

How to pay staff during a natural disaster eg. flood, fire or event outside of the Clinic's control eg. power outages

Clinic could open, but decides to remain closed temporarily & directs staff not to attend premises	
Casual staff	Shifts are cancelled & staff are unpaid for the duration of closure. Clinic can make a discretionary decision to pay staff for rostered time as a gesture of good will.
Permanent Staff	Allow staff to work from home (if practicable and a person is able to do so). If staff cannot work from home, the Clinic pays staff as normal for rostered time because the closure is at the clinic's discretion.

Clinic open, but staff unable to attend work due to impacts of natural disaster / event outside of clinic's control	
Staff able to work remotely & flexibly	Pay as normal for time worked
Staff cannot attend work because they need to provide care to a member of household or immediate family member whose school / day care is not operating due to natural disaster	Allow a person to work from home (if practicable and able to do so). Otherwise: <ul style="list-style-type: none">● Casual – unpaid● Permanent – personal / carer's leave, or this is exhausted, leave without pay. Alternatively, with the employee's agreement, they can take another leave type such as accrued & owing annual leave, long service leave or TOIL (if applicable). Clinic can make a discretionary decision to pay staff for rostered time as a gesture of good will.
Staff cannot attend work because they are directly impacted by natural disaster eg. residence impacted / damaged and clean-up is needed; there is no possible or safe way for employee to travel from residence to work	Allow a person to work from home (if practicable and able to do so). Otherwise absence from work is: <ul style="list-style-type: none">● Casual – unpaid● Permanent – paid leave if mutually agreed eg. annual leave, long service leave, TOIL (if applicable) or if paid leave is exhausted, leave without pay. Clinic can make a discretionary decision to pay staff for rostered time as a gesture of good will. Staff may be eligible to take paid personal / carer's leave:<ol style="list-style-type: none">(a) if the employee is not fit for work because of a personal illness, or personal injury (including stress due to natural disaster); or(b) because the employee is 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 because of (i) a personal illness, or personal injury, affecting the member; or (ii) an unexpected emergency affecting the member.

Clinic open, but staff unable to attend work due to impacts of natural disaster / event outside of clinic's control	
Staff unable to attend work because they suffered an injury / illness	<p>Allow a person to work from home (if practicable and able to do so).</p> <p>Otherwise:</p> <ul style="list-style-type: none"> • Casual – unpaid • Permanent – personal / carer's leave, or this is exhausted, leave without pay. <p>Alternatively, with the employee's agreement, they can take another leave type such as accrued & owing annual leave, long service leave or TOIL (if applicable).</p>

Clinic cannot open premises due to direct impacts of natural disaster / event preventing clinic from operating as normal	
Casual staff	Shifts are cancelled & staff are unpaid for duration of closure
Permanent Staff	<p>Scenario 1. Flexible working arrangements (where practicable)</p> <p>Allow staff to work flexibly from home & pay as normal (if practicable and able to do so).</p> <p>Scenario 2. Clinic pays staff for rostered time (temporary or on-going)</p> <p>Clinic can make a discretionary decision to continue to pay staff for rostered hours as a gesture of goodwill for a period of time; then consider other scenarios eg. paid leave, stand down.</p> <p>Payment for this time could be characterised as "Emergency Pay" or something similar on payslip.</p> <p>Scenario 3. Option to take paid leave during closure (instead of standing down)</p> <p>Instead of standing staff down (which is unpaid) staff can be given the option to take a period of paid annual leave / long service leave / TOIL owing to them for the duration the clinic is closed.</p> <p>Where the person has to care for children unable to attend school or day care due to natural disaster the absence can be paid as carer's leave or if this is exhausted, leave without pay, annual leave, LSL or TOIL (if applicable).</p> <p>Scenario 4. Stand down under Fair Work Act during closure</p> <p>Clinic can stand staff down for the duration of the closure that it is unable to open for trade <u>and</u> where staff cannot be usefully employed. This may be because of no power or damage to premises or impact of natural disaster.</p> <p>During a period of stand down under the Fair Work Act, the time is unpaid; however the employee continues to accrue leave as if they attended work.</p> <p>If an employer does stand down employees under the FW Act provisions, it's best practice to tell those employees in writing (where possible), including:</p> <ul style="list-style-type: none"> • the start date of the stand down • whether the employees will or will not be paid • the effect on other employment entitlements. <p>An employer should also try to update employees about when they believe the stand down will end.</p>

Other resources

For more information visit Fair Work Ombudsman website:

- <https://www.fairwork.gov.au/tools-and-resources/fact-sheets/rights-and-obligations/employment-entitlements-during-natural-disasters-and-emergencies>
- <https://www.fairwork.gov.au/pay-and-wages/penalty-rates-allowances-and-other-payments/pay-during-severe-weather-and-stand-down>

Contact HR in Health for further support

Should you need further support, have any questions, or wish to any other workplace matter, contact **HR in Health on 07 3386 6488** to discuss.