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| Cold, Flu and COVID-19 Policy |
| Frequently Asked Questions |

The Department of Education and Training (DET) has adopted a Cold, Flu and COVID-19 Policy (the Policy) for Victorian Public Service (VPS) employees. This includes DET’s portfolio agencies including the Merit Protection Boards, the Victorian Academy of Teaching and Leadership (the Academy), the Victorian Curriculum and Assessment Authority (VCAA), the Victorian Skills Authority (VSA), and the Victorian Registration and Qualifications Authority (VRQA). The following questions address some operational aspects of implementing the policy.

There may be additional requirements that apply to DET employees whose workplace is a sensitive setting external to DET, as described in public health advice. Sensitive settings include places where there are many people vulnerable to the severe effects of COVID-19 and other communicable diseases, including:

* residential care facilities, including aged care, residential disability and other services (note: this does not include specialist schools)
* other care facilities (including youth justice facilities)
* healthcare premises, including when health care services are provided in people’s homes (including education services in hospitals).

As per the Policy, employees should follow the site specific policies for these settings, that are necessary to support staff and meet business needs, consistent with public health advice.

### Who does this Policy apply to?

VPS employees experiencing cold, flu, COVID-19 symptoms or who are likely to be infectious to others in the workplace (for example, they may not be feeling unwell but have returned a positive COVID-19 test result).

### What should I do if I test positive for COVID-19?

Your wellbeing is a priority, and you should take immediate steps to take care of your health. If you test positive for COVID-19, you should not attend the workplace for at least five calendar days from the date you took your PCR or rapid antigen test and continue isolating until symptoms resolve.

During this time, you should comply with the requirements below (as relevant to your circumstances):

1. Employees (other than casual employees) who have tested positive to COVID-19 and are unwell should not attend the workplace and will have access to existing personal leave entitlements to cover their absence from work.
2. Employees (other than casual employees) who test positive to COVID-19 and are not unwell or recover before the end of the fifth day after their test was taken should work from home if they feel able to, until the end of the five-day period. If there are no suitable duties which can be performed at home, then the employers should use current policies and practices for the period the employee is unable to attend work. Paid special leave, or paid time off, may continue to be available for individual employees according to the [Coronavirus (COVID-19) guidance note for the Victorian Public Service and Sector](https://www.vic.gov.au/coronavirus-covid-19-guidance-note-victorian-public-service-and-sector).
3. Casual employees who test positive to COVID-19 should not attend the workplace. Where working from home during their infectious period is not reasonable or practicable, casual employees who have performed work with their VPS employer on a regular and systematic basis and have a reasonable expectation that this would have continued during their infectious period should have access to paid time for the period they are unable to attend work, or to Special Leave (if provided).

Employees who remain unwell at the end of the 5-day period should continue to access leave until their symptoms resolve and are well enough to return to work.

### If I test positive to COVID-19, am I required to tell my manager or report my results in EduPay?

The Department of Health recommends that individuals who test positive notify their workplace or school and let them know you have COVID-19, and to tell people and places you may have been in contact with. Employees are encouraged to notify their manager and report their test results in EduPay if they test positive for COVID-19 and will need to do so if they are seeking to access paid Special Leave as per the [*Coronavirus (COVID-19) guidance*](https://www.vic.gov.au/coronavirus-covid-19-guidance-note-victorian-public-service-and-sector) [*note for the Victorian Public Service and Sector*](https://www.vic.gov.au/coronavirus-covid-19-guidance-note-victorian-public-service-and-sector) [.](https://www.vic.gov.au/coronavirus-covid-19-guidance-note-victorian-public-service-and-sector) Employees have obligations under the *Occupational Health and Safety Act 2004* (Vic) to limit risk to themselves and those around them.

### What evidence can I provide to show I have contracted COVID-19?

Evidence requirements for any period of paid personal (sick) leave are set out in the *Victorian Public Service Enterprise Agreement 2020*.

