

## Sick and carer's leave

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### Pandemic Leave Disaster Payment

The Australian Government has introduced a Pandemic Leave Disaster Payment for some workers during coronavirus. It is available to eligible workers in all six Australian states. The payment is available to workers who:

- don't have paid sick leave and can't earn an income because they have to self-isolate or quarantine due to a positive coronavirus case, or
- are caring for someone with coronavirus.

For more information about the payment, eligibility requirements and how to claim it, visit [Pandemic Leave Disaster Payment \(https://www.servicesaustralia.gov.au/individuals/services/centrelink/pandemic-leave-disaster-payment\)](https://www.servicesaustralia.gov.au/individuals/services/centrelink/pandemic-leave-disaster-payment) <sup>1</sup> on Services Australia's website.

### Victorian Coronavirus Test Isolation Payment

Some Victorian workers may also be eligible for a Victorian Coronavirus Test Isolation Payment from the Victorian Government. Learn more at [Victoria – Coronavirus \(COVID-19\) Test Isolation Payment \(https://www.dhhs.vic.gov.au/covid-19-worker-support-payment\)](https://www.dhhs.vic.gov.au/covid-19-worker-support-payment) <sup>2</sup>.

Employees may be able to take sick and carer's leave if they have coronavirus or need to care for family or household members.

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Employers should also consider their obligations under any award, enterprise agreement, employment contract or workplace policy, which could include extra rules about sick and carer's leave.

## Sick leave due to coronavirus

Employers and employees have legal obligations to support workplace health and safety. Because of these obligations, employees who have coronavirus can't attend the workplace.

### Employers can direct employees not to come to work

Employers can direct employees who are sick with coronavirus not to come to work. Employers can do this if they're acting reasonably and based on factual information about health and safety risks. This includes relying on the Australian Government's health and quarantine guidelines.

If an employer has directed an employee not to attend work in these circumstances, the employee isn't entitled to be paid unless they take paid sick leave or some other type of paid leave, or they're enrolled in the JobKeeper scheme.

For more information, see:

- [Leave and the JobKeeper scheme \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/leave-the-jobkeeper-scheme\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/leave-the-jobkeeper-scheme)
- [Pay, leave and ending employment for legacy employers \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/legacy-employers/pay-leave-and-ending-employment-for-legacy-employers/pay-leave-and-ending-employment-for-legacy-employers\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/legacy-employers/pay-leave-and-ending-employment-for-legacy-employers/pay-leave-and-ending-employment-for-legacy-employers)

## **Paid sick leave**

Full-time and part-time employees can take paid sick leave if they can't come to work because they're sick with coronavirus. If they have no paid sick leave left, they can take unpaid sick leave.

An employer can't require an employee to use their accumulated sick or carer's leave.

See [Paid sick and carer's leave \(https://www.fairwork.gov.au/leave/sick-and-carers-leave/paid-sick-and-carers-leave\)](https://www.fairwork.gov.au/leave/sick-and-carers-leave/paid-sick-and-carers-leave) .

Under the Fair Work Act, an employee is protected from losing their job because of their temporary absence due to illness or injury. See [Long periods of sick leave \(https://www.fairwork.gov.au/leave/sick-and-carers-leave/long-periods-of-sick-leave\)](https://www.fairwork.gov.au/leave/sick-and-carers-leave/long-periods-of-sick-leave) .

Employees also can't be dismissed or injured in their employment because they have a responsibility under a workplace health and safety law to quarantine or self-isolate. Go to [Protections at work \(http://www.fairwork.gov.au/employee-entitlements/protections-at-work\)](http://www.fairwork.gov.au/employee-entitlements/protections-at-work) to learn more.

## **Notice and medical certificates**

An employee needs to give their employer reasonable evidence that they aren't fit for work if their employer asks for it. This also applies to situations relating to coronavirus. See [Notice and medical certificates \(https://www.fairwork.gov.au/leave/sick-and-carers-leave/paid-sick-and-carers-leave/notice-and-medical-certificates\)](https://www.fairwork.gov.au/leave/sick-and-carers-leave/paid-sick-and-carers-leave/notice-and-medical-certificates) .

### **Example: Taking sick leave because of coronavirus**

Marisa is a bus driver. She gets coronavirus. A government direction requires her to quarantine at home.

Marisa has accrued enough sick leave to cover the time she needs to be off work. Her employer, a bus company, asks her for a medical certificate as evidence that she can't work because she's sick. She gives the certificate with her sick leave application. She stays at home until she is better and can return to work.

