

Separation of Employment

Human Resources Policy

Effective Date: August 2011

TABLE OF CONTENTS

1	PURPOSE.....	3
2	APPLICATION.....	3
3	GUIDELINES.....	3
4	DELEGATION	3
5	REFERENCES.....	3
6	SUPERSEDES.....	3
7	POLICY	4
	7.1 Interpretation of policy.....	4
	7.2 Superannuation.....	4
	7.3 Separation advice form	4
8	PART A – RESIGNATION.....	4
9	PART B – RETIREMENT	5
	9.1 Ill health retirement.....	5
10	PART C – VOLUNTARY EARLY RETIREMENT (VER).....	5
	10.1 VER approval process.....	5
	10.2 Expression of interest (EOI) and approval.....	5
	10.3 Approval for re-employment.....	6
	10.4 Re-employment procedures – permanent/temporary/casual.....	6
	10.5 Re-employment as consultants.....	6
	10.6 Taxation.....	7
	10.7 Outplacement.....	7
11	PART D – RETRENCHMENT	7
	11.1 Re-employment.....	7
	11.2 Taxation.....	8
12	PART E – POST-SEPARATION EMPLOYMENT PROVISIONS	8
	12.1 Post-separation requirements	8
	12.2 Post ministerial employment	8
	12.3 Further details	8
13	PART F – DEATH OF AN EMPLOYEE.....	9
	13.1 Appointment of a coordinator	9
	13.2 Notification of the death of an employee.....	9
	13.2.1 Deceased employee's family	9
	13.2.2 Managers and co-workers	9

13.2.3	HR/payroll	9
13.2.4	Superannuation.....	10
13.3	Additional procedures following work related death.....	10
13.3.1	District/Corporate Office workplace health and safety officer.....	10
13.3.2	Workplace Health and Safety, Department of Justice and Attorney-General	10
13.3.3	Queensland Police Service.....	10
13.3.4	WorkCover Queensland.....	10
13.3.5	Fatality from work related travel.....	11
13.4	Payment of outstanding entitlements.....	11
13.4.1	Property of a deceased person.....	11
13.4.2	The personal representative	11
13.4.3	Exceptions.....	12
13.4.4	Intestacy.....	12
13.4.5	Grant of probate or letter of administration	12
13.4.6	Waiving the requirement of a grant.....	13
13.4.7	Long service leave	13
13.4.8	Taxation.....	13
13.5	History of service.....	13
13.6	Support for fellow employees.....	13
13.7	Checklist of procedures following the death of an employee.....	14
14	DEFINITIONS.....	14
15	HISTORY	14
ATTACHMENT ONE	Checklist of procedures following the death of an employee	
ATTACHMENT TWO	Example of a letter	
ATTACHMENT THREE	Acknowledgement and release	

1 PURPOSE

To outline the arrangements for separation of employment in Queensland Health.

2 APPLICATION

This policy applies to Queensland Health employees as follows:

- Part A - Resignation
- Part B - Retirement
- Part C - Voluntary early retirement (VER)
- Part D - Retrenchment
- Part E - Post-Separation employment provisions
- Part F - Death of an employee

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

- *Public Service Act 2008*
- *Public Service Regulation 2008*
- *Workplace Health and Safety Regulation 2008*
- *Workers' Compensation and Rehabilitation Act 2003*
- *Industrial Relations Act 1999*
- *Anti-Discrimination Act 1991*
- *Income Tax Assessment Act 1936*
- Taxation Ruling 2009/2
- Criminal Code
- Directive 17/09 – Early Retirement, Redundancy and Retrenchment
- Directive 2/09 – Employment Separation Procedures
- Directive 1/09 – Relocation Expenses for Officers Retiring from the Service
- Recruitment and Selection HR Policy B1
- Surplus Employees HR Policy B36
- Medical Examination of Employee HR Policy E11
- Ministers' Code of Ethics (the Ethics Code)
- Long Service Leave HR Policy
- Queensland Health Consultancy Agreement
- Queensland Health Financial Management Practice Manual (FMPM)
- Queensland Contact with Lobbyists Code (the Lobbyists Code)

6 SUPERSEDES

- IRM 1.10-1 Cessation of Employment – Resignation
- IRM 1.10-2 Age Retirement

- IRM 1.10-4 Management of Voluntary Early Retirement (VER)
- IRM 1.10-5 Management of Retrenchment
- IRM 3.16 Death of an Employee – Procedures

7 POLICY

7.1 Interpretation of policy

This policy is to be interpreted in conjunction with specific Awards, Agreements, administrative arrangements, directives and policies applying to occupational groups.

