

MOTOR TRADERS'
ASSOCIATION OF NSW



MTA MEMBER UPDATE

The voice of the motor industry

Dear Member,

Coronavirus and Your Workplace

In relation to the current situation regarding the Coronavirus (COVID-19), this update provides information to assist Members in dealing with two issues: health and employment relations.

We are mindful that the health of your staff and our Members is of the utmost importance.

With this in mind, we will be going ahead with our scheduled MTA NSW Member Information Nights. We will be monitoring this virus situation and will inform our Members of any alterations to our calendar of events as they arise.

In the interim, we encourage our Members and their employees to practice simple hygiene.

- Clean your hands with soap and water for 20 seconds, or use an alcohol-based hand sanitiser
- Cover your nose and mouth when coughing and sneezing with tissues or a flexed elbow
- Avoid close contact with anyone with cold or flu-like symptoms
- Practice cough etiquette (keep away from other people, cover coughs and sneezes with disposable tissues or clothing, and clean your hands)
- Minimise travel where possible to high risk countries
- Be cautious in public areas and transport. Limit touch to common surfaces and be sure to washing your hands immediately or use alcohol-based hand sanitiser

Most importantly: Make sure you stay home if you are sick.

NSW Health and the World Health Organisation (WHO) has information available on the Coronavirus which can be found via the following links:

NSW Health: <https://www.health.nsw.gov.au/Pages/default.aspx>

World Health Organisation (WHO): <https://www.who.int/>

In relation to employment relations issues which may arise because of Covid-19, Members should be aware of the following:

- Under workplace 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. As such, if it is established that a worker has been exposed to the virus either through travelling in infected areas or have come in contact with someone (e.g. a family member or member of their household) who have recently travelled to such infected areas, it is recommended that Members make reasonable arrangements for such employees to work from home or direct such employees to stay home for the duration of the incubation period (currently 14 days),

and only allow the employee to return to work once they have obtained a doctors certificate to state that they have been cleared from contracting the Coronavirus.

- If Members direct an employee to stay at home (assuming that the employee is a full-time or part-time employee) and such employees cannot perform work from home, Members would have to pay the employee their full rate of pay for this period and continue to accrue their leave entitlements as usual. A casual employee directed by the employer not to work would not be entitled to any pay.
- Where the employee has not been directed by the employer to stay at home but cannot attend work because they have or are suspected of having COVID-19 or are caring for someone in this situation, in the first instance, employees would need to use their personal/carer's leave entitlements or, if these are exhausted, then annual leave or leave without pay.
- In certain circumstances Members may be able to stand down employees without pay under section 524 of the *Fair Work Act 2009*. Under this section, an employee can only be stood down without pay if they cannot do useful work because of equipment breakdown, industrial action or a stoppage of work for which the employer can't be held responsible.

The most common scenarios are severe weather or natural disasters. For example, the recent bushfires saw some businesses forced to close down due to circumstances beyond their control. Stand downs without pay under section 524 usually involves closing down the entire business. If the impact of COVID -19 on the business is so significant that there is no useful work available for employees to do which is beyond the employer's control, employees could be stood down for a period of time without pay while the business is dealing with that issue.

MTA NSW is able to assist our Members with advice by contacting your local Area Manager or our Employment Relations Team on **P:** 1300 682 679 or **E:** eradvice@mtansw.com.au

Thank you for your ongoing support.

Yours faithfully,

Motor Traders' Association of NSW

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