



Paid Pandemic Leave

ACTU Policy Brief

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Introduction

In order to stop the spread of COVID-19 in workplaces and protect the community from further transmission, the ACTU is calling for every single worker to have access to paid pandemic leave so they can be supported to get tested for the virus and self-isolate if necessary.

It has become abundantly clear that the virus is being spread in workplaces where people are in insecure and casual work and have no paid leave, or amongst permanent workers who have exhausted, or have only minimal, sick leave. Paid pandemic leave is a critical public health measure that would provide a circuit breaker to stem the rate of transmission by allowing those with symptoms to stay home without losing income.

Research conducted for the ACTU found that more than 80 per cent of Australians want the Government to provide paid pandemic leave for all workers.¹

Paid pandemic leave – which would be in addition to any other leave entitlement, available to all working people and funded by the Government – is essential to allowing workers to get tested and isolate when they need to.

Why we need paid pandemic leave

COVID-19 is a respiratory illness caused by the virus (SARS-CoV-2). Its symptoms can include a fever, coughing and a sore throat and is commonly mistaken for the flu or common cold. It is highly infectious and can spread from person to person through close contact with an infectious person (including 48 hours prior to them having symptoms), contact with droplets from an infected person's cough or sneeze or from touching objects and surfaces that have droplets from an infected person. In addition, evidence is mounting of transmission through fine respiratory aerosols (such as through regular exhalation) which can remain airborne for several hours.

To stop the spread of COVID-19 health authorities, including the Australian Government's Department of Health recommend anyone who is experiencing symptoms, or who has been in close contact with a confirmed case, to isolate and get tested.² Testing can be undertaken at numerous

¹ ACTU/UComms Research – Attachment A

² <https://www.health.gov.au/news/health-alerts/novel-coronavirus-2019-ncov-health-alert/what-you-need-to-know-about-coronavirus-covid-19>

community testing facilities and can take up to a week for results to be returned. Even if a person tests negative the advice may be to remain isolated for up to 14 days in circumstances where it is known they have been exposed to a confirmed case and may later become infectious.

Paid sick leave for all workers, including for those in insecure employment, is essential to ensuring compliance with these recommendations and reducing the spread of COVID-19. We know from previous pandemics, including the 2009 H1N1 pandemic in the United States, that an alarming number of workers without sick leave attended work whilst sick which contributed to the spread in workplaces leading to over 7 million infections.³ Recent figures in Victoria show that 80 per cent of outbreaks are now linked to workplaces, a significant increase since May. ACTU analysis of the daily reports in Victoria and NSW indicate that there are now over 150 workplace outbreaks since the start of July.⁴ Many of these workplaces are industries known for their reliance on insecure and casual workers.

Research has also shown up to 44% of Australian workers have no paid leave because they are in insecure work. Many more have depleted their leave entitlements during the first six months of this pandemic.⁵

Given that so many workers in Australia have no access to paid sick leave, staying at home while sick in many cases is not financially feasible. The high proportion of workers without paid sick leave leaves the entire community vulnerable to the risk of a second wave of community-based transmission because of the risk that workers who should not come to work will be economically compelled to turn up. Given the economic crisis that has accompanied this pandemic, workers are even more concerned for their income and employment security and are even more likely to attend work whilst sick for fear of losing income, work or shifts. These factors undermine the policy of governments around the country to encourage and maintain a high level of testing for symptomatic people and is likely to contribute to a large number of cases going undetected in the community and accelerating transmission.

ACTU research supports this, with more than 1 in 10 people saying they would still attend work if they had mild symptoms such as an infrequent cough and a slight fever. Nearly two thirds of those

³ Drago, R, and Miller K, Sick at Work: Infected Employees in the Workplace During the H1N1 Pandemic, IWPR No. B264, February 2010, Pennsylvania State University

⁴ See Attachment B - Summary of workplace infections in NSW and Victoria

⁵ ACTU/UComms Research – Attachment A

people said this was because they were either afraid of losing their jobs, having their shifts or hours reduced, or because they can't afford to have unpaid time off work.⁶

The ACTU believes the Australian Government must urgently introduce a form of comprehensive, universal paid sick leave to prevent COVID-19 from spreading again as the country lifts its lockdown measures.

