

COVID-19 Workforce Advice for NSW Health



Workplace Relations Branch

21 December 2021



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General

Information on COVID-19

- NSW Government
<https://preview.nsw.gov.au/covid-19>
- NSW Health
<https://www.health.nsw.gov.au/Infectious/diseases/Pages/coronavirus.aspx>
- Clinical Excellence Commission
<http://cec.health.nsw.gov.au>
- SafeWork NSW
<https://www.safework.nsw.gov.au/resource-library/COVID-19-Coronavirus>

Public Health Orders (PHOs)

NSW Health site with information on the PHOs:

<https://www.health.nsw.gov.au/Infectious/covid-19/Pages/public-health-orders.aspx>

Direct link to the PHOs:

<https://www.legislation.nsw.gov.au/information/covid19-legislation>

Gathering and Movement Order:

<https://legislation.nsw.gov.au/information/covid19-legislation/temporary-movement-gathering-restrictions>

Paid Special Leave provisions for employees (pandemic leave)

In respect of COVID-19, paid special leave of up to 20 days **in total** may be granted to employees who are unable to work because they are:

- Self-isolating in line with public health advice due COVID-19 exposure
- Caring for family members sick with COVID-19
- Caring for family members due to closure of school/daycare
- Unable to attend work due to transport disruptions or workplace closure
- A vulnerable health worker who following completion of a risk assessment is unable to be redeployed to a lower COVID-19 risk environment and is unable to work from home or self-isolation.
- COVID-19 Vaccination in the particular circumstances described below

Special leave is to be paid at the base rate (excluding allowances and penalty rates) and will be provided in advance of the need to access other leave entitlements, if available.

After the 20 days total paid special leave has been used, health agencies may grant NSW Health special leave on a case-by-case basis.

Paid Special Leave for casuals

Casual employees are generally not entitled to paid special leave.

If a casual is required to self-isolate due to close contact COVID-19 exposure in the workplace, each situation should be considered by the Health agency on a case-by-case basis including such things as:

- length of the casual engagement and
- Whether the casual has regular and systemic shifts

Paid special leave may be appropriate for shifts which are already rostered during the self-isolation period.

Note: Employee means a person who is either engaged on a full time/ part time/ temporary/ exempt or casual basis under a contract of employment in the NSW Health Service.

Paid Special Leave for Visiting Medical Officers (VMO)s

Where a VMO is directed into isolation due to known exposure to COVID-19 at a NSW Health facility or is sick with COVID-19 and in the absence of income protection insurance they are to receive pandemic leave at an hourly rate of \$155 per hour for the portion of time they would have otherwise been engaged to provide services up to 8 hours per day.

This is applicable from 31 March 2020 until rescinded.

Paid Special Leave for Vaccination for COVID-19

Health agencies will:

Health agencies will continue to make arrangements to support employees to access COVID-19 vaccination whilst on duty, where it is possible to do this within the need to ensure that service delivery is maintained.

or

Effective from 16 July 2021, employees who receive a first or second dose of a Covid-19 vaccination when not on duty are eligible for a special leave payment of two hours per COVID-19 vaccination. Employees must provide evidence of the COVID-19 vaccination and date of COVID-19 vaccination.

If an employee receives the vaccine and experiences an adverse reaction, they may access paid sick leave entitlements. Where sick leave is exhausted, Agency heads may grant special sick leave on a case by case basis.

Employees that receive a COVID-19 Booster vaccination on or after 7 December 2021 are eligible for a special leave payment of two hours per COVID-19 Booster vaccination.

Mandatory Vaccination for COVID-19 of NSW Health Staff

The mandatory vaccination requirements for all Health Care Workers have been established via a Public Health Order and the Secretary's Determination 33 of 2021 which made vaccination against COVID-19 a condition of employment in the NSW Health Service.

