



GUIDELINE FOR THE INTERPRETATION AND IMPLEMENTATION OF THE PUBLIC SERVICE COVID-19 SPECIAL INSTRUCTIONS 2022

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).
 - a. **“Various arrangements”** is interpreted as completing the normal conditioned working hours (i.e. 40 hours per week) by;
 - (i) Work-from-home
 - (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.
 - d. **“Ministry Emergency Response Workplan (Action plan)”** is interpreted as **“Action Planning Template”** which is attached as **Annex 1** for ease of reference. Your Ministry should have completed this already.
 - e. 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).
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.
 - a. **“Flexible work arrangements”** shall be referred to only for the purposes of these special instructions and therefore includes the following;
 - a. Working remotely (offline or online) – also referred to as telecommuting
 - b. Working flexi hours
 - c. Working shift hours
 - d. Or a combination of the above
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.

- a. **“Period of absences”** means the duration of absences from work of any employee due to COVID-19 quarantine and/or illness.
- b. Relevant CEO of the concerned employee is responsible for informing the CEO PSC once the employee has been confirmed ill of COVID-19 and/or required to be quarantined.

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

- a. Relevant CEO must apply for special leave with pay for an employee who has been confirmed of COVID-19 illness and quarantine.

7. Employees who are required by the Ministry of Health to be quarantined due to either 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 Chief Executive Officer immediately. The Ministry of Health should also inform the relevant Chief Executive Officer immediately.

- a. Alternative work arrangements must be done remotely during the **“self-isolation”** period.

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.

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

iii. The special leave with pay shall only be valid during the time period of the Declarations and Notices specified above.

- a. Special leave with pay will be subject to the duration recommended by the CEO for Health.

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:

- 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 work-from-home, remote work arrangements 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.

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.

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

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.

- 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. **“Normal working hours”** refers to the normal working day as from 8.30am to 4.30pm with a meal break of one (1) hour.
- c. **“Overtime policy”** refer to Instruction 2A.7 of the Public Service Policy Instructions.
- d. 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).

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.

- 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). Refer to Cabinet Decision No. 141 of 26 February, 2021 and Cabinet Decision No. 365 of 24 April 2020.
- b. **“Special Hazard Allowance”** is defined as a special allowance for frontline workers at the Ministry of Health or other COVID-19 designated staff who work directly with suspected or confirmed infectious COVID-19 patients. Refer to Cabinet Decision No. 141 of 26 February, 2021 and Cabinet Decision No. 365 of 24 April 2020.

(i) Eligible Employees:

- 1. Medical staff directly involved in the provision of clinical care to confirmed/probable COVID-19 cases;
- 2. Medical staff directly involved in the actual screening of suspect cases;
- 3. Laboratory staff involved in the drawing or processing of potentially hazardous specimens;
- 4. Any cleaning staff involved in the management of hazardous or potentially hazardous waste at COVID-19 treatment centre laboratory or screening facility;
- 5. Logisticians involved in the burial procedures and/or specimen handling (excluding the transport of specimens);
- 6. Other staff who work directly with communities in the designated isolation zones or other “hot spots”, as specified by the Ministry of Health;
- 7. Bus drivers and transport supervisors; repatriation bus drivers and transportation supervisors engaged in the transportation of repatriated passengers.

- 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.

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.

- a. **“Leave without pay”** refers to employees who have exhausted/utilized all paid leave types and is on a without pay basis. Refer to Cabinet Decision No. 69 of 5 February, 2021.
- b. **“overseas”** refers to any country outside of the land and sea areas of Tonga.
- c. **“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.
- d. **“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. Refer to Cabinet Decision No. 69 of 5 February, 2021.
- e. **“official duty”** refers to the performance of activities as part of official responsibilities overseas.
- f. **“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.
- g. **“travel ban”** refers to restriction of travel movement from/to a country.
- h. **“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.
- i. **“Study leave with pay”** refers to leave granted to employees awarded a Government Scholarship and approved to take study leave with pay overseas. Refer to Cabinet Decision No. 69 of 5 February, 2021 and Cabinet Decision No.1336 of 16 December, 2020.

- ii. For the purpose of these special instructions, **casual leaves** may be taken consecutively.

- a. **“casual leaves”** refer to leave (section 2B.21 Casual Leave of the *Public Service Policy and Instructions*) granted by the relevant CEO for an employee who may require leave of absence for unforeseen circumstances and for these instructions may be taken consecutively.

Made at Nuku’alofa on **8 February 2022**