

NORTHERN TERRITORY PUBLIC SECTOR

HUMAN INFLUENZA PANDEMIC

EMPLOYMENT FRAMEWORK GUIDELINES

1. PURPOSE

The purpose of the Northern Territory Public Sector (NTPS) Human Influenza Pandemic Employment Framework Guidelines (“the Guidelines”) is to assist agencies and inform employees with respect to the management of employment related issues in the event of a human influenza pandemic within the Northern Territory (NT).

2. BUSINESS CONTINUITY PLANNING AND EMPLOYMENT RELATIONS PRINCIPLES

The demands placed upon NTPS services in the event of a serious human influenza pandemic are likely to be significant. At the same time, a pandemic has the potential to significantly reduce the workforce available to provide those services. It is therefore essential that NTPS agencies have appropriate business continuity plans (BCP) prepared in order to manage services in these circumstances.

The Guidelines support the *NT Special Counter Disaster Plan – Human Pandemic Influenza* and have been developed to assist NTPS agencies in planning for a human influenza pandemic. The NTPS Human Influenza Pandemic Employment Framework will formally operate under the authority of the Chief Minister acting on the advice of the NT Counter Disaster Council.

The Employment Framework is designed to be practical and consolidates conditions of employment either already operating in the NTPS, or identified as necessary through agency consultation. The Employment Framework is informed by the following cross-jurisdictional labour relations principles that should be applied in the event of a human influenza pandemic:

- the need to balance the requirement to continue normal operations against the need for employees to manage their important and legitimate personal, family and community responsibilities;
- operational health and safety arrangements need to support the key pandemic response objectives of containing the spread of the virus and minimising economic and social disruption;
- existing employment and management legislation, industrial relations agreements, policies and practices in relation to salaries, wages and conditions continue to apply, and are enforceable, unless varied through appropriate processes;
- where there is an essential need to vary workplace arrangements, changes should be made in accordance with the NTPS legislative framework with appropriate consultation and sufficient notice provided to employees (taking account of the circumstances) and applied equitably;

- agency managers should consult and involve employees in the development of appropriate business continuity plans at the earliest opportunity and in advance of the onset of an influenza pandemic;
- employees request to access various categories of leave should not be withheld unreasonably, taking into account the need for continuity of services to the community; and
- the processes of determining arrangements for an influenza pandemic should not be used to pursue changes in salaries and conditions unrelated to the pandemic.

3. NTPS PANDEMIC PLANNING EMPLOYMENT FRAMEWORK

The NTPS Human Influenza Pandemic Employment Framework will formally operate through the authority of the Chief Minister acting on advice from the NT Counter Disaster Council.

Significant employee related issues are likely to be encountered during a human influenza pandemic. The following table provides a summary of the appropriate responses to these issues:

SERIAL	ISSUE	RESPONSE
1.	Attendance at work	All employees are required to attend for work unless otherwise directed by the Chief Executive Officer (CEO), on approved leave or working from home.
2.	Public health response to pandemic	Procedures recommended by the NT Counter Disaster Council and the Department of Health and Families should be implemented as part of the requirement to provide a safe workplace and to minimise risks to employees, clients and contractors.
3.	Employee(s) <u>is sick</u> with influenza and asked to go into home isolation	A CEO may grant personal (sick) leave for any period during which an employee is infected with influenza, or showing symptoms suspected to be influenza, and who is asked by the Department of Health and Families to go into home isolation. (NTPS 2008-2010 Union Collective Agreement, clause 44.4).
4.	Employee is <u>not sick</u> with influenza but has been asked to go into home quarantine	A CEO may approve working from home arrangements or other appropriate arrangements where an employee has been in contact with a person with influenza, but is not him/herself sick, and who is asked by the Department of Health and Families to go into home quarantine.
5.	Personal (sick/carer's) leave – documentation requirements	A CEO may waive or simplify the normal documentation requirements for personal (sick/carer's) leave during the period of the pandemic. For example, the requirement for an employee to produce a medical certificate from a registered health practitioner may be waived if it is not practicable for the employee to obtain such evidence. However, a statutory declaration should be submitted by the employee when the situation returns to normal. (NTPS 2008-2010 Union Collective Agreement, clause 44.7)
6.	Personal (sick/carer's) leave exhausted – grant of additional personal leave and use of recreation leave	A CEO may grant additional personal (sick/carer's) leave to an employee who has exhausted his/her personal leave credits and who is still suffering from influenza, or required to care for an immediate family member infected with the disease. Such additional leave may be either unpaid or at half-pay. A CEO may also grant an employee access to recreation leave where the employee is absent for an extended period of time and his/her personal leave credits

