



## GUIDELINE FOR THE INTERPRETATION AND IMPLEMENTATION OF THE COVID-19 SPECIAL INSTRUCTIONS 2020

### 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:

- a. **“Various conditions”** is interpreted as completing the normal conditioned working hours (i.e. 40 hours per week) by;
  - (i) Working in the office
  - (ii) Working remotely (offline or online)
  - (iii) Working flexi hours
  - (iv) Working shift hours
  - (v) Or a combination of the above
- b. For the period under which the COVID-19 special instructions are in force, where referenced, **“all employees”** refers to Permanent Employees, Daily Paid Employees and Contracted Employees paid from recurrent.
- c. For the period under which the COVID-19 special instructions are in force, **daily paid employees** will be entitled to the leave entitlements stated herein.

#### **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.

a. **Delegated MOH Officers** are officers assigned by the Chief Executive Officer for Health or Hon. Minister of Health (or relevant authority) in accordance with relevant Declarations.

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).

a. **“Period of absences”** means the duration of absences from work of any employee during the period in which COVID-19 is in effect.

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;

- a. Relevant CEO of the concerned employee is responsible for informing the CEO PSC once the employee's normal sick leave entitlements (out-patient and in-patient) has been fully exhausted.
- b. Special sick leave (with pay) will be subject to the duration recommended by the CEO 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.

- a. An employee will only be allowed to resume duty if cleared by a Delegated MOH Officer with the endorsement of the Chief Executive Officer for Health.

**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.

- a. **“Delegated MOH Officers”** are officers assigned by the Chief Executive Officer for Health or Hon. Minister of Health (or relevant authority) in accordance with relevant Declarations.

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).

- a. **“Period of absences”** means the duration of absences from work of any employee during the period in which COVID-19 is in effect.

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.

- a. Relevant CEO of the concerned employee is responsible for informing the CEO PSC once the employee's normal sick leave entitlements (out-patient and in-patient) has been fully exhausted.
- b. Special sick leave is on a **“with pay”** basis and will be subject to the duration recommended by the CEO for Health.

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.

- a. Alternative work arrangements must be done remotely during the “self-isolation” period.
- b. If the nature of the employee’s core duties cannot be carried out remotely, or if the employee does not agree to any alternative work arrangements, any absences shall be deducted from the employee’s leave entitlements (i.e. annual leave or days off or special leave without pay).

### 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:

- a. Definition of “in their household” means any person(s) living together with the employee under the same (one) roof.

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)

- a. “Working from home” means working remotely (offline or online).
- b. “Flexible work arrangements” shall be referred to only for the purposes of these special instructions and therefore includes the following;
  - (i) Working remotely (offline or online) – also referred to as telecommuting
  - (ii) Working flexi hours
  - (iii) Working shift hours
  - (iv) Or a combination of the above

ii. Details of such work arrangements shall be provided in accordance with the action planning template provided by the PSC Office.

- a. “Action Planning Template” is attached as **Annex 1** for ease of reference. Your Ministry should have completed this already.

### 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.

- a. “Alternative work arrangements” refers to work arrangements that are not the normal arrangement under normal working conditions.

### 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:

- a. **“Volunteer employee”** means an employee who has freely offered *and has signed the volunteer consent form* to take part in any COVID-19 emergency activities as approved by the CEO for Health and assigned by a Delegated Health Officer (or any relevant authority).
- b. **“Standby”** mean readiness for duty or immediate assignment in response to any required emergency needs as appropriate.

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.

- a. **“Preparedness team”** means a team of volunteers who have been trained by authorized staff under the Ministry of Health in COVID-19 non-close contact activities.

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.

- a. **“Normal working hours”** refers to the normal working day as from 8.30am to 4.30pm with a meal break of one (1) hour.
- b. **“Overtime policy”** refer to Instruction 2A.7 of the Public Service Policy Instructions.
- c. Volunteer employees on Flexi or Shift hour working arrangements **will not be entitled to overtime policy as these flexi work arrangements would depend on the schedule** approved by the CEO for Health (or other relevant authority).

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

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.

- a. **“Front-line”** is defined as any activities involving direct contact with COVID-19 cases as confirmed by the CEO for Health (or other relevant authorities).
- b. **“Special Hazard Allowance”** is defined as a form of compensation granted to staff members who have been requested to remain and report for work in duty stations with very hazardous conditions that could result in serious injury or death. Generally, this payment is in addition to regular hourly wages or salary.
- c. **“Special Duty Allowance”** is defined as extra duty allowances paid to an employee who is required to undertake duties of a special nature requiring additional responsibilities and who are not eligible for overtime.

**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 17<sup>th</sup> March by the PSC.

- a. **“Leave Audit Template”** is attached as **Annex 2** for ease of reference.

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).

- a. **“overseas”** refers to any country outside of the land and sea areas of Tonga.
- b. **“annual leave”** refers to leave that is granted annually to employees or leave deferred by the Commission from 2019 and is on a with pay basis.
- c. **“approved leave”** refers to all other leave types that has been granted by the relevant authority (Commission or CEO) prior to the issuance of these instructions.
- d. **“official duty”** refers to the performance of activities as part of official responsibilities overseas.
- e. **“resume duty”** refers to the date in which an employee was/is expected to report to their Ministry / position in Tonga having returned from abroad.
- f. **“travel ban”** refers to restriction of travel movement from/to a country.
- g. **“special COVID leave (with pay)”** refers to special leave of absence granted to employees during the period in which the COVID travel ban is in place.

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.

- a. **“status”** refers to current state of leave or absence of public servants abroad.
- b. Informing the PSC Office is recommended to be made to [psc@psc.gov.to](mailto:psc@psc.gov.to) to expedite processing.

iii. CEOs are requested to manage the utilisation of leave.

- a. CEOs are to ensure that there is no out of policy leave.
- b. CEOs are to ensure that employees overseas make all attempts possible to catch the first available flight out of one of the entry countries to Tonga (New Zealand, Australia, Fiji, Samoa)