

# COVID-19 HARD LOCKDOWN FACTSHEET

Information about employment law rights and obligations

## DISCLAIMER

This infosheet contains information of a general nature only and is not a substitute for professional legal advice. You should obtain legal advice from a lawyer about your particular situation before acting on any of the following information. This infosheet is designed for Victorian and national system employees in Tasmania and Queensland only. If you are not a Victorian employee or a Queensland or Tasmanian national system employee, you should obtain specialist legal advice about your case as soon as possible.

## IMPORTANT INFORMATION

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- Communicate with your employer regularly and openly.
- Keep an eye on government assistance available to people under lockdown:

[Victorian Government support for housing estates](#)  
[Services Australia COVID-19 help](#)

- Contact your local Community Legal Centre.

## Working from home

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If you are already working from home, there is no reason this cannot continue during a hard lockdown.

If you are not working from home but it is possible for you to do so, ask your employer about it. Current Victorian Government directions require employees to work from home if possible. A direction from an employer requiring an employee to attend the workplace where it is possible to work from home may not be lawful or reasonable.

## If you can't work from home

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### JobKeeper

If your employer is receiving the JobKeeper wage subsidy for you, they must continue to pay you at least \$1500 per fortnight while you remain employed, even if you cannot attend work during lockdown. The Fair Work Commission can help with disputes about JobKeeper – to apply use [this form](#). For information about JobKeeper, see: [JobWatch JobKeeper Q&A](#).

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**Employment Rights Information for Workers** – Job Watch Inc is an independent, not for profit, employment rights legal centre. It provides a free, confidential telephone information and referral service and other assistance to workers.

Hours: Mon–Fri 9am–5pm (Wednesdays until 8:30pm).

## Paid leave

In general, permanent employees are entitled to a minimum of 4 weeks per year of annual leave. If you have accrued annual leave, consider asking your employer to allow you to take it during lockdown. Employers may not unreasonably refuse a request from an employee to take annual leave.

Employees covered by many modern awards may take annual leave at half pay. See: [FWO: changes to annual leave](#).

In general, paid personal leave (“sick leave”) is available when a permanent employee is unfit for work because of personal illness, or an unexpected emergency affecting a family member. It is unlikely that a lockdown would meet these criteria.

Casual employees are not entitled to annual leave or sick leave.

## Other circumstances

In general, if an employer lawfully and reasonably directs an employee to attend work, and the employee cannot do so, and is not entitled to paid leave or JobKeeper, their employer is not obliged to pay their wages.

Employees covered by many modern awards are entitled to two weeks of unpaid pandemic leave. See: [FWO unpaid pandemic leave](#)

Other employees may request unpaid leave.

## Unfair dismissal

If you are sacked from your employment because of being locked down, consider making an unfair dismissal claim. Eligibility requirements and a strict 21-day time-limit apply. For information about unfair dismissal, see: [JobWatch Unfair Dismissal Fact Sheet](#)

## Where to get help

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Fair Work Infoline (Office of the Fair Work Ombudsman)	13 13 94
Fair Work Commission Helpline	1300 799 675
Victorian Equal Opportunity & Human Rights Commission	1300 292 153
Australian Human Rights Commission	1300 656 419
JobWatch <i>(Telephone interpreters available for non-English speakers.)</i>	Metro: 9662 1933  Rural: 1800 331 617  <a href="http://www.jobwatch.org.au">www.jobwatch.org.au</a>
ACTU Worker Information line (for referral to a union)	1300 362 223
Legal Referral Service (Law Institute of Victoria)	9607 9311

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JobWatch acknowledges the Aboriginal and Torres Strait Islander peoples of this nation. We acknowledge the traditional custodians of the lands on which we are located and where we conduct our business. We pay our respects to ancestors, and Elders, past, present and emerging.

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