

PAID PANDEMIC LEAVE

Pandemic disaster leave payment

On 2 August 2020 Victoria entered a State of Disaster. The Federal Government has now confirmed a pandemic disaster leave payment of \$1500 will be available to Victorians who are required to self-isolate and do not have access to other leave or benefits. The payment will be administered through Services Australia (formerly Centrelink) and is not to be funded by employers.

Importantly, workers will only be eligible to receive the payment once a direction from the relevant medical authority to self-isolate has been issued. The payment will be available to all workers, including casuals with no requirement to complete a prescribed period of service. There is currently no limit on the number of times the payment can be accessed. Further information on the operation of the scheme is expected to be released shortly.

Paid pandemic leave and the modern awards

Particular awards enable an aged care worker to take up to 2 weeks' paid pandemic leave on each occasion an aged-care worker is prevented from working (including working from home) because:

- a) the employee is required by government or medical authorities to self isolate or quarantine;
- b) the employee is required by their employer to self isolate or quarantine;
- c) the employee is required on the advice of a medical practitioner to self isolate or quarantine because they are displaying symptoms of COVID-19 or have come into contact with a person suspected of having contracted COVID-19;
- d) the employee is in isolation or quarantine while waiting for the results of a COVID-19 test; or
- e) of measures taken by government or medical authorities in response to the COVID-19 pandemic.

An employee will not be entitled to paid pandemic leave unless the employee:

- a) has undertaken a COVID-19 test in connection with the applicable circumstance described above; or
- b) undertakes a COVID-19 test at the earliest opportunity.

Workers will be entitled to access the leave regardless of where the contact occurred. This means even though the requirement to isolate may be unrelated to work, the employer will still be required to make payment.

For a full-time employee, paid pandemic leave is paid at the employee's base rate of pay for the employee's ordinary hours of work in the period of the leave. For a part-time employee, payment for paid pandemic leave will be the greater of:

- (a) their agreed ordinary hours of work under clause 10.3(b); or
- (b) the average of their weekly ordinary hours of work for the previous 6 weeks.

For a casual employee, payment for paid pandemic leave shall be calculated on the average weekly pay received by the employee in the previous 6 weeks, or where the employee has been employed for less than 6 weeks, for the duration of their employment.

If an employee is unfit for work, an employee is not eligible to take paid pandemic leave if the employee could instead take paid personal/carer's leave. If an employee become entitled to workers compensation benefits because of contracting COVID-19, the employee cannot take paid pandemic leave. A casual employee is not entitled to paid pandemic leave unless engaged on a regular and systematic basis.

Implications for employers

- If your business operates under an Enterprise Agreement, the paid pandemic leave provisions in the specified awards mentioned above will not apply unless your agreement operates in conjunction with, or incorporates, terms from the specified awards. If you are unsure about whether the paid pandemic leave applies to your business, please contact the Victorian Chamber's Workplace Relations Advice Line on 8662 5222.
- If your employee is entitled to paid pandemic leave, businesses are urged to check eligibility for financial assistance from the State or Federal Government. More information about this can be found [here](#).

For further clarification, members can call our Workplace Relations Advice Line on **8662 5222**. If you would like to utilise our [Award subscription](#) service which allows members to be notified of any changes to awards applicable to their business, please call 8662 5333. The Award subscription service provides you with succinct, user friendly information summarising key changes to relevant awards.

Contacting the Victorian Chamber of Commerce and Industry

The Victorian Chamber's team of experienced Workplace Relations Advisors can assist members with a range of employment, human resources and industrial relations issues or inquiries. Our experienced Workplace Relations Consultants can also assist members and non-members with a range of more complex matters on a fee-for-service basis. Our Workplace Relations Consultants can, among other things, provide training to employees, conduct investigations, assist with workplace disputes and provide representation at the Fair Work Commission. For assistance or more information, please contact the Workplace Relations Advice Line on **(03) 8662 5222**.

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