

## COVID-19 Update

The emergence and spread of COVID-19 (coronavirus) presents a potential risk to businesses. As an employer you need to know your obligations and plan your response should the virus directly impact your business.

### Keeping Informed

It is important that employers keep themselves informed and up to date on the risks of COVID-19 ('the virus') and obtain correct and relevant information and advice from experts.

Ensure that you receive and communicate to staff regular updates from authorised sources of information including:

- State Government health authorities;
- Federal Government health authorities;
- Safety regulators in each State and Territory; and
- the World Health Organisation.

With the current situation ever-evolving the Department of Health website has the most comprehensive information on the coronavirus: [www.health.gov.au](http://www.health.gov.au) .

### Good Hygiene

Ensure that good hygiene practices are reinforced in the workplace. You might want to consider putting hand sanitiser in bathrooms, meeting rooms and other commonly used areas, and ask staff to wipe down shared equipment like phones or laptops after use. To further minimise risk of infection you may wish to inform clients and visitors of your hygiene expectations prior to their arrival at your place of business through email or phone communication.

### Make or Update a Plan

At present, there is no requirement to undertake a separate risk assessment in the workplace for this particular virus. In this respect, the control measures for prevention should be approached like any other viral disease in the workplace.

For advice on managing the coronavirus risk please contact the NECA SA/NT office on (08) 8272 2966 to speak with the Health, Safety, Environment and Quality Manager.

### Communicate with Employees

Consider how you will update your employees during this time. It's important that you provide employees with the opportunity to ask questions, as many are concerned about the possible impacts this virus may have on their employment. Remember that as a PCBU (person conducting a business or undertaking) under work health and safety legislation you have an obligation to consult your staff on matters affecting their health and safety in the workplace.

### Insurance

Various insurance policies may assist with issues that arise due the virus. To read more about this, [click here](#) for an article by Arthur J Gallagher on insurance in the wake of this pandemic.

## **Government Assistance**

The Australian Government has announced that small and medium-sized businesses may receive up to \$25,000 to cover the costs of employee wages and salaries, paid by the Australian Taxation Office based on tax withheld when business activity statements are lodged.

In order to encourage businesses to retain apprentices, the Government has also announced a 50% wage subsidy for apprentices or trainees who were employed by 1 March 2020 by a business with fewer than 20 employees. The wage subsidy will apply from 1 January 2020 to 30 September 2020.

## **Frequently Asked Questions**

### **What are an employer's obligations if an employee or their family member has the virus?**

Employees employed on a full or part-time basis that cannot attend work due to the virus can access their personal (sick) leave entitlements. If a full or part-time employee cannot attend work due to an obligation to care for a family member or member of the employee's household who has the virus, they are entitled to take paid carer's leave.

Casual employees are entitled to 2 days of unpaid carer's leave per occasion.

Employers can direct employees who are sick with the virus not to come to work and to get medical clearance from a doctor before returning to work. Employers can do this if they're acting reasonably and based on factual information about health and safety risks, which includes relying on the Australian Government's health and quarantine guidelines.

### **What if an employee is required to be quarantined?**

An employer should advise their employees of their expectations regarding return from overseas travel. If an employee's return to work is delayed due to quarantine, they should notify the employer as soon as possible.

The most current information on quarantine requirements can be found on the Department of Health's website, linked above.

If an employee must be isolated, but has not been diagnosed with the virus, it is recommended that the employer look to practical solutions in order to address the absence from work due to the Fair Work Act not having specific guidelines to follow in this situation.

This may include:

- taking sick leave
- taking annual leave
- taking long service leave (if applicable)
- arranging other paid or unpaid leave by agreement between the employee and the employer.

### **What if an employee chooses to stay home as a precautionary measure?**

If an employee chooses to stay at home as a precaution against being exposed to the virus, they will need to either;

- make a request to work from home (if possible); or
- submit a formal paid or unpaid leave request (such as annual leave or long service leave);

Leave requests will be subject to an employer's normal leave application process.

### **What if an employer sends an employee home as a precautionary measure?**

If an employer decides to send an employee home as a precautionary measure not related to any direction from health authorities, they would need to be paid as normal.

Employers must remember to balance their legal obligations, including those relating to anti-discrimination legislation.

**What if an employer decides to shut down the workplace as a precautionary measure, sending all staff home?**

If an employer chooses to shut down the workplace, sending all staff home, and this is not the advice or direction of a relevant health authority employees will need to be paid as ordinary.

**Can an employer stand employees down without pay?**

Under the Fair Work Act, an employee can only be stood down without pay if they cannot do useful work because of one or more of the following reasons;

- equipment breakdown;
- industrial action;
- or a stoppage of work for which the employer can't be held responsible. The most common scenarios are severe and inclement weather or natural disasters.

**What if business slows down due to the virus?**

As described above, an employee can only be stood down without pay in specific circumstances identified by the Fair Work Act. Standing down employees without pay is not generally available due to a deterioration of business conditions.

- Redundancy

Some employers may need to make employees' positions redundant in response to a business downturn. If an employee's job is made redundant their employer may have to give them redundancy pay. The Fair Work Act has requirements that employers have to meet before they can terminate an employee's employment, such as providing notice.

- Variation of work hours

If an employer seeks to vary employees' work rosters, they should review any applicable enterprise agreement, award, employment contracts or workplace policies. Particularly for full-time and part-time employees, an employer is usually required to seek employees' agreement to change their rosters.

**What if an employer requires an employee to travel for work?**

It is recommended that the employer only request an employee to undertake travel that is deemed safe with regard to the Health Department's guidelines. Whilst there are currently no travel bans in place within Australian borders, some businesses are choosing to ban any staff travel as a precaution.

**Does a business need to close if there is a suspected case of the virus?**

Employers should seek immediate advice from the Department of Health for their particular situation.

**Further Information**

Given the dynamic nature of the COVID-19 pandemic, we strongly recommend that you seek advice before taking any action in relation to your contractual and/or legislative obligations.

We will continue to monitor the situation and keep members updated as required.

Please contact the NECA SA/NT office on (08) 8272 2966 if you have further questions. Please be advised due to an increase in the number of enquiries we are receiving specific to the outbreak, there may be a delay in our response to enquiries. We appreciate your patience as we look to support our members through this challenging period.