

18 March 2020, extract from email.

Dear Glen

I am responding to your email from Friday 13 March 2020 regarding the IEU's position on COVID-19 and employee entitlements in the event of school closures.

AISSA has provided all member schools with comprehensive information regarding their industrial obligations based on the current circumstances and will continue to provide updated advice on an individual and sector basis as further employee-related issues emerge.

A summary of our advice to schools to date is as follows:

#### **Personal leave**

- If an employee becomes ill or a member of their immediate family is ill and requires their care, an employee will be able to access their full personal leave entitlements as per normal School policy and procedure
- An employee must give evidence of their illness or their immediate family member's illness as per normal School procedure
- AISSA has suggested that member schools consider some flexibility regarding the provision and timeliness of providing medical certificates for conditions other than COVID-19 as employees may have difficulty securing medical appointments at this time or in the near future

#### **Infectious diseases clauses in enterprise agreements**

- AISSA has advised all member schools to review their respective industrial instruments including enterprise agreements as they relate to all available leave entitlements
- Those schools that have enterprise agreements are aware of the infectious disease provisions in their personal leave clauses
- Whilst AISSA agrees that contracting COVID-19 can result in an employee entitlement under this clause, we do not agree with the assertion in your email that it will apply to those "who are at risk of contracting the COVID-19"
- It only applies in circumstances where someone actually contracts the disease and where a medical practitioner certifies that the employee did so whilst on duty and as a result of direct contact with a student or another employee
- This will be something that a School will need to assess on an individual employee basis after consultation with them and based on the medical information provided by their treating practitioner

#### **Short term closures**

- If a school has a student/employee return a positive test and is required to close for 24-48 hours to conduct a deep clean to allow for the normal resumption of services our advice is that any stand down of employees in these circumstances will be paid special leave
- The same will apply for some schools who may choose to temporarily close to test their online learning capability
- This short term special leave with pay will apply to all affected teaching and non-teaching staff
- However any teaching or non-teaching employees required to attend during a short term closure to deliver online learning and/or perform their normal duties will be paid as per usual and will not be eligible to take paid special leave

## **Self-isolation and access to annual leave and long service leave entitlements**

- If an employee/s is required to self-isolate but does not contract COVID-19 Schools will be encouraged to pay any accrued annual or long service leave entitlements that an employee might have
- If they are unable to access paid leave entitlements they may be required to take unpaid leave
- This will also apply in the instance of a mandated shutdown that is beyond the School's control
- For employees who do not accrue annual leave from year to year we have raised with member schools the possibility of advancing one week of paid annual leave if and when they complete Term 1
- This will reduce their paid leave entitlement at the end of this year but will avoid an immediate requirement to go on leave without pay
- This consideration will be up to individual schools and in consultation with any affected employee/s taking into account their personal and financial circumstances

## **Casual employees**

- The Federal government has announced that casual employees affected by the virus will be entitled to Centre-link type benefits
- However at this stage it is not clear how or when these benefits will become available
- AISSA is encouraging member schools to identify casual staff who may be eligible and to proactively assist them in determining their potential eligibility and where possible to help them apply for this benefit

AISSA refutes your assertion that School income will not be adversely affected by this pandemic. Just one example would be member schools who operate ELCs and who will not be able to charge for services that cannot be supplied and this will have a direct bottom line impact on revenue.

Schools will also incur significant additional expenses the quantum of which cannot be estimated at this time. This will include but is not limited to additional TRT or other replacement staff costs, additional cleaning/maintenance costs, potential IT or other services to assist with on line learning etc.

Our Schools will do their best to ensure that staff are not financially disadvantaged at this time. However the provision of additional paid leave, including the ex gratia leave sought by the IEU, will be a decision for each School based on the individual needs of any employee potentially or actually affected by this disease.

Regards

Carolyn

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