Australia is unique among advanced economies with one of the highest proportions of insecure and nonstandard forms of work, and an almost entirely employer-funded sick leave regime.⁷ Of the 37 member countries of the Organisation for Economic Co-operation and Development (OECD), 27 have implemented new measures relating to paid sick leave to tackle COVID-19.⁸ These measures include additional paid sick leave, extending paid sick leave to more groups of workers, making paid sick leave easier to access, and extending paid leave to cover caring for others. Although there are variations between sick leave systems in each country, we believe some of the good measures adopted by OECD countries in this pandemic should guide Australia's response in this area.

What the ACTU is asking for

Based on our analysis of Australia's insecure work crisis and our analysis of paid sick leave measures adopted overseas, the ACTU is urgently calling for comprehensive, universal paid sick leave for all workers to ensure resilience to COVID-19. This 'Paid Pandemic Leave' is based on the following principles:

- Comprehensive: up to two weeks on each occasion a worker is required to self-isolate or quarantine and not able to attend or perform work as a result
- Universal: covers all workers, regardless of contract status or employment relationship
- Paid at 100% of the employees pay, so workers are not financially penalised for being sick and therefore not incentivised to attend work whilst sick or infectious

⁶ ACTU/UComms Research – Attachment A

⁷ <https://www.worldpolicycenter.org/policies/who-provides-paid-sick-leave-during-the-first-six-weeks-of-illness>

⁸ Austria, Belgium, Canada, Chile, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Korea, Latvia, Luxembourg, New Zealand, Norway, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom, United States have all implemented new measures relating to paid sick leave during COVID-19.

- Funded by government but administered by the employer (such as the JobKeeper wage subsidy scheme). Australia already has several examples of government subsidisation of employee leave and wages including COVID-19 specific JobKeeper and apprentice wage subsidies, and paid parental leave where the Commonwealth Government pays qualifying parents \$740 per week for 18 weeks. The economic cost of providing paid pandemic leave is modest compared to the economic costs of a pandemic.⁹

These measures will require changes to the Fair Work Act to ensure that workers have a clear and understood right to isolate, get tested and recover from COVID-19.

Fair Work Commission decision

The Fair Work Commission recently granted an application by the ACTU and unions to grant paid pandemic leave for aged care workers covered by the aged care, nurses and health professionals awards for a three-month period. This decision grants leave to some aged care workers, but excludes those casual workers whose engagement is not regular and systematic.

This was a welcome decision, however the problem of workers having no leave goes beyond the aged care sector. The ACTU believes the right to paid pandemic should extend to all workers, and that it should be a statutory entitlement.

⁹https://worldpolicycenter.org/sites/default/files/Protecting_Health_During_COVID-19_and_Beyond_Heymann_et_al_0.pdf, p. 7.

Attachment A – ACTU/uComms Research

17th July 2020

FINAL RESULTS

uComms conducted a survey of 1,095 residents aged between 18 & 65 across Australia during the night of the 16th July 2020

ALL

Of the following, which best describes your current work situation?

	Total	Female	Male	18 – 34	35 – 50	51 - 65
Full time employment	48.1%	41.3%	55.1%	48.3%	60.5%	53.8%
Part time employment	19.6%	26.2%	12.6%	23.4%	16.1%	18.3%
Casual employment	12.0%	13.8%	10.2%	16.2%	9.1%	9.7%
Gig worker (e.g. Uber)	0.3%	0.2%	0.4%	0.0%	0.0%	1.1%
Other employment	8.0%	6.5%	9.5%	6.2%	7.9%	6.5%
Not employed	12.0%	11.9%	12.2%	5.8%	6.4%	10.8%

ALL

Are you currently on JobKeeper or JobSeeker?

	Total	Female	Male	18 – 34	35 – 50	51 - 65
JobKeeper	21.7%	21.8%	21.7%	29.3%	20.8%	18.0%
JobSeeker	5.7%	4.8%	6.7%	7.9%	4.0%	7.5%
None of these	72.6%	73.4%	71.7%	62.8%	75.2%	74.5%

Note: All respondents no matter what they chose in previous questions were asked this Question

ALL

Thinking about the number of hours you work in a paycycle, would you say that your hours of work has increased, decreased or stayed the same?

	Total	Female	Male	18 – 34	35 – 50	51 - 65
Increased	15.0%	18.6%	11.3%	11.4%	21.3%	16.1%
Decreased	32.9%	29.8%	36.2%	41.5%	27.4%	31.5%
Stayed the same	52.0%	51.6%	52.5%	47.1%	51.3%	52.4%

Note: All respondents no matter what they chose in previous questions were asked this Question

ALL

Do you have access to paid leave such as annual leave & sick leave?