Reasonable evidence is required to substantiate the requirement to self-isolate if an employee proposes to continue working remotely. If the employee is not returning to work due to being symptomatic but has not tested positive to COVID-19, they may be required to provide evidence consistent with the requirements described for personal (sick) leave in the enterprise agreement covering the employee.

Employees should discuss with their manager a more flexible approach to showing evidence that they have contracted COVID-19 where access to a medical practitioner is limited, not advisable or possible and telehealth facilities are not available.

An employee must also provide evidence to be eligible for paid Special Leave as per the [*Coronavirus (COVID-19) guidance note for the Victorian Public Service and Sector*](https://www.vic.gov.au/coronavirus-covid-19-guidance-note-victorian-public-service-and-sector) or to access unpaid personal leave where Special Leave and paid personal leave entitlements have been exhausted[.](https://www.vic.gov.au/coronavirus-covid-19-guidance-note-victorian-public-service-and-sector)

### Will an employee be subject to disciplinary action if they are unable to work according to their flexible work agreement due to compliance with the Policy?

No. Compliance with the Policy is an occupational health and safety measure and should be prioritised above other return to office requirements. Once an employee is well enough to return to the office, they should resume working according to their established flexible work agreement.

### How much paid time off can a casual employee access?

Regular casual employees should be paid according to their rostered hours or usual work pattern as per the [*Coronavirus (COVID-19) guidance note for the Victorian Public Service and Sector*.](https://www.vic.gov.au/coronavirus-covid-19-guidance-note-victorian-public-service-and-sector)

### Can my manager direct me to leave the workplace or not to attend the workplace?

Yes. Your manager has an obligation under the Occupational Health and Safety Act 2004 (Vic) to do all things reasonably practicable to provide a safe workplace for employees. If you pose a health and safety risk to themselves and others, it is lawful and reasonable for your manager to request you to leave the workplace or not attend the workplace.

### Can disciplinary action be taken against me for not complying with a direction not to attend the workplace or to leave the workplace?

Yes. If an employee does not comply with a lawful and reasonable request to leave the workplace or not attend the workplace, an employer may take disciplinary action against that employee.

### When should I return to work after COVID-19?

Employees who test positive for COVID-19 should not attend the workplace for at least five days from the date of their positive test and until their symptoms resolve. Employees whose COVID-19 symptoms have resolved may safely return to work in the office in accordance with the [COVIDSafe Plan for corporate offices](https://edugate.eduweb.vic.gov.au/sites/i/pages/production.aspx#/app/content/3378/support_and_service_(corp)%252Fcovid-19_information%252Fhealth,_safety_and_wellbeing%252Fcovid-19_safety_management_plan_(covid_safe_plan)_for_corporate_workplaces) and public health advice.

Employees who are not unwell and have not tested positive to COVID-19 may safely return to, or continue to work in, the office in accordance with the [COVIDSafe Plan for corporate offices](https://edugate.eduweb.vic.gov.au/sites/i/pages/production.aspx#/app/content/3378/support_and_service_(corp)%252Fcovid-19_information%252Fhealth,_safety_and_wellbeing%252Fcovid-19_safety_management_plan_(covid_safe_plan)_for_corporate_workplaces) and public health advice.

### I have a disability or chronic health condition (or care for someone) that puts me at a greater risk of contracting COVID-19 in the workplace. How will the changes in isolation requirements affect my flexible work agreement?

Workplace adjustments should continue to be part of ongoing discussions between employees and their managers, to strike an equitable balance between personal needs and requirements of the role and the team.

Parents, carers and those living with a disability have legal protections when they request flexible work arrangements. For example, if the parent of a child aged 18 or under requests a flexible working arrangement in order to fulfill their parenting duties, an employer cannot unreasonably refuse the request. VPS employees also have a range of flexible work options available to them under the *Victorian Public Service Enterprise Agreement 2020*.