



Queensland Health Employment Framework Human Resources Policy

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ATTACHMENT ONE Structure of human resources (HR) policies

1 PURPOSE

To outline the employment framework for Queensland Health employees.

2 APPLICATION

This policy applies to all Queensland Health employees.

3 EMPLOYMENT FRAMEWORK

Queensland Health employees' conditions of employment are dependent on a number of factors, including their occupation, applicable industrial instrument/s and their geographical location.

The following source documents provide the employment framework to determine conditions of employment for Queensland Health employees:

- Legislation
- Industrial instruments (e.g. Certified Agreements and Awards)
- Directives
- Queensland Health policies
- Integrated (Human Resource/Industrial Relations) Resource Manual (IRMs)
- HR Circulars.

Employees are to receive entitlements and be paid in accordance with the provisions of the relevant industrial instrument (Certified Agreement and/or Award) applicable to them, or in accordance with the specific terms of their employment contract.

Queensland Health Human Resources (HR) policies are consistent with the above source documents. HR policies compliment the source documents by providing further information about and interpretation of employment conditions.

4 LEGISLATION

Managers and employees of Queensland Health are obliged to abide by the provisions of relevant legislation, including but not limited to the following:

- *Public Service Act 2008*
- *Public Service Regulation 2008*
- *Workers' Compensation and Rehabilitation Act 2003*
- *Industrial Relations Act 1999*
- *Workplace Health and Safety Act 1995*
- *Public Sector Ethics Act 1994*
- *Whistleblowers Protection Act 1994*
- *Anti-Discrimination Act 1991*
- *Health Services Act 1991*

4.1 Application of the *Health Services Act 1991*

The *Health Services Act 1991* applies to Queensland Health employees appointed to work in a health service, i.e. a service for maintaining, improving or restoring people's health and well-being, such as a hospital. Health service employees include persons

providing support services to a health service, e.g. catering, laundry and administration.

Section 28 (Conditions of Employment) of the *Health Services Act 1991* provides as follows:

- (1) A health service employee's conditions of employment are governed by –
 - (a) the applied law
 - (b) an award, industrial agreement or directive that is binding on the employee
 - (c) if the employee is a contracted health service employee - the employee's contract.
- (2) In addition, the chief executive may make determinations about the conditions of employment of health service employees.
- (3) A determination has effect subject to subsection (1).
- (4) However, the chief executive may determine conditions of employment for health service employees that are more favourable than those contained in an award or industrial agreement binding on the employee.

4.2 Application of the *Public Service Act 2008* – public service employees

The *Public Service Act 2008* applies to Queensland Health public service employees, e.g. corporate office staff.

4.3 Application of the *Public Service Act 2008* – health service employees

Health service employees are not public service employees, however *Public Service Regulation 2008* provides that the following sections of the *Public Service Act 2008* apply to health service employees:

Section of the <i>Public Service Act 2008</i>	Title
Section 47	Rulings by the commission chief executive and Industrial Relations Minister
Section 52	Relationship between directives and industrial instruments
Section 55	Directives to apply Act to general and temporary employees
Section 133	Transfer of officers
Section 134	Consequence if transfer refused
Section 138	Action because of surplus
(Division 2) Sections 151 - 155	Part of Act dealing with criminal history reports if engaged to perform relevant duties
Section 174 - 179	Mental or physical incapacity
Section 186	Conflicts of interest
(Chapter 6) Sections 187–192	Part of Act dealing with disciplinary action
(Chapter 7) Sections 193–218	Part of Act dealing with appeals

Additional sections of the *Public Service Act 2008* have been incorporated by reference from directives that have been applied to health service employees by the *Public Service Regulations 2008* (refer section 6.2 below).

Example

Section 27 of the *Public Service Act 2008* – Selection for appointment to be on merit, is referred to and therefore applies to health service employees within the context of Directive 03/09 – Recruitment and Selection only.

