

	EPIDEMIC AND PANDEMIC PEOPLE PROCEDURE	
L0-HMR-PRO-068	Version: 2	Effective from: 7 th April 2020

Approval

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23/03/2020	1	Initial release
07/04/2010	2	Clarification of employees at greater risk and section 6.3. Correction to Enterprise Agreements reference.

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1. Purpose

Metro recognises that at times of epidemic or pandemic that our customs and practice will need to adapt to prevent substantial impacts on our employees and our delivery.

During such a time, Metro will:

- strive to support the health and wellbeing of our people, the community and ensure that essential services continue to be provided; and
- align to advice and guidance issued by Victoria's Chief Health Officer, and the Victorian and Commonwealth Governments, whilst remaining consistent with our values and legal obligations.

This procedure aims to reduce risk of infection across the workforce and the state of Victoria and is to be administered in good faith.

This procedure details employee obligations and the requirements for accessing leave during an epidemic or pandemic.

2. Scope

This procedure applies to all Metro employees.

3. Responsibilities

The **People Division** are responsible for administering this procedure and is responsible for ensuring leave entitlements are processed in accordance with this procedure and appropriate records are maintained.

Managers are responsible for:

- authorising all leave applications;
- ensuring that an approved leave application form is lodged with Payroll on each occasion leave is taken;
- discussing any concerns regarding the performance of work with their direct reports, including exploring options such as flexible working arrangements; and
- providing direction to an employee to self-isolate, as appropriate and in accordance with this procedure.

Employees are responsible for:

- monitoring and following the advice of Victoria's Chief Health Officer and regularly checking the Department of Health and Human Services (DHHS) website and Metro webpage <https://www.metrotrains.com.au/coronavirus/>; and
- notifying their manager as soon as possible should they believe that they need to self-isolate in accordance with advice from the above listed sources or a medical practitioner.

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4. Definitions and Abbreviations

Day - In respect of payment means the amount to be paid in accordance with the employee's rostered or ordinary hours and excludes shift allowances, penalty rates and the like.

DHHS - Department of Health & Human Services.

Early Intervention Special Leave - up to 5 working days of additional discretionary paid leave granted by Metro. Payment for this leave will be at an employee's ordinary rate of pay, with employees who typically work less than what is deemed full-time hours being paid on a prorata basis. Paid Special Leave does not form part of an employee's contractual or statutory entitlements.

Employee - an employee of Metro employed on a Full-time, Fixed-Term, Part-time or Casual basis.

Epidemic - a widespread occurrence of an infectious disease in a community.

Epidemic/Pandemic Special Leave – up to 10 working days of additional discretionary paid leave granted by Metro. Payment for this leave will be at an employee's ordinary rate of pay, with employees who typically work less than what is deemed full-time hours being paid on a prorata basis. Paid Special Leave does not form part of an employee's contractual or statutory entitlements.

Immediate family

- i. spouse, defacto partner, child, parent, grandparent, grandchild or sibling; or
- ii. a child, parent, grandparent, grandchild or sibling of a spouse or defacto partner of the employee.

Infectious disease – in this procedure means an infectious disease that has been identified by the World Health Organisation as an epidemic or pandemic. This includes the coronavirus, also known as COVID-19.

Manager – Line manager, supervisor or delegate.

Metro – Metro Trains Melbourne (MTM).

OHS Act – Occupational Health and Safety Act (2004).

Pandemic - a widespread occurrence of an infectious disease globally.

Personal leave

Leave available to an employee when they are unable to attend work due to an employee:

- Not being fit for work because of personal illness, personal injury, affecting the employee (sick leave); or
- Providing care or support to a member of the employee's immediate family, or a member of the employee's household. Who requires care or support (carers leave) because of:
 - i. A personal illness or injury; or
 - ii. An unexpected emergency affecting the member; or
 - iii. In the case of an epidemic or pandemic, who is required to self-isolate, or has a school or care centre closure.

