

Human Resources Policy

Sick leave

Policy Number: C64 (QH-POL-230)

Publication date: June 2020

Purpose: To outline employee entitlements and related processes for sick leave.

Application: This policy applies to Queensland Health employees, excluding those engaged on a casual basis.

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

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:

- *Industrial Relations Act 2016*
- *Military Rehabilitation and Compensation Act 2004*
- *Public Service Act 2008*
- *Veterans' Entitlements Act 1986*
- PSC (IR) Directive 10/18 – Sick Leave
- PSC (IR) Directive 12/18 – Recognition of Previous Service
- Building, Engineering and Maintenance Services (Queensland Government) Award – State 2016
- Health Practitioners and Dental Officers (Queensland Health) Award – State 2015
- Hospital and Health Service General Employees (Other than Public Servants) 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
- Health Employment Directive No 01/18: Application of directives to employees engaged under certain awards

Related policy or documents:

- Carers Leave HR Policy C9 (QH-POL-109)
- Long Service Leave HR Policy C38 (QH-POL-163)
- Annual/Recreation Leave HR Policy C51 (QH-POL-100)
- Recognition of previous service for long service and sick leave purposes HR Policy C55 (QH-POL-211)
- Absence management HR Policy G4 (QH-POL-094)



Policy subject:

1	Policy statement	2
1.1	Notification	2
1.2	Application for leave	3
1.3	Use of recreation leave or long service leave	3
1.4	Leave on half pay	3
1.5	Special sick leave	3
2	Meritorious sick leave	3
2.1	Evidence of service	3
2.2	Determining whether service is meritorious	4
3	Use of special war service credit	5
	Definitions:	5
	History:	5

1 Policy statement

Employee entitlements to sick leave are outlined in the relevant industrial award and/or enterprise agreement.

Where a Health Employment Directive applies the provisions of the Sick Leave Directive (as issued by the Minister responsible for Industrial Relations under section 54 of the *Public Service Act 2008*), the sick leave entitlements as outlined in Public Sector (IR) Directive 10/18 – Sick Leave are said to apply.

Any replacement directive issued dealing with substantially the same subject matter is to be applied.

1.1 Notification

Employees are to notify Queensland Health of any unscheduled absences in accordance with the notification arrangements applying to their work unit.

Managers are to ensure employees are aware of the notification arrangements for unscheduled absences, including:

- the requirement to notify the manager of the absence
- the timeframe for the notification of the absence
- the information to be provided by the employee i.e. the reason for the absence and the likely duration of the absence
- any other information required under the relevant award/directive.

1.2 Application for leave

Employees are responsible for submitting the required documentation e.g. medical certificates (when required), leave forms, attendance variation and allowance claim (AVAC) forms, for every absence for which sick leave is sought.

An application may be made on behalf of an employee by the manager in situations when the employee is not able to complete a sick leave application and to avoid under and overpayments.

1.3 Use of recreation leave or long service leave

Employees who have exhausted all of their sick leave on full pay entitlement may use recreation or long service leave for sick leave purposes (subject to meeting the requirements for the granting of recreation leave or long service leave). Refer to Annual/Recreation Leave HR Policy C51 and Long Service Leave HR Policy C38.

1.4 Leave on half pay

Where sick leave is granted after commencing recreation or long service leave on half pay, such sick leave granted will also be at half pay. Refer to Annual/Recreation Leave HR Policy C51 and Long Service Leave HR Policy C38.

1.5 Special sick leave

An employee may be granted special sick leave on full pay by the delegate (without deduction from their sick leave entitlement) if they are:

- injured in the course of performing official duties or
- become ill as a result of performing official duties.

2 Meritorious sick leave

An employee may apply in writing for meritorious sick leave i.e. 13 weeks (65 working days for a full-time employee) on full pay where they have completed 26 years' meritorious service. The 'Application for Meritorious Sick Leave' form, available on QHEPS, is to be completed.

A grant of meritorious sick leave is to be made once only after the completion of 26 years of meritorious service.

If an application is approved, meritorious sick leave will be credited based on the preceding 26 years of employment from the time the application is submitted for consideration.

2.1 Evidence of service

All service for the Queensland public sector only is to be considered when calculating the employee's service. The service need not necessarily be continuous but based on service for which credit has been given for long service leave purposes in accordance with the Long service leave HR Policy C38.

If the employee's personnel file does not have sufficient information to confirm whether the employee has had 26 years' meritorious service the onus of proof lies with the employee to provide additional information to support their claim. Additional information may include a statement of service from prior eligible employers, however confirmation of whether or not disciplinary or performance issues arose during that period of employment is also required.

A statutory declaration can be provided to support an application if no other formal documentation is available.

2.2 Determining whether service is meritorious

The onus is on the employee to detail in their application why their Queensland public sector work history is to be taken into consideration when reviewing an application for meritorious sick leave.

