encouraging employers and employees to communicate and be as conciliatory as possible. As each situation will be different, it is very hard to recommend a one size fits all approach. However, some options you could look at include:

- Taking paid personal leave but only if the employee is sick, or becomes sick during the quarantine period, until their entitlement is exhausted
- Taking paid annual leave (should the employee choose to utilise this, they may prefer to take unpaid leave rather than annual leave, we would suggest talking to each employee on a case by case basis as to what they would like to do, then see if the employee's request meets the business' needs)
- Taking any other leave available to them (such as long service leave)
- Arranging any other paid special leave or unpaid leave by agreement between the employee and the employer.

On completion of that 14 day quarantine, employees should provide their employer with a medical certificate stating they are fit to return to work.

If my employee is unwell with COVID-19

Full time and part time employees are entitled to access their paid personal (sick) leave entitlement under the FW Act.

Similarly, if a full time and part time employee is required to care for a family member because of an unexpected emergency (such as a school shut down), they can access their paid personal (carer's) leave.

Full time and part time employees, who have exhausted their paid personal leave entitlement, may then, in consultation with the employer, elect to utilise some or all of their



paid annual leave entitlement, or access unpaid leave. We recommend employers and employees cooperate in reaching an appropriate solution on an as needed basis.

Casual employees are not entitled to paid personal (sick) leave. This means that a casual employee who is diagnosed with coronavirus may be required to refrain from presenting to work without additional payments.

If my employee is placed into a 14 day quarantine period

As of Monday, 16 March 2020, employees that are returning from any overseas trip are required to go into isolation for 14 days.

If I (as the employer) direct my employee to take precautionary time off work

Under work health and safety laws, employers are required to ensure the health and safety of their workers and others at the workplace (as far as is reasonably practical). Workers also have responsibilities under those laws.

If an employee is at risk of infection from coronavirus (for example, because the employee has recently travelled overseas or come into contact with someone who has contracted COVID-19), you should request the employee seek medical clearance from a doctor and to work from home (if possible), or not work during the risk period.

Where an employer directs a full-time or part-time employee not to work, the employee would ordinarily be entitled to be paid while subject to the direction.

Employers need to balance their legal obligations, of maintaining a safe and healthy workplace as against, those relating to anti-discrimination (particularly if they are imposing time off work, when an employee has returned from overseas travel).

If my employee wants to take time off work as a precautionary measure:

If an employee wants to stay at home as a precaution against being exposed to coronavirus:

1. they will need to make a request to work from home (if possible); or
2. to take some form of paid or unpaid leave, such as annual leave or long service leave.

These requests are subject to the normal leave application process in the workplace.

Question: What are my legal obligations to maintain a safe and healthy workplace?

Under the relevant work, health and safety laws, an employer is required so far as is reasonably practicable to provide and maintain a work environment that is without risk to health and safety.

If an employee tells you that they:



- are feeling unwell and may be suffering flu-like symptoms;
- have been in contact with someone who has or may have been in contact with someone who has Coronavirus, or
- have travelled to an area affected by the coronavirus (such as China, South Korea, Iran or Italy),

they should be directed to follow the above Australian government advice and seek medical intervention immediately.

The health and safety of staff and those they come into contact with must be an employer's top priority. This should dictate the approach any employer takes to responding to employees that may have come into contact with coronavirus.

It is also prudent to:

- Direct employees to declare any upcoming or recent travel (including areas through which the employees have transited) so that employers can assess the prospect of risks to health and safety arising from staff movements generally; and
- Provide employees with simple information regarding how they can maintain good hygiene. Helpful advice can be obtained from the World Health Organisation and the Department of Health – factsheets are linked on our webpage.
- Regularly communicate developments and updates with your employees
- Remind employees that they have an obligation to take reasonable care of their own health and safety and to avoid adversely affecting the health and safety of others in the workplace.

This fact sheet has been developed for employers in the hospitality industry only and is intended to be general advice only.