	Total	Female	Male	18 – 34	35 – 50	51 - 65
Yes	55.5%	57.5%	53.5%	61.4%	69.4%	55.0%
No	44.5%	42.5%	46.5%	38.6%	30.6%	45.0%

Note: All respondents no matter what they chose in previous questions were asked Question 4

NO ACCESS TO PAID LEAVE

Would you attend work if you had mild symptoms such as an infrequent cough and a slight fever?

	Total	Female	Male	18 – 34	35 – 50	51 - 65
Yes	10.7%	8.4%	12.9%	11.8%	10.4%	15.0%
No	89.3%	91.6%	87.1%	88.2%	89.6%	85.0%

Note: only respondents who answered 'No' to the previous Question were asked this question

NO ACCESS TO PAID LEAVE

What is the MAIN reason you would attend work if you had mild symptoms?

	Total	Female	Male	18 – 34	35 – 50	51 - 65
<i>Fear of losing my job</i>	25.0%	30.0%	21.7%	60.9%	0.0%	23.1%
<i>Can't afford to have unpaid time off work</i>	32.9%	30.0%	34.8%	8.7%	60.0%	46.2%
<i>Fear of losing shifts or hours reduced</i>	6.6%	13.3%	2.2%	13.0%	0.0%	3.8%
<i>I don't believe COVID-19 is a real risk</i>	10.5%	20.0%	4.3%	17.4%	6.7%	0.0%
<i>COVID-19 might be an issue for some but not for me</i>	25.0%	6.7%	37.0%	0.0%	33.3%	26.9%

Note: only respondents who answered 'Yes' to the above Question were asked this question

TO ALL WITH NO ACCESS TO PAID LEAVE

Have you previously had shifts cut if you had a day off because you or someone in your family was sick?

	Total	Female	Male	18 – 34	35 – 50	51 - 65
<i>Yes</i>	12.3%	12.4%	12.1%	20.5%	12.5%	11.4%
<i>No, but a person in my workplace has</i>	56.7%	56.9%	56.5%	54.6%	54.9%	62.9%
<i>No</i>	31.0%	30.6%	31.4%	24.9%	32.6%	25.7%

TO ALL WITH NO ACCESS TO PAID LEAVE

Have you previously been sacked from a job because of needing time off because you or someone in your family was sick?

	Total	Female	Male	18 – 34	35 – 50	51 - 65
<i>Yes</i>	6.9%	5.5%	8.3%	11.3%	9.0%	4.2%
<i>No</i>	93.1%	94.5%	91.7%	88.7%	91.0%	95.8%

TO ALL

There are some financial supports for people who need to isolate because of COVID-19, what is your view on those supports?

	<i>Total</i>	<i>Female</i>	<i>Male</i>	<i>18 – 34</i>	<i>35 – 50</i>	<i>51 - 65</i>
<i>Not aware of them</i>	48.7%	51.8%	45.5%	53.8%	57.7%	49.6%
<i>They are adequate</i>	26.8%	25.2%	28.5%	24.3%	23.0%	28.3%
<i>They are inadequate</i>	10.0%	8.7%	11.4%	12.9%	6.8%	10.0%
<i>They are not available in my state or I do not qualify</i>	14.5%	14.4%	14.6%	8.9%	12.6%	12.1%

Note: All respondents no matter what they chose in previous questions were asked Question

This survey was conducted using an automated telephone based survey system among 1,095 voters. Telephone numbers and the person within the household were selected at random. The results have been weighted by gender and age to reflect the population according to ABS figures. Please note that due to rounding, not all tables necessarily total 100% and subtotals may also vary. Copyright uCommunications Pty Ltd.

Attachment B – Summary of workplace infections in NSW and Victoria

Note: this is based on publicly released data from Victoria and NSW and is not necessarily a comprehensive list of workplace infections.

Victoria industries

Industry	Number of affected workplaces
Accommodation	3
Aged Care	49
Automotive Services	1
Childcare	3
Construction	1
Corporate	3
Education	28
Food Manufacturing	12
Healthcare	14
Logistics	7
Manufacturing	5
Media	1
Professional Services	1
Retail	6
Social Welfare	3
Justice	1
Total	138

NSW Industries

Industry	Affected workplaces
Aged Care	1
Childcare	1
Education	3
Fitness	3
Logistics	1
Restaurant	21
Retail	4
Total	34

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