		have been exhausted. (NTPS 2008-2010 Union Collective Agreement, clause 44.5).
7.	Personal and recreation leave exhausted – grant of Special leave Without Pay	A CEO may grant Special leave Without Pay under Public Sector Employment and Management By-law 16 to an employee who has exhausted his/her personal and recreation leave credits and who is still suffering from influenza, or required to care for an immediate family member infected with the disease.
8.	Special pandemic personal leave arrangements	The Commissioner for Public Employment, acting on the advice of the NT Counter Disaster Council, may determine special pandemic personal leave arrangements where appropriate.
9.	Transfer of employees to areas of greatest need during the course of the influenza pandemic	During the BCP process agencies should identify any possible requirements to transfer employees to areas of greatest operational need within the agency during the course of the influenza pandemic. These requirements should be communicated to employees in advance as far as practicable. Under section 35 of the <i>Public Sector Employment and Management Act</i> (PSEMA), a CEO may transfer a competent and qualified employee to perform other duties within the agency to meet operational needs, or with the agreement of another CEO, to perform duties within another agency. This may include performing duties in a different locality. CEOs must ensure that appropriate records are maintained, the employee(s) concerned are afforded natural justice in relation to any transfer and he/she is not disadvantaged in relation to payment of salary, entitlements to leave, etc.
10.	Working from home / on call	A CEO may direct an employee to work from home or hold him/herself in readiness (on-call) to perform duties where an agency is unable to provide a safe and healthy workplace or where it is not possible to transfer an employee to perform alternative duties. Agencies should ensure the employee's home environment complies with relevant occupational health and safety requirements. Employees directed to work from home must be available to perform duties when required.
11.	Sick employees at work	A CEO may direct an employee who displays symptoms of influenza to a medical practitioner for assessment. The employee should provide a medical certificate from the medical practitioner stating his/her fitness for duty. The employee will be deemed to be on duty until the findings of the medical examination are known. (NTPS 2008-2010 Union Collective Agreement, clause 44.9).
12.	Employee not observing workplace health and safety requirements	An employee who wilfully disregards workplace health and safety requirements may commit a breach of discipline and be the subject of disciplinary action under the PSEMA. If an employee persists in such conduct he/she should be directed to leave the workplace.
13.	Employee unable to travel to the workplace	Where an employee advises the agency that he/she is unable to travel to the workplace by any reasonable means, a CEO may deem the employee to be working from home until alternative transport arrangements are made.
14.	Employee refuses to attend or stops work	All employees are required to attend for work unless otherwise directed by the CEO, on approved leave or

		<p>working from home (provided workplace health and safety requirements are met). An employee may be considered to be absent from duty without leave where good cause for an absence is not demonstrated. In such circumstances the employee is deemed to be on leave without pay and may also be subject to disciplinary action under the PSEMA.</p> <p>As part of the BPC process CEO's should ensure that the consequences of refusing to attend or stopping work without good cause are communicated to employees.</p>
15.	Workplace closure	<p>A CEO may direct an employee to not attend for work, work from home or another location, or transfer the employee to perform alternative duties, in circumstances where the workplace has been closed for operational and/or health and safety reasons associated with the influenza pandemic. Salary is payable in such circumstances.</p>
16.	Payment of salary – Payroll Services	<p>The Department of Business and Employment has developed BCP's to minimise the impact of a human influenza pandemic on payroll services.</p> <p>A phased process will apply as follows:</p> <ul style="list-style-type: none"> • In normal circumstances salary/wages, allowances, shift penalties, etc will be paid as usual, provided sufficient Payroll Services staff are available for duty; • Where Payroll Services is no longer able to maintain normal operations a process will be implemented to enable employees to receive at least their basic rate of pay; and • Where Payroll Services is no longer able to function effectively, agencies will be required to record employees' ordinary hours of work, plus additional hours, shifts and call outs, etc to facilitate the timely retrospective payment in the recovery stage.
17.	Employee consultation and involvement	<p>The influenza pandemic may require a number of short term changes to normal agency working arrangements. Under the PSEMA, NTPS workplace agreements and the <i>Work Health and Safety Act</i>, it is essential CEO's ensure early and genuine agency consultation with employees and unions. In particular CEO's should ensure appropriate consultation with agency Occupational Health and Safety Committees and/or Health and Safety Representatives.</p> <p>In the preparatory phase there should be meaningful consultation to demonstrate that agencies have:</p> <ul style="list-style-type: none"> • contingency plans in place to manage a range of pandemic scenarios that may impact on the agency; and • that plans have been developed in genuine consultation with the employees.

Original signed

KEN SIMPSON
Commissioner for Public Employment
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