



Australian
Nursing &
Midwifery
Federation
VICTORIAN BRANCH

Newsflash

COVID-19 information for private and not-for-profit aged care members

Tuesday 28 July 2020

CORONAVIRUS (COVID-19) URGENT UPDATE Paid pandemic leave

Employees in residential aged care may have heard media reports regarding the decision of the Fair Work Commission to create an entitlement to paid pandemic leave. Regrettably for most Victorian aged care employees this will not apply.

Who does paid pandemic leave apply to?

Paid pandemic leave will become an 'Award' entitlement from Wednesday 29 July 2020, for a period of three months. The applicable Awards are the:

- Nurses Award 2010
- Aged Care Award 2010
- Health Professionals and Support Services Award 2010.

However – an Award does not apply to an employee who is covered by an enterprise agreement.

Most Victorian aged care employees are covered by an enterprise agreement, and therefore not covered by this decision.

It will apply to those working in aged care not covered by an enterprise agreement, including many **agency staff**, provided they can demonstrate that they work on a 'regular and systematic basis', however, the Fair Work Commission has made it clear that a 'regular and systematic basis' of work will not require a consistent pattern of engagement in the number of days worked each week, the days of the week worked or the duration of each shift.

Authorised by Lisa Fitzpatrick ANMF (Vic Branch) Secretary

What are the rules?

If an employee is sick and has an entitlement to paid leave, this should be taken first, before you can access paid pandemic leave.

Where an employee is diagnosed with COVID-19, and the employee becomes entitled to workers' compensation benefits, the leave entitlement will cease to apply.

It will be a condition of receipt of the leave entitlement that the relevant employee has agreed to undertake a COVID-19 test at the earliest opportunity.

Where the self-isolation results from the advice of a medical practitioner (as distinct from a requirement of the employer or a government medical authority), it will be necessary for a medical certificate to be produced.

What about those covered by an enterprise agreement?

The Commonwealth Government has announced funding support for employers to enable paid leave. However, they have not imposed any rules, or provided any guidance at this time as to how an employee can access this.

ANMF will be working closely with the aged care provider peak bodies to provide clarity on this and update members as soon as possible.

You may be eligible for Victorian Government payments

If you have been tested and are awaiting your test results, you should isolate. **If you do not have access to paid sick leave you can access the Victorian Government's payment of up to \$300.**

If you have tested positive, cannot attend work due to COVID-19 symptoms, or you are in isolation as a close contact, and **are not entitled to take sick leave, you can access to the Victorian Government's one-off payment of up to \$1500**

For either payment, call 1800 675 398.

Do you have a general question?

If you have a general question in relation to COVID-19 matters or the 'cohorting' arrangements, please contact ANMF via anmfvic.asn.au/memberassistance

Do you believe you are being disadvantaged and require assistance?

If you require individual assistance because you believe you are being disadvantaged by the new requirements restricting you to working at a single workplace, please contact ANMF via anmfvic.asn.au/dualemployment

ANMF encourages members to raise any concerns they have with management in the first instance as quickly as possible in addition to seeking assistance from ANMF.

Who can become a member of ANMF?

Registered nurses, enrolled nurses and personal care staff can all be members of ANMF. Please encourage your colleagues to join. Joining ANMF is quick and easy - membership can be completed online at anmfvic.asn.au/join

Please display this newsflash on your workplace noticeboard.

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