The following parts and sections of the *Public Service Act 2008* are incorporated by reference to apply to health service employees:

Public Service Act 2008 part/section	Title	Source of reference
(Part 3) Sections 25-26	Part of the Act dealing with Principles of Public Service Management and Employment	Directive 18/97 - Performance Management
Section 25	Principles of Public Service Employment	Directives 03/09 - Recruitment and Selection & 11/07 - Grievance Resolution
Section 27	Selection for Appointment to be on Merit	Directive 03/09 - Recruitment and Selection
Section 98	Responsibilities of Chief Executives	Directives 03/09 - Recruitment and Selection & 18/97 - Performance Management
Section 128	Notification of Proposed Appointments	Directive 03/09 - Recruitment and Selection
(Part 5) Sections 147-149	Part of the Act dealing with General and Temporary Employees	Directive 15/09 - Appeals
(Chapter 9) Sections 223-233	Part of the Act dealing with Transitional Provisions, Repeals and Amendments	Directive 15/09 - Appeals

4.4 Executive and senior roles in Queensland Health

Senior executive service (SES), section 122, and senior officer (SO) employees in corporate office, are appointed under the *Public Service Act 2008*.

Health executive service (HES), district executive service (DES), contracted employees, and district senior officers (DSOs) are appointed under the *Health Services Act 1991*.

For information regarding the employment conditions of these staff, refer to the Executive Policy and Contracts site on the Queensland Health intranet (QHEPS) http://qheps.health.qld.gov.au/peopleandculture/exec_policy/home.htm

5 INDUSTRIAL INSTRUMENTS

Industrial instruments are Certified Agreements, Awards or orders that are made by an industrial tribunal (e.g. the Queensland Industrial Relations Commission) following consultation between Queensland Health and relevant unions.

Current **Certified Agreements** covering Queensland Health employees are:

- Medical Officers' (Queensland Health) Certified Agreement (No.2) 2009

- Medical Officers' (Queensland Health) Memorandum of Understanding 2009 (Doctor's MOU 2009)
- Nurses and Midwives (Queensland Health) Certified Agreement (EB7) 2009
- Health Practitioners (Queensland Health) Certified Agreement (No. 1) 2007
- Nurses (Queensland Health) Interim Certified Agreement 2005
- Professional and Technical Stream Employees and Dental Officers (Queensland Health) Certified Agreement 2005
- Queensland Health Building, Engineering and Maintenance Certified Agreement (No. 4) 2008 (BEMS4)
- Queensland Health Mental Health Services Certified Agreement 1998
- Queensland Health Service Districts Building, Engineering and Maintenance Services Certified Agreement 2001
- Queensland Public Health Sector Certified Agreement (No.7) 2008 (EB7) and preceding Agreements
- Queensland Health Variable Working Hours Arrangements – Schedule 3, Queensland Health Sector Certified Agreement (No.7) 2008 (EB7)
- Terms and Conditions of Employment Queensland Government Visiting Medical Officers 2005

Current **Awards** covering Queensland Health employees are:

- Building Trades Public Sector Award – State 2002
- District Health Services Employees' Award – State 2003
- District Health Services Senior Medical Officers' and Resident Medical Officers' Award – State 2003
- Engineering Award – State 2002
- Family Leave (Queensland Public Sector) Award – State 2004
- Medical Superintendents with Right of Private Practice and Medical Officers with Right of Private Practice - Queensland Public Hospitals Award - State 2003
- Nurses (Queensland Health) – Section 170MX Award 2003
- Nurses (Queensland Public Health Sector) Award – 2004
- Nurses (Queensland Public Hospitals) Award – 2004
- Order – Apprentices' and Trainees' Wages and Conditions (Queensland Government Departments and Certain Government Entities) 2003
- Order – Apprentices' and Trainees' Wages and Conditions (Excluding Certain Queensland Government Entities) 2003 – schedule 15 – Manufacturing, Engineering and Related Industries
- Public Service Medical Officers' Award - State 2003
- Queensland Public Service Award – State 2003.

Decisions of industrial relations tribunals may determine how industrial instruments are to be interpreted and applied.

Health service districts are not to enter into any agreement which alters Award/Industrial Agreement provisions or entitlements.

The provisions of an industrial instrument prevail over a directive of the Minister responsible for industrial relations, unless the directive provides otherwise. However, a directive issued by the Commission Chief Executive prevails over an industrial instrument, unless a regulation provides otherwise.

5.1 Preservation of existing conditions (grand-parenting) – health service employees

Clause 1.8 of the District Health Services Employees' Award – State 2003 preserves certain entitlements (grand-parented conditions) for employees who were in receipt of those entitlements as at 1 March 1993.

Any subsequent variations to the preserved entitlements under the District Health Services Employees' Award – State 2003 also apply to those employees in receipt of those entitlements as at 1 March 1993.

Refer Preservation of Existing Conditions - District Health Services Employees Award (Grand-parenting) HR Policy C14 for information regarding preserved entitlements and employee eligibility.

