

THE PUBLIC SERVICE WORK CONDITIONS AND LEAVE ENTITLEMENTS COVID-19 SPECIAL INSTRUCTIONS 2020

PART III - WORKING CONDITIONS AND ENTITLEMENTS

IN THE EXERCISE of the powers conferred by Sections 6g, 23A of the Public Service (Amendment) Act, 2002 and its corresponding Policies and Instructions, the Public Service Commission makes the following special instructions:

PART 1 – PRELIMINARY

1. Short Title

These special instructions shall be cited as the Public Service Special leave and working conditions COVID-19 special instructions 2020.

2. Interpretation

These instructions, are to be construed in accordance with the Public Service Act 2002, and its corresponding policies and Instructions, the Public Health Act 2008, and the Emergency Management Act 2007 by virtue of the:

a. **Declaration of a State of Emergency** commencing from 20.00 hrs on the 20th March 2020 until the 17th April 2020 unless further renewed.

b. **Declaration of Public Health Emergency Order** commencing from the 12th March 2020 until the 12th June 2020;

c. **Declaration of an Emergency Notifiable Condition**, commencing from the 12th March 2020 until the 12th September 2020, and

These special instructions shall be deemed effective from the [date of commencement under publication in the gazette] until 12 September 2020, unless terminated earlier, or extended by the Commission upon the advice by the Minister of Health.

The following additional **terms** are defined as follows:

i) **Employees** - means all persons employed in the Public Service;

ii) **Commission** - means the Public Service Commission established under the Public Service Act 2002;

iii) **COVID-19** – an emergency notifiable condition under the Public Health Act 2008 as set out in four notifiable conditions as defined and amended by the WHO from time to time:

- a) Suspected case of COVID-19;
- b) Probable case of COVID-19
- c) Confirmed case of COVID-19; and
- d) Contact to any of above three notifiable conditions (a) to (c).

iv) **Period** – means the entire duration from which the Declaration of an Emergency Notifiable Condition, and Declaration of Public Health Emergency invoked under the Public Health Act, and the Declaration of State of Emergency invoked under the Emergency Management Act. These special instructions shall be effective until the last effective date of the above-mentioned declarations, unless terminated earlier, or extended by the Commission upon advice from the Minister of Health.

3. Objectives

The objectives of these special instructions are to:

- i) Provide the Commission with the ability to directly issue instructions with regards to employees' work conditions and entitlements in the context of the Declarations specified under instruction 2(a), (b), and (c) above.
- ii) Issue additional definitions and scope to the existing policies where applicable to the Declarations specified under instruction 2(a), (b), and (c) above.

PART II – PRINCIPLES

4. Principles

These instructions are made in accordance with the principles specified under sections 6(g), (i), and 7 of the Public Service Act 2002.

PART III – SCOPE

5. Scope

These special instructions shall apply generally to all employees.

PART IV – SPECIAL INSTRUCTIONS FOR COVID-19 – WORKING CONDITIONS AND ENTITLEMENTS

Leave Entitlements, Workplace arrangements during the pandemic for the following cases:

All employees are expected to continue to work under various conditions as approved by the CEO and required under the State Emergency Act, the Public Health Emergency Act. Exceptions however are as follows:

1. Employees who are confirmed to be ill with COVID-19

During the “Period”, under the Declarations specified under instructions 2(a), (b), and (c) above, the following shall be taken into account:

- i. In the event that an employee is diagnosed with COVID-19, the Ministry of Health shall inform the relevant Chief Executive Officer immediately for further necessary action.
- ii. Regularization of period of absences shall be dealt with by the Chief Executive Officer and PSC Office, in consultation with the Chief Executive Officer for Health through utilization of sick leave (outpatient or in patient).
- iii. In the event that an employee has utilized all entitled sick leave under the current Public Service Policy Instructions 2010, a special sick leave (with pay) shall be applied by the PSC Office upon the recommendation of a Delegated MOH Officer, and endorsed by the Chief Executive Officer for Health;
- iv. All employees diagnosed with COVID-19 shall not attend work premises until advice is obtained from the Delegated MOH Officer and endorsed by the Chief Executive Officer for Health for resumption of duty.