7.2 Superannuation

Employees taking special leave without pay prior to separation from Queensland Health may wish to contact QSuper about the impact on superannuation contributions and entitlements.

Information on the QSuper superannuation scheme is available from the QSuper website: www.qsuper.qld.gov.au.

7.3 Separation advice form

The separation advice form is to be completed by all employees separating from Queensland Health, and can be accessed at http://qhps.health.qld.gov.au/paris/pdfs/forms/hr_separation_adv.pdf.

8 PART A – RESIGNATION

Employees are to resign in writing to terminate their employment contract. Notice of resignation takes effect without the need for acceptance.

Employees are to give at least the period of notice set out in:

- the Award or Agreement covering their employment
- other employment arrangements where there is no Award or Agreement coverage
or
- the *Industrial Relations Act 1999* (if not specified in the Award or other employment arrangements).

When an employee offers a lesser period of notice, it is at the discretion of the delegate to accept that offer.

If a lesser period of notice is not acceptable, and the employee does not work out the required period of notice, the delegate has the discretion to withhold money from the employee. The amount is equivalent up to the full period of notice required of the employee (in accordance with the employee's Award or other employment arrangements). District/division people and culture units may be contacted for further information on the forfeiture of wages in lieu of notice.

When an employee resigns verbally (and a written resignation is unable to be obtained), the verbal resignation is to be documented and witnessed.

The delegate has the discretion to determine if a resignation that has been tendered can be withdrawn within the period of notice.

9 PART B – RETIREMENT

The *Anti-Discrimination Act 1991* prescribes that a person cannot be discriminated against on the basis of age. Accordingly, it is unlawful for employees to engage in any conduct with the intention of causing a person to retire because of their age. The minimum age of retirement in Queensland Health is 55. Employees are to provide advice of their retirement in writing. Notice of retirement takes effect without the need for acceptance.

9.1 Ill health retirement

Refer Medical Examination of Employee HR Policy E11 for information regarding ill health retirement.

10 PART C – VOLUNTARY EARLY RETIREMENT (VER)

This applies to permanently appointed Queensland Health employees whose substantive employment role has become surplus or redundant, and to whom the offer of a VER package is made.

Public Service Regulation 2008 applies the provisions of Directive 17/09 – Early Retirement, Redundancy and Retrenchment to health service district employees. This directive specifies the action to be taken and the conditions and entitlements applying to employees, whose work is surplus to requirements, and who accept the offer of a VER package. Queensland Health is to comply with the requirements of this directive.

10.1 VER approval process

Australian Taxation Office (ATO) approval is required for an individual VER scheme. It is the responsibility of the employer to establish the bona fides of each VER scheme to be approved by the ATO for a limited time period only.

VER is only to be approved if the following can be confirmed:

- The role is redundant.
- No replacement employees are to be appointed.
- No suitable roles exist to which the employee can be transferred, either within or outside Queensland Health.
- Funding to support the VER is available within the relevant cost centre.
- The employee has been consulted and is willing to accept VER.
- The relevant health sector union has been consulted.

10.2 Expression of interest (EOI) and approval

In cases of reorganisation when a number of roles are to be affected, expressions of interest (EOIs) to participate in an early retirement scheme may be sought from the following (after consultation with the relevant unions):

- employees who occupy roles deemed surplus to requirements
or

- all employees engaged in roles identified as surplus and those employees who hold roles at the same classification level and with similar skills.

Queensland Health may also offer VER packages to employees who are made surplus to requirements through the application of the merit selection process.

There is to be a period of at least two weeks from the date of requests for EOIs to participate in the early retirement scheme, in which employees may respond. EOIs are not binding on either Queensland Health or the employee.

The delegate may approve a VER and has the discretion to refuse applications for consideration of a VER if acceptance of the applications would be detrimental to normal operations.

10.3 Approval for re-employment

In all cases, the Director-General is required to approve re-employment of former Queensland public sector employees who are currently within the benefits period of a VER benefits package issued by an agency of the Queensland Government.

