



# COVID-19 Employee Entitlements Fact Sheet

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## Employee Entitlements During a Pandemic

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As we all face the challenge of COVID-19, FTMA Australia wants to remain your first port of call during this pandemic. We have created this Fact Sheet to answer questions about what you can do as an employer and what exactly your employees are entitled to during these times.

### What happens if an employee or their family member is sick with coronavirus?

- Employees who are sick with the coronavirus cannot attend the workplace
- Employers can direct employees who are sick with the coronavirus not to come to work and to get medical clearance from a doctor before returning to work.
- Full-time and part-time employees who cannot come to work because they are sick with coronavirus can take paid sick leave.
- If an employee needs to look after a family member or a member of their household who is sick with coronavirus, or suffering an unexpected emergency, they are entitled to take paid carer's leave.
- An employer cannot require an employee to take sick or carer's leave. However, in these circumstances, the employee is not entitled to be paid unless they use their paid leave entitlements.
- Full-time and part-time employees can take unpaid carer's leave if they have no paid sick or carer's leave left.
- An employee must give their employer reasonable evidence of the illness or unexpected emergency if their employer asks for it.
- Under the Fair Work Act, an employee is protected from being dismissed because of their temporary absence due to illness or injury.
- Under the Fair Work Act, casual employees are entitled to 2 days of unpaid carer's leave per occasion.

### Employers wanting to send staff home

- Under the Fair Work Act, an employee can only be stood down without pay if they cannot be usefully employed because of equipment break down, industrial action or a stoppage of work for which the employer cannot be held responsible.
- Enterprise agreements and employment contracts can have different or extra rules about when an employer can stand down an employee without pay.

### Casual Employees

- Casual employees do not have paid sick or carer's leave entitlements under the National Employment Standards and usually are not entitled to be paid when they do not work (for example, if they miss a shift because they are sick due to coronavirus or because they are otherwise required to self-isolate).
- Casual employees are paid a casual loading instead of paid leave entitlements. Employers should also consider their obligations under any applicable enterprise agreement, award, employees' employment contracts or workplace policies.

- At this stage, casual employees who have to self-isolate or who are sick and can't work can apply for a payment of approximately \$280 per week through Centrelink. However, this is changing as of the 20<sup>th</sup> March so please visit [the Service Australia website](#) for more information.
- The Government has urged large businesses to consider paying casuals who are forced to self-isolate due to Coronavirus, however, this is not mandatory.

#### **What if I need to let employees go or reduce their working hours?**

- 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.
- 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.
- Under the Fair Work Act, an employee is protected from being dismissed because of a temporary absence due to illness or injury.
- The Fair Work Act also includes protections against being dismissed because of discrimination, a reason that is harsh, unjust or unreasonable or another protected right. These protections continue to operate in relation to employees.

#### **More Information**

For more information on the Coronavirus and Australian workplace laws visit [Fair Work's website](#).

If you have an urgent enquiry about your workplace entitlements or obligations, please [contact Fair Work](#) on **13 13 94** and select the prompt for the Coronavirus hotline.

**FTMA Australia, even if a closure happens, will still be operating as our office is at home and we are always available for FTMA members and stakeholders, so don't hesitate to give us a call or email.**

Kersten Gentle  
Executive Officer  
0418 226 242  
[kersten@ftma.com.au](mailto:kersten@ftma.com.au)