

**Policy Document**

**Special (Pandemic / Public Emergency Leave Policy**

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Classification:  
**Human Resources**

Strategic Plan link:  
**Strategy 1.5.1** Develop and Implement Human Resource Strategy to address staff attraction, retention, succession planning, skills development and career progression

**References and related Policies & Procedures:**

*Fair Work Act 1994*  
*Fair Work Act 2009 (Cth) – relevant sections*  
*Local Government Act 1999*  
*South Australian Public Health Act 2011*  
*State Records Act 1997*  
*Work Health and Safety Act 2012*  
*Work Health and Safety Regulations 2012*  
 Local Government Employees Award  
 National Employment Standards  
 South Australian Municipal Salaried Officers Award  
 The District Council of Streaky Bay – AWU (Enterprise Bargaining) Agreement No 10 - 2020  
 The District Council of Streaky Bay (Enterprise Bargaining) Agreement No 9 – 2020

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## 1. Definitions

Council	means the District Council of Streaky Bay.
Pandemic	is an epidemic of an infectious disease that has spread across a large region.
World Health Organization	is a specialized agency of the United Nations responsible for international public health.
Federal Department of Health	is a department of the Government of Australia charged with overseeing Australia's health system.
SA Health	is a department of the Government of South Australia charged with overseeing South Australia's health system.
Public Health Emergency	a declaration which releases resources meant to handle an actual or potential public health crisis.
EBA	Enterprise Bargaining Agreement
Hotspot	Areas identified by SA Health as locations which will require quarantine upon return due to active cases of CO-VID 19 being at that location
Award	is a ruling in Australia handed down by either the national Fair Work Commission (or its predecessor) or by a state industrial relations commission which grants all wage earners in one industry or occupation the same minimum pay rates and conditions of employment such as leave entitlements, overtime and shift work, as well as other workplace-related conditions.
Coronavirus 19 Pandemic	a global pandemic caused by the Coronavirus disease (COVID-19), which is an infectious disease caused by the SARS-CoV-2 virus.
Self-isolate	a public health direction to remain apart from others for a period of time, especially in order to prevent the transmission or acquisition of an infectious disease.
Quarantine	a period, or place of isolation in which people that have arrived from elsewhere or been exposed to infectious or contagious disease are placed.
Coronavirus test	a medical test to ascertain whether a patient is infectious with the Coronavirus disease (COVID-19)
Employer	a person or organization that employs people. In this case, the District Council of Streaky Bay.
Employee	a person employed for wages or salary.

## 2. Purpose

- 2.1 To address the requirements of clause 23, 23.1 & 23.2 of the District Council of Streaky Bay (Enterprise Bargaining) Agreement N0. 9 – 2020 & the District Council of Streaky Bay - AWU (Enterprise Bargaining) Agreement N0. 10 – 2020

### 3. Scope

- 3.1 Special (Pandemic/Public Health Emergency) Leave shall only be available where the World Health Organization declares a world-wide pandemic and / or the Federal Department of Health and / or SA Health declare a Public Health Emergency.
- 3.2 Special (Pandemic / Public Health Emergency) leave shall be available to all full-time and part-time staff as per the conditions of this policy.
- 3.3 In the event that this Policy conflicts with an Award, EBA or other formal agreement, the Award, EBA or agreement that is more generous to the Employee will prevail.
- 3.4 If the Federal or State Government passes a law that is more generous than this policy, then those laws will apply to the extent of any inconsistency with this policy.
- 3.5 Due to the specific nature of pandemic responses, this policy relates specifically to the Coronavirus 19 Pandemic and the public health responses to this pandemic. If another pandemic occurs, this policy will be changed to meet the requirements of that pandemic and the public health response put into place to address that specific pandemic.

### 4. Policy Statement

- 4.1 Employees are entitled to up to 2 weeks per annum of paid pandemic leave if they can't work (including from home) because:
  - Government or medical authorities, required them to self-isolate or quarantine
  - They have to self-isolate or quarantine while waiting for a coronavirus test result
  - They show symptoms of coronavirus and are advised by a medical practitioner to self-isolate or quarantine
  - They have come into contact with a person suspected of having contracted coronavirus, or
  - Government or medical authority measures taken in response to coronavirus (including, for example, closing a facility).
- 4.2 Part-time employees shall receive this leave on a pro-rata basis.
- 4.3 Employees who want to take paid pandemic leave must have already been tested for coronavirus for each occasion of leave or agreed to get tested as soon as possible. If they don't, they aren't entitled to take the leave.
- 4.4 Employees who visit an interstate/international location declared by SA Health as a hotspot prior to the commencement of their leave will not be eligible for pandemic leave, unless on compassionate grounds.

- 4.5 The leave is available in full immediately to full-time and part-time and employees do not have to accrue it.
- 4.6 Employees can't take paid pandemic leave if their situation meant they are entitled to take paid sick or carer's leave instead. For example, if they can't work because of a personal illness or injury, or because they need to provide care or support for a member of their immediate family or household who was sick or injured or to help during a family emergency.
- 4.7 Employees can't take paid pandemic leave if they are entitled to workers compensation benefits because of contracting coronavirus.
- 4.8 Should an employee have leave that has been pre-approved. Special Leave will not apply during that period of pre-approved leave.
- 4.9 Once all Special (Pandemic / Public Health Emergency) Leave is used, no further leave of this type will become available
- 4.10 Special (Pandemic / Public Health Emergency) Leave is paid at an employee's full rate of pay for all ordinary hours which would otherwise have been worked during the period of leave (disregarding overtime).
- 4.11 No leave loading applies to Special (Pandemic / Public Health Emergency) Leave.
- 4.12 Special (Pandemic / Public Health Emergency) Leave is subject to taxation in the same way as any other paid leave.
- 4.13 Any unused Special (Pandemic / Public Health Emergency) Leave balance is not payable upon conclusion of employment.
- 4.14 Special (Pandemic / Public Health Emergency) Leave does not accrue, and any balance will revert to zero at conclusion of the declaration of the Pandemic / Public Health Emergency event.

## 5. Notice and Evidence Requirements

- 5.1 An employee must let their employer know that they're going to take pandemic leave and the reason for taking the leave. This must be done as soon as possible and can be after the leave has started. They should also say how long they'll be off or expect to be off work.
- 5.2 An employer can ask an employee to give evidence that shows why they took the leave. That evidence had to be enough to satisfy a reasonable person that the employee was entitled to take paid pandemic leave. If they took the leave on the advice of a medical practitioner, the employer may require that the evidence be a medical certificate.
- 5.3 An employer can't dismiss an employee or take any other adverse action against an employee because the employee is entitled to pandemic leave.

## 6. Records Management

Records in relation to this document will be recorded as per the current General Disposal Schedule.

## 7. Review

This policy will be reviewed upon entering into a new EBA or on an annual basis during a pandemic or at the commencement of a pandemic.

## 8. History

<b>Document History:</b>	<b>Version No:</b>	<b>Issue Date</b>	<b>Description of Change</b>
	2.1	18 September 2020	Update to include pandemic considerations
	2.2	24 September 2021	Updated to only cover the provisions of pandemic leave