10.4 Re-employment procedures – permanent/temporary/casual

Although the rationale for paying a separation package is that the payment acts as compensation for lack of job tenure, there is no legal impediment to the re-employment of staff.

It is the responsibility of the relevant district chief executive officer (CEO), branch director, statewide service manager or executive director Shared Service Partner (SSP) (or their delegates) to ensure that processes are in place to:

- identify, prior to appointment or engagement of a former employee, whether the prospective appointee has received a VER in the last 12 months
- undertake necessary action to seek the approval of the Director-General to re-employ a former employee who has received a VER and make arrangements for the repayment if required.

Recruitment and selection application forms are to include a section for the applicant to identify whether they have received a VER, and when this occurred.

It is the responsibility of the selection panel chair to ask applicants directly if they have received a VER, and if applicable, to advise SSP to commence VER benefits recovery action. Refer Recruitment and Selection HR Policy B1.

In the case of temporary appointments for less than 12 months when selection panels are not required, the manager making the recommendation for appointment to the delegate has the responsibility to ensure that the applicant provides information on whether or not they have received a VER.

10.5 Re-employment as consultants

The standard Queensland Health Consultancy Agreement requires a potential consultant to provide information on whether they or any key personnel are currently

within the benefits period of a VER benefits package issued by an agency of the Queensland Government. The work area engaging the consultant/personnel is to advise SSP to commence VER benefits recovery action if the consultant indicates they have received a VER.

10.6 Taxation

A number of conditions are to be met for certain taxation concessions to apply to early retirement scheme payments. For example, the concessions are not to apply when there is an agreement (express or implied) between the retrenched employee and the employer (at the time of termination of employment) to re-employ the employee after the termination.

District CEOs, branch directors and other delegates are to consider the relevant provisions of the taxation legislation when considering the engagement of former employees in any capacity. Specifically, division 83 of the *Income Tax Assessment Act 1997* and draft Taxation Ruling 2009/2 may be referred to. Further information may be obtained from Taxation Unit, Finance Branch, Corporate Office if required.

10.7 Outplacement

If a professional external outplacement service is used in securing an employee a role outside the Queensland public sector, there is no entitlement to a severance benefit except when the outplacement has been unsuccessful.

If the outplacement is unsuccessful as a result of the new employer having to retrench employees, the originating employer (i.e. district, Corporate Office or business unit) may be expected to reimburse the employee the relevant proportion of the severance benefit to which they would have been entitled had they been retrenched. For example, if an employee is eligible to receive a severance benefit of four months (and is outplaced and then retrenched within two months of taking up duty) they are eligible to receive two months' severance benefit from Queensland Health.

11 PART D – RETRENCHMENT

This part applies to permanently appointed surplus Queensland Health employees when retraining, transfer or redeployment are no longer viable options, or when a surplus employee is not actively participating in the deployment process.

Public Service Regulation 2008 applies the provisions of Directive 17/09 – Early Retirement, Redundancy and Retrenchment to health service district employees. This directive specifies the action to be taken and the conditions and entitlements applying to employees who are retrenched, and the conditions and entitlements available to these employees. Queensland Health is to comply with the requirements of this directive.

Retrenchment is only to be undertaken in exceptional circumstances when retraining, transfer and/or redeployment are not options, and only with the approval of the Public Service Commission (PSC) Chief Executive or Governor in Council.

11.1 Re-employment

Refer sections 10.3 to 10.5 in part C.

11.2 Taxation

Refer section 10.6 in part C.

12 PART E – POST-SEPARATION EMPLOYMENT PROVISIONS

12.1 Post-separation requirements

In February 2009, the Queensland Government introduced the Queensland Contact with Lobbyists Code (the Lobbyists Code) and an amendment of the Ministers' Code of Ethics (the Ethics Code). These codes establish guidelines on lobbying and post-separation employment for public officials and state that contact between lobbyists and government representatives is to be conducted with transparency, integrity and honesty.

In these codes, post-separation provisions restrict lobbying, advocating and holding business meetings for quarantine periods on any matters on which public officials have had official dealings in office.