More information:

- [Paid sick and carer's leave \(https://www.fairwork.gov.au/leave/sick-and-carers-leave/paid-sick-and-carers-leave\)](https://www.fairwork.gov.au/leave/sick-and-carers-leave/paid-sick-and-carers-leave)
- [Quarantine & self-isolation: pay & leave options \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/quarantine-self-isolation\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/quarantine-self-isolation)
- [Protections at work \(http://www.fairwork.gov.au/employee-entitlements/protections-at-work\)](http://www.fairwork.gov.au/employee-entitlements/protections-at-work)

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## **Carer's leave due to coronavirus**

Employees can take carer's leave (paid or unpaid) if they need to look after a family or household member who's sick with coronavirus, or if there's an unexpected emergency.

### **Paid carer's leave**

Paid carer's leave is available to full-time and part-time employees when they need to look after a family member or a member of their household who needs care or support because of a personal illness, injury or has an unexpected emergency. See [Paid sick and carer's leave \(https://www.fairwork.gov.au/leave/sick-and-carers-leave/paid-sick-and-carers-leave\)](https://www.fairwork.gov.au/leave/sick-and-carers-leave/paid-sick-and-carers-leave) for details.

### **Unpaid carer's leave**

Casual employees are entitled to 2 days of unpaid carer's leave per occasion. Full-time and part-time employees can take unpaid carer's leave if they have no paid sick or carer's leave left. See [Unpaid carer's leave \(https://www.fairwork.gov.au/leave/sick-and-carers-leave/unpaid-carers-leave\)](https://www.fairwork.gov.au/leave/sick-and-carers-leave/unpaid-carers-leave) .

## Unexpected emergencies

Whether particular circumstances amount to an employee needing to provide care or support due to an unexpected emergency depends on the individual situation. For example, a school or childcare centre closing on short notice and for a short period because someone tested positive is an unexpected emergency.

An employee has to give their employer reasonable evidence of the unexpected emergency if their employer asks for it. This will also apply to situations relating to coronavirus.

### Example: Employee needs to care for a child during childcare centre closure

Alastor has just received an email from his daughter's childcare centre. They let him know that the centre is closing immediately for 48 hours. This is because a child at the centre has tested positive to coronavirus. Alastor immediately contacts his employer. He tells them he'll need to stay at home during the closure to care for his daughter.

They discuss whether he could work from home. They decide that, given Alastor needs to actively care for his daughter, he is unable to work at his normal capacity.

Alastor's employer lets him know that he can take paid carer's leave. This is because the closure of the childcare centre on short notice is an unexpected emergency. Alastor forwards the email from the child care centre to his employer as evidence.

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## Casual employees, outworkers and independent contractors - entitlement to sick and carer's leave

### Casual employees and sick/carer's leave

Casual employees aren't entitled to paid sick or carer's leave under the National Employment Standards. Casual employees are paid a casual loading instead of accumulating paid leave entitlements.

Casuals who get sick with coronavirus may be eligible for unpaid pandemic leave.

Casuals who need to care for an immediate family member or household member who is sick with coronavirus can take 2 days of unpaid carer's leave on each occasion.

Some states are also providing one-off hardship payments to employees who don't have access to paid sick leave and can't work for reasons relating to coronavirus. See below for more information.

More information:

- [Unpaid pandemic leave \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/quarantine-self-isolation\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/quarantine-self-isolation)
- [Unpaid carer's leave \(https://www.fairwork.gov.au/leave/sick-and-carers-leave/unpaid-carers-leave\)](https://www.fairwork.gov.au/leave/sick-and-carers-leave/unpaid-carers-leave)
- [Long periods of sick leave \(https://www.fairwork.gov.au/leave/sick-and-carers-leave/long-periods-of-sick-leave\)](https://www.fairwork.gov.au/leave/sick-and-carers-leave/long-periods-of-sick-leave)

### Example: Casual employee required to self-isolate

Riley is a casual kitchenhand covered by the Hospitality Award. Riley's sister has been diagnosed with coronavirus and, as a member of the household, he's required to self-isolate for 2 weeks.

Riley talks to his employer about his situation. He's not entitled to paid sick leave because he's a casual. Instead, Riley takes unpaid pandemic leave, which is available to him as a casual under the Hospitality Award.

