



# COVID-19 FACT SHEET

## What are my rights around COVID-19 if:

### **I believe someone at work has Covid-19 or is displaying symptoms consistent with Covid-19?**

- You may cease work under s84 of the WHS Act, as COVID-19 is a serious risk to the worker's health and safety, and exposure to it is an immediate risk.
  - Your employer must continue paying you if you cease work in this way, in accordance with r88 of the WHS Regs.
  - You must perform any alternative work allocated to you by your employer, as long as it is safe.
- In addition, you should contact your HSR and notify them that there is an imminent risk in the worksite. The HSR may direct that all employees affected by the risk cease work, including the potentially infected worker. In this case, your employer should continue paying all workers in accordance with r88 of the WHS Regs. All affected workers must perform any alternative work allocated, so long as it is safe.

### **My employer isn't taking adequate steps to make the workplace safe (e.g. hygiene, social distancing, appropriate amenities, etc.)**

- You should contact your HSR and notify them of the concern you have. The HSR may attempt to negotiate improvements to the site with the employer or site controller.
- If the HSR determines that the problems identified are a serious risk to workers health and safety, they may direct that all employees affected by the risk cease work, including any potentially infected worker. In this case, your employer should continue paying all workers in accordance with r88 of the WHS Regs. All affected workers must perform any alternative work allocated, so long as it is safe.

### **My employer is sending individual workers home due to illness or high temperature?**

- If you have access to personal leave, and you have an illness or a high temperature, you should utilise it in the first instance, rather than coming into the workplace.
- If you are removed from the site or workplace due to illness or high temperature then your employer is implementing a control measure under the WHS Act. As such you are entitled to be paid your normal working hours for that day. If you have access to personal leave, you may be required to take it to cover this absence.
- If you have symptoms, notify the workplace by phone; do not attend the workplace.
- If your employer discriminates against you or terminates your employment because of symptoms of illness, or because you have reported symptoms of illness in yourself or others, they are in contravention of the General Protections of the Fair Work Act, and you should contact your union delegate or organiser immediately.



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## **I may have been exposed to Covid-19, and need to self-isolate?**

- If you have been directed to leave the workplace by an HSR or WorkSafe ACT on health and safety grounds, your employer is required to continue paying you under r88 of the WHS Regs.
- If you are caring for a family member or member of your household with the illness and have access to personal leave, you are entitled to use personal leave under the carer's provisions of s97(b)(i) of the FWA.
- If you are caring for a member of your family or household who has been directed to self-isolate and have access to personal leave, you are entitled to use personal leave under the carer's provisions of s97(b)(ii) of the FWA.
- If you are voluntarily self-isolating and have access to personal leave, you should write to your employer seeking their agreement to use your personal leave to cover the period of the isolation. If they do not agree to this reasonable request, contact your delegate or organiser as soon as possible.
- If you do not have any sick leave or are not permitted to access it, you may access your RDOs, annual leave or Long Service Leave to cover the absence.
- If you do not have access to personal leave or other leave accruals, you should ask your employer in writing to provide you with special paid leave to cover the period of isolation, with a clear explanation of why the isolation is necessary.
  - It is the employer's responsibility to provide a safe workplace for all their workers, and directing or permitting a worker to remain home is a valid administrative control for the hazard – but it can't be your cost to bear. If they do not agree to this request, you should contact your union delegate or organiser as soon as possible.

## **I have Covid-19?**

- You are entitled to take your personal leave (or other forms of leave, if this is exhausted) if you have available.
- If you are casual or do not have access to personal leave under ordinary circumstances, you should ask your employer in writing to provide you with special paid leave to cover the period of illness and any subsequent isolation.
  - It is the employer's responsibility to provide a safe workplace for all their workers, and directing a worker to remain home is a valid administrative control for the hazard – but it can't be your cost to bear. If they do not agree to this request, you should contact your union delegate or organiser as soon as possible.
- Workers who contract COVID-19 in the course of their employment will be able to claim workers' compensation benefits for any time lost or medical care required. It may be challenging to prove the required connection with work in light of the growing number of community infections, so keep track of any potentially affected people you have come into contact with in the workplace. You should contact your union for assistance if you are unable to work due to a COVID-19 infection caused by work.



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## **My Employer has shut or is planning to shut the work-site?**

- If your employer has made a voluntary decision to shut the work-site, then they are required to consult with you and your representatives under the model consultation clause, where practicable.
- You should be represented by the Union in this consultation – contact your union delegate or organiser to ensure that they are involved in the process.
- If the employer has consulted, and believes that there is no alternative work available, then you should contact your union delegate or organiser as soon as possible.
- As part of this consultation, the employer should seek alternative work available for you and other employees that you could be redeployed to during the shut-down.
- If the employer has not consulted and has not considered whether alternative work is available (such as online training or other remote or work from home options), then the stoppage is not genuinely outside their control, and they should pay you as normal.
- If your employer has been instructed by a government body to shut the worksite, consultation may not be possible prior to the decision, but your employer still has a responsibility to consider alternative employment for its workers. In this situation, contact your union delegate or organiser as soon as possible.