

The AMA (WA), along with other Health Sector Unions, have been lobbying for improvements to paid COVID-19 Leave access and entitlements for Health Care Workers (HCWs), given the increased likelihood of exposure to or contraction of COVID-19, and recently wrote to the Minister for Health on this matter.

[Government Circular 6/2020 \(Circular 6\)](#) sets out COVID-19 leave arrangements and employment flexibilities for public sector agencies and their employees.

Circular 6 was recently updated on 4 February to provide for all employee's COVID-19 Leave balance to be reset to 20 days as of 5 February 2022 regardless of how much leave had been taken prior.

Circular 6 was further updated on 9 February 2022 introducing two key improvements:

- Removed the requirement to exhaust personal sick leave entitlements first before accessing paid COVID-19 Leave where an employee tests positive to COVID-19 or experiences an adverse vaccine reaction; and
- Introduced the ability for an Employer to exercise discretion in compelling circumstances to provide extended COVID-19 Leave (in excess of the 20 day entitlement) where an employee is unable to attend work due to either:
 - Testing positive to COVID-19; or
 - A Government requirement to isolate or quarantine because of work-related COVID-19 exposure or possible exposure.

The AMA (WA) wrote to WA Health System Wide Industrial Relations (SWIRS) on 10 February 2022, seeking confirmation that WA Health intends to utilise the discretion afforded as above to provide unlimited COVID-19 Leave to all healthcare workers in all circumstances that fit within the parameters as outlined and further, that there would be no requirement to exhaust any other accrued leave entitlements prior to accessing COVID-19 Leave in these circumstances. We are currently awaiting a response and will update this information once a response is confirmed.

1. If I am employed as a casual/on a 6 month exigency contract (with 25% loading) am I still entitled to paid COVID-19 Leave under Circular 6?

Yes – Circular 6 is clear that paid COVID-19 Leave still applies to Casual employees and sets out how this is calculated. Further, the AMA (WA) previously specifically confirmed with SWIRS they are also applying it to Practitioners on 6 month contracts.

2. If I experience an adverse vaccine reaction and am unwell, or have tested positive to COVID-19, do I have to take my own sick leave first before accessing COVID-19 Leave?

On or after 9 February 2022, Circular 6 outlines that employees do not have to exhaust their own personal sick leave first before accessing paid COVID-19 Leave.

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Prior to this date, it was a requirement under the previous versions of Circular 6, however if Members were in this situation and utilised their own sick leave (prior to 9 February) they should contact the AMA (WA) Workplace Relations team for further advice given the potential application of Workers Compensation.

3. If I have to isolate/quarantine due to being a close contact as someone in my household is COVID-19 positive, do I have to take my own accrued leave (e.g. annual) before accessing COVID-19 Leave?

No – you have immediate access to COVID-19 Leave which is set out in section 3.2 of Circular 6.

4. Can I access COVID-19 Leave if I am required to undertake a COVID-19 test and are required to isolate/quarantine awaiting results?

As per section 3.1 of Circular 6, employees have unlimited access to paid COVID-19 Leave in circumstances where they are required to undertake a PCR test (for the time they are present at a COVID-19 testing facility) and/or are subject to a Government requirement to isolate while awaiting the results of a PCR test if they cannot work remotely.

5. What leave can I take if I need to care for someone else and in what circumstance?

As per section 4 of Circular 6, employees with caring responsibilities can access existing carer's leave entitlements in the first instance.

An employee who has no carer's leave entitlements (either because they have exhausted their carers entitlement or because they are casual/exigency contract) can access COVID-19 Leave if they are caring for someone else because:

- a child's school has closed or the person's other care arrangements are unavailable because of COVID-19;
- the other person has COVID-19 or is in isolation or quarantine.

6. What about if I have to quarantine when returning to the State after travelling?

Work-related travel:

If you are subject to a Government requirement to quarantine following work-related travel and you cannot work remotely you must be paid your ordinary salary for the duration of the quarantine period (not deducted from COVID-19 Leave balance).

Non-work related travel:

Employees subject to a Government requirement to quarantine following personal travel are not entitled to COVID-19 Leave and if they cannot work remotely can access other existing leave or leave without pay.

In exceptional /compassionate circumstances (e.g. bereavement leave related) access to COVID-19 Leave may be granted at the discretion of the Employer.

Any Members who have been denied access to paid COVID-19 Leave in the circumstances as outlined in this fact sheet/Circular 6 should contact the AMA (WA) Workplace Relations team for assistance.