

Reply 1 (of 2). 16 March 2020, extract from email.

Hi Glen,

I provide the following in response to your email on Friday 13 March.

The LESNW continues to approach the treatment of all staff through its ethos, preferred workplace culture and legal obligations. We certainly support compassion for all members of the learning communities at this difficult and uncertain time.

The LESNW has been providing advice to learning communities and I understand that most learning communities have provided information to staff.

If a school directs a permanent or contract employee not to attend because the school believes the employee should be isolated, the LESNW recommends that the school continue to pay the employee, without deduction from leave credits, unless they are unwell. If they are unwell and unfit for duty, personal leave is appropriate. In some cases they may by agreement be able to access other leave entitlements such as annual leave or long service leave. If an employee has been directed not to attend the school but is still well, the expectation is that the school and the employee will explore opportunities for the employee to work from home.

The situation for casual employees directed not to attend the school for an isolation period will need to be assessed on a case by case basis, but with compassion. Factors to take into account will include whether there was a reasonable expectation that they would continue to be engaged and for how long.

If a learning community closes for an extended period, the situation is more challenging. I acknowledge the points that you have made. Regardless of the enterprise agreement and the provisions in the Fair Work Act, we do not want to be in a position where the regular income for employees is put on hold. Extensive work is being undertaken in LESNW learning communities on methods for continuing to provide education services for students during a shut down. If this occurs, I envisage that most staff will continue to be working, but from home.

As you indicate, circumstances are rapidly changing and despite our best efforts, we cannot claim to have envisaged all scenarios. Therefore, we have to be careful about giving assurances that may have unforeseen consequences. Without going into confidential matters, there is the potential for significant adverse financial implications for many communities, both with increased expenditure and significantly reduced income. However, we still want staff to be treated in an appropriate manner.

Kind regards
John

John Proeve | Executive Director
Lutheran Education SA, NT & WA

Reply 2, see next page.

Reply 2 (of 2), 16 March 2020, extract from email.

Dear Glen,

Following the draft of my earlier email to you, we have further considered the Government announcement of the requirement for persons arriving from overseas to self-isolate for 14 days.

If a school employee is unable to attend work because of the government requirement, the school has no obligation to pay the employee. Of course, if the employee is unwell and unfit for work, they may be entitled to personal leave. Other paid leave may be approved or by agreement with the school they may be able to perform their duties from home. Not being paid for the period of absence is a possibility, particularly if they commenced their travel after the announcement from the Government.

I hope that employees reconsider overseas travel so that any period of isolation does not impact on their capacity to perform their duties.

This is different from the situation where a school initiates a direction to an employee not to attend the school, where the obligations for payment are different.

Kind regards
John

John Proeve | Executive Director
Lutheran Education SA, NT & WA