

Staffing arrangement guidelines for a health crisis

Legal information for community organisations

This fact sheet covers:

- ▶ principles to guide your organisation when considering staffing arrangements in a health crisis, like the one posed by COVID-19
 - ▶ different scenarios that your organisation may experience in a health crisis
 - ▶ options to manage staffing arrangements, including granting special leave
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Note

This fact sheet is based on an article prepared by Maddocks and [published on their website](#).

Principles to guide your decision making

Decide on principles to help you manage staff and refer to these to explain your decision-making to employees. For example:

- Staff should work from home if possible
- Managers will need to work with staff to agree on flexible arrangements (such as flexible working hours for staff responsible for caring for young children or elderly family members)
- Managers will need to be more flexible when considering requests for leave
- Managers will need to consider the usual operational requirements when granting leave other than when an employee is infected with COVID-19

Another option to consider: Grant one week of 'special leave'

This is a one-off additional week of paid leave. You could stipulate that:

- the week of special leave can only be accessed once by an employee, and
- an employee can't take the paid special leave when caring for someone else and then again if infected themselves (or any other combinations of circumstances)

The employee will need to consider this when deciding when to access the paid special leave.



Scenarios you may have to consider

When your organisation faces a health crisis like the one posed by COVID-19, you may have to consider any of the following scenarios:

Scenario	Leave options
<p>An employee is infected or suspected to be infected with COVID-19</p>	<p>The employee should take personal leave. If this is exhausted:</p> <ul style="list-style-type: none"> • if an option: they may elect to take one week of special paid leave • they may elect to take annual leave • they may elect to take long service leave (if they are eligible for this), or • they may elect to take leave without pay <p>A medical certificate at the expiry of the self-isolation period will be required before they return to work with colleagues</p>
<p>An employee is caring for someone infected with COVID-19</p>	<p>Consider whether the person wants to and is able to work from home (either for their normal hours or as a temporary flexible work arrangement).</p> <p>If the person doesn't want to or is not able to work from home, or the person is not working their normal hours, the employee should take personal leave. If this is exhausted:</p> <ul style="list-style-type: none"> • if an option: they may elect to take one week of special paid leave • they may elect to apply for annual leave • they may elect to apply for long service leave (if they are eligible for this), or • they may elect to apply for leave without pay <p>If this is an option: The person may also be eligible for compassionate leave for each occasion if a member of the employee's immediate family or household has a life threatening illness or injury.</p> <p>A medical certificate on the expiry of the self-isolation period will be required before they return to work with colleagues</p>
<p>An employee is required to care for another who is not infected (for example, because of school or child care closures)</p>	<p>The employee should work from home if possible.</p> <p>If this isn't possible, the employee should take personal leave. If this is exhausted:</p> <ul style="list-style-type: none"> • if an option: they may elect to take one week of special paid leave • they may elect to apply for annual leave • they may elect to apply for long service leave (if they are eligible for this), or • they may elect to apply for leave without pay
<p>An employee is:</p> <ul style="list-style-type: none"> • unable to return from overseas • required to self-isolate because they have travelled to a country with cases, or • has been in contact with someone who has or may have been infected with COVID-19 	<p>The employee should work from home if possible.</p> <p>If the person is cleared by a doctor they can return to work. If not, the employee should take personal leave. If this is exhausted:</p> <ul style="list-style-type: none"> • if an option: they may elect to take one week of special paid leave • they may elect to apply for annual leave • they may elect to apply for long service leave (if they are eligible for this), or • they may elect to apply for leave without pay

Resources

Not-for-profit Law resources

- ▶ [The people involved](#)
- ▶ [Employees](#)

This section includes resources on:

- [The Fair Work System](#)
- [Employee entitlements and protections](#)



Related COVID-19 resources

Federal Government

Follow the [Federal Government's Department of Health website](#) for information, updates and advice about the coronavirus.

Also check out your state or territory government website:

[Victorian Department of Health and Human Services](#)

[NSW Government Health](#)

[ACT Government Health](#)

[Queensland Government Health](#)

[Tasmanian Government Department of Health](#)

[Government of South Australia Health](#)

[Government of Western Australia Health](#)

[Northern Territory Government](#)

World Health Organisation

Follow the [World Health Organization's website](#) for updates on the global status of COVID-19.

Other related resources

- ▶ [Fair Work Ombudsman](#)
- ▶ [National Employment Standards](#)
- ▶ [Fair Work Information Statement](#)
- ▶ [Small Business and the Fair Work Act](#)