2. Employees who shall be quarantined for two weeks due to either conditions a (suspected), b (probable) and d (contact) as described under the Declaration (as notifiable conditions) specified under instruction 2(b)(iii) specified above;

- i. In the event that an employee is diagnosed with the conditions specified under instruction 2(b) (iii), he/she shall inform the Chief Executive Officer immediately and report to a Delegated MOH Officer for further necessary action.
- ii. Regularization of period of absences shall be dealt with by the Chief Executive Officer and the PSC Office, in consultation with the Chief Executive Officer for Health through utilization of sick leave (outpatient or in patient).
- iii. An application for special sick leave shall be supported by the Chief Executive Officer of relevant Ministry, and shall be endorsed by either the Chief Executive Officer for Health, or the Delegated MOH Officer.
- iv. This special sick leave shall only be valid during the period of these special instructions.

Employees who are required to be self-isolated due to suspicion of being diagnosed with COVID-19, and where a policy decision has not been issued by the Commission, Chief Executive Officers are to consider leave and/or alternative work arrangements that are in line with normal policies to ensure the safety of staff.

3. Employees who need to care for children or “close” or “immediate” relatives

During the period, the following could be considered for employees who may need to make arrangements to care for their early childhood and primary school children or immediate relatives (in their household) formally diagnosed with COVID-19, or subject to Government Policy to remain at home:

If the employee is required to work from home, then;

- i. Relevant Chief Executive Officer may approve flexible work arrangements (as dictated by the Emergency declaration) so that the employee is able to work from home (as close to normal as possible)
- ii. Details of such work arrangements shall be provided in accordance with the action planning template provided by the PSC Office.

4. Employees who are vulnerable due to PRE-EXISTING CONDITIONS

Employees who have pre-existing conditions such as asthma, high blood pressure or as medically confirmed may be allowed to work from home provided that Chief Executive Officers approve these alternative work arrangements in accordance with templates issued by the PSC Office.

5. Employees who volunteer to provide support for MOH surveillance activities under the authorities of authorized officers or emergency officers provided for under the Declarations specified under Instructions 2(a) and (b) above.

Ministries with volunteer employees, identified as COVID-19 preparedness team(s), must assign at least one driver and one vehicle. The team(s) are to be trained by MOH and shall be on standby, and may be appointed as authorized or emergency officers under the Declarations specified under instruction 2(a) and (b) above:

- i. A COVID-19 preparedness team shall be directed by a MOH staff as team leader. The team may be directed to be engaged in non-close contact activities such as monitoring home surveillance of returning travelers that are subject to 14 days self-quarantine, data collection, reporting, counseling of families and any other duties that may be instructed.
- ii. Volunteer employees identified and conveyed by the PSC Office to the Chief Executive Officer for MOH, and National COVID-19 Task Force are to carry out their duties in accordance with the Public Service policy on normal working hours and the current overtime policy.

6. Employees who work in the frontline and in direct contact with COVID-19 cases

- i. Employees who have to work in the frontline and confirmed by the MOH and National COVID-19 taskforce are to be subject to a **“special hazard allowance”** (for medical or frontline staff) or **“special duty allowance”** (for non-contact volunteer staff) as approved by the Commission.

7. Employees who were or are on annual leave overseas or official duty but who are unable to travel or to resume work due to travel bans.

Ministries to identify such employees in the Ministry leave audit template issued on Monday 17th March by the PSC.

- i. Employees identified by line ministries as being overseas for annual leave or approved leave purposes or on official duty but were to resume duty during the period of the travel bans shall be granted special COVID leave (with pay).
- ii. The PSC Office is to be informed on the status of these employees by 27 March, 2020 so that the appropriate special COVID leave is granted accordingly.
- iii. CEOs are requested to manage the utilisation of leave.

Made at Nukuálofa on 26 March 2020



Simone Sefanaia
Chairman, Public Service Commission