

COVID-19 (Coronavirus)

Information for ASU members about your workplace rights



The ASU is by your side every step of the way - this information is for ASU members and covers health and safety, employer obligations, leave provisions and Workers Compensation.

WHAT IS COVID-19?

Coronavirus (COVID-19) is a virus in the same family as the common cold. According to Australia's Health Department, people with coronavirus may experience fever, flu-like symptoms and shortness of breath.

The virus is most likely spread through:

- close contact with an infectious person (see more about close contact below)
- contact with droplets from an infected person's cough or sneeze
- touching objects or surfaces (like doorknobs or tables) that have cough or sneeze droplets from an infected person, and then touching your mouth or face.



Close contact definition

A close contact is defined as requiring:

- greater than 15 minutes face-to-face contact in any setting with a confirmed case in the period extending from 24 hours before onset of symptoms in the confirmed case, or
- sharing of a closed space with a confirmed case for a prolonged period (e.g. more than 2 hours) in the period extending from 24 hours before onset of symptoms in the confirmed case.

Everyone should **practice good hygiene** to protect against infections. This includes washing your hands often with soap and water and using a tissue and cover your mouth when you cough or sneeze.

EMPLOYEE HEALTH AND SAFETY

COVID-19 is a **health and safety risk** for employees. Employers have obligations to ensure, so far as is reasonably practicable, the health and safety of employees and others.

As part of these obligations, employers are required to:

- provide adequate facilities for the welfare of employees while they carry out work
- provide any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking, and
- monitor the health of employees and the conditions at the workplace for the purpose of preventing illness or injury



Employee Health and Safety Continued

These obligations can be implemented by employers to protect employees against COVID-19 in the following ways:



- Employers should ensure that the workplace is **regularly cleaned** and that hard surfaces are cleaned with disinfectant
- Employers should make it easy for everyone in the workplace to practice good hygiene through the **provision of water and soap** and/or hand sanitisers, rubbish disposal for tissues, disposable hand towels and tissues

- Employers should provide information, training and support and local measures for infection control including:
 - » appropriate hygiene,
 - » social distancing and isolation,
 - » remote working arrangements where practicable and appropriate

Employers should provide information about:

- what to do if people are feeling unwell
- what to do if a suspected case or a person with COVID-19 has been in the workplace
- how to report any concerns in a way that encourages employees reporting and ensures they are not discriminated against or suffer any adverse consequences.

Employers are required to consult with employees in relation to health and safety issues. If you have not been consulted or if you are concerned that your employer does not have adequate measures in place to address the risks of employees contracting COVID-19, you should **contact the ASU** on 02 9310 4000.

LEAVE ENTITLEMENTS

Personal/carer’s leave

Full and part-time employees who can’t come to work because they are diagnosed with COVID-19 can take paid personal/carer’s leave. If an employee needs to look after **a family member or member of the employee’s household** who is sick with with COVID-19, or suffering an unexpected emergency, the employee is also entitled to take paid personal/carer’s leave.

Casual employees are entitled to two days of unpaid carer’s leave per occasion. Full and part-time employees can take unpaid carer’s leave if they have no paid sick or carer’s leave left.

An employee must give their employer evidence of the illness or unexpected emergency if their employer asks for this.



Payment for employees who are required to self-isolate

There are two circumstances in which employees who are not sick are required to self-isolate and not attend work:

- If you have been in close contact with a confirmed case of COVID-19, you must self-isolate for 14 days from the date of your last contact with that person. This includes close contact within the 24 hours before the person became unwell.
- From midnight Sunday 15 March, people entering Australia from any overseas country - including Australian citizens - must self-isolate for 14 days from their date of entry.

Employees **should not have to dip into their own leave** to fund periods of self-isolation. This is why all unions are calling upon the Australian Government to legislate for ten days paid “special leave”. There should be a minimum of two weeks pay for all workers, permanent, casual and contract, who are forced to either self-isolate as a result of the COVID-19 pandemic or where there is a genuine business downturn or shutdown as a result of the pandemic. There should also be the ability for workers to **negotiate additional paid leave** on a case by case basis.

If an employee has **a reasonable concern** that they will be exposed to a known case of COVID-19 at work through close contact and the employer has not put in place steps to mitigate the risk of the employee contracting COVID-19 (by for example provision of appropriate personal protective equipment (PPE), the employee would have the **right to cease work**. In these circumstances the employee would be paid until it is safe for the employee to resume work.

Paid special leave & support for casual employees

Casual employees and independent contractors do not receive pay when they are not at work including when they are sick. Employers should therefore consider specific measures to support casual employees and other insecure employees who are impacted by COVID-19 and including the provision of paid “special leave” as described above.

Although workplace laws do not deal directly with this type of situation, the **Fair Work Ombudsman** provides the following advice:

- *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.*
- *However, if an employee cannot work because they are subject to a government order requiring them to self-quarantine, the employee is not ordinarily entitled to be paid (unless they use leave entitlements). In this case, their inability to work is because of a government order, not because of their employer.*





Without such leave entitlements, many casual employees will be unable to meet their day to day living costs and will therefore be compelled to attend work through financial necessity, which could spread COVID-19.

HIGH-RISK EMPLOYEES

Some **older employees**, or employees with **immune suppression disorders** may be at increased risk of contracting COVID-19. In the event of an outbreak in Australia these employees should carefully consider their need to attend work and take the necessary precautions to avoid exposure.

If necessary, they may consider self-isolation and be provided with 'special leave' as outlined above.

When will employees be able to claim Workers Compensation?

If an employee contracts COVID-19 and the cause can be traced to work the employee will be able to claim workers compensation benefits for time unable to be at work and medical care required.

HARASSMENT AND DISCRIMINATION

Employers have an obligation to ensure that no one is discriminated against on the basis of sickness or for any other reasons related to COVID-19

Employers cannot discriminate against employees based on race or disability (which can include disease or illness).

The ASU is by your side, every step of the way.

If you have questions on concerns about your health and safety at work, leave entitlements, harassment and discrimination or any work related issue, don't hesitate to contact us on **02 9310 4000**. You can also book a time for us to call you that is best for you:

www.asumembers.org.au/request_callback



02 9310 4000 / asumembers.org.au / help@asu.org.au

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