

Public Service: your rights to leave

Clarification about leave

There is a lot of confusion for members about access to leave entitlements at this difficult time.

We hope to provide clarity for you in relation to your rights to access leave so we have written a Frequently Asked Questions guide here.

As per Directive 01/20 “employment arrangements in the event of a health pandemic” it is important to note that:

- Government will make every effort to ensure that the employment conditions of its employees are not adversely affected during a health pandemic. Existing conditions of employment as provided for under relevant industrial instruments will continue to apply to employment arrangements during a health pandemic, including special hours of work arrangements.

What leave do I take if I am sick?

If you are sick, take sick leave. If you have suspected or actual viral infection, even if it is not confirmed as COVID-19, you can access paid special pandemic leave once you have run out of your normal sick leave accrual.

Section 13.1 of the Directive – an employee will be entitled to a maximum 20 days paid “special pandemic leave” for use when the employee is unable to attend work and unable to perform work under flexible work arrangements because they:

- Have an actual viral infection and have exhausted their sick leave accruals; and/or
- Are required to care for immediate family or household member/s who have an actual or suspected viral infection and have exhausted their sick leave accruals; and/or
- Are required to care for children as a result of school or childcare centres closures and have exhausted their sick leave accruals.

See the Directive <https://www.forgov.qld.gov.au/documents/directive/0120/employment-arrangements-event-health-pandemic>

What leave do I take if I am caring for someone who is sick?

If you are caring for someone who is sick, you take sick/carers leave.

If someone has a suspected viral infection, even if it is not confirmed as COVID-19, you can access paid special pandemic leave once you have run out of your normal sick leave accrual.

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What leave do I take if my workplace is closed and I cannot work from home?

If your workplace is closed and you are able to attend work, but cannot, due to the health pandemic, you will continue to be paid without needing to take leave.

See the Directive at 13.6 and 14.6.

13.6 Employees will be paid their regular remuneration if they are willing and able to attend work but are directed by the employer not to attend work, subject to sections 14.6, 14.7 and 14.8.

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If you are directed not to attend work and self-isolate due to a suspected case of COVID-19 what leave do I take?

You can be asked to telecommute or work remotely if you are self-isolating. If you cannot work remotely (work from home). You will be entitled to paid special leave as per 14.1

“where a health pandemic requires an employee to self-isolate in accordance with health advice and the employee is not sick, and they are not able to undertake flexible work arrangements, the employee may apply for special leave...”

What leave do I take if I am a vulnerable worker?

If you are a vulnerable worker which means that it is unsafe for you to undertake your normal role given the current health pandemic the government says that you should be offered alternative safe work, including work from home options. If these are not available then you should continue to be paid your normal remuneration and you do not have to access leave.

What leave do I take if I am having to care for a child who cannot attend school due to the pupil free days or school closures?

We are seeking urgent advice about what if I am an ‘essential worker’ and my children are able to attend – can I still take leave to care for them at home – this is not clear as at today. But still-

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What supporting documentation do we need to supply?

The Directive says at 14.5 Requirement for Supporting Documentation that – supporting documentation will be required for all periods of absence on paid Special Pandemic Leave. Where employees access paid Special Pandemic Leave as a result of illness, or need to care car for ill family or household members, they may not be required to provide a medical certificate; they may instead provide a copy of a record to confirm they (or their family member) have undergone a relevant assessment or such other document or advice which satisfies agency requirements.

What about if I am not required to work or if my workplace is closed down due to safety issues?

Where employees are directed by the agency not to attend their workplace and are unable to undertake flexible work arrangements or work at a reasonable alternative location, such employees are to be paid regular remuneration without debit to any leave account.

See the Directive at sections 14.6 and 14.7.

If you have any questions that have not been answered yet, or have concerns about arrangements in your workplace, please email core@together.org.au