

Coronavirus and Australian workplace laws

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Find out about your workplace entitlements and obligations if you're affected by the outbreak of coronavirus.

Please visit the [Australian Government Department of Health website](https://www.health.gov.au/health-topics/novel-coronavirus-2019-ncov) (https://www.health.gov.au/health-topics/novel-coronavirus-2019-ncov) for the latest information on the virus, including requirements and conditions for quarantine periods.

We encourage employees and employers to work together to find appropriate solutions that suit the needs of individual workplaces and staff. This may include taking different forms of leave, working from home, or taking extra precautions in the workplace.

We will continue to update the information on our website as needed. If you have an urgent enquiry about your workplace entitlements or obligations, please [contact us](http://www.fairwork.gov.au/contact-us) (www.fairwork.gov.au/contact-us).

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Where can I get information on health and safety in the workplace?

We can provide information about workplace entitlements such as taking sick and annual leave.

For information about health and safety in the workplace, go to:

- The Department of Health (https://www.health.gov.au/health-topics/novel-coronavirus-2019-ncov) - for the latest information and advice about coronavirus.
- Safe Work Australia (https://www.safeworkaustralia.gov.au/media-centre/news/businesses-must-have-measures-place-protect-workers-risk-coronavirus) - for information and referrals about dealing with coronavirus in the workplace.
- Your State or Territory workplace health and safety body (www.fairwork.gov.au/website-information/related-sites#workplace-health-and-safety) - who can also assist with workers compensation enquiries.

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What happens if an employee or their family member is sick with coronavirus?

Full and part-time employees who can't come to work because they are sick can take paid sick leave. If an employee needs to look after a family member or member of the employee's household who is sick with coronavirus, or suffering an unexpected emergency, they are entitled to take paid carer's leave.

Casual employees are entitled to 2 days of unpaid carer's leave per occasion. Full and part-time employees can take unpaid carer's leave if they have no paid sick or carer's leave left.

An employee must give their employer evidence of the illness or unexpected emergency if their employer asks for it.

More information:

- [Paid sick and carer's leave](http://www.fairwork.gov.au/leave/sick-and-carers-leave/paid-sick-and-carers-leave/payment-for-sick-and-carers-leave) (www.fairwork.gov.au/leave/sick-and-carers-leave/paid-sick-and-carers-leave/payment-for-sick-and-carers-leave)
- [Unpaid carer's leave](http://www.fairwork.gov.au/leave/sick-and-carers-leave/unpaid-carers-leave) (www.fairwork.gov.au/leave/sick-and-carers-leave/unpaid-carers-leave)
- [Notice and medical certificates](http://www.fairwork.gov.au/leave/sick-and-carers-leave/paid-sick-and-carers-leave/notice-and-medical-certificates) (www.fairwork.gov.au/leave/sick-and-carers-leave/paid-sick-and-carers-leave/notice-and-medical-certificates).

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What if an employee is stuck overseas or required to be quarantined?

Employees should contact their employer immediately if they are unable to attend work because they can't return from overseas or are required to enter quarantine because of the coronavirus.

You can find up-to-date information on quarantine requirements on the [Department of Health's website](https://www.health.gov.au/health-topics/novel-coronavirus-2019-ncov)  (<https://www.health.gov.au/health-topics/novel-coronavirus-2019-ncov>) .

The Fair Work Act does not have specific rules for these kinds of situations so employees and employers need to come to their own arrangement. This may include:

- taking sick leave if the employee is sick
- taking annual leave
- taking any other leave available to them (such as long service leave or any other leave available under an award, enterprise agreement or contract of employment)
- arranging any other paid or unpaid leave by agreement between the employee and the employer.

