

Information Sheet – Coronavirus (COVID-19): Stage 4 - Advice for Victorian Employers

The introduction of Stage 4 Restrictions from 6pm on Sunday 2 August for metropolitan Melbourne and further restrictions affecting business that are effective from 11.59pm Wednesday, 5 August will limit the movement of people around Victoria for work.

Due to the greater level of restrictions, employers are faced with a number of considerations and obligations with regard to their employees.

First and foremost, it is important to keep up to date with the Australian Government's travel and medical advice daily to ensure you have the most up to date information.

This information sheet provides some advice for employers on how to deal with certain pay and absence scenarios.

When can an employee request paid entitlements?

Permanent full time and part time employees may request paid entitlements in the following situations: -

- Permanent full time and part time employees who contract coronavirus may access their paid personal leave when absent from work.
- Permanent full time and part time employees who are required to provide care or support to a member of their immediate family or household who has contracted coronavirus may access their paid carer's leave (which is deducted from their personal leave entitlement).
- Permanent full time and part time employees who are required to provide care or support for a child who is unable to attend school or childcare due to closures may access their paid carer's leave (which is deducted from their personal leave entitlement)
- Permanent full time and part time employees unable to return from an overseas trip (personal or work related) due to quarantine or have been advised to self-quarantine in line with government advice (due to potential contact with coronavirus), can access their accrued paid leave entitlements. If the employee is not displaying symptoms of illness, their personal leave would not be used in this instance.
- Permanent full time and part time employees who refuse to attend work due to concerns with their safety may request to access their paid accrued leave. In this instance it is at the employer's discretion to agree to allow paid leave. *Note see more on this scenario further in the information sheet.
- Permanent full time and part time employees may access their paid accrued leave if the employer is required to temporarily close due to government advice.

An employer may request suitable evidence when a request for paid leave occurs.

When is an employee not entitled to pay?

- Permanent full time and part time employees who have exhausted their paid leave entitlements and the scenario does not require the employer to pay the employee, the employee will be entitled to unpaid leave.
- Casual employees who contract the coronavirus are not entitled to paid leave.
- Casual employees who are required to provide care or support to an immediate family member or member of the employee's household are entitled to unpaid carer's leave.

- All employees when an employer is required to shutdown their workplace due to a government advice

When is an employee entitled to pay without the need to access their paid entitlements?

- Permanent full time and part time employees will be entitled to payment should an employer require them to remain at home for the purpose of quarantine without being directed by government advice to do so.

As an employer it is your duty of care to ensure the risk to employee's health and safety is minimised. As such you are entitled to request that an employee provide you with a medical providers clearance for work certificate if you believe that employee has been at risk of contact with the coronavirus.

Employee refusing to attend the workplace out of fear for safety

Should you have an employee who has not been advised to self-quarantine by a government advice or as directed by the employer and who is unreasonably refusing to attend the workplace (and you are a permitted workplace), they may be subject to disciplinary action if the direction to attend work is lawful and does not put the employee at any risk.

Additional considerations for Stage 4

If you are not a permitted workplace and therefore not able to be open and have your employees work at the workplace you may consider the following: -

- Full stand down or partial stand down of employees without pay as the direction to close is from the Government and therefore considered outside of your control.
- Allow leave entitlements to be accessed by employees.
- Accommodate work from home if this is appropriate for your business and employees

If you are a permitted workplace you must: -

- Provide a COVID Safe Plan.
- Provide permits to your employees who are required to attend for work.
- Provide permits to your employees who require their children to attend childcare whilst they attend work or work from home.
- Ensure that you continue to provide a safe workplace for your employees.

Working from Home

As work from home arrangements simply mean a change of work location, obligations on employers continue to exist in ensuring the risk to their employee's health and safety is minimised to the extent that is reasonably practicable. Please refer to the Work from Home checklist under the resources section of our website.

As previously advised, it is important to keep up to date with the Australian Government travel and health advice via the Department of Health's website and their local state health departments.