

PUBLIC SERVICE COMMISSION

PUBLIC SERVICE (WORK CONDITIONS AND LEAVE ENTITLEMENTS) COVID-19 SPECIAL INSTRUCTIONS 2022

PART IV- WORKING CONDITIONS AND ENTITLEMENTS

IN THE EXERCISE of the powers conferred by sections 6g, and 23A of the Public Service Act, 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 (Work Conditions and Leave Entitlements) COVID-19 Special Instructions 2022.

2. Interpretation

These instructions shall **supersede** the Public Service Work Conditions and Leave Entitlements Covid-19 Special Instructions 2020.

These Special Instructions are to be construed in accordance with the *Public Service Act*, its corresponding policies and Instructions, the *Vaccination Act*, *Public Health Act*, the *Emergency Management Act*, and any other applicable law. These Special Instructions are deemed to be legally empowered and authorized by:

- a. **Any declaration of a State of Emergency** which has been validly issued by the Government in relation to the Covid-19 Pandemic.
- b. **Any Declaration of Public Health Emergency Order** which has been validly issued by the Government relation to the Covid-19 Pandemic;
- c. **Any Declaration of an Emergency Notifiable Condition**, which has been validly issued by the Government in relation to the Covid-19 Pandemic;
- d. Any Declaration made by the Chief Executive Officer for Health under section 181A of the Public Health Act, and section 4 of the Vaccination Act;
- e. **National Lock-Down Notice**, which has been validly issued by the Government pursuant to the *National Emergency Management Act*.

These Special Instructions shall be deemed effective from the time and date of any or all of the Declarations and Notices above coming into force in 2022, and shall continue for the duration of each Declaration and Notice's valid period.

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*;
- iii) **COVID-19** – is an emergency notifiable condition under the *Public Health Act* 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).

3. Objectives

These Special Instructions provide directions on how the above Declarations and Notices will be applied and implemented in relation to all employees of the Public Service.

4. Principles

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

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

1. During a national lockdown period, all employees are expected to continue to work under various work-from-home, remote work arrangements, per flexible workplan arrangements of their Ministry's Emergency Response Workplan (Action plan).
2. Employees are to work from home per flexible workplan arrangements of their Ministry's Emergency Response Workplan. Set tasks and work arrangements for each employee working from home shall be the responsibility of, and at the discretion of the employee's CEO. The discretion of the responsible CEO shall be made according to the evolving situation regarding the flexible workplan.
3. CEOs are required to ensure the above special workplace arrangements are provided for every employee, that employee work outputs are monitored, and are properly documented by relevant supervisors.
4. **ESSENTIAL SERVICES.** Some employees may still be required to work at their normal workplaces. This shall be subject to any essential services requirements and occupational health and safety conditions. Essential Staff are to carry out their duties in accordance with the Public Service policy on normal working hours and the current overtime policy.
5. All employees during a national lockdown period may be entitled to their salaries. In the case of employees working from home, this shall be subject to confirmation from the CEO that the employee was responsive to the Ministry during work hours, and that the employee duly and satisfactorily completed tasks which were set by the Ministry for that employee.

Exceptions are as follows:

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

During the time period of the Declarations and Notices specified 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.
- ii. The relevant Chief Executive Officer shall deal with the PSC to regularize the period of absence due to the employees' COVID-19 quarantine and/or illness. This period of absence shall be dealt with as special leave with pay. Such period of

absence must be confirmed by the Chief Executive Officer for the Ministry of Health.

- iii. Such special leave with pay shall be applied for by the relevant Ministry on behalf of the employee.

7. Employees who are required by the Ministry of Health to be quarantined due to either of the following three conditions; a. (suspected), b. (probable) and c. (contact) as described under a Declaration or Notice;

- i. In the event that an employee falls under the categories above, and is required to be quarantined by the Ministry of Health, said employee shall inform the relevant Chief Executive Officer immediately. The Ministry of Health should also inform the relevant Chief Executive Officer immediately.
- ii. Regularization of period of absences shall be dealt with in accordance with the same procedures as set out in 6. ii. and iii. above.
- iii. The special leave with pay shall only be valid during the time period of the Declarations and Notices specified above.

8. 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 children or immediate relatives (in their household) formally diagnosed with COVID-19:

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

- i. Relevant Chief Executive Officer may approve work-from-home, remote work arrangements 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.

9. Employees who are vulnerable due to PRE-EXISTING MEDICAL CONDITIONS

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

10. 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.

- i. Volunteers may be redeployed to be engaged in non-close contact activities such as monitoring home surveillance of returning travelers that are subject to 21 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 must be fully vaccinated, and are to carry out their duties in accordance with the *Public Service Policy Instructions as amended* on normal working hours and the overtime policy.

11. 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.

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

- i. All employees who are unable to resume duty due to any travel ban or border closure and remain overseas;
 - a. **Leave without pay** will continue.
 - b. **Paid leave** will utilize any remaining annual leave, deferred leave or already approved days off in lieu of overtime days first, then followed by casual leave. Once these leaves are exhausted, employee is to continue on a leave without pay basis.
- iii. For the purpose of these special instructions, casual leaves may be taken consecutively.

Made at Nukuálofa on 8 February 2022