[Public Health \(COVID-19 Vaccination of Health Care Workers\) \(No 2\) Order 2021](#)

Employees who are excluded from the workplace for self-isolation

Paid special leave may be granted to employees to enable self-isolation where required following:

- After visiting a NSW COVID-19 Case Location where the advice for the location on the date/ time visited is: 'Self-isolate and get tested immediately'
- Following contact with a confirmed COVID-19 case
Where a Health Care Worker has been directed via Public Health advice not to attend work due to COVID-19 contact.

Health agencies should consider whether it is possible for those employees to work from their self- isolation location

If employees cannot undertake their substantive duties from their self-isolation location, health agencies should consider assigning other meaningful work which could be performed from self-isolation. For example: telehealth, project work, completion of mandatory training etc.

Paid special leave should be granted for employees by a Health agency where working from self-isolation is not practical

If employees cannot perform any work from self-isolation, they should be directed not to attend work and be placed on paid special leave for any rostered time during the required isolation period (or balance thereof).

Employees with existing approved leave (annual, long service, leave without pay) who travel privately overseas or to an Australian State/ Territory should be made aware of the following:

If an employee chooses to travel overseas or to an Australian State/ Territory; regardless of the COVID-19 status of the destination, they will not be granted paid special leave to cover isolation/ exclusion periods upon return to Australia/ New South Wales.

Staff who have contact with COVID-19

Note: contact does not include situations where staff had contact with a known confirmed COVID-19 case during work activity, where such contact was protected by the wearing of prescribed Personal Protective Equipment (PPE) for the duration of the contact.

COVID-19 Contact

If a contact of a person confirmed to have COVID-19; NSW Health staff **must** observe all applicable public health and workplace advice.

NSW Health will need to risk assess any potential exposure in your NSW Health workplace, as PPE and work practices are in place to keep staff/ patients and visitors safe from COVID-19 transmission in NSW Health workplaces.

The local Public Health Unit for your facility will lead this assessment as informed by the NSW Health COVID-19 contact Risk Matrix.

Staff Affected by NSW COVID-19 Case Locations

Where a staff member receives an alert that they have visited a location on a relevant date and the advice for the location is that self-isolation is required; the staff member must not attend work and will be required to self-isolate in accordance with the public health advice for the location.

Where a staff member has visited a location on a relevant date and the advice for the location is that monitoring for symptoms is required; the staff member may attend work and will be required to self-isolate and get tested should they develop symptoms.

If the staff member is asymptomatic and it is practicable for them to work from home during self-isolation, then they may do so with approval of their employing health agency. Where this is not practicable eligible staff should proceed onto special leave.

Staff returning from overseas travel

Follow smart traveller instructions in relation to pre-departure requirements; Australian Travel Declarations and mandatory exclusion periods upon return to Australia:

<https://www.smarttraveller.gov.au/while-youre-away/returning-australia>

<https://covid19.homeaffairs.gov.au/australia-travel-declaration>

Leave management and workforce supply planning

Workforce units need to engage with employees about managing leave differently during COVID-19 and seek their support. This is important to ensure workforce supply to manage demand. A dedicated contact should be established within the Health agency for the purposes of planning workforce supply.

Flexibility is required where staffing resources are limited. Rostering of ADOs for eligible staff and wherever possible annual leave should continue throughout the current COVID-19 situation.

Secondary Employment

Requests for approval of secondary employment must be considered against the needs of the workforce surge plan particularly for employees in clinical or frontline support roles.

NSW Health undertakes risk assessments in response to potential surges of COVID-19 cases in NSW. This is important because the movement of staff between workplaces can lead to an increased risk of COVID-19 spreading.

New or existing secondary employment arrangements, outside NSW Health, may need to be assessed in relation to the need to limit the ability of staff to work across multiple sectors or workplaces. This could occur through Public Health Orders or other government direction or could be required as a response to manage the risk of cross-infection across workplaces.

New leave requests and approvals

Health agencies need to manage staff leave in accordance with the changing COVID-19 situation. This will mean that workforce plans will need to be adjusted to balance a consistent supply of staff to meet demand with facilitating leave applications from staff and for the purposes of managing leave balances (annual, long service, leave without pay).