### Outworkers and sick/carer's leave entitlements

Outworkers in the textile, clothing and footwear industry are considered to be employees for the purposes of most protections under the Fair Work Act. Where these provisions apply, the contract outworker should be treated as an employee, which means they can be entitled to paid sick and carer's leave. Find help for [Outworkers \(https://www.fairwork.gov.au/find-help-for/outworkers\)](https://www.fairwork.gov.au/find-help-for/outworkers).

### Independent contractors and sick/carer's leave entitlements

Independent contractors aren't employees. They don't have paid leave entitlements under the Fair Work Act. Find help for [Independent contractors \(https://www.fairwork.gov.au/find-help-for/independent-contractors\)](https://www.fairwork.gov.au/find-help-for/independent-contractors) .

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## Federal and state coronavirus payments

The Australian Government has introduced a Pandemic Leave Disaster Payment for some workers during coronavirus. It is available to eligible workers in all six Australian states. The payment is available to workers who:

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- are caring for someone with coronavirus.

For more information about the payment, eligibility requirements and how to claim it, visit [Pandemic Leave Disaster Payment \(https://www.servicesaustralia.gov.au/individuals/services/centrelink/pandemic-leave-disaster-payment\)](https://www.servicesaustralia.gov.au/individuals/services/centrelink/pandemic-leave-disaster-payment) [↗](#) on Services Australia's website.

Some Australian states are also providing hardship payments for certain workers who don't have access to paid sick leave and can't work because they are waiting for coronavirus test results. Go to:

- [SA COVID-19 Cluster Isolation Payment \(https://www.covid-19.sa.gov.au/school-and-community/financial-support-for-individuals\)](https://www.covid-19.sa.gov.au/school-and-community/financial-support-for-individuals) [↗](#) – for information and to check eligibility in South Australia
- [Victoria – Coronavirus \(COVID-19\) Test Isolation Payment \(https://www.dhhs.vic.gov.au/covid-19-worker-support-payment\)](https://www.dhhs.vic.gov.au/covid-19-worker-support-payment) [↗](#) – for information and to check eligibility in Victoria.

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## More information

- [Paid sick and carer's leave \(https://www.fairwork.gov.au/leave/sick-and-carers-leave/paid-sick-and-carers-leave\)](https://www.fairwork.gov.au/leave/sick-and-carers-leave/paid-sick-and-carers-leave)
- [Quarantine & self-isolation: pay & leave options \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/quarantine-self-isolation\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/quarantine-self-isolation)
- [Protections at work \(http://www.fairwork.gov.au/employee-entitlements/protections-at-work\)](http://www.fairwork.gov.au/employee-entitlements/protections-at-work)
- [Unpaid carer's leave \(https://www.fairwork.gov.au/leave/sick-and-carers-leave/unpaid-carers-leave\)](https://www.fairwork.gov.au/leave/sick-and-carers-leave/unpaid-carers-leave)
- [Annual leave \(https://www.fairwork.gov.au/leave/annual-leave\)](https://www.fairwork.gov.au/leave/annual-leave)
- [Unpaid pandemic leave in awards \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/temporary-changes-to-workplace-laws-during-coronavirus/unpaid-pandemic-leave-annual-leave-changes-in-awards\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/temporary-changes-to-workplace-laws-during-coronavirus/unpaid-pandemic-leave-annual-leave-changes-in-awards)
- [Leave and the JobKeeper scheme \(www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/leave-the-jobkeeper-scheme\)](http://www.fairwork.gov.au/coronavirus-and-australian-workplace-laws/pay-and-leave-during-coronavirus/jobkeeper-wage-subsidy-scheme/leave-the-jobkeeper-scheme)
- [Long service leave \(https://www.fairwork.gov.au/leave/long-service-leave\)](https://www.fairwork.gov.au/leave/long-service-leave)
- [Casual employees \(https://www.fairwork.gov.au/employee-entitlements/types-of-employees/casual-part-time-and-full-time/casual-employees\)](https://www.fairwork.gov.au/employee-entitlements/types-of-employees/casual-part-time-and-full-time/casual-employees)
- [Independent contractors \(https://www.fairwork.gov.au/find-help-for/independent-contractors\)](https://www.fairwork.gov.au/find-help-for/independent-contractors)
- [Outworkers \(https://www.fairwork.gov.au/find-help-for/outworkers\)](https://www.fairwork.gov.au/find-help-for/outworkers)

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Fair Work Infoline: 13 13 94

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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

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