

COVID-19 Workforce Advice for NSW Health



Workplace Relations Branch

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General

Information on COVID-19

- NSW Government
<https://www.nsw.gov.au/covid-19>
- NSW Health
<https://www.health.nsw.gov.au/Infectious/diseases/Pages/coronavirus.aspx>
- Clinical Excellence Commission
<http://cec.health.nsw.gov.au>
- SafeWork NSW
<https://www.safework.nsw.gov.au/resource-library/COVID-19-Coronavirus>

Public Health Orders (PHOs)

There are currently no COVID-19 PHOs in force in NSW.

Paid Special Leave provisions for employees (pandemic leave)

Note: This section is not applicable where an employee is sick due to COVID-19 or other illness.

Please refer to the Sick Leave section of this advice (page 6) for further information on sick leave arrangements.

Up to 20 days paid special leave will be provided, before other leave entitlements need to be accessed, to employees who are unable to work because they are:

- Caring for family members sick with COVID-19;
- Caring for family members due to closure of schools and caring facilities;
- Unable to attend work due to COVID-19 related transport disruptions; or
- COVID-19 Vaccination in the particular circumstances described below

Special leave is to be paid at the base rate (excluding allowances and penalty rates) and will be provided in advance of the need to access other leave entitlements, if available.

After the 20 days total paid special leave has been used, health agencies may grant additional special leave on a case-by-case basis.

Paid Special Leave for casuals

Casual employees are generally not entitled to paid special leave.

If a casual is required to self-isolate due to close contact COVID-19 exposure in the workplace, each situation should be considered by the Health agency on a case-by-case basis including such things as:

- length of the casual engagement and
- Whether the casual has regular and systemic shifts

Paid special leave may be appropriate for shifts which are already rostered during the period.

Note: Employee means a person who is either engaged on a full time/ part time/ temporary/ exempt or casual basis under a contract of employment in the NSW Health Service.

Paid Special Leave for Visiting Medical Officers (VMO)s

Where a VMO is directed not to attend the workplace due to known exposure to COVID-19 at a NSW Health facility or is sick with COVID-19 and in the absence of income protection insurance they are to receive pandemic leave at an hourly rate of \$155 per hour for the portion of time they would have otherwise been engaged to provide services up to 8 hours per day.

This is applicable until 31 January 2024 unless rescinded earlier.

Paid Special Leave for Vaccination for COVID-19

Health agencies will:

Continue to make arrangements to support employees to access COVID-19 vaccination whilst on duty, where it is possible to do this within the need to ensure that service delivery is maintained.

or

Employees who receive a dose of a COVID-19 vaccination when not on duty on or are eligible for a special leave payment of two hours per COVID-19 vaccination. Employees must provide evidence of the COVID-19 vaccination and date of COVID-19 vaccination.

If an employee receives the vaccine and experiences an adverse reaction, they may access paid sick leave entitlements. Where sick leave is exhausted, Agency heads may grant additional sick leave on a case by case basis.

Mandatory Vaccination for COVID-19 of NSW Health Staff

The mandatory vaccination requirements for NSW Health staff have been established via:

1. The Secretary's Determination 33 of 2021 which made vaccination against COVID-19 a condition of employment in the NSW Health Service; and
2. The [NSW Health Occupational Assessment, Screening and Vaccination Against Specified Infectious Diseases](#) Policy Directive PD2023_022.

Employees who are excluded from the workplace due to COVID-19 contact

The Clinical Excellence Commission [COVID-19 Managing Health Worker Exposures and Return to Work in a Healthcare Setting](#) guide is the source document for instruction about management of health workers exposed to COVID-19.

Local public health units can also assist with applying the health worker risk matrix (part of the above guide) to a particular exposure to a COVID-19 case.

Where instructed not to attend the workplace due to COVID-19 exposure; health agencies should consider whether it is possible for employees to work remotely.

If employees cannot undertake their substantive duties remotely, health agencies should consider assigning other meaningful work which could be performed remotely where practicable. For example: telehealth, project work, completion of mandatory training etc.

If employees cannot perform any work remotely during the period, they should not attend work and be placed on paid special leave for any rostered time during the period.

Sick Leave

Encourage staff not to attend work when unwell

Staff who are unwell for any reason should not come to work in line with current established practice.

Use of Sick Leave

If an employee is sick due to COVID-19 or any other reason, current sick leave entitlements and conditions apply.

Where sick leave is exhausted, Health agencies may at their discretion grant additional sick leave on a case-by-case basis.

Evidence requirements for COVID-related sick leave

Evidence requirements for COVID-19 related sick leave are in line with the evidence required for sick leave due to any other illness or injury. For further information please refer to: [PD2023_006 Leave Matters for the NSW Health Service](#).

Granting of paid sick leave to employees who have been employed for less than three months

Award provisions for newly employed full-time and part-time NSW Health employees in some cases defer entitlement to paid sick leave for a period of three months from commencement.

Where a new employee's entitlement to paid sick leave is deferred, Health agencies are encouraged to allow access to paid sick leave from commencement for eligible employees.

Workers Compensation- COVID-19

Staff may be able to claim workers compensation if they caught COVID-19 at work. To be compensable, staff must have contracted the virus in the course of their employment and their work activities must be proven to be the main contributing factor to contracting the virus.

To make a claim, staff will need:

- a certificate of capacity from their doctor to confirm their diagnosis
- information from the staff member and employer that demonstrates their job was the main contributing factor in catching COVID-19

Further information:

<https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1987-070#sec.19B>

<https://www.icare.nsw.gov.au/icare-coronavirus-information/icare-coronavirus-information-for-injured-workers>

Event Planning

Agencies should be cautious in planning events which bring large numbers of staff together; to minimise the potential risk of transmission and it is important that any event or function is COVID-Safe.

Official work-related travel arrangements for all overseas and domestic travel (including TESL)

NSW Health Agencies should be mindful of the ever changing nature of the COVID-19 pandemic when making arrangements for work related travel; particularly where involving groups of specialised staff attending the same conference etc. to minimise the potential impact of specialised staff being COVID-19 positive concurrently.

Official Travel within New South Wales

May occur in line with pre- pandemic arrangements.

Official Domestic Travel (Interstate)

May occur in line with pre- pandemic arrangements.

Official Overseas Travel

May occur in line with pre- pandemic arrangements.