The quarantine periods are as follows:

Ministers	Two years from leaving office for official dealings in the two years prior to leaving office
Parliamentary secretaries	18 months from leaving office for official dealings within two years prior to leaving office
Senior public servants	18 months from leaving office for official dealings in the 18 months prior to leaving office

Persons in the above categories who separate from public office employment are not to make contact with a government representative for the purposes of lobbying within the defined quarantine periods. Contact includes telephone calls, electronic mail messages, written mail contact and face-to-face meetings.

Current employees are restricted from permitting lobbying by persons in the above categories within their quarantine periods. To determine if it is appropriate to engage with individuals who have held relevant public offices, please contact your district/division people and culture unit for advice.

12.2 Post ministerial employment

On leaving office, ministers are not to take personal advantage of information to which they had access as a minister, where that information is not generally available to the public or accessible in the public domain.

Unlawful disclosure of confidential information may constitute an offence under the Criminal Code.

12.3 Further details

For further information regarding post-separation employment provisions, refer to the Lobbyists Code and the Ethics Code.

13 PART F – DEATH OF AN EMPLOYEE

This provides managers with information about the required administrative procedures following the death of an employee, whether or not the employee's death was associated with their employment.

13.1 Appointment of a coordinator

Following notification of an employee's death, the manager is to appoint a coordinator to conduct and coordinate the procedures outlined in this part. The coordinator is normally a human resources manager or director of corporate services.

The coordinator is to establish:

- who to contact
- who is to be responsible for writing and signing a letter of condolence to the deceased employee's family
- who is to present the letter of condolence to the deceased employee's family
- if the work area intends to prepare a history of service for inclusion with the letter of condolence
- if there is to be an official representative at the funeral and who it is to be.

13.2 Notification of the death of an employee

Following notification of the death of an employee, the coordinator is to ensure that the following people and organisations are notified.

13.2.1 Deceased employee's family

In the case of a death at the workplace, the employee's next of kin, or nominated contact person, is to be notified immediately. If the death resulted from an accident at the workplace, it may be appropriate for the manager or nominated contact person to personally contact the next of kin. In other instances the district CEO/branch director may nominate another appropriate person to contact the next of kin. Other agencies (e.g. Queensland Police Service) may also be contacting the family. Queensland Health representatives are to ensure they manage this responsibility in a sensitive manner.

The deceased employee's workgroup and individual employees are to determine the manner in which sympathy is extended to the deceased employee's family. Individual circumstances, including cultural diversity issues and the wishes of the family, need to be respected.

13.2.2 Managers and co-workers

The coordinator is to notify the employee's manager/s as soon as possible to determine the appropriate way of informing co-workers.

13.2.3 HR/payroll

The deceased employee's manager is to contact HR/payroll to facilitate documentation and finalisation of entitlements.

13.2.4 Superannuation

A deceased employee's superannuation entitlements do not automatically form part of the estate. QSuper is to deal with the payment of any superannuation death benefits at the request of the personal representative. The Queensland Health coordinator may assist by providing the personal representative with QSuper's contact details or the relevant claim form.

13.3 Additional procedures following work related death

The additional procedures apply if the employee's death was work related.

13.3.1 District/Corporate Office workplace health and safety officer

The district/Corporate Office workplace health and safety officer is to be notified immediately of any fatality caused by an event at the workplace. The workplace health and safety officer is responsible for contacting Workplace Health and Safety, Department of Justice and Attorney-General, and coordinating the site visit of the Department's representative.

13.3.2 Workplace Health and Safety, Department of Justice and Attorney-General

The coordinator is to ensure compliance with the *Workplace Health and Safety Regulation 2008*. This requires that the Chief Executive, Workplace Health and Safety, is notified by the employer of an event at the workplace (other than a construction workplace) that causes death.

Under the Regulation, the employer is to give prompt notice after becoming aware of the death (e.g. by telephone or facsimile) by lodging an incident record/report (available from Workplace Health and Safety) within 24 hours after becoming aware of the death.

13.3.3 Queensland Police Service

The coordinator is to ensure that the Queensland Police Service is advised immediately if an employee's death occurs while the employee is working or at the workplace.

13.3.4 WorkCover Queensland

If the employee's death resulted from a work related illness or injury, the coordinator is to ensure that a WorkCover employer report is sent to the nearest WorkCover office as soon as possible, and within a maximum of 10 days after the employee's death. The employer report is to be signed by the district CEO/branch director or delegate.

