

Human Resources Policy

Effective Date: June 2009

1 PURPOSE

To outline the procedures to be adopted in regard to claims for compensation for loss of, or damage to, private property and personal effects of employees whilst engaged in the performance of official duty.

2 APPLICATION

This policy applies to all temporary and permanent Queensland Health employees.

3 GUIDELINES

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

4 DELEGATION

The 'delegate' is as listed in the Queensland Health Human Resource Delegations Manual as amended from time to time.

5 REFERENCES

- Queensland Public Health Sector Certified Agreement (No. 7) 2008 (EB7)
- Uniform for Administrative Staff HR Policy C35 (Preserved)
- Uniforms for Administrative Staff Circular ER 17/07
- Queensland Health Financial Management Practices Manual
- Parking Of Private Vehicles On Official Premises (QHEPS 15087)

6 SUPERSEDES

- IRM 3.8-1 Compensation for Loss of or Damage to Private Property and Personal Effects of Employees and for Damage to Visitor's Vehicles

7 POLICY

7.1 Private property and personal effects

References in this policy to private property and personal effects do not include money. Compensation for money will not be allowed under any circumstances.

7.2 Liability

All employees are to be advised in writing that liability will not be accepted by the State Government or Queensland Health for:

- damages sustained to private motor vehicles while being driven or parked on Queensland Health property
or
- loss or damage, including loss or damage by fire or theft, to private property or personal effects which are used or stored in premises or accommodation owned or used by Queensland Health.

7.3 Insurance

Employees of the Government (including all Queensland Health employees) are responsible for arranging cover and paying the premium in respect to insurance on private property or personal effects to cover loss or damage in circumstances outlined in section 7.2 of this policy.

7.4 Loss of damage to private property

When loss of or damage to private property occurs to an employee's clothing or personal effects as a consequence of performing their duties and is not due to the employee's reckless actions, Queensland Health management are to consider compensation. For additional provisions on clothing soiled during the course of duty refer to:

- Uniforms for Administrative Staff HR Policy C35 (preserved).
- Uniforms for Administrative Staff Circular ER 17/07.

7.5 Estimated value for loss or repair

Employees are to be notified that compensation in such circumstances will only be for an estimated value for loss or repair at the time and not the replacement value of such item. Employees are to be warned against wearing valuables to work.

7.6 Loss or damage by fire

Action is to be taken to advise all employees in writing that no liability will be accepted by the State Government or Queensland Health for any losses incurred by employees due to fire. New employees are to be advised in writing at the time of their appointment.

7.7 Liability for visitors' vehicles

Any person visiting a Queensland Health facility is to be informed that liability will not be accepted for damages sustained to private motor vehicles while being driven or parked on Queensland Health property. In the opinion of the State Government, this might best be achieved through the erection of an appropriately worded notice prominently displayed in any area in question.

The following example illustrates the type of wording to be used:

This is Health Service District property.

Every person whether an invitee, employee or otherwise, who brings or authorises the bringing of a vehicle onto this property does so on the condition that neither the Health Service District, its servants or agents are liable for any loss or damage to the vehicle or any part or accessory or anything left in or about the vehicle whether arising out of a negligent act, breach of duty, default and/or omission on the part of the Health Service District, its lessees, tenants, servants or agents or by any other person being upon or using this property (and whether standing in legal relationship to the Health Service District or not) howsoever such loss or damage may be occasioned.

It is to be noted that the ordinary common law duty of Queensland Health as an occupier of land will not be totally absolved through the erection of a notice.

8 APPLYING THE POLICY

8.1 Claim for compensation

The following guidelines are to be followed in considering any claims.

An employee may be paid such amount as considered fair and reasonable when the loss of, or damage to, private property or personal effects:

- has been caused by a fault or defect in materials or equipment belonging to the Crown of which the officer had no previous knowledge
- has resulted from an act or omission by another person either employed by or in the custody of the Crown (including Health Service Districts)
- has occurred in the course of endeavouring to protect lives or Government property.

Any amount determined for loss or repair is not to exceed the estimated value of the article at the time and not the replacement value of such item. To determine the value of the article due consideration is to be given to the age and condition at the time of loss or damage.

In assessing any amount to be allowed, any compensation received or which may be received from any person, organisation, corporation or other body is to be taken into consideration. These could include refunds from a medical benefits association, damages arising out of personal action, settlements made in respect of damages and insurance claims.

No compensation for loss or damage is to be allowed:

- unless Queensland Health is satisfied that the employee:
 - took all reasonable precautions to avoid loss or damage
 - could not have reasonably been expected to have insured the property against loss or damage.
- whilst the property is:
 - stored in premises owned or occupied by the Crown (including health service districts) including houses, hostels, camps, etc

- contained in temporary accommodation during an employee's absence from headquarters on official duty
 - being transported while employees are travelling on Government or health service district business except when an essential part of luggage is necessary in the performance of official duty.
- for privately owned equipment such as cameras, binoculars, calculators, etc, unless there were special circumstances necessitating the use of such equipment at the particular time.

8.2 Procedure to claim

All employees are to be informed of the above conditions and when a claim is made for compensation the following information must be furnished by the employees:

- details of the circumstances of the incident and the extent of damage sustained.
- statements from any witnesses
- the date of purchase and the purchase price supported by receipts when available for items lost or damaged and an estimate of value at the time of the incident
- a receipt or quotation for the cost of effecting repairs to items damaged
- why the personal effects were not insured at the time of the incident.

Applications and supporting documentation must be submitted through the employee's supervisor to the approved delegate of the relevant health service district, QHSSP, corporate or state-wide division.

9 HISTORY

June 2009	Protected IRM 3.8-1 reformatted as part of the HR policy consolidation project in accordance with EB7.
December 2007	IRM 3.8-1 Compensation for Loss of or Damage to Private Property and Personal Effects of Employees and for Damage to Visitor's Vehicles amended.
February 2001	IRM 3.8-1 Compensation for Loss of or Damage to Private Property and Personal Effects of Employees and for Damage to Visitor's Vehicles