

# Department of Education: COVID-19

## — List of Questions & Answers about Your Rights At Work

If you have a specific question or need help at work please do not hesitate to get in touch with us at your union office, we are here for you. You can email [assistance@together.org.au](mailto:assistance@together.org.au) or call **1800 177 244**.

### **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 here: <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.*

### **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.

*Continued over...*

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

## **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 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 staff access pandemic leave/ special leave will you have your ADO as per the ADO agreements credited in order to ensure no disadvantage (or the need to take leave without pay during school holidays). We believe this is consistent with the Directive which says:**

***Existing conditions of employment will be applied to employment arrangements during a health pandemic wherever possible including***

***specific hours of work arrangements.***

## **and - 12. Policy**

***12.1 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 specific hours of work arrangements.***

## **Can you please confirm this?**

Answer: All school-based non-teaching staff (including cleaners, teacher aides and school-based public servants) who have accessed leave due to COVID-19 will be deemed to have accrued ADO in accordance with their 2020 ADO Agreement. This arrangement will also be applied to all school-based non-teaching employees who have been unable to attend for duty in the event of a school closure due to COVID-19.

## **What will happen to animals at school farms if a school is closed? Will the animals be rehomed?**

Answer: Schools with school farms will use normal disaster procedures and ask Agricultural Assistants to come in and feed and care for animals, however, schools with school farms need to have a business continuity plan that looks to – what if our Agricultural Assistant needs to isolate in their home? Can we move our animals offsite if the school is closed or movement is restricted?

## **If a workplace is shut down due to a confirmed or suspected case of COVID-19 what happens?**

Answer: If you are directed to not attend your workplace you might be directed to work at an alternative location or work remotely. If that isn't possible then you will receive your normal pay with no debit to your leave and you will come back to work when it is safe (so you will be home on full pay until it is safe).

## **If a school or workplace is closed due to a confirmed COVID-19 case will existing school cleaners do the cleaning and is there sufficient PPE to do this? Or is there a special team?**

Answer: The Department have said that if there is a confirmed case they will get specialist cleaners.

## **Do schools currently have the chemicals to clean sufficiently to stop a virus spreading from one surface to another? Is there guidance on this anywhere?**

Answer: The Facilities team have sent guidance out about this. If you need support contact us.

### **How will consultation with staff occur if teaching and learning is to be disrupted from usual processes for periods of weeks or months?**

Answer: The Department have committed to continuing to consult with our union and they have set up meetings on Tuesdays and Thursdays where we can discuss questions and emerging issues as well as a daily briefing.

### **Will staff be encouraged to undertake meetings via teleconference or video conference now?**

Answer: Yes where it is practical staff are making those changes for meetings and the new rules for physical distance mean that most meetings will be by teleconference. Teams can still meet if physical distance guidelines are in place.

### **Is there any job redesign being proposed in order to manage the unfolding situation?**

Answer: The Department will work with us on this and how work will change as the pandemic unfolds.

### **If a temporary staff member is asked to quarantine or requires quarantine will they remain an employee and not have their employment ceased or terminated due to the pandemic?**

Answer: The Government have said that if “but for the pandemic you would be extended, you will be extended.”

### **Where the Directive is not clear will the department pay special leave or seek to enforce unpaid special leave?**

Answer: We believe that paid special leave is available in most cases, but the Office of Industrial Relations will issue clarification soon.

### **Many schools have booked external builders or maintenance / external contractors for the coming holiday period. What will the department require to clean buildings that contractors have been in – how will this impact normal cleaning/ deep cleaning? Are the requirements to check that contractors will have the same stringent rules for their staff about not presenting to site if they are sick?**

Answer: The Infrastructure Services Branch will come back to us about this issue.

Department advice: updated 26 March, 2020

### **What is the definition of a vulnerable person?**

Answer: Queensland Health has determined those most at risk of serious infection if they contract COVID-19 are:

- Staff with compromised immune systems (such as people who have cancer);
- Staff with chronic medical conditions;
- Staff over the age of 60 when combined with a chronic medical condition;
- Staff who are Aboriginal and Torres Strait Islander peoples, particularly over the age of 50.

### **What should I do if I have a vulnerable employee in my team?**

Answer: Consideration should be given to withdrawing vulnerable staff members from face to face classroom instructional roles and, where practicable, providing them the opportunity to participate in alternative arrangements such as professional development, curriculum planning, resource development or other teaching and learning related activities at school.

Consideration can also be given to vulnerable staff members working from home completing similar duties.

Principals have the discretion to approve flexible working arrangements.

Principals can exercise discretion regarding the provision of supporting medical documentation.

Where a vulnerable employee is unable to participate in any form of alternative arrangements they may apply for special leave.

This means if you are a vulnerable worker and you cannot work from home you should not go to work but continue to be paid.

### **Can I send an employee home if they present to work unwell?**

Answer: Where an employee presents at work unwell they can be directed by the Principal to go home. Leave will be deducted from the employee's sick leave balance.

### **My employee is required to care for a family or household member who is a vulnerable member of the community, what leave are they take?**

Answer: If a staff member is required to be the primary carer for a vulnerable member of the community they can apply for sick leave.