Refer section 61 of the Health Practitioners (Queensland Health) Certified Agreement (No. 1) 2007 for details of grand-parenting arrangements applicable to eligible staff who have translated to that Agreement.

Refer schedule 5.1 of the Nurses (Queensland Health) Certified Agreement (EB6) 2006 for details of grand-parenting arrangements applicable to eligible staff under that Agreement.

6 DIRECTIVES

6.1 *Health Services Act 1991* directives

Under section 27(1) of the *Health Services Act 1991* the Governor in Council may issue directives about specific employment conditions or arrangements of health service employees.

The following *Health Services Act 1991* directives proclaimed by the Governor in Council currently apply:

Directive	Title
HSD 3/99	Unsatisfactory Performance
HSD 2/99	Progressional Arrangement for Perfusion Technologists - The Prince Charles Hospital
HSD 1/99	Determination of Equivalence of Qualifications – Queensland Health
HSD 2/98	Transfer at Level
HSD 1/98	Performance Appraisal and Development

6.2 Directives issued by the Minister responsible for industrial relations and the Commission Chief Executive

Directives issued by the Commission Chief Executive or the Minister responsible for industrial relations under sections 53 or 54 respectively of the *Public Service Act*

2008, detail the mandatory principles to be adhered to by Queensland Government departments on a range of employment conditions. These directives apply to public service employees in Queensland Health.

In addition, the *Public Service Regulation 2008* prescribes the following directives, and any replacement directives issued, are applied by regulation to health service employees:

Directive	Application	Title
17/09	Regulation	Early Retirement, Redundancy and Retrenchment
15/09	Regulation	Appeals
12/09	Regulation	Employment arrangements following workplace change
10/09	Regulation	International Travelling, Relieving and Living Expenses
09/09	Regulation	Domestic Travelling and Relieving Expenses
03/09	Regulation	Recruitment and Selection
17/08	Regulation	Employment Screening
07/08	Regulation	Leave without Salary Credited as Service
05/08	Regulation	Paid Parental Leave
12/07	Regulation	Superannuation Entitlements for Certain Employees
11/07	Regulation	Grievance Resolution
06/06	Regulation	Leave without Salary Credited as Service
05/06	Regulation	Bereavement Leave
16/05	Regulation	Excess Travel Time
14/05	Regulation	Identified positions
11/05	Regulation	Voluntary Early Retirement (VER)
24/99	Regulation	Transfer within and between Classification Levels and Systems
18/97	Regulation	Performance Management
10/96	Regulation	Prescribed Remuneration

Further, the following Awards incorporate the directives (and any replacement directive dealing with substantially the same subject matter) as issued and amended by the Minister for industrial relations.

Directive	Title
District Health Services Award Employees' Award – State 2003	
10/09	International Travelling, Relieving and Living Expenses
09/09	Domestic Travelling and Relieving Expenses
08/09	Motor Vehicle Allowances
13/08	Long Service Leave

19/05	Sick Leave
Public Service Medical Officers' Award - State 2003	
05/08	Paid Parental Leave
19/05	Sick Leave
District Health Services - Senior Medical Officers and Resident Medical Officers' Award - State 2003	
10/09	International Travelling, Relieving and Living Expenses
09/09	Domestic Travelling and Relieving Expenses
08/09	Motor Vehicle Allowances
13/08	Long Service Leave
05/06	Bereavement Leave
19/05	Sick Leave
Medical Superintendents with Right of Private Practice and Medical Officers with Right of Private Practice - Queensland Public Hospitals, Award - State 2003	
13/08	Long Service Leave
05/06	Bereavement Leave
19/05	Sick Leave
Building Trades Public Sector Award - State 2002	
05/08	Paid Parental Leave

6.3 Queensland Health Director-General determinations

The Director-General may issue determinations under section 28 of the *Health Services Act 1991* about the conditions of employment of health service employees.

Directives (and any replacement directive dealing with substantially the same subject matter) issued under the *Public Service Act 2008* that apply to health service employees through a Director-General determination include (but are not limited to) the following:

Directive	Title
12/07	Superannuation Entitlements for Certain Employees
09/07	Transfer and Appointment Expenses for nominated employees as outlined in the Transfer and Appointment Expenses HR Policy D4
08/07	International Travelling, Relieving and Living Expenses
07/07	Domestic Travelling and Relieving Expenses
08/09	Motor Vehicle Allowances as outlined in the Allowances HR Policy C15
05/06	Bereavement Leave
02/03	Recognition of Previous Service and Employment

Directives applied by a Director-General determination include replacement directives if stated in the determination.

