

EMERGENCY RESPONSE – GUIDE TO MANAGING ACTPS EMPLOYEES WHO ARE DEPLOYED TO COVID-19 AREAS



Purpose

The purpose of this document is to provide advice to managers on managing workforce issues in the ACT Public Sector (ACTPS) in response to the novel coronavirus ('COVID-19') outbreak. This advice provides a summary of the guidelines for employment arrangements, leave entitlements and Work Health and Safety (WHS) considerations when an ACTPS employee is deployed to a designated area of heightened COVID-19 transmission risk declared by ACT Health authorities (or by another jurisdiction), including hotspots or larger regions.

This advice applies to officers, employees and executives employed in the ACTPS under the *Public Sector Management Act 1994* (PSM Act).

Issues

As a public health emergency, the response to the COVID-19 outbreak requires a cross-jurisdictional framework for sharing staff quickly to enable successful surge mobility between public sector jurisdictions. The **National Framework for Public Sector Mobility** has been developed to provide an overarching framework for mobility of employees between jurisdictions.

The ACT Government may elect to deploy ACTPS employees to areas that have public health orders in place to assist with the COVID-19 response effort. An employee deployed in the COVID-19 response efforts may be required to perform duties at a place other than their usual place of work. This may involve them working under the supervision and direction of a 'host employer'. The ACTPS remains the employer of the employee during their deployment.

Performing work duties in a location that has been designated as a COVID-19 risk may require employees to isolate or be excluded from their usual workplace when they return home.

Conditions of employment

Prior to the deployment, the manager, in consultation with HR, will provide the employee with information and clarification of the employee's conditions of employment whilst they are deployed.

The employee will continue to be paid by the ACTPS at their usual rate of pay as provided under the relevant ACTPS Enterprise Agreement, unless the nature of the duties they are performing require additional payments to be made as provided under the Agreement (overtime, shift penalty rates, allowances etc). Any variations to the employee's usual terms and conditions of employment during their deployment will be determined between the employee and their ACTPS manager in accordance with the provisions under the Agreement.

The ACTPS manager will provide information to the employee about provisions for reimbursement of the employee's travel costs (including travel, accommodation and meals) which are embodied in Directorate-based financial travel policies.

The employee's work performance will continue to be managed by the ACTPS manager. The employee will not be disadvantaged in any career progression or salary increments because they have participated in a

deployment. The deployment arrangements will not result in any break to the continuity of the employee's service.

Responsibility of the host employer

The host employer has responsibilities including:

- ensuring a safe workplace as far as reasonably practicable;
- ensuring there is a health and management system that includes induction, training, incident reporting, reporting of WHS issues etc;
- arranging and paying for any pre-employment or security checks where these have not already been conducted by the ACTPS;
- ensuring the employee has the resources required to perform their work;
- day-to-day supervision and direction of the employee's activities;
- arranging and paying for any necessary training for the employees; and
- managing and scheduling work so as to comply with the relevant ACTPS Enterprise Agreement conditions applicable to the employee.

Any leave arrangements must be made between the employee and their ACTPS manager, in consultation with the host employer.

Work Health & Safety considerations

Consistent with Work Health and Safety laws, work health and safety obligations lie with the ACTPS, the host employer and the employee themselves.

Work health and safety arrangements need to be identified and addressed before the ACTPS agrees to any deployment of staff, including how duties to be met by the host employer will be verified.

The primary duty of responsibility for the health and safety of deployed ACTPS employees under work health and safety laws is held by both the ACTPS and the host employer for the duration of their deployment. Both the ACTPS and host employer are responsible for meeting this duty to the extent to which they have the capacity to influence and control the matter.

Prior to commencing their duties in their new workplace, the host employer will be responsible for ensuring that the employee is appropriately briefed on any hazards, safety requirements, and managing WHS incidents and concerns. If the employee is deployed interstate the host employer must provide them with any relevant information and training relating to statutory obligations operating in that state or territory.

The host employer should, as far as reasonably practicable, provide and maintain a working environment that is safe for the employee and take actions to minimise risks to health. It is noted that the risk of workers being exposed to and contracting COVID-19 whilst carrying out work cannot be eliminated; however, the host employer must do all that is reasonably practicably to minimise this risk.

In meeting its duty under the WHS laws, the ACTPS should also, as far as is reasonably practicable, ensure the health and safety of ACTPS workers who are deployed. This will require consultation with the host employer to determine the work health and safety arrangements. Further information on complying with the WHS duties in these circumstances can be found in Safe Work Australia guidance material [here](#).

All WHS incidents arising in the course of the deployment must be reported to the ACTPS and the host employer. The ACTPS and the host employer have a duty to report notifiable incidents to the relevant regulator.

The ACTPS maintains workers compensation insurance coverage for the employee for the duration of the deployment.

The employee has an obligation to take reasonable care of their own health and safety. They also must take reasonable care of any person whose health or safety may be affected by their acts or omissions at the workplace. The employee should be aware that if they are working interstate, they will be subject to the legislation in place in that jurisdiction, and must comply with the host employer's directions with regards to health and safety. This may also include, amongst other things, complying with any applicable policies or procedures, and following any special directions in relation to the COVID-19 response.

Employee returns home from designated area and is required to self-isolate

When the employee returns home and is required to isolate, the ACTPS manager will make arrangements for the employee to be productively tasked remotely. Where an employee cannot be provided with appropriate work from home, COVID-19 leave is available.

Employee contracts COVID-19 or becomes injured or ill as a consequence of performing their duties in the designated area

If an employee contracts COVID-19 or becomes injured or ill as a consequence of performing their work duties, they will be entitled to make a worker's compensation claim. Under worker's compensation, they will receive any necessary medical and allied health treatment for the disease and be entitled to incapacity payments if they are unable to work. The workers' compensation insurer has committed to fast tracking any applications for COVID-19 acquired workers compensation cases.

Legislative References

The key principles of this Policy are aligned with the following authorised sources:

- *Public Sector Management Act 1994*
- *Public Sector Management Standards 2016*
- **ACTPS Enterprise Agreements**