

## **Devonport City Council Guidelines – Novel Coronavirus (COVID-19)**

**Approved by ELT 24 March 2020.**

These guidelines apply to employees of the Devonport City Council and should be read in conjunction with the relevant leave clauses of the Devonport City Council Enterprise Agreement 2017, relevant Council policies and procedures and information and advice as received from the relevant Health Authorities and Australian Government.

Council's overall goal is to implement a business continuity plan that provides for care and flexibility for employees, emphasises the need to put employees' and others' safety first and ensures services are maintained as close to normal as possible at each stage of a pandemic.

During a pandemic it may be necessary for some employees to cover work that is usually performed by other employees. It is likely that in some cases, express agreement may be needed and as part of the planning process, management will:

- Adopt and promote an approach to staff voluntarily agreeing to temporarily change work functions, work location and/or hours of work. Planning for this should begin as early as possible and include engagement with relevant parties
- Explore tasks where employees may be able to assist with the delivery of priority services within other departments
- Relax evidence requirements for leave (see below)
- Provide 10 days new pandemic leave for all employees including casuals if they are directed to self-isolate (see below)

Workplace matters may include the following:

### **If an employee is Sick – Personal leave**

1. Apply to take sick leave as per normal –staff are to continue to provide evidence in accordance with clause 6.5.5.2 of the DCC EA 2017, however during a pandemic it may not be reasonably practicable to provide the required medical certificate, in that situation an employee must provide a statutory declaration outlining the reasons for their absence and their inability to obtain the required medical certificate. If you are unable to have the statutory declaration signed by a third party, please contact your manager.
2. If you have utilised all sick leave, an employee is encouraged to discuss their individual circumstances with their manager and could apply to use other leave in the first instance.

### **Directed to leave normal work area**

During a pandemic there may be circumstances where Council is unable to provide work at the local workplace for an employee or employees. For example, the General Manager may need to close a workplace. In these circumstances:

1. Employees could apply to work remotely with the approval of the relevant Executive Manager (usually from home) wherever practicable (complete Working from Home form attached to the Working from Home Policy); or
2. Where it is not possible for an employee to work remotely, work from a different site with the approval of the Senior Manager; or
3. Apply to take accrued leave of annual leave, long service leave, banked toil, banked rdo's; or
4. In the event an employee exhausts all leave entitlements; the General Manager will consider the individual circumstances and use his judgement to determine what support is best suited to assist the employee which may include allowing a negative leave balance.

## Feeling well but required to self-isolate

1. An employee who is required to self-isolate in the first instance should consider applying to work remotely with the approval of the relevant Executive Manager (usually from home) wherever practicable; or
2. If working from home is not a consideration for your position, you can access 10 days pandemic leave. This leave will be pro-rata for part-time employees and casual employees (the method used to calculate this will be based on the method used to determine workers compensation entitlements which is the normal weekly earnings (NWE) over the 12 month period prior to the end of the last pay fortnight that ended 13/3/2020 in this circumstance). Evidence must be provided of the requirement to self-isolate by sending a photo of the letter or correspondence from the approved Medical Provider directing self-isolation. Pandemic leave must be taken continuously in one block, this leave does not accumulate and is not payable on termination of employment. Pandemic leave will not be available to casuals if you have been informed that no further work is available in the foreseeable future due to the temporary closure of facilities.
3. An employee could apply to take personal leave as per DCC EA 2017 - Apply to take sick leave as per normal –staff are to continue to provide evidence in accordance with clause 6.5.5.2 of the DCC EA 2017, however during a pandemic it may not be reasonably practicable to provide the required medical certificate, in that situation an employee must provide a statutory declaration outlining the reasons for their absence and their inability to obtain the required medical certificate; or
4. Apply to take annual leave, long service leave, banked RDO or banked toil. Long service leave may be broken into periods of not less than 5 working days, pro-rata for part-time employees unless otherwise approved by the General Manager.

## Need to provide care

During a pandemic, employees may have a requirement to care for dependants whose usual care is unavailable or a dependant who is not sick and may require some care, for example as a result of a school closure or day care centre closure. In these circumstances:

1. Employees should work to the extent possible in the circumstances and could apply to work remotely from home with approval from the Executive Manager or approval may be granted for an employee to commence working from a different council site or start work from home to work at different times; or
2. Where it is not possible for an employee to work from home or from different sites, and to cover the period of unavailability for work, apply to take annual leave, long service leave, banked rdo's or banked toil; or
3. In the event an employee exhausts all leave entitlements; the General Manager will consider the individual circumstances and use his judgement to determine what support is best suited to assist the employee which may include allowing a negative leave balance.

## No meaningful work

If Council temporarily shuts down for a period of time due to COVID-19 or there is no meaningful work within your department, in these circumstances Council would:

1. Explore opportunities within other Council departments, other Local Councils, Cradle Coast Authority or other relevant government bodies; or
2. Direct employees to take any accrued leave, annual leave, long service leave or banked toil/Rdo's; or
3. If employees have exhausted all leave balances or not entitled to leave, employees would be unpaid.

## **Employee wishes to self-isolate when public health advice does not require it**

During a pandemic there may be circumstances where an employee may not wish to attend work because they feel it puts them or others at risk. For example, an employee may be concerned about the risk of contracting an infection in the workplace or transmitting an infection to others even if this is not indicated by public health advice.

Council will take a health and safety risk-based approach to understand and investigate the concerns of an employee in good faith. Some relevant factors might be:

- The risk to the employee (e.g. their own health status if they remain in the workplace and any pre-existing medical conditions)
- The risk to other people in the workplace (e.g. if a person in the employee's home is sick with COVID-19 symptoms but has not yet been tested, or is in self-isolation).

If the parties agree that the employee should self-isolate based on public health guidelines and health and safety advice:

- Employees could apply to work remotely (usually from home) if approved wherever practicable, or
- If an employee becomes ill, sick leave should be used.

If after considering public health guidelines and health and safety advice, the employer does not agree that the employee should self-isolate:

- Council could treat the situation as a work from home request, applying the Working from Home Policy, and agree the employee works remotely wherever practicable
- Where it is not possible for an employee to work remotely, address the employee's concerns as far as possible and ask the employee to attend work, or agree a leave arrangement (e.g. apply to take annual leave, banked RDO, banked TOIL or long service leave)

## **Approved and Future Leave requests**

During a pandemic, when dealing with leave requests and approved leave to be taken from employees, managers should ask employees taking leave if they intend to travel either interstate or overseas. The employee and manager should consider whether the leave can be rescheduled or reviewed closer to the time the leave is due.

If the employee still intends to travel, against Government advice, when travel bans and/or border closures are in place, the manager and employee should discuss and agree how any period of self-isolation on return from leave and/or any travel disruptions arising from specific travel restrictions, will be dealt with. In the first instance for any period of self-isolation, where practicable, the employee should work from home. If working from home is not practicable or because of delays arising from travel restrictions or other countries' travel restrictions, other forms of leave should be considered if available i.e. annual leave, long service leave, banked RDO or banked TOIL. If agreement cannot be reached between the employer and employee then the period of self-isolation will be unpaid leave.

## **Return to work**

Managers should ensure that employees are fully recovered before they return to work. Coordinators/Managers have the right to make proper enquiries to make sure that their employees are fit to work and to ensure they meet obligations under Council's Rehabilitation Policy and Fitness for Work Policy and Procedure.

Leave provisions should be applied in a way that does not lead an employee returning to work too early and placing others at risk.

Any period of self-isolation is to be dealt with in accordance with the guidelines above.

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