The coordinator is to notify the dependent(s) or the person's legal personal representative of the right to apply for workers' compensation under the *Workers' Compensation and Rehabilitation Act 2003*. The application for compensation – fatal injury can be lodged by or on behalf of a person defined as a dependent under the Act, or by a person who has incurred expenses arising from the employee's fatal injury.

13.3.5 Fatality from work related travel

If the fatality resulted from work related travel, the employee's dependents or estate may be entitled to compensation and/or insurance payments from the relevant transport company or carrier.

If a transport provider (e.g. coach, rail or plane) was involved in the fatality, the coordinator is to examine relevant contracts for conditions of insurance. If the coordinator becomes aware of any entitlement that may apply, they are to advise the executor or administrator. The coordinator is also to advise who to contact.

13.4 Payment of outstanding entitlements

13.4.1 Property of a deceased person

In the event of the death of an employee, all outstanding remuneration is to be forwarded to the deceased's personal representative. The property of the deceased including personal items is also to be released to the personal representative.

Any payments in relation to the deceased are to be made payable to the estate. This means any cheques are to be made payable to the 'Estate [insert name of deceased], Deceased'. Cheques and payments are not to be made payable to the personal representative.

If the deceased has left a valid will, the estate is to be distributed in accordance with the terms of the will.

13.4.2 The personal representative

The coordinator is to take appropriate steps to establish the identity of the personal representative and their right to act (refer attachment two). Personal representatives may also be referred to as executors and administrators.

The role of the personal representative is to:

- manage the real and personal estate of the deceased
- pay the debts of the deceased
- distribute the estate after payment of debts and the expenses of administration.

The personal representative is to provide a certified copy of the certificate of death and will together with the appropriate proof of identification to the coordinator. Certificates of death are issued by the Registrar of Births, Deaths and Marriages and take approximately three weeks to issue from the date of request. When the circumstances of death are uncertain, such as in the event of a coronial enquiry, the certificate may take longer to issue.

If one or more named executors have died, the surviving executor or executors are entitled to act. Requesting evidence of the death of the deceased executor is recommended.

The personal representative is a trustee and as such, they are not entitled to the assets of the deceased's estate unless they are a beneficiary under the will, nor do

they have any entitlement under the intestacy provisions. It may be the case the deceased's spouse is the personal representative and a beneficiary, but these are two different roles.

13.4.3 Exceptions

Undue hardship or inconvenience is not a reason for making unauthorised exceptions to the appropriate payment of outstanding entitlements. If there is a genuine issue, it is to be raised with Queensland Health's appointed coordinator.

13.4.4 Intestacy

In the event that:

- an employee dies leaving no will
- a will does not validly appoint an executor
or
- a will appoints an executor but that executor dies or is unwilling or unable to act,

the deceased is said to have died intestate. The deceased's estate is to be distributed in accordance with the intestacy provisions in the *Succession Act 1981*. In these cases, the only person with a right to act in the short term is the Public Trustee.

If a person with an entitlement to act applies for letters of administration and they are granted by the Supreme Court, then that person is to be the deceased's administrator and personal representative.

Further information is available from the Department of Justice and Attorney-General.

13.4.5 Grant of probate or letter of administration

In the case of intestacy, entitlement to a grant of probate or letter of administration normally follows interest. For instance, usually the spouse is given priority unless special circumstances warrant it. When the next of kin of the intestate are entitled to share the estate with the spouse, then they are to be next entitled.

A grant of probate or letter of administration is the official recognition of the Supreme Court of the right of the persons named in the grant to administer the deceased's estate. In Queensland, grants are given by the Supreme Court of Queensland which has registries in Brisbane, Rockhampton, Townsville and Cairns. A court will not issue a grant unless certain requirements are met, all of which are intended to establish the proper entitlement of the personal representative to act.

A grant gives protection to the personal representative and also assures those who make payments to the estate that they are making the payment to the personal representative to act and the payment is to be properly distributed as an asset of the estate.

Queensland Health is to require a grant be applied for when the outstanding payment is more than \$10,000 or when it is uncertain the will is legally valid. There are costs associated with obtaining a grant which include service, filing fees and any legal costs.

