



**Department of Consumer
and Employment Protection**

Government of Western Australia

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CIRCULAR TO DEPARTMENTS AND AUTHORITIES NO. 2 OF 2008

**PUBLIC SECTOR EMPLOYMENT FLEXIBILITIES FRAMEWORK TO BE APPLIED IN
THE EVENT OF A HUMAN INFLUENZA PANDEMIC**

The World Health Organisation ("WHO") has advised that a human influenza pandemic could occur in the short to medium term, and has strongly recommended the development of contingency plans.

It is essential that steps are taken to ensure the public sector is prepared as possible for a potential pandemic.

As part of the WA Government Human Influenza Pandemic Taskforce preparation, Cabinet has endorsed the public sector employment flexibilities framework ("Employment Framework") for application by all public sector employers.

In the event of a human influenza pandemic affecting Western Australia, the Employment Framework will both come into effect, and cease to have effect by determination of the Minister for Public Sector Management, on the advice of the State Emergency Coordination Group.

The Employment Framework is designed to assist agencies in coping with the labour pressures likely to arise in the course of an influenza pandemic. A copy of the Employment Framework is attached to this Circular.

If you require further information regarding this circular, its application or agency responsibilities, please contact your DOCEP labour relations adviser.

**SUSAN BARRERA
EXECUTIVE DIRECTOR
LABOUR RELATIONS**

20 March 2008

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PUBLIC SECTOR HUMAN INFLUENZA PANDEMIC EMPLOYMENT FRAMEWORK

PURPOSE

To provide guidelines for the management of the Western Australian public sector workforce in the event of a human influenza pandemic within Western Australia.

WORKFORCE CONTINUITY AND LABOUR RELATIONS PRINCIPLES

In the event of a human influenza pandemic, the strain on essential services will be significant. At the same time, a human influenza pandemic will significantly reduce the available workforce. It is essential that the public sector develop a workforce management plan to cope with a human influenza pandemic.

The Employment Sub Committee of the WA Government Human Influenza Pandemic Taskforce has developed a Public Sector Employment Flexibilities Framework, ("Employment Framework") to assist public sector bodies in workforce management during a human influenza pandemic.

The Employment Framework will both come into effect and cease to have effect by determination of the Minister for Public Sector Management, on the advice of the State Emergency Coordination Group.

The Employment Framework is practical, and builds on conditions either already operating in the public sector, or identified as necessary through consultation with various Departments.

The Employment Framework is informed by the following labour relations principles, which should be applied in the event of a human influenza pandemic:

- Employers need to balance the requirement to continue the essential services of the organisation with the employee's need to manage their important and legitimate personal, family and community responsibilities.
- Requests to access leave and anticipated leave should not be unreasonably withheld.
- Industrial and health and safety arrangements should support the key pandemic response aims of containing the spread of the virus, and minimising social and economic disruption.
- Standard industrial relations policies and practices in relation to salaries, wages and conditions apply and are enforceable unless a variation is made through the appropriate processes.
- Where workplace arrangements need to be varied, changes should be made in advance and in consultation with employees within the relevant legislative framework, and applied fairly at the workplace.

- Management should consult with their workforce and involve staff in the development of appropriate business continuity plans (BCP) prior to a human influenza pandemic at the earliest opportunity, in accordance with Premier's Circular 2006/3.
- The process of determining arrangements for influenza pandemic should not be used to pursue changes in pay and conditions unrelated to a pandemic.

THE EMPLOYMENT FRAMEWORK

The operational issues specific to a human influenza pandemic that are likely to be encountered, are summarised below with directions on the best way to manage them.

The Employment Framework summarises the modification to normal industrial relations arrangements and entitlements, which will only come into effect by determination of the Minister for Public Sector Management.

Issue	Variation
1) Payment of Salaries and Wages	<p>To simplify procedures and ensure continuity of payment of salaries and wages, agencies may elect to pay base pay and fixed allowances (or similar), with variations to individual pay postponed until the recovery phase.</p> <p>Note: This should not be used to prejudice claims such as Workers Compensation.</p>
2) Sick/personal leave – authorisation	<p>Employers may opt to waive or simplify the normal authorisation requirement for sick and personal leave, for example, the requirement to produce evidence may be waived if it is not practical for the employee to obtain such evidence.</p>
3) Paid sick/personal leave exhausted	<p>Employers may allow employees to take up to one year's sick/personal leave entitlement in advance where employees have exhausted their cumulated sick leave entitlements.</p>
4) Annual leave exhausted	<p>Employers may allow employees to take up to one year's annual leave entitlement in advance where employees have exhausted their annual leave entitlements.</p>

5) Repayment on resignation	Staff who resign prior to accruing the leave taken in anticipation, will be required to repay the unaccrued portion.
6) Redeployment of staff to areas of greatest of need	<p>The requirement and infrastructure for all redeployment options should be identified during the business continuity planning process and discussed with staff in advance.</p> <p>The employer may request staff to temporarily relocate to areas of greatest need provided the redeployed staff have the appropriate skills to perform the work, or can be bought up to the minimum allowable competency level in a short period of time.</p> <p>This redeployment may include between agencies and into volunteer organisations.</p> <p>Consideration should be given to rotating staff through redeployment options.</p>
7) Working from home/being on call	<p>Where the employer;</p> <ul style="list-style-type: none"> ▪ is not able to provide a safe workplace, and ▪ redeployment opportunities are not currently available, <p>The employer may direct employees to work from home. Employees directed to work from home must be available to perform duties as directed.</p>
8) Sick staff at work	The employer shall direct any employee who they judge to be ill (i.e. displaying symptoms of influenza), or at risk due to a recognised pre-existing medical condition, to leave the workplace.
9) Staff not observing health and safety protocols	The employer may direct any employee who does not observe appropriate occupational safety and health protocols to leave the workplace.
10) Staff unable to get to work	Where staff are unable by any reasonable means to get to the workplace, and they inform management of their situation, until other transport arrangements are made, an employer may deem that person to be working from home.

<p>11) Staff refusing to attend work</p>	<p>Staff who do not advise management of their status or are required but do not attend for work and are not sick, or in quarantine or caring for sick dependants will be deemed to be on leave without pay.</p>
<p>12) Mechanisms to recognise staff after pandemic, who provided critical functions</p>	<p>Employees who have worked additional hours or in exceptional circumstances during a pandemic, may after the pandemic, be granted additional personal leave or other entitlements as considered appropriate by the CEO.</p>