

COVID-19 (Coronavirus) FAQ

We have received many calls from a number of different members in relation to the Coronavirus pandemic. Below is a number of the frequently asked questions that have arisen:

1. If somebody is returning from overseas and they are quarantined but they are not sick what do we pay them?

There is no clear legislation dealing with this. However due to the fact that the quarantine does relate to the COVID-19 illness and provided at the time they left for overseas they could not have definitively have foreseen the need to be quarantined regardless of where they went overseas personal leave should be allowed to be used.

2. What if someone leaves after the announcement was made that anyone who travels oversea will need to be quarantined when they return?

This is different to the above as now everyone should be well aware that they will need to go into quarantine should they return from overseas. As this can no longer be something that is unexpected and out of their control it would be fair to now say that personal leave should not be applicable. In this scenario, you can tell an employee to use their annual leave or long service leave (if applicable and enough is accrued) or it will be unpaid leave.

3. If we are forced to close down by the Government / Department of Health due to the virus what do we have to pay our employees?

As the entire business will be closed due to a health related pandemic this will arguably be regarded as meeting the requirements of a stand down, which is where due to a business cannot stay open and no work can be done by employees. In this event the default position will be that the employee will be on unpaid leave, however if the employee has accrued annual or long service leave and wish to take it they can do so.

4. An employee was on the same plane, bus, train etc. as someone who has been diagnosed with Coronavirus; does this mean they must be quarantined?

No, not necessarily. Whether or not they will have to be quarantined depends on whether they have been in 'direct contact' with the person.

This will in part be determined by the proximity that someone had to the person confirmed with the virus, that being if they were in the same seat row as him or her, the one in front or behind etc.

5. What is 'direct contact'?

Below is how the definition for 'close contact' the NSW and Victorian State Government Health Departments have provided:

Close contact means greater than 15 minutes face-to-face or the sharing of a closed space for more than two hours with a confirmed case without recommended personal protective equipment (PPE) which is droplet and contact precautions for the definition of contact.

Contact needs to have occurred during the period of 24 hours prior to onset of symptoms in the confirmed case until the confirmed case is no longer considered infectious to be deemed close contact.

Additionally if you someone with the virus has coughed on you, touched you etc. then this would also constitute direct contact and an employee should proceed to contact either their doctor or go to one of the testing facilities ASAP.

If an employee or employer is unsure if there has been 'direct contact' they can contact the designated hotline setup to take Coronavirus enquiries on 1800 020 080.

6. One of my employee's family members has been diagnosed with Coronavirus, do they have to quarantine themselves?

As with question four not necessarily. Again, it will come down to whether they have had direct contact and if they have, they should go to see their doctor ASAP.

7. What will casuals be paid?

As casuals are not entitled to paid leave then in most circumstances the employer will not have to pay them.

A circumstance that likely will require a casual to be paid is where the employer has directed them to quarantine (e.g. it was not due to any direction by the Government or Health Authorities) and they work regular and systematic hours. In this instance they should be paid as normal.

In all other circumstances, a casual will be on unpaid leave.

8. Should I tell all my employees to get a medical clearance before they can work?

A general medical clearance would not be worth much in these circumstances as unless someone is showing symptoms for the Coronavirus or have been in direct contact with someone who has been confirmed to have the virus a test can't be / will not be performed.

9. The government has now imposed a mandatory quarantine on anyone who has been overseas. Does this mean employees who arrived back from overseas earlier than this date will now have to quarantine?

No, this mandatory quarantine does not apply retrospectively and if they arrived before the mandatory quarantine was imposed this will not cover them. If you as the employer still wish them to quarantine then you would have to pay this employee as per normal as it would not be a quarantine that was directed by the Government or relevant health authorities.

10. We sent some of our employees to undertake training overseas and now they have been quarantined on return, what do we pay them?

Given that the trip was work-related (it was at the direction of the Company), there is a reasonable case to suggest that the payment for the quarantine period should be by the employer, especially if there are no illness issues involved. That is that the employee is paid as per normal rather than out of leave balances etc.

11. If the Government does impose closures of those business besides those that are 'essential' will our business be shutdown?

For a business to be classed as essential it would need to be one that is necessary for the health, safety and wellbeing of the community. These will likely include such things as energy & power resources and supply; Fuel resources and supply; public transport and transportation of freight; public health services etc.

Currently there has been no clear definition of what would be considered as an essential business in the event of mass business closures and this would likely be done by the relevant authorities if it became clear this would be required.

12. If schools shutdown and one or more of our employees is required to stay home to look after their children what should they be paid?

In order for an employee to be able to access personal / carer's leave one of the scenarios in which it can be used besides someone caring for someone who is sick or injured is where there has been an unexpected emergency.

The definition of 'unexpected emergency' is broad and would likely cover this situation and as such an employee in this scenario can access personal / carer's leave.