13.4.6 Waiving the requirement of a grant

When the death benefit is less than \$10 000, Queensland Health may be asked to waive the requirement for a grant. The usual basis for the request is that the cost of obtaining the grant is not justified, as there are no significant assets of the estate. When it is considered appropriate and suitable indemnities are obtained, consideration is given to the request to waive production of a grant. Refer to attachment three for an example of a suitable indemnity.

13.4.7 Long service leave

Long service leave is payable if the deceased employee had five years of continuous employment. Refer Long Service Leave HR Policy.

13.4.8 Taxation

The Queensland Health FMPM provides guidelines for payments and taxation. As required, the HR/payroll office is to consult the ATO for advice regarding the appropriate rates of taxation to be deducted from entitlements.

13.5 History of service

The coordinator or representative from the work area is to initially liaise with the deceased employee's family to determine if they would like a history of service.

A history of service is a record of the career and personal achievements of the employee. This may be sent with the letter of condolence, or presented to members of the employee's family at the funeral or at some other appropriate time. If the deceased employee's family request the delivery of a eulogy by an employer representative at the funeral, the history of service may also be incorporated into the eulogy.

The history of service may include:

- work history and dates, geographical locations, job titles, types of work performed and history of promotions, written in sequential order
- description of notable, major or outstanding work achievements
- description of formal awards, scholarships, academic achievements or commendations
- description and examples of personal strengths and qualities for which the person is favourably remembered.

Relevant information for inclusion may be obtained from the employee's personnel file and from work colleagues.

The writing style is to be accurate, sensitive and warm, and be a respectful portrayal of the person about whom it is written. The author is to confirm its accuracy with at least one other senior officer.

13.6 Support for fellow employees

It is recommended that the manager of the work area contact the Employee Assistance Service (EAS) in the event of an employee's death. This is particularly

important if the circumstances of the death were traumatic. The EAS may provide advice to the manager and professional counselling to fellow employees to facilitate the adjustment process.

Additional support may also be sought if circumstances indicate that it is required.

13.7 Checklist of procedures following the death of an employee

A checklist of procedures following the death of an employee is contained in attachment one.

14 DEFINITIONS

Government representative	A minister, parliamentary secretary, ministerial staff member or a member of the public service
Grant of probate or letter of administration	This is issued by the Supreme Court of Queensland and is official recognition that a will is legally valid. It details the right of the persons named in the grant to administer the deceased's estate and of the vesting in them the title to those assets passing to them upon the death or grant.
Lobbyist	A person, body corporate, unincorporated association, partnership or firm whose business includes being contracted or engaged to represent the interest of a third party to a government representative. 'Lobbyist' does not include: <ul style="list-style-type: none"> • an association or organisation constituted to represent the interests of its members (e.g. an employers group, a trade union or a professional body such as the Queensland Law Society • a religious or charitable organisation • an entity or person whose business is a recognised technical or professional occupation which, as part of the services provided to third parties in the course of that occupation represents the views of the third party who has engaged it to provide their technical or professional services (e.g. lawyer or accountant) • a full-time employee of an organisation or firm that represents their own interests to a government representative
Personal representative	The person named in the deceased's will to administer the employee's estate on their death in accordance with the terms of the will. They may also be referred to as executors or administrators.

15 HISTORY

August 2011	Included: <ul style="list-style-type: none"> • reference in section 5 to Directive 2/09 – Employment Separation Procedures • section 7.3 to reflect the separation advice form
--------------------	--

December 2009	Amended to reflect updated Directive 17/09 – Early Retirement, Redundancy and Retrenchment effective 16 November 2009.
October 2009	Amended to include post-separation employment provisions – Part E.
September 2009	Amended to include: <ul style="list-style-type: none"> • relevant legal advice • attachments two and three.
April 2009	<ul style="list-style-type: none"> • Amended to update replacement Directive 1/09 – Relocation Expenses for Officers Retiring from the Service. • Amended section 5 References. • Amended section 9 to include reference to ill health retirement. • Amended section 10.6 taxation ruling. • Changes made to reflect departmental name change as a result of machinery-of-government process.
August 2008	Amended to extract the Ill Health Retirement section which is now a stand alone HR Policy called Medical Examination Of Employee HR Policy.
July 2008	Changes made to reflect <i>Public Service Act 2008</i> and <i>Public Service Regulation 2008</i> .
April 2008	Developed as a result of the HR policy consolidation project.

