

COVID-19: Special pandemic leave in lieu of sick or carer's leave

Policy Number: C77 (QH-POL-969)

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Purpose: To outline the special pandemic leave arrangements for employees diagnosed as COVID-19 positive or required to provide care for immediate family or household members diagnosed as COVID-19 positive during the declared public health emergency in relation to coronavirus disease.

Application: This policy applies to public service employees working for Queensland Health.

Health service employees working in the department or in hospital and health services (HHSs) are to refer to *Health employment directive 03/22: COVID-19: Special pandemic leave in lieu of sick or carer's leave*.

This policy does not apply to employees of the Queensland Ambulance Service. Instead, Queensland Ambulance Service employees are to refer to their local policy/procedure.

Delegation: The 'delegate' is as listed in the relevant Department of Health Human Resource (HR) Delegations Manual, as amended from time to time.

Legislative or other authority:

- *Public Service Act 2008*

Related policy or documents:

- *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*
- *Management of Diagnosed Cases of COVID-19 and Close Contacts Direction (No. 5), as amended from time to time*
- *Implementation Guideline – Directive 01/20 - Minister for Industrial Relations and Commission Chief Executive Directive 01/20: Employment arrangements in the event of a health pandemic*

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1 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).

Special pandemic leave arrangements for employees impacted by the public health emergency are in accordance with the *Minister for Industrial Relations and Commission Chief Executive Directive 01/20: Employment arrangements in the event of a health pandemic* (Directive 01/20).

Directive 01/20 provides an entitlement to special pandemic leave once an employee has exhausted their sick leave accruals. However, this policy provides that where an absence on or after 13 December 2021 is due to a positive COVID-19 diagnosis, an employee does not have to exhaust their sick leave accruals before accessing special pandemic leave, provided the employee has not already exhausted the maximum special pandemic leave entitlement of 20 days.

1.1 Employees diagnosed as COVID-19 positive

A permanent or fixed-term temporary 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 before accessing their available sick leave (refer section 1.5 Maximum entitlement).

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.

This entitlement is effective from 13 December 2021.

This entitlement ends on the date the Minister for Health and Ambulance Services determines, in accordance with the *Public Health Act 2005*, that the declared public health emergency in relation to coronavirus disease has ended.

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

A permanent or fixed-term temporary 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 before accessing their available carer's leave (refer section 1.5 Maximum entitlement).

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.

This entitlement is effective from 13 December 2021.

This entitlement ends on the date the Minister for Health and Ambulance Services determines, in accordance with the *Public Health Act 2005*, that the declared public health emergency in relation to coronavirus disease has ended.

1.3 Special pandemic leave in other circumstances

Special pandemic leave provisions in all other circumstances are in accordance with the *Minister for Industrial Relations and Commission Chief Executive Directive 01/20: Employment arrangements in the event of a health pandemic*.

1.4 Transitional arrangements

An employee who has previously been granted sick leave in relation to their COVID-19 diagnosis on or after 13 December 2021 and is instead entitled to special pandemic leave in accordance with section 1.1 of this policy will be eligible to have the sick leave converted to available special pandemic leave.

An employee who has previously been granted carer's leave in relation to providing care for an immediate family or household member with a COVID-19 diagnosis and is instead entitled to special pandemic leave in accordance with section 1.2 of this policy will be eligible to have the carer's leave converted to available special pandemic leave.

1.5 Maximum entitlement

The total paid special pandemic leave provided under this policy and the *Minister for Industrial Relations and Commission Chief Executive Directive 01/20: Employment arrangements in the event of a health pandemic*, for the duration of the declared 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.

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> .
Health service employees	Employees engaged under the <i>Hospital and Health Boards Act 2011</i> .
Hospital and health service (HHS)	A statutory body established under the <i>Hospital and Health Boards Act 2011</i> responsible for the provision of public sector health services for a geographical area, which includes one or more health facilities.

Immediate family	<p>Includes:</p> <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>* including a spouse of the same sex as the employee.</p>
Public service employees	Employees engaged under the <i>Public Service Act 2008</i> .
Queensland Health (the department)	<p>Queensland Health (the department) includes:</p> <ul style="list-style-type: none"> • Office of the Director-General and System Strategy Division • Aboriginal and Torres Strait Islander Health Division • Chief Operating Officer • Clinical Excellence Queensland • Healthcare Purchasing and System Performance Division • Queensland Ambulance Service • Strategy, Policy and Reform Division • Corporate Services Division • COVID-19 Supply Chain Surety Division (interim) • eHealth Queensland • Prevention Division • COVID-19 Response Division (interim) • any successor agency of those listed above however so named.
Self-declaration made by the employee	<p>A certification by the employee, as part of their application for special pandemic leave, that:</p> <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.

History:

October 2022	<p>Policy developed to give effect to announcement by Minister for Health and Ambulance Services on 7 September 2022 to provide employees diagnosed with COVID-19, or required to provide care to an immediate family or household member with a COVID-19 diagnosis, during the declared public health emergency in relation to coronavirus disease with access to paid special pandemic leave before having to access their sick or carer's leave.</p>
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