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5. Prevention

We all need to work together to reduce the transmission of infectious disease in the workplace.

Employers and employees have mutual obligations to ensure the workplace is safe and without risks to the health of employees and others.

The OHS Act also requires employees to take reasonable care for their own health and safety and the health and safety of others who may be affected by their acts or omissions at the workplace.

Employees are reminded to always practice good hygiene, practice social distancing techniques, stay home when ill and to notify Metro should they hold a reasonable belief that they have been exposed to or contracted the infectious disease.

5.1 Hygiene

Good personal hygiene is an effective way to protect ourselves and others from illness and infectious disease. Metro expects all employees to vigilantly apply these guidelines, particularly in case of an epidemic or pandemic. Please ensure that you:

- Thoroughly wash hands regularly with soap and running water. In particular after using the toilet, blowing your nose, coughing, sneezing and upon entering the home or work environment. If water is unavailable use an alcohol-based hand sanitizer.
- Avoid touching your eyes, nose or mouth.
- Cover your nose and mouth with a tissue when you cough or sneeze, then dispose of the tissue in a bin. If you don't have a tissue cough or sneeze into use your elbow and then wash hands.

5.2 Social distancing

Respectful social distancing minimises the spread of the infectious disease among our employees. In case of an epidemic or pandemic the below should be applied quickly and practically adapted to locations where Metro employees are working.

During the workday:

- Avoid person-to-person contact such as shaking hands;
- Avoid meeting people face-to-face and leverage the use of technology to undertake business and ensure teams remain connected, even when participants are in the same location. Managers are encouraged to work with their team to identify what may work best for their situation (e.g. Skype, MS Teams, ZOOM, Bluejeans, Teleconference, instant messaging, email and telephone);
- Cancel or postpone nonessential face-to-face meetings, workshops, training sessions, conferences, gatherings and celebrations;
- If a face-to-face meeting is unavoidable, minimize the meeting time, choose a larger than usual meeting space and sit at least one and a half metres from each other if possible;
- Avoid congregating in work rooms, copier rooms, lunch rooms, kitchens or other areas where people socialise; and
- Bring lunch and eat at away from others (avoid lunchrooms and crowded restaurants).

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5.3 Group gatherings

In a formally declared epidemic or pandemic, Metro expects that all non-essential face to face group gatherings will be postponed or cancelled accordingly; including but not limited to meetings, workshops, training sessions, conferences, gatherings, meetings and celebrations, with exceptions as determined by company Executive. Where the gathering is essential to operations then social distancing guidelines must be applied as practically as possible.

5.4 Working from home

In order to reduce the spread of the infectious disease and maintain business continuity during an epidemic or pandemic event, managers will need to consider the positions in their team and whether it can be performed remotely (i.e. from home). Where it is possible the manager should enable this to occur.

Metro maintains the right to ask an employee to return to the workplace at any time.

5.5 Business travel

All business travel should be avoided until further notice. Employees who believe that they have to travel as an essential part of their job should consult with their manager on appropriate actions.

During an epidemic or pandemic event, all business related travel will require the approval of the relevant Executive Director and a consideration of the risks.

No travel to, or through affected countries or regions listed on authorised websites will be approved until further notice.

5.6 Personal travel

Employees intending to travel to or through a “risk” country will be required to inform their manager of their travel plans.

Metro will provide information to the employee regarding the implications of their intended travel plans.

Employees choosing to travel to or through countries listed on authorised websites as places to avoid, or countries notified by Metro, will be required to undertake self-isolation for the notified term upon their return, as required by Victoria’s Chief Health Officer. In these circumstances the employee’s absence will be covered by their own accrued leave entitlement or leave without pay. Access to epidemic/pandemic special leave will not be available.

5.7 Staying home when ill

It is critical that employees who are not fit for work because of personal illness do not come to work while they are unwell, irrespective of the condition.