The Director-General has issued a determination about interchange arrangements (refer Staff Interchange HR Policy G7).

7 QUEENSLAND HEALTH POLICIES

7.1 HR policies

HR policies reflect the relevant content of the Queensland Health employment framework source documents. HR policies may also include content that is not included in the source documents. The structure of HR policies is outlined in attachment one.

7.2 HR guidelines

Guidelines may be developed to facilitate implementation of a policy. The guidelines must be consistent with the policy.

8 INTEGRATED (HUMAN RESOURCES/INDUSTRIAL RELATIONS) RESOURCE MANUAL (IRMs)

Certain IRMs preserved under an industrial instrument, remain applicable to employees covered by that instrument. The preserved IRMs are listed in the following respective agreements:

- Nurses and Midwives (Queensland Health) Certified Agreement (EB7) 2009
- Queensland Public Health Sector Certified Agreement (No.7) 2008 (EB7).
- Queensland Health Building Engineering and Maintenance Certified Agreement (No. 4) 2008 (BEMS4)
- Health Practitioners (Queensland Health) Certified Agreement (No. 1) 2007

Preserved IRMs form part of the HR policy framework and are accessible to all staff through the Queensland Health intranet (QHEPS) or internet sites. Current IRMs remain applicable until they are consolidated or translated into HR policies.

9 HR CIRCULARS

HR Circulars are issued by the Senior Director, People and Culture Corporate to advise of:

- new HR policies
- amendments to current human resources policies
- superseded and repealed HR policies and IRMs
- Director-General determinations made under s28 of the *Health Services Act 1991*
- amendments to Certified Agreements and Awards
- other information as necessary.

HR circulars were previously referred to as employment relations (ER) circulars.

Access to information

All information under the Queensland Health employment framework can be accessed via either the Queensland Health intranet (QHEPS) or internet sites.

10 DEFINITIONS

Incorporated by reference	Within the context of a specific directive additional sections of legislation are applied to allow the operation of that directive only.
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11 HISTORY

December 2009	Amended to reflect: <ul style="list-style-type: none"> • People and Culture Corporate • updated Awards and Certified Agreements • updated replacement directives.
May 2009	Amended to include Queensland Health Building, Engineering and Maintenance Certified Agreement (No. 4) 2008 (BEMS EB4) and Queensland Public Health Sector Certified Agreement (No.7) 2008 (EB7).
December 2008	Amended to clarify that Directive 11/08 – Transfer and Appointment Expenses is only applicable to those groups of employees as outlined in the Transfer and Appointment Expenses HR Policy D4, and for which there has been a s28 determination.
October 2008	Amended table in clause 6.2 to include Directives 09/08, 10/08 and 11/08, and to detail directives which are applicable by virtue of respective Awards.
August 2008	Amended to accurately reflect the relevant sections for 'Mental or Physical Incapacity'.
July 2008	Amended to reflect <i>Public Service Act 2008</i> and <i>Public Service Regulations 2008</i>
May 2008	Adjusted to outline the Queensland Health Employment Framework.
April 2008	Developed as a result of the HR Policy Framework consolidation project as an introduction document.

Structure of Human Resources (HR) policies

The HR policy template includes the following headings:

Policy heading	Description
Purpose	Provides a brief description of the intention of the policy, e.g. To outline entitlements for long service leave.
Application	Identifies the employees who are covered by the policy. Policies may apply to all Queensland Health employees or specific occupational groups.
Guidelines	Determines that guidelines consistent with the HR policy may be produced by district or division to assist with the operational application of the policy.
Delegation	Prescribes the Queensland Health HR Delegations Manual as the determining source of authority to approve provisions.
References	Includes the legislation, industrial instrument (Award, Agreement), directives, related HR policies and other relevant documents for the policy.
Supersedes	Identifies any superseded IRMs, circulars or HR policies.
Policy	Includes the key principles of a policy and the arrangements and entitlements for managers and employees.
Applying the policy	Contains information on how a policy is to be implemented including procedural components. This section may include examples.
Definitions	Included in some policies to describe key terms.
Parts	HR policies contain parts when the policy is large or when distinct areas are included in the one policy.
Attachments	Policies may include attachments.