

Employees is Stuck Overseas or Quarantined?

What if an employee is stuck overseas or is required to be quarantined or to self-isolate?

Employees should contact their employer immediately if they're unable to attend work because they cannot return from overseas, are required to enter quarantine or to self-isolate because of coronavirus.

The Fair Work Act does not have specific rules for these kinds of situations so employees and employers need to come to their own arrangement.

This may include:

- **working from home or another location** (if this is a practical option), noting they should review any applicable enterprise agreement, award, employment contracts or workplace policies
- **taking sick leave** if the employee is sick
- **taking annual leave**
- **taking any other leave available to them** (such as long service leave or any other leave available under an award, enterprise agreement or employment contract)
- **arranging any other paid or unpaid leave** by agreement between the employee and the employer.

Where an employer directs a full-time or part-time employee to stay home in line with advice, for example in line with the Australian Government's health and quarantine advice, and the employee isn't sick with coronavirus, the employee should ordinarily be paid while the direction applies.

However, if an employee cannot work because they're subject to an enforceable government order or direction requiring them to self-quarantine, the employee isn't ordinarily entitled to be paid (unless they use leave entitlements). **In this case, their inability to work is because of a government order or direction, not because of their employer.**

If an employee cannot work due to travel restrictions (for example, they are stuck overseas), they're not entitled to be paid (unless they use paid leave entitlements).

Employers should consider whether their obligations are impacted by any applicable enterprise agreement, award, employees' employment contracts or workplace policies, which may be more generous.