It is important that staff continue to have access to leave in order to rest and recover. This should be facilitated wherever possible. Applications for long periods of leave should not be approved when COVID-19 case numbers are rising as demand on services is high and there is a need to prepare for possible further escalation.

There may also be a need to not approve a particular application for an individual staff member in a critical role; however, if this is the case the following factors should be considered:

Key points for consideration include:

- Exceptional personal circumstances (e.g. bereavement, family, weddings)
- Projected workforce supply for COVID-19
- High demand periods such as school holidays
- Seasonal surges in demand and possibility of increased numbers of employees absent due to personal illness/ family illness
- Strategies for employees to work outside their usual allocation to support high demand areas
- Supporting settings where there are existing vacancies.

Approved leave

Throughout the COVID-19 pandemic it is important that staff have the opportunity to take leave and that once approval is given, staff can reasonably expect that approval will not be withdrawn; however it is acknowledged that in some limited circumstances, after every effort to avoid it, leave approval may need to be withdrawn.

Health agencies should make every effort to ensure that approvals are staged to give maximum certainty and to avoid situations where approved leave needs to be cancelled in order to manage an escalation in the virus alert level.

Leave due to illness

Encourage staff not to attend work when unwell

Staff who are unwell for any reason should not come to work in line with current established practice.

Employees who are unable to work because they are sick

If an employee is sick due to COVID-19 or any other reason, current sick leave entitlements and conditions apply. This includes situations where an employee is:

- Self-isolating on special leave and becomes sick for any reason; at that point the employee should transition onto sick leave.
- Symptomatic (including a temperature with/ without other symptoms) and requires testing for COVID-19. Sick leave is applicable for the period from where the staff member becomes symptomatic; through to testing and until a negative COVID-19 test result is received by the staff member, regardless of whether the staff member becomes asymptomatic during the period.

Where sick leave is exhausted, Health agencies may grant additional sick leave on a case-by-case basis.

Granting of paid sick leave to employees who have been employed for less than three months

Award provisions for newly employed full-time and part-time NSW Health employees in some cases defer entitlement to paid sick leave for a period of three months from commencement.

Where a new employee's entitlement to paid sick leave is deferred, Health agencies are encouraged to allow access to paid sick leave from commencement for eligible employees.

Entry Screening of Staff at NSW Health Facilities

Please visit the NSW Health COVID-19 screening at NSW healthcare facilities site for information on entry screening requirements as regularly updated:

<https://www.health.nsw.gov.au/Infectious/covid-19/Pages/screening-procedure-nsw-health-facilities.aspx>

Recreational Staff Travel (Overseas or Interstate)

General

At the time of leave application and approval; NSW Health staff must identify and apply for the necessary leave to cover both the intended travel and any applicable quarantine/ isolation/ exclusion period on return to Australia/ New South Wales.

This means they must take their own leave to cover any period where they are unable to attend for work due to their recent travel.

If a staff member can genuinely work or part or all of the time remotely; then that needs to be identified and approved at time of leave application.

Private Overseas Travel

Currently, a 7-day exclusion period applies following return to Australia from overseas for high risk settings such as health care and aged care. Special Leave is not available for time spent quarantining, self-isolating or in exclusion as a consequence of recreational travel.

<https://www.nsw.gov.au/covid-19/travel-restrictions/international-travel-rules>

<https://www.health.nsw.gov.au/Infectious/factsheets/Pages/recent-vaccinated-arrivals-guidelines.aspx>

Restrictions on entry to certain premises

Until you receive a negative result from your day 7 test you must not go to any high-risk settings, such as aged care, disability care, healthcare, and correctional facilities.

Restrictions on entry also apply to people residing with returned overseas travellers; these restrictions are explained at the links in the section above 'Private Overseas Travel'.

Private Interstate Travel

Australian State and Territory borders are subject to rapid closures and changes to quarantine or self-isolation requirements without notice as a result of the COVID-19 pandemic. Special Leave is not available for time spent quarantining, self-isolating or in exclusion as a consequence of recreational travel.