More information:

- [Paid sick and carer's leave \(www.fairwork.gov.au/leave/sick-and-carers-leave/paid-sick-and-carers-leave/payment-for-sick-and-carers-leave\)](http://www.fairwork.gov.au/leave/sick-and-carers-leave/paid-sick-and-carers-leave/payment-for-sick-and-carers-leave)
- [Unpaid carer's leave \(www.fairwork.gov.au/leave/sick-and-carers-leave/unpaid-carers-leave\)](http://www.fairwork.gov.au/leave/sick-and-carers-leave/unpaid-carers-leave)
- [Annual leave \(www.fairwork.gov.au/leave/annual-leave\)](http://www.fairwork.gov.au/leave/annual-leave)
- [Long service leave \(www.fairwork.gov.au/leave/long-service-leave\)](http://www.fairwork.gov.au/leave/long-service-leave) .

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What if an employee wants to stay home as a precaution?

If an employee wants to stay at home as a precaution against being exposed to coronavirus, they will need to make a request to work from home (if possible) or to take some form of paid or unpaid leave, such as annual leave or long service leave. These requests are subject to the normal leave application process in the workplace.

Employees are encouraged to discuss their level of risk of contracting coronavirus with their doctor, workplace health and safety representative or the appropriate State or Territory workplace health and safety body (<https://www.fairwork.gov.au/website-information/related-sites#workplace-health-and-safety>) .

More information:

- [Taking annual leave \(www.fairwork.gov.au/leave/annual-leave/taking-annual-leave\)](http://www.fairwork.gov.au/leave/annual-leave/taking-annual-leave)
- [Long service leave \(www.fairwork.gov.au/leave/long-service-leave\)](http://www.fairwork.gov.au/leave/long-service-leave) .

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What if an employer wants their staff to stay home?

You can find up-to-date information on quarantine requirements on the [Department of Health's website](https://www.health.gov.au/health-topics/novel-coronavirus-2019-ncov)  (<https://www.health.gov.au/health-topics/novel-coronavirus-2019-ncov>) .

Under work health and safety laws, employers are required to ensure the health and safety of their workers and others at the workplace (as far as is reasonably practical). Workers also have responsibilities under those laws.

If an employee is at risk of infection from coronavirus (for example, because the employee has recently travelled through mainland China, or has been in close contact with someone who has the virus), you should request the employee seek medical clearance from a doctor and to work from home (if possible), or not work during the risk period. Where an employer directs a full-time or part-time employee not to work, the employee would ordinarily be entitled to be paid while subject to the direction. You should consider your obligations under any applicable enterprise agreement, award, employees' contracts of employment, and workplace policies.

Under the Fair Work Act, an employee can only be stood down without pay if they can't do useful work because of equipment break down, industrial action or a stoppage of work for which the employer can't be held responsible. The most common scenarios are severe and inclement weather or natural disasters. Enterprise agreements and employment contracts can have different or extra rules about when an employer can stand down an employee without pay.

Employers need to balance their legal obligations, including those relating to anti-discrimination.

More information:

- [Casual employees \(www.fairwork.gov.au/employee-entitlements/types-of-employees/casual-part-time-and-full-time/casual-employees\)](http://www.fairwork.gov.au/employee-entitlements/types-of-employees/casual-part-time-and-full-time/casual-employees)
- [Directing an employee to take annual leave \(www.fairwork.gov.au/leave/annual-leave/directing-an-employee-to-take-annual-leave\)](http://www.fairwork.gov.au/leave/annual-leave/directing-an-employee-to-take-annual-leave)
- [Protection from discrimination at work. \(www.fairwork.gov.au/employee-entitlements/protections-at-work/protection-from-discrimination-at-work\)](http://www.fairwork.gov.au/employee-entitlements/protections-at-work/protection-from-discrimination-at-work)

www.fairwork.gov.au/employee-entitlements/protections-at-work/protection-from-discrimination-at-work) [Back to top](#)

Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: **13 13 94**

Need language help?

Contact the Translating and Interpreting Service (TIS) on **13 14 50**

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: **13 36 77**. Ask for the Fair Work Infoline **13 13 94**

Speak & Listen: **1300 555 727**. Ask for the Fair Work Infoline **13 13 94**

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.