

Frequently Asked Questions – The Coronavirus (COVID–19)

This information sheet provides guidance and answers to frequently asked questions regarding the effects of COVID-19 on members' businesses, their staff and their entitlements.

Introduction

As the spread of COVID–19 continues we now need to be conscious about taking additional precautions for the safety of us all.

For your further information you may wish to view the Department of Health information sheet about the COVID–19, how it spreads, who is at risk and what can be done to prevent its further spread, which can be accessed by [clicking here](#).

Information for Employers

Q. Do I need a pandemic plan in my business?

A. Due to the increase in numbers of those infected, it is recommended that you implement an infectious disease or pandemic plan.

The plan should set out how the business will deal with its operations and what safety measures will be implemented.

Q. What are my workplace, health and safety (WH&S) obligations?

A. Your WH&S obligations require you to inform your employees about any health and safety issues in the workplace. Since the COVID–19 may impact your employees' health and safety, you should provide them with regular updates.

You should frequently remind your employees of good hygiene practices and precautions. You should:

- i. Constantly remind your employees of the importance of a hygiene policy;
- ii. display signage about regular and thorough handwashing;
- iii. place hand sanitiser dispensers or ensure there is plenty of handwash, disposable paper towels, tissues, closed-bins, anti-bacterial wipes around the store;

iv. display signage about coughing and sneezing etiquette, which should be done into one's elbows and not hands; and

v. request from all employees to notify the business of their recent travel to an affected area since December 2019 and whether they are suffering or have suffered from some or all of the symptoms of COVID-19.

vi. respect social distancing rules at all times which at present means being 4 square metres apart or 2 arm's length from each other.

Q. Australia is now in lockdown, which disallows the entry of non-Australians into the country. If an employee is returning from anywhere overseas, the employee must be quarantined for 2 weeks.

Q. Do I have to pay that person?

A. If the employee is permanent, he/she should be paid sick leave or can be paid annual leave if the employer is agreeable. If the employee is a casual then the absence is unpaid.

Q. What about interstate travel? Can an Australian or any foreigner who is already in Australia travel freely in this country?

A. Most States and Territories have closed their borders except Victoria and NSW at this stage, which means that anyone entering these closed states or Territories must quarantine for two weeks.

Q. Do I accept an employee coming back to work after being in social contact with a person with a suspected case of coronavirus?

A. That would be unsafe for all other employees. The employer has a duty of care to other staff and must take the necessary action that the employee should see a doctor and ensure that he/she is virus-free. If the employee is a permanent employee, then they may take sick leave if there is any sickness or annual leave; otherwise, there is no payment. If the employee is a casual, there is no payment.

Q. If an employee comes to work with a cold can I send them home and ask the employee to quarantine?

A. The employer can ask the employee to get a clearance from a doctor before returning, but it may not be necessary to quarantine if it is just a cold- only a medical practitioner can make that decision. If the employee needs to be away from work through illness, then the employee can use sick leave – a casual will not be paid.

Q. Can an employee avoid coming to work for fear of contracting COVID-19?

A. If the workplace is virus-free or there is no instruction from the Government that the workplace must be in 'lockdown' then the employer is not required to make any payments to an employee who is fit and able to come to work and has chosen to remain at home. The employer may suggest to the employee to take annual leave or long service leave if the employee agrees. If the employee does not agree to take paid leave, the employee will be on leave without pay.

Q. An employee is exhibiting symptoms of the COVID-19, what should I do?

A. If the employee is yet to attend the store/ business, he or she should be reminded that they should not present at work if they are unwell and to exercise paid sick leave (if available).

If an employee is exhibiting the COVID-19's symptoms at work, he or she should be asked to seek medical attention immediately, to exercise paid sick leave (if available) and provide a medical clearance upon their return.

Q. An employee has been infected with the virus and has been working and serving customers, do I have to close the store/ business down and do I have to pay the staff?

A. The store/ business should be shut down for a reasonable period of time to allow a full clean and sanitisation. All staff who were in contact with the infected staff member must be quarantined for 14 days. Permanent staff should be paid sick leave or can be paid annual leave if the employer is agreeable. If the employee is a casual then the absence is unpaid.

If an employee has been infected with the virus, that person should be immediately isolated and quarantined for 14 days. He or she should be asked to seek medical attention immediately and provide a medical clearance from the doctor before returning to work. The store should attempt to advise customers who may have been in the store.

Q. Can I send an employee home who is considered 'high risk'?

A. If an employee has a medical condition that would mean they might have a greater chance of contracting the virus, you may choose to have a discussion with the employee regarding their risks.

However, you cannot send an employee home on the grounds that they have a medical condition unless the employee provides a medical certificate from their doctor, requiring them to stay home.

Similarly, if an employee is exposed to environments that would increase their risk of contracting the virus, including hospitals, you cannot require the employee to stay home on that basis.

Q. Can I take an employee's temperature before entering the store/ business?

A. You can take an employee's temperature before entering the store/ business; however, you must first obtain the employee's consent. Further, if an employee is directed to stay home because they have a high temperature, they should be sent home with pay.

Q. What are my obligations to employees if the store/ business is mandated to be shut down by the Government?

A. If the Government mandates the shut-down, you may rely on the stand down provision of the Fair Work Act. Under section 524 of the Fair Work Act, an employer may stand an employee down without pay, during any period in which the employee cannot usefully be employed due to:

“a stoppage of work for any cause for which the employer cannot reasonably be held responsible”.

You may suggest that permanent employees take annual leave during this period. If a permanent employee does not agree to take paid annual leave, they do not need to be paid for this period. Casual employees should be stood down without pay.

Q. What is close contact?

A. Close contact has been defined 'Close contact' as the following:

'Close contact' means having face-to-face contact for more than 15 minutes with someone who has a confirmed case of coronavirus (COVID-19)– or alternatively sharing a closed space with them for more than two hours.

Close contact can happen in many ways, but examples include:

- living in the same household or household-like setting (for example, a boarding school or hostel)
- direct contact with the body fluids or laboratory specimens of a confirmed case
- being in the same room or office for two hours or more
- face-to-face contact for more than 15 minutes in some other setting such as in a car or a lift or sitting next to them on public transport.

Please note that there may be further rules that apply to you under a Modern Award, registered Enterprise Agreement or contract of employment that requires consideration in addition to the above.

For more information, please contact MGA's Legal and IR team on **(03) 9824 4111** or **1800 888 479**, extension 1.