

Health Employment Directive

No. 06/22

Effective Date:
1 November 2022

Supersedes:
n/a

Special pandemic leave: Support following COVID-19 diagnosis

1. Compliance

Compliance with this health employment directive (HED) is mandatory.

2. Purpose

The purpose of this HED is to outline the special pandemic leave arrangements to support employees diagnosed as COVID-19 positive, or required to provide care for immediate family or household members diagnosed as COVID-19 positive, after the end of the declared public health emergency in relation to coronavirus disease (COVID-19).

3. Legislative Provision

Section 51A of the *Hospital and Health Boards Act 2011* (the Act).

4. Application

This HED applies to health service employees in hospital and health services (HHSs) and the Department of Health engaged under the Act.

5. Related documents

- *Hospital and Health Boards Act 2011*
- *Public Health Act 2005*
- *Minister for Industrial Relations and Commission Chief Executive Directive 01/20: Employment arrangements in the event of a health pandemic*
- *Health Employment Directive 03/22 – COVID-19: Special pandemic leave in lieu of sick or carer's leave*
- *HR Policy C77 - COVID-19: Special pandemic leave in lieu of sick or carer's leave*
- *HR Policy C78 - Special pandemic leave: Support following COVID-19 diagnosis*
- *Queensland Ambulance Service HR Policy - COVID-19: Special pandemic leave in lieu of sick or carer's leave*
- *Queensland Ambulance Service HR Policy - Special pandemic leave: Support following COVID-19 diagnosis*
- *Managing healthcare workers exposed to or with COVID-19 procedure*

Directive:

6. Special pandemic leave

On 29 January 2020, under the *Public Health Act 2005*, the Minister for Health and Ambulance Services made an order declaring a public health emergency in relation to coronavirus disease (COVID-19).



During the public health emergency, special pandemic leave arrangements for health service employees impacted by the public health emergency were in accordance with:

- *Minister for Industrial Relations and Commission Chief Executive Directive 01/20: Employment arrangements in the event of a health pandemic* (Directive 01/20); and
- *Health Employment Directive 03/22 – COVID-19: Special pandemic leave in lieu of sick or carer's leave*.

These arrangements apply to absences up to and including 31 October 2022, which is the date the Minister for Health and Ambulance Services determined, in accordance with the *Public Health Act 2005*, that the declared public health emergency in relation to coronavirus disease ended.

This HED provides that, where an absence on or after 1 November 2022 and up to and including 30 June 2023 is due to a positive COVID-19 diagnosis, an employee may access special pandemic leave provided the employee has not already exhausted the maximum special pandemic leave entitlement of 20 days they would have otherwise received under other instruments during the public health emergency (refer section 6.4 Maximum entitlement).

6.1 Employees diagnosed as COVID-19 positive

A permanent, fixed-term temporary or long-term casual employee who has been diagnosed as COVID-19 positive and is unable to work, subject to providing satisfactory evidence to the relevant delegate, will be entitled to up to 20 days of paid special pandemic leave (refer section 6.4 Maximum entitlement).

A casual employee, other than a long-term casual employee, who has been diagnosed as COVID-19 positive and is unable to work as scheduled, subject to providing satisfactory evidence to the relevant delegate, may be granted up to 20 days of paid special pandemic leave (refer section 6.4 Maximum entitlement).

Employees who are diagnosed as COVID-19 positive are not required to exhaust any available sick leave entitlement before accessing paid special pandemic leave under this HED.

Satisfactory evidence includes:

- an email, text message or other formal notification of the employee's positive COVID-19 polymerase chain reaction (PCR) test; or
- an email, text message or other formal notification, or other evidence, of the employee's positive rapid antigen test (RAT), or
- a self-declaration made by the employee.

Special pandemic leave will be paid as regular remuneration.

This entitlement is effective from 1 November 2022 until 30 June 2023.

6.2 Providing care for immediate family or household member diagnosed as COVID-19 positive

A permanent, fixed-term temporary or long-term casual employee who is required to provide care for an immediate family or household member who has been diagnosed as COVID-19 positive, subject to providing satisfactory evidence to the relevant delegate, will be entitled to up to 20 days of paid special pandemic leave (refer section 6.4 Maximum entitlement).

