

## Human Resources Policy

### Special leave without pay to undertake work with relevant union

**Policy Number:** C40 (QH-POL-232)

**Publication date:** November 2021

**Purpose:** To outline prescribed entitlements for special leave to undertake work with a relevant union.

**Application:** This policy applies to employees working for Queensland Health.

This policy does not apply to employees of Queensland Ambulance Service. Instead, employees of Queensland Ambulance Service are to refer to their local procedures.

**Delegation:** The 'delegate' is as listed in the relevant Department of Health Human Resource (HR) Delegations Manual or Hospital and Health Services Human Resource (HR) Delegations Manual, as amended from time to time.

**Legislative or other authority:**

- *Human Rights Act 2019*
- *Industrial Relations Act 2016*
- Building, Engineering and Maintenance Services Employees (Queensland Government) Award – State 2016
- Health Practitioners and Dental Officers (Queensland Health) Award – State 2015
- Hospital and Health Services General Employees (Queensland Health) Award – State 2015
- Medical Officers (Queensland Health) Award – State 2015
- Nurses and Midwives (Queensland Health) Award – State 2015
- Queensland Public Service Officers and Other Employees Award – State 2015
- Nurses and Midwives (Queensland Health and Department of Education) Certified Agreement (EB10) 2018
- Ministerial for Industrial Relations Directive 01/19 – Leave without Salary Credited as Service
- PSC Directive 11/20 – Individual employee grievances

**Related policy or documents:**

- Relinquishment of role HR Policy B43 (QH-POL-216)
- Queensland Government Commitment to Union Encouragement
- Special leave HR Policy C7 (QH-POL-231)
- Industrial relations education leave HR Policy C39 (QH-POL-154)
- Individual employee grievances HR Policy E12 (QH-POL-140)
- Union encouragement HR Policy F4 (QH-POL-248)
- Union encouragement guideline (QH-GDL-248-1)

**Policy subject:**

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## 1 Policy

Employees of Queensland Health may be granted special leave without pay to undertake work with a relevant union (i.e. registered industrial employee organisations and party to Queensland Health awards and certified agreements) in accordance with Attachment One.

Queensland Health has made a commitment to encourage union membership among its employees where such unions (registered industrial employee organisations) are parties to Queensland Health awards and certified agreements.

## 2 Human Rights

Under the *Human Rights Act 2019*, decision makers have an obligation to act and make decisions in a way that is compatible with human rights, and when making a decision under this HR policy, to give proper consideration to human rights.

Section 22 of the Human Rights Act protects the right of peaceful assembly and freedom of association with others, including the right to form and join trade unions.

## 3 Individual employee grievances

Normal grievance processes apply in accordance with the relevant award or agreement and the Individual employee grievances HR Policy E12.

### History:

November 2021	<ul style="list-style-type: none"> <li>• Policy formatted as part of the HR Policy review</li> <li>• Policy amended to: <ul style="list-style-type: none"> <li>– renamed 'Special leave without pay to undertake work with relevant union'</li> <li>– to update references and naming conventions.</li> <li>– included human rights decision making</li> </ul> </li> </ul>
August 2015	<ul style="list-style-type: none"> <li>• October 2009 version of policy re-enlivened as a result of the restoration of conditions under the <i>Industrial Relation Act 1999</i> effective 11 June 2015.</li> </ul>
July 2013	<ul style="list-style-type: none"> <li>• Policy repealed as provisions of this policy are available in respective awards and agreements.</li> </ul>
October 2009	<ul style="list-style-type: none"> <li>• Protected IRM 11.5-17 reformatted as part of the HR policy consolidation project in accordance with EB7.</li> </ul>
September 2002	<ul style="list-style-type: none"> <li>• IRM 11.5-17 Special Leave Without Salary to Undertake Work with Relevant Union amended.</li> </ul>

April 2001	<ul style="list-style-type: none"><li>IRM 11.5-17 Special Leave Without Salary to Undertake Work with Relevant Union (clause 3.3 of the Queensland Public Health Sector Certified Agreement (No. 4) 2000).</li></ul>
Previous	<ul style="list-style-type: none"><li>IRM 11.5-17 Special Leave Without Salary to Undertake Work with Relevant Union</li></ul>

NMEB11 Protected

Managing the risk of psychosocial hazards at work  
Code of Practice 2022  
applies 1 April 2023

## Attachment One – Application of entitlement

Category	Entitlement	Conditions of approval
<p>The appropriate delegate may grant special leave without pay to an employee to undertake work with a relevant union. Refer to HR Policy C7 Special Leave</p>	<p>A leave of absence without pay may be approved for any minimum or maximum period determined by the delegate.</p>	<p>The conditions outlined in HR Policy C7 Special Leave apply to the granting of a leave of absence without pay. This includes:</p> <ul style="list-style-type: none"> <li>• The granting of leave is subject to Queensland Health convenience.</li> <li>• When the special leave without pay is for a period of greater than 12 months the delegate may approve, in exceptional circumstances, an employee to relinquish their substantive role in accordance with Relinquishment of role HR Policy B43 or local HHS policy.</li> <li>• The appropriate delegate is to determine whether accrued recreation leave or long service leave is to be taken prior to commencement of any such leave without pay.</li> <li>• The delegate may as a result of organisational requirements: <ul style="list-style-type: none"> <li>○ recall an employee from special leave</li> <li>○ cancel the approval or granting of any special leave or</li> <li>○ defer the taking of the special leave.</li> </ul> </li> </ul>