Employees who are showing symptoms associated with the infectious disease (as informed by the advice of the Victoria’s Chief Health Officer or stipulated on the DHHS website) are encouraged in the first instance to call their medical practitioner and the relevant government hotline for assessment and guidance and then notify their manager.

Employees who report to work ill may be sent home in accordance with the advice of the Victoria’s Chief Health Officer and a manager’s assessment of the risks. Decisions to send an employee home must be made on appropriate and reasonable grounds, avoiding unlawful or discriminatory conduct.

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5.8 Employee notification

Employees are required to notify their manager immediately if they:

- i. Have travelled to or through an affected area (during the known infection outbreak period);
- ii. Have been exposed to the infectious disease;
- iii. Are suffering from or have suffered from symptoms consistent with the infectious disease.

Managers will provide direction as to next steps, consistent with this procedure.

6. Absence from work

6.1 Taking leave

In absence of the employee contracting a personal illness, having caring responsibility for a member of their immediately family or household or a requirement to self-isolate, employees are expected to attend work as usual unless on approved leave or other working arrangements have been agreed with Metro.

Metro's normal leave policies and processes will remain in place.

6.2 Employee concerns regarding attending work

Employees should discuss any concerns regarding attending or performing work during an epidemic or pandemic with their manager. If employees request to work from home or to take a form of paid or unpaid leave, these requests are subject to the normal leave policies and procedures.

Where an employee has a legitimate concern for their own health and safety, or that of an immediate family or household member, such as falling into an "at higher risk" category (e.g. immunocompromised), Metro will seek to accommodate the employee following a discussion regarding the specific nature of their situation.

All requests to be absent from the workplace will be considered based on the, potential risk posed to the individual, their family or household member (as applicable) and Metro's operational requirements.

6.2.1 Employees at greater risk

Metro urges employees who are at greater risk of experiencing more serious symptoms of the infectious disease to consider staying at home and avoiding contact with others where possible.

The Department of Health has indicated that in relation to the coronavirus people aged 70 years and over, people aged 65 years and over with chronic medical conditions, people with compromised immune systems, and Aboriginal and Torres Strait Islander people over the age of 50, are at greater risk of more serious illness if they are infected.

The employee may work from home for some or all of the self-isolation period where reasonable, practical and appropriate. If work from home is not possible the employee can access their accrued personal leave entitlement.

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Should the employee have insufficient personal leave to cover their proposed absence, they may access any accrued annual leave balance over and above 20 days. Where an employee does not have sufficient accrued leave they may access epidemic/pandemic special leave of up to 10 working days.

6.3 Employees self-isolating

An employee, who believes that they are required to self-isolate should contact their manager immediately to discuss and seek direction.

Managers will provide direction as to whether the self-isolation is approved or not and where it is, may ask the employee to attend a medical practitioner or centre for assessment and/or testing.

If the employee is well and has not been diagnosed with the disease they may be required to work from home for some or all of the self-isolation period where reasonable, practical and appropriate.

Where an employee who has been directed to self-isolate, has manager approval, is well and can't perform work duties, they may be able to access alternative forms of leave appropriate to the nature of their circumstance and in accordance with this procedure.

Where an employee who has been directed to self-isolate can't perform work duties, and they are required to undergo a medical assessment/testing for the infectious disease, they can access paid early intervention special leave for a period of up to 5 working days.

The intent of the early intervention special leave is to provide time for an employee to undergo a medical assessment/testing and to get the results and any related diagnosis.

Employees diagnosed with the infectious disease should notify their manager immediately, section 6.4 will then apply.

In circumstances where an employee is not performing work duties and has chosen to self-isolate with no direction from Metro; the employee will need to access paid or unpaid leave to cover the absence through the normal processes. They will not be entitled to any special leave types outlined within this procedure.

Metro reserves the right to request an employee to return to duties at any time during the self-isolation period.

6.4 Employees who show symptoms or have contracted the infectious disease

Employees who are showing symptoms associated with the infectious disease (as informed by the advice of the Victoria's Chief Health Officer or stipulated on the DHHS website) will be required to remain at home. In the first instance they should call their medical practitioner and the relevant government hotline for assessment and guidance and then notify their manager to gain approval for their absence.