A casual employee, other than a long-term casual employee, who is required to provide care for an immediate family or household member who has been diagnosed as COVID-19 positive and is unable to work as scheduled, subject to providing satisfactory evidence to the relevant delegate, may be granted up to 20 days of paid special pandemic leave (refer section 6.4 Maximum entitlement).

Employees who are caring for an immediate family or household member who has been diagnosed as COVID-19 positive are not required to exhaust any available carer's leave entitlement before accessing paid special pandemic leave under this HED.

Satisfactory evidence includes:

- an email, text message or other formal notification of the immediate family or household member's positive COVID-19 polymerase chain reaction (PCR) test; or
- an email, text message or other formal notification, or other evidence, of the immediate family or household member's positive rapid antigen test (RAT), or
- a self-declaration made by the employee.

Special pandemic leave will be paid as regular remuneration.

This entitlement is effective from 1 November 2022 until 30 June 2023.

6.3 Close contacts

The *Managing healthcare workers exposed to or with COVID-19 procedure* outlines requirements for managing employees who are close contacts.

An employee who becomes a close contact and is unable to work because they are unwell is to access available sick leave entitlements.

An employee who becomes a close contact and is subsequently diagnosed as COVID-19 positive and unable to work will be entitled to special pandemic leave in accordance with section 6.1 of this HED from the date of their positive COVID-19 diagnosis.

6.4 Maximum entitlement

The total paid special pandemic leave provided to an employee under:

- this HED; and
- *Minister for Industrial Relations and Commission Chief Executive Directive 01/20: Employment arrangements in the event of a health pandemic*; and
- *Health Employment Directive 03/22 - COVID-19: Special pandemic leave in lieu of sick or carer's leave*; and
- *HR Policy C77 - COVID-19: Special pandemic leave in lieu of sick or carer's leave*; and
- *HR Policy C78 - Special pandemic leave: Support following COVID-19 diagnosis*; and
- *Queensland Ambulance Service HR Policy - COVID-19: Special pandemic leave in lieu of sick or carer's leave*; and
- *Queensland Ambulance Service HR Policy - Special pandemic leave: Support following COVID-19 diagnosis*

since the declaration of the public health emergency in relation to coronavirus disease, must not exceed 20 days.

The maximum 20 days special pandemic leave is not convertible to an hourly entitlement. An employee will use one day of their special pandemic leave for each work engagement they would have normally worked, regardless of the length of their normal work/shift for that day. For example:

- if a part-time employee normally works four (4) hours, that constitutes one day of special pandemic leave; or
- if an employee normally works a 12 hour shift, that constitutes one day of special pandemic leave.

Once special pandemic leave is exhausted, employees will be expected to access their available sick or carer's leave entitlements.

7 Definitions

Declared public health emergency in relation to coronavirus disease	The public health emergency declared in relation to coronavirus disease (COVID-19) by the Minister for Health and Ambulance Services on 29 January 2020 under the <i>Public Health Act 2005</i> .
Immediate family	Includes: <ul style="list-style-type: none"> • an employee's spouse including a former spouse* • a de facto spouse or former de facto spouse* • a child (including an adult child, an adopted child, a foster child, ex-foster child, a step-child or an ex-nuptial child), parent, grandparent, grandchild or sibling of the employee or spouse of the employee. <p>* <i>including a spouse of the same sex as the employee</i></p>
Long-term casual employee	A casual employee, engaged by one or more hospital and health services and/or the department on a regular and systematic basis, for one or more periods of employment, during the one year immediately before the employee seeks to access an entitlement under this health employment directive.
Regular remuneration	Ordinary salary including work related allowances and includes payments based on projected roster where applicable but excluding overtime.
Self-declaration made by the employee	A certification by the employee, as part of their application for special pandemic leave, that: <ul style="list-style-type: none"> • they have been diagnosed as COVID-19 positive; or • they are required to provide care for an immediate family or household member who has been diagnosed as COVID-19 positive.

8 History

HED No. 06/22 November 2022	Issued under section 51A of the <i>Hospital and Health Boards Act 2011</i> as a condition of employment for health service employees.
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9 Approval and implementation

Directive custodian

Chief Human Resources Officer

Approval by Chief Executive

Shaun Drummond
Director-General

Approval date: 18/11/2022