MOC Approved
Public Sector Act 2008
applies on 1 March 2009
Managing the risk of psychosocial hazards & work
Code of Practice 2022
applies 1 April 2023

Checklist of procedures following the death of an employee

Work area manager

The work area manager is to:

- appoint coordinator
- notify/delegate appropriate person to notify employee's next of kin or nominated contact person
- advise HR/payroll
- contact Employee Assistance Service (EAS) for advice and assistance
- ensure checklist is completed and signed
- other as advised

Coordinator checklist

The coordinator is to establish:

- who to contact
- who is to be responsible for writing and signing a letter of condolence
- how the letter of condolence is to be presented to the deceased employee's family
- if the work area intends to prepare a history of service
- if there is to be an official representative at the funeral and who it is to be

Contacts

The coordinator is to ensure that the following are notified:

- deceased employee's family
- senior manager, manager and co-workers
- HR/payroll (to be contacted by manager of work area)
- executor/ legal representative (provide application forms and/or advise of government superannuation office contact details)

Additional procedures following work-related death

Coordinator to ensure that the following are notified:

- district / Corporate Office workplace health and safety officer
- Workplace Health and Safety, Department of Justice and Attorney-General
- Queensland Police Service
- WorkCover Queensland
- if fatality from work-related travel - relevant transport company or authority

HR/payroll

- initiate formal enquiry to identify deceased's legal personal representative
- confirm identity of the personal representative and authority to act
- in the event the payment is more than \$10,000 a grant of probate of administration is to be sighted or suitable indemnity provided
- all outstanding remuneration paid to the executor of the deceased employee's estate, or to the administrator of the estate (if intestate)
- Australian Taxation Office consulted for advice (if required)

District CEO/Branch Director

/ /

MOCA4 protected
Public Sector Act 2022
applies on 1 March 2023
Managing the risk of psychosocial hazards at work
Code of Practice 2022
applies 1 April 2023

Example of a letter

Dear [insert name of likely personal representative]
Estate [insert name of deceased]

Please accept our condolences on the death of [insert name of deceased].

Any payments due from Queensland Health to the deceased are now payable to the deceased's estate.

In order to enable us to properly pay these proceeds to the deceased's estate, please provide us with the following documents:

- A certified copy of the deceased's death certificate.
- A copy of the deceased's last will.
- The contact details of the person(s) named in the deceased's last will as the deceased's personal representative(s).
- Certified copies of the death certificate of any person named as the deceased's personal representative in the will in the event that the person died before, or did not survive, the deceased.
- In the event that the person died leaving no will, details of the persons entitled to take out letters of administration in relation to the deceased's estate.
- In the event that the payment due to the estate is more than \$10 000, a copy of the grant of probate or grant of administration.

In relation to the certification of any documents, the following people can certify any copies of documents to be provided:

- Justice of the Peace.
- Police officer.
- Solicitor enrolled with a Supreme Court or the High Court of Australia.
- One of the following with two or more years of continuous service:
 - Australia Post permanent employee.
 - Financial institution's officer (e.g. bank employee).
 - Australian financial services licensee, authorised representative or officer.

Please contact me if you have any queries regarding this matter.

Yours faithfully

[Insert name and contact details including phone number]

Acknowledgement and release

Estate: Estate [Insert name of deceased]

Payment amount: [Insert amount payable to estate]

Personal representative: [Insert name of executor(s) or administrator(s)]

[Insert name of executor/s or administrator/s] (Trustee)

Declare/s as follows:

The Trustee acknowledges that the Trustee will receive the payment amount from Queensland Health in its capacity as Trustee of the estate of [Insert name of deceased] deceased.

The Trustee releases and discharges Queensland Health from any further claim against Queensland Health in relation to the death of [Insert name of the deceased].

The Trustee indemnifies Queensland Health at all times against all actions, suits, claims or demands which may be brought against Queensland Health and also against any losses, costs, charges and expenses which Queensland Health may incur or be liable for as a result of the payment to the Trustee.

Without limiting that indemnity, if Queensland Health is required by law or otherwise to pay the payment amount or any part of it to any other person the Trustee indemnifies Queensland Health at all times against all loss and liability of any kind arising in any way out of or relating to the payment to the Trustee.

Signature

Date