Where an employee is not fit for work because of a personal illness, including infection with an infectious disease, the employee will access their accrued personal leave entitlement.

Should the employee have a confirmed case of the infectious disease and they have insufficient personal leave to cover the self-isolation period, they may access any accrued annual leave balance over and above 20 days. Where an employee does not have sufficient accrued leave they may access epidemic/pandemic special leave of up to 10 working days.

Employees who have a confirmed case of the infectious disease are required to provide proof by way of a medical certificate to their manager, which should be forwarded to their People Business Partner.

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6.5 Employees who need to care for a family or household member

In situations where an employee is absent for the purpose of caring for a family or household member who is, required to self-isolate, is ill with the infectious disease or requires care as a result of school or care centre closure. The employee may work from home for some or all of the self-isolation period where reasonable, practical and appropriate to the nature of the illness/infectious disease and the individual/s requiring care.

An employee who wishes to take leave and focus purely on their carer duties, may access their accrued personal leave to cover a period of absence associated with the school/care centre closure, infection and/or recovery, as applicable. Should this leave be insufficient the employee may access any accrued annual leave balance over and above 20 days. Where an employee does not have sufficient accrued leave they may access epidemic/pandemic special leave of up to 10 working days.

Noting that an employee who is a carer for a family or household member who is diagnosed as having the infectious disease might themselves become subject to the self-isolation or absence from work requirements also.

6.6 Multiple instances of self-isolation or caring for someone

Metro recognises that its employees may need to be absent from work on more than one occasion in association with themselves, an immediate family or household member being unwell or requiring care. As such, in a single epidemic or pandemic Metro may grant discretionary special leave on more than one occasion.

6.7 Booking leave

Metro trusts that our employees will only seek to access this leave when they truly need it.

Business as usual medical certificate requirements will continue to be applied where an employee is not fit for work because of personal illness or injury, or providing care to a member of the employee's immediate family or household, as stipulated by existing agreements including but not limited to Enterprise Agreements (EAs) and Common Law contracts.

Statutory declarations will be accepted in place of medical certificates, with the exception of confirmed cases of the infectious disease associated with the epidemic or pandemic, where Metro requires a medical certificate.

6.7.1 For employees who show symptoms, have contracted the infectious disease or need to care for a family or household member:

Employees wishing to access Epidemic/Pandemic Special Leave should;

- i. check their existing leave balances in the pay system;
- ii. where available, request personal leave to cover their required absence, in the usual manner, inclusive of the requirement to provide a medical certificate;
- iii. should personal leave be insufficient, the employee should request annual leave, where available, to make up the required absence period, whilst ensuring that they retain a balance of 20 days.
- iv. where an employee does not have sufficient accrued personal and/or annual leave (as stipulated above) and fits into one of the below listed groups, they should apply through their usual pay system. If the system is inaccessible, they may complete the Special Leave Application Form and submit it to their manager for approval and progression to Payroll for processing.

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Groups:

- employees who have a confirmed case of the infectious disease; or
- employees who are required to care for an immediate family or household member who is required to self-isolate or as a result of school, or care centre closures.

6.7.2 For employees who have been directed by Metro to self-isolate.

Employees wishing to access Early Intervention Special Leave should apply through their usual pay system. If the system is inaccessible, they may complete the Special Leave Application Form and submit it to their manager for approval and progression to Payroll for processing.

If an employee is absent on leave and their circumstances change, such as the employee either meeting a different situation or no longer being entitled to be absent from work, they need to notify their manager immediately.

6.8 Return to duties

Where an employee has had a confirmed case of the infectious disease, Metro will require proof by way of a medical certificate and will take direction from DHHS, or other relevant Government agencies with regard to the need for a clearance certificate, prior to an employee returning to work.

Employees who do have an available medical certificate or statutory declaration, are encouraged to provide this to their manager.