Private Travel on Compassionate Grounds

Where quarantine or self-isolation is required upon return to New South Wales following overseas or interstate travel on compassionate grounds (due to death/ illness of relatives

residing overseas or interstate) applications for Special Leave will be considered on a case-by-case basis by the employing Health Agency.

Event Planning & Christmas/ End of Year Functions

Agencies should be cautious in planning meetings of large numbers of staff to minimise the potential impact of groups of staff being required to self-isolate at short notice.

It is important that any end of year function is COVID-Safe.

Health Agencies should regularly review the current rules under the applicable Public Health Orders, along with public health protection advice:

<https://www.nsw.gov.au/covid-19/what-you-can-and-cant-do-under-rules>

Functions will need to be fully compliant with applicable Orders and advice applicable on the date of the function; therefore, plans made ahead of time may need to change.

Additional caution should be applied to having groups of highly specialised workers attend functions at the same date/ time as this could impact service provision in the event someone in attendance is later found to have been infectious with COVID-19 whilst in attendance.

Staggered events across differing dates and times may need to be considered to avoid the risks arising from this practice.

Traditional end of year all staff BBQs etc. should be carefully managed for similar reasons where proceeding.

Functions offsite at privately-operated venues bring some additional protection as such venues have their own COVID-Safe plans tailored to their venues and services provided.

Official work-related travel arrangements for all overseas and domestic travel (including TESL)

Official Travel within New South Wales

May occur where required at the current time.

Official Domestic Travel (Interstate)

May occur where required at the current time.

Official Overseas Travel

May occur where required at the current time; with careful consideration about potential impact in the event quarantine and/ or self-isolation is required as a result of such travel. Approval for overseas travel should only be granted for level 1 and 2 countries as listed by Smart traveller.

<https://www.smartraveller.gov.au/consular-services/travel-advice-explained>

Currently, a 7-day exclusion period applies following return to Australia from overseas for high risk settings such as health care and aged care. Special Leave is not available for time spent quarantining, self-isolating or in exclusion as a consequence of official travel.

<https://www.nsw.gov.au/covid-19/travel-restrictions/international-travel-rules>

<https://www.health.nsw.gov.au/Infectious/factsheets/Pages/recent-vaccinated-arrivals-guidelines.aspx>

At the time of official travel (including TESL) leave application and approval; NSW Health staff must identify and apply for the necessary leave to cover both the intended travel and any applicable quarantine/ isolation/ exclusion period on return to Australia/ New South Wales.

This means they must take their own leave to cover any period where they are unable to attend for work due to their recent travel.

If a staff member can genuinely work or part or all of the time remotely; then that needs to be identified and approved at time of leave application.

Temporary paid accommodation arrangements for health workers providing frontline health services

Provisions for temporary paid accommodation for health workers providing frontline health services (including hospital and ambulance staff) were announced on 6 April 2020.

Further detail around these provisions is available [here](#)

Historic Information- Special Leave

In relation to an employee's entitlement to special leave; the Department of Premier and Cabinet introduced 20 days special leave on 13 March 2020 for COVID-19 purposes. Prior to that date NSW Health has its own special leave of up to 14 days. This ceased on the announcement of the 20 day leave entitlement. Any Special Leave paid prior to 13 March 2020 will not be deducted from the 20-day entitlement.

Employees who remain overseas and are unable to return

Available FACS leave can be used for employees unable to return home due to COVID-19. Districts should be flexible with other leave requests (e.g. ADO, Annual and Long service leave and Leave without pay if FACS leave has been exhausted). Paid special leave is not granted for this purpose.

For official travel-related matters, contact [Ministry of Health](#) for situationally-specific advice.

Employees with existing approved leave (annual, long service, leave without pay) who travel privately overseas should be made aware of the following:

For travel from 16 March 2020: If an employee chooses to still travel overseas, regardless of the COVID-19 status of the destination, they will not be granted paid special leave to cover isolation upon return to Australia.

For travel prior to 16 March 2020: Entitlement to paid special leave will be dependent on the Smartraveller advice level on the date of their departure (refer to [previous workforce advice](#) for the relevant period).