

20 Jan 2022

Mr Robert Setter  
Chief Executive  
Public Service Commission  
1 William Street  
Brisbane QLD 4000

Email: [Robert.Setter@psc.qld.gov.au](mailto:Robert.Setter@psc.qld.gov.au)

Dear Mr Setter,

**Re: Review of Leave Entitlements under *Employment Arrangements in the Event of a Health Pandemic* (Directive 01/20)**

The recent, rapid surge of COVID cases due to the conjunction of the move away from an elimination strategy, the opening up of the borders to other states and the spread of the Omicron variant has highlighted some potential gaps in the *Employment Arrangements in the Event of a Health Pandemic* (Directive 01/20) (Pandemic Directive). In order to address these gaps, we seek consideration of the following:

**Quantum of Leave**

The Directive currently provides an entitlement to a maximum 20 days paid "Special Pandemic Leave" for use when the employee is unable to attend work and unable to perform work under flexible working arrangements because they:

- have an actual viral infection and have exhausted their sick leave accruals; and/or
- are required to care for immediate family or household member/s who have an actual or suspected viral infection and have exhausted their sick leave accruals; and/or
- are required to care for children as a result of school or childcare centres closures and have exhausted their sick leave accruals.

The Omicron variant has proved capable of reinfecting individuals who have already had COVID. This means that, in some cases, Public Servants could require additional leave even after utilising the current entitlement.

We seek an amendment to the Directive to allow Chief Executive to grant an additional 20 days of "Special Pandemic Leave" where a Public Servant has exhausted the initial entitlement for any of the following reasons:

- the Public Servant has been reinfecting with COVID
- there have been multiple infections of immediate family or household member
- repeated school or childcare closures have required the Public Servant to take leave to care for children.

### **Leave to receive vaccinations and/or adverse side effects**

Correspondence from Minister Grace to the General Secretary of the Queensland Council of Unions dated 27 August 2021 contained the following commitments:

- *“Where a public sector employee is unable to secure their vaccination appointment outside of their working hours...they will be suitably accommodated with paid time for the purpose of getting their vaccination. This paid time includes reasonable travel time.”*
- *“In the event that a public sector employee has an adverse reaction to the vaccine such that they are unable to attend work, the employee may access their sick leave entitlement. Where an employee does not have adequate sick leave, or in the case of a casual employee, that employee is able to request paid leave under the Special Leave Directive.”*

Neither of these commitments are explicitly set out in the Pandemic Directive. Further, given the stated intention of most, if not all, Government Departments to introduce general vaccination mandates, the entitlements should be amended to reflect those Directions and avoid unnecessary WorkCover claims.

To that end we seek that the Directive be amended to incorporate the above commitments and further provide that where a public service employee is subject to a vaccination mandate:

- They will be provided with paid time for the purpose of getting their vaccination. This paid time includes reasonable travel time.
- If a public sector employee has an adverse reaction to the vaccine such that they are unable to attend work that employee is able to request paid leave under the Special Leave Directive.

### **Access to Rapid Antigen Tests (RATs)**

The recent changes to testing requirements for close contacts or when an individual is diagnosed with COVID are not captured by the Directive. Nor is the impact of the current supply shortages of RATs. We seek that Agencies, subject to availability, provide RATs in the following circumstances:

- Where, in accordance with the Directions of the Chief Health Officer, the public service employee is a close contact of a diagnosed person (within the home or accommodation) and requires a negative test prior to returning to work.
- Where a public service employee has had close or physical contact with a diagnosed member of the public in the execution of their duty (deliberate infection, physical altercation).
- Where the member has worked with a diagnosed member in the workplace in close confines and where movement is restricted for a period of four hours or more (e.g. in a vehicle, confined office space).

Further, where a public servant requires a negative test prior to returning to work and is unable to access a RAT they will be entitled to Special Pandemic Leave.

The Together office can be contacted about this matter via Assistant Secretary Michael Thomas – [mst@together.org.au](mailto:mst@together.org.au).

Yours sincerely,

A handwritten signature in dark ink that reads "Alex Scott". The signature is written in a cursive, slightly stylized font.

Alex Scott  
**Branch Secretary**