In these circumstances, unless an individual is specifically directed, a Metro triggered assessment will not be required in order to return to duties.

Employees who continue to feel unwell or have ongoing carer requirements associated with the epidemic/pandemic situation are encouraged to seek guidance from a medical practitioner and their manager prior to their return to duties.

7. Other management action

7.1 Reasonable belief of employee exposure or infection

In the event that Metro holds a reasonable belief, based on observation or evidence, that an employee falls into the categories outlined in “Employee Notification” and may pose danger to themselves or another person, Metro may require the employee to absent themselves from the workplace and undertake self-isolation.

In this situation where Metro has directed an employee to undertake self-isolation the employee may be asked to attend a medical practitioner or centre for assessment and/or testing, section 6.3 will apply.

If an employee tests positive for the infectious disease during a period of self-isolation section 6.4 will apply.

Metro reserves the right to request an employee to return to duties at any time during the self-isolation period.

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7.2 Accessing special leave fraudulently

Metro trusts that our employees will only seek to access this leave when they truly need it.

However, should Metro hold a reasonable belief, based on observation or other evidence, that an employee has, fraudulently accessed Special Leave when not entitled the situation may be subject to an investigation and could lead to disciplinary action.

7.3 Minimising unlawful treatment

Metro has a responsibility to ensure that employees are not bullied or unlawfully discriminated against, knowingly or unknowingly, by others within the organisation.

It is important to understand that if an infectious disease originates from a geographical region, that employees from that region or perceived to be from or connected to that region, may be at an increased risk of experiencing unlawful discrimination from others.

Metro has an expectation of employees behaving in accordance with the law, our policies and our values. Should allegations of unlawful and/or discriminatory behaviors or practices be brought to our attention appropriate action will be taken.

Inappropriate workplace behaviours may be subject to an investigation and could lead to disciplinary action.

7.4 Assigning and managing work

Noting the evolving nature of the situation involving a widespread outbreak of an infectious disease, Metro may require employees to work from home or alternative locations for periods of time.

Metro may undertake a trial of arrangements to ensure that systems and ways of working are practical.

Employees may be asked to perform different duties for a period of time within their skill level and classification/pay grade. Requests will take into consideration the appropriate consultation requirements and any associated entitlements stipulated within the relevant Enterprise Agreement or contract.

7.5 Workloads and overtime

Metro will strive to avoid placing excessive or onerous workload onto its employees and will work to consider all available options to address increased or changed service demands.

While Metro may ask particular individuals to work additional hours to support critical functions, we have an obligation to consult with our employees where there is likely to be a prolonged increase to employees' working hours and/or workloads.

Metro will be consulting in advance where higher workloads are expected and will continue to meet their industrial and legal obligations.

8. Enquiries

For more information about Metro's response to the current pandemic (coronavirus/COVID-19) and useful employee guidance and reference materials refer to the micro-site - <https://www.metrotrains.com.au/coronavirus/>.

Employee queries on the policy's application, should be directed to their manager in the first instance and their People Business partner second.

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Employee's seeking emotional support may also wish to contact our free and confidential Employee Assistance Program (EAP) on 1800 808 374.

9. Related Documents

L0-CEO-POL-060 Epidemic/Pandemic People Policy

L4-HMR-FOR-069 Special Leave Application Form

L0-HMR-PRO-040(1) Absenteeism Management Procedure

L0-HMR-PRO-009(2) Annual Leave

L0-HMR-PRO-063(2) Flexible Work Arrangements Procedure

L4-HMR-FOR-009(3) Leave Application Form

L4-HMR-FOR-047(1) Manager Response to Flexible Working Arrangement Request

L4-HMR-FOR-048(2) Flexible Working Arrangements Application Form

Enterprise Agreements

Common Law Contracts

10. Revision

Circumstances during an epidemic or pandemic can evolve rapidly. As such, this procedure may be temporarily or permanently varied from time to time and at short notice.