

Understanding your rights during COVID-19

Despite COVID, your rights to a safe workplace with fair employment conditions have not changed. Your employer cannot use the pandemic as an excuse to avoid paying you fairly or ensuring you're free from harm. So, if your employment has been affected, it's important to know where you stand.

Restrictions in Victoria

The Victorian Government has announced a lockdown from 11:59pm on Thursday 15 of July 2021.

There are only five reasons to leave home:

- to get food and supplies
- exercise, for up to two hours and no more than 5kms from your home
- work or education if you can't do it from home
- care and caregiving
- getting vaccinated at the nearest possible location.

Currently, the Building and Construction Industry remains OPEN as an authorised provider and the workforce are authorised workers.

You must wear your face masks at work and indoors (unless you have an exemption).

General employment rights during COVID-19

There are a variety of financial support packages for people and businesses impacted by COVID-19 including financial, job and business support.

Can I be forced to take a pay cut?

No, your pay cannot be reduced without your agreement, and it cannot be reduced below your enterprise agreement.

Can I be directed to take Annual Leave?

The standard position in respect of annual leave is that it should be taken by agreement between the employer and employee.

Employees are required to consider and not unreasonably refuse such a request. However, this won't apply if the request would result in you having a balance of fewer than 2 weeks' paid annual leave.

When should I use sick / personal leave?

If you are sick with Covid-19, you should take personal leave. Similarly, if you are caring for someone who is sick, you should take carers leave.

You should provide your employer with a valid medical certificate as soon as possible and focus on recovering. Once your doctor gives you the all-clear to return to work, and it is safe to do so, your employer must facilitate your return.

Unable to work due to COVID-19 test or isolation?

If you have had a COVID-19 test and are isolating until you receive results, meaning you can't go to work and won't get paid, you may qualify for the Victorian Government \$450.00 test isolation payment.

- This payment will help to ensure that workers are able to isolate immediately and avoid potential transmission of the virus through workplaces.
- There are eligibility criteria and evidence or documentation that must be provided to receive the payment. Please ensure that you read the COVID19 Test Isolation payment guidelines carefully before completing the application form.
- Visit <https://www.coronavirus.vic.gov.au/450-coronavirus-covid-19-test-isolation-payment> for further information.

If you have been directed by the Victorian Department of Health to self-isolate or quarantine for 14 days and subsequently can't go to work and won't get paid, you may qualify for the \$1,500.00 Pandemic Leave Disaster Payment. You may also be eligible if you are caring for someone who has been directed to self-isolate or quarantine.

- The \$1,500.00 Pandemic Leave Disaster Payment is a one-off payment to help Victorian workers who have been directed to self-isolate or quarantine for 14 days, or care for someone who has been directed to self-isolate or quarantine.
- The Pandemic Leave Disaster Payment recognises that the requirement to self-isolate or quarantine at home can cause a financial burden for some individuals and families who are without an income during this period.¹
- See <https://www.servicesaustralia.gov.au/individuals/services/centrelink/pandemic-leave-disaster-payment-victoria> for further information on whether you are eligible.

Get Help

Your safety is paramount to us. If you have any queries regarding your workplace rights during this lockdown, please do not hesitate to contact your union organiser or the office on (03) 9662 3388.

* This page was last updated on 19 July 2021.

¹ See - <https://www.servicesaustralia.gov.au/individuals/services/centrelink/pandemic-leave-disaster-payment-victoria>