When an employee has meritorious and unmeritorious service, a decision is to be made on the balance of the whole of the service.

Some considerations for refusing or deferring an application are as follows:

- when an employee has had disciplinary action taken against them resulting in a penalty being imposed
- when an employee has been formally counselled for poor performance that led to disciplinary action
- when the employee has a high rate of absenteeism without reasonable justification.

The delegate is to take a reasonable approach when exercising their discretionary power. Employees with an overall meritorious record are not to be unfairly disadvantaged. Similarly, employees with a record of ongoing difficulties in the workplace are not to be rewarded by the special grant of meritorious sick leave.

When an employee does not have continuous meritorious service a time penalty may be applied before the grant of meritorious sick leave is made.

Examples

An employee with 26 years' service was demoted one pay point from AO3 (4) to AO3 (3) for 12 months. The employee may be required to work an additional 12 months prior to the application being granted.

An employee with 26 years' service was demoted from OO3 (4) to OO2 (4) or OO2 (5). This may require the employee to work an additional four years prior to the application being granted.

An employee with 26 years' meritorious service was given a warning for the misuse of computer technology. This would not require the working of additional time because the employee was given a warning only.

An employee with 26 years' meritorious service was awarded the Public Service Medal four years ago. The employee received a reprimand last year for inappropriate email use. As the whole of the employee's employment history needs to be taken into consideration, the employee may still be granted the sick leave if the inappropriate email use was an isolated incident.

3 Use of special war service credit

An employee may apply in writing, including acceptable supporting documentation, for 65 working days sick leave on full pay for absences from duty which are attributable to:

- a war-caused disability arising from Service within Operational Areas, as defined within Schedule 2 of the *Veterans' Entitlements Act 1986* (Cth), as amended from time to time
- a war-caused disability arising from service with Peacekeeping Forces, as defined within Schedule 3 of the *Veterans' Entitlements Act 1986* (Cth), as amended from time to time
- a service injury or service disease arising from Warlike or Non-Warlike Service as defined under the *Military Rehabilitation and Compensation Act 2004* (Cth), as amended from time to time.

An employee awarded special war service sick leave need not exhaust their ordinary sick leave entitlements before being eligible to use the special credit of sick leave for war-caused disability, service injury or service disease.

The special war service credit of sick leave is additional to the special credit of sick leave granted to employees who have completed 26 years' meritorious service.

Special sick leave credit is only granted when the Department of Veterans' Affairs (DVA) accepts the absence from duty was a result of a war-caused disability, injury or disease.

Sick leave charged to the special war service credit of sick leave is to be recorded separately from ordinary sick leave.

Definitions:

Meritorious service	Service that is considered commendable, that is not obscured with disciplinary action, poor performance issues or unacceptable absenteeism.
Queensland public sector service	Includes service with: <ul style="list-style-type: none"> • a Queensland government entity, as defined in section 24 of the <i>Public Service Act 2008</i> • a public service office, as defined in section 21 of the <i>Public Service Act 2008</i> • the Queensland Parliamentary Service • the Queensland Police Service for which recognition has been given for long service leave purposes under the relevant directive.
War-caused disability	Includes war-caused injury or disease and defence-caused injury or disease, as referred to in the <i>Veterans' Entitlements Act 1986</i> (Cth) or <i>Military Rehabilitation and Compensation Act 2004</i> (Cth).

History:

June 2020	<ul style="list-style-type: none"> • Policy application amended as a result of changes outlined in the Hospital and Health Boards (Changes to Prescribed Services) Amendment Regulation 2019.
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June 2019	<ul style="list-style-type: none"> • Policy formatted as part of the HR Policy review. • Policy amended to: <ul style="list-style-type: none"> – update references and naming conventions – clarify the payment of sick leave after commencing recreation or long service leave at half pay – include special sick leave provisions – clarify the period when an employee's service for meritorious sick leave is assessed – clarify special war service credit of sick leave entitlement.
June 2014	<ul style="list-style-type: none"> • Policy formatted as part of the HR Policy Simplification project. • Policy amended to: <ul style="list-style-type: none"> – update references and naming conventions – remove duplication of information outlined in industrial awards and agreements.
April 2010	<ul style="list-style-type: none"> • Amended clause 7.5 to reflect clause 17 of Nurses and Midwives (Queensland Health) Certified Agreement (EB7) 2009.
March 2010	<ul style="list-style-type: none"> • Developed as a result of the HR policy consolidation project.
Previous	<ul style="list-style-type: none"> • IRM 11.3-1 Leave - Sick - Entitlement, Conditions, Special Sick Leave, Part Time • IRM 11.3-3 Leave - Sick - Special War Service Credit • IRM 11.3-4 Leave - Sick - Special Grant After 26 Years Meritorious Service • IRM 11.3-5 Leave - Sick - In Lieu of Recreation and Long Service Leave