

# MTA WA COVID-19 IR ALERT #3



17 MARCH 2020

The advent of the COVID-19 virus has created a number of significant challenges for business with one of the key issues being the management of staff during this health crisis.

On 15 March 2020, the Australian Government announced that effective from 12.00 AM EST 16 March 2020 all travellers to Australia from overseas will be required to self-isolate for 14 days. Those who fail to comply with the self-isolation rules will be committing an offence and could face hefty fines and penalties.

The announcement also included a ban on cruise liners from foreign ports arriving at Australian ports for 30 days. Such travellers will also be subject to the self-isolation rules upon departing from the cruise ships.

These decisions have significant impacts on employees and businesses. Firstly, as self-isolation has been imposed by the Government for all travellers, Members will need to be prepared for employees to be absent for these additional periods i.e. an additional 14 days for those returning on flights and cruises.

As this is a Federal Government directive, employees will either need to elect to use their annual leave entitlements during the self-isolation periods or be placed on unpaid leave. There is no obligation for Members to pay their employees their ordinary pay during this time as it is a Government directive; not an employer directive. Sick leave entitlements will only apply if the employee falls ill and is unfit for work as a result.

Should there be an instruction by either the State or Federal Government to close all non-essential businesses, staff can be offered access to any accrued annual or long service leave or take leave without pay. As this would be a stand-down, employers are not obliged to pay normal wages or salaries for the time of the shutdown.

Where an employer has concerns over the health of an employee who has not travelled or been exposed to someone who has travelled overseas but they wish to have that employee self-isolate, the employer will need to continue to pay the employee their ordinary wages pending a health assessment. Should the assessment prove positive to COVID-19 then the employee will be eligible to access their sick leave. Should the assessment prove negative then the employee must be allowed to return to work.

Where an employee has limited or no sick or annual leave entitlements, leave will be without pay.

Employees caring for immediate family members infected by the coronavirus are entitled to carer's leave. This is payable from personal leave, subject to evidence that satisfies a reasonable person. Where no personal carer's leave accrual is left, the worker is on unpaid leave or may apply to use annual leave.

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If a business is required to adjust the hours of operation due to a downturn, you may, for example, consider paying workers 4 days and close on the 5th day, which would be taken off as 'agreed annual leave', subject to completion of a leave form.

Should there be a permanent closure of the business, staff will need to be offered redundancies to end their employment. Please ensure that you comply with the redundancies provision of the relevant Act or Award.

Of course, if you are in doubt on any issue, please call the MTA WA.

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