

The AMA (WA), along with other Health Sector Unions, have continued 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.

[Government Circular 4/2023 \(Circular 4\)](#) sets out COVID-19 leave arrangements and employment flexibilities for public sector agencies and their employees. Circular 4 was recently updated on 21 March to support the public sector workforce in transitioning back to normal working arrangements. The COVID-19 leave quantum has been reset to five days which is available when an employee does not have access to paid personal/sick or carers leave entitlements.

Circular 4 included the below key arrangements:

- Employees who:
 - Are waiting on the results of a PCR COVID-19 test,
 - Who have COVID-19,
 - Who are experiencing an adverse vaccine reaction, or
 - Who have caring responsibilities directly related to COVID-19

Are to access personal/sick or carer's (as appropriate) leave entitlements in the first instance

- Employees who do not have personal/sick, or carers leave available may apply for paid COVID-19 leave
 - Employees can't be required to take any other leave type for this purpose including annual, LWOP, LSL or TOIL
- Reduction in COVID-19 leave days from 20 to 5 days
- Employer discretion for compelling circumstances where an employee has exhausted their personal/sick or carers leave and the 5 days of COVID-19 leave. Employers can grant additional COVID-19 leave based on appropriate evidence relevant considerations for the compelling circumstances, including whether it was likely contracted while performing their duties.

Workers Compensation (Presumption of work injury for HCW's who contract COVID-19)

Members are reminded that, following [lobbying by Health Sector Unions in 2020](#), changes were introduced through the *Workers Compensation and Injury Management Amendment (COVID-19 Response) Act 2020* to provide for rebuttable presumption of work injury for HCW's who contract COVID-19.

These changes removed the requirement for a HCW infected with COVID-19 to first prove it was contracted at work to receive compensation. Further information on these changes can be found [here](#) with information on how to make a claim found [here](#).

Disclaimer: The AMA (WA) Workplace Relations team has made every effort to ensure that, at the date of publication, the information contained in this fact sheet is free from errors and omissions, consistent with applicable laws and guidelines, and that all opinions, advice and information drawn upon to compile it have been provided by professionals in good faith.

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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 4?

Yes – Circular 4 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 SWIR 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?

Circular 4 has altered the requirement for exhausting sick leave in the first instance, where under the previous Circular this was not required, Circular 4 has re-introduced the requirement to utilise and exhaust sick leave entitlements before you are eligible for COVID-19 paid leave however, please also refer to the Workers Compensation information in this fact sheet.

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

Under Circular 4, you will need to access your accrued sick leave entitlements in the first instance if awaiting PCR test results. If you have exhausted your sick leave entitlement, then you will be entitled up to 5 days COVID-19 leave.

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

As per Circular 4, 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.

5. 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 4 should contact the AMA (WA) Workplace Relations team for assistance.



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