

Relinquishment of role

Policy Number: B43 (QH-POL-216)

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Purpose: To outline the requirements for permanent employees to relinquish their substantive role for effective workforce management, and the process to facilitate a relinquishment.

Application: This policy applies to all permanent employees working for the Department of Health.

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

Legislative or other authority:

- *Hospital and Health Boards Act 2011*
- *Human Rights Act 2019*
- *Industrial Relations Act 2016*
- *Public Service Act 2008*

Related policy or documents:

- Employees requiring placement HR Policy B36 (QH-POL-237)
- Special Leave HR Policy C7 (QH-POL-231)
- Parental Leave HR Policy C26 (QH-POL-187)
- Individual employee grievances HR Policy E12 (QH-POL-140)
- PSC Directive 11/20: Individual employee grievances
- PSC Directive 18/20: Supporting employees affected by workplace change

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1 Relinquishment in Queensland Health

The appropriate delegate may approve an employee to relinquish their permanent substantive role when they are absent from their role for greater than 12 months due to:

- secondment
- higher duties
- temporary appointment at level
- special leave without pay
- study leave without pay.



Delegates have an obligation to make decisions and act in ways that are compatible with the *Human Rights Act 2019*. When making a decision under this policy, decision-makers must comply with that obligation.

Approval by the appropriate delegate is subject to organisational requirements and is only to occur in exceptional circumstances, when the following requirements have been met:

- The relinquishment is agreed to by both the employee and the organisation.
- The relinquishment is of benefit to the organisation and allows for effective workforce management.
- The employee understands the relinquishment process and that upon completion of the secondment, temporary appointment or leave, the employee is to be placed in a suitable role. This may not be the role they relinquished.
- In agreeing to the relinquishment of their permanent substantive role, the employee must provide evidence to the delegate's satisfaction to support their claim for the period of absence (e.g. secondment paperwork, statutory declaration, etc.).

The relinquishment of a role does not affect an employee's permanent status or their substantive classification level.

If an employee cannot be placed within their substantive work unit upon their return, it is the responsibility of that work unit to meet the employee's salary costs until placed in a suitable permanent role at their substantive classification level in the work unit. During the period the employee is seeking a permanent role at their substantive classification level the employee may undertake secondments outside of the work unit and may continue to apply for vacancies across the sector.

An employee who has relinquished their substantive role does not meet the definition of an affected employee under the PSC Directive 18/20: Supporting employees affected by workplace change, and therefore will not be managed under that directive.

2 Circumstances not requiring relinquishment

Employees are not required to relinquish their substantive role for parental leave, carers leave or sick leave, or if the employee is on workers' compensation, irrespective of the duration of the leave.

Employees who return to work in a part-time capacity under the parental leave provisions are not required to relinquish their substantive full-time role. This refers to the period of time until the child is required to be enrolled for compulsory schooling under the *Education (General Provisions) Act 2006* (refer to Parental Leave HR Policy C26).

Under no circumstances is an employee to be encouraged to resign their permanent employment with Queensland Health for the purpose of accepting an appointment to a temporary position with Queensland Health or other Queensland government entity. Managers are not to facilitate such arrangements by temporarily appointing employees in this manner.

3 Grievance

An employee who is aggrieved under this policy may be eligible to lodge an individual employee grievance. Refer to Individual employee grievances HR Policy E12.

Definitions:

Government entity	As defined in section 24 of <i>Public Service Act 2008</i> .
Relinquishment	May occur when a permanent employee has been approved by the appropriate delegate to vacate their substantive role for a period exceeding 12 months.
Secondment	When a Queensland Health permanent employee temporarily occupies a position at the same, or a higher or lower classification level. This can occur within Queensland Health (internal secondment), or in another Queensland Government agency (external secondment).
Suitable alternative employment	Means a role, at the employee's substantive classification level, that the employee is suitable for, i.e. the employee is considered to have the skills and abilities necessary to meet the requirements of the role to a satisfactory level.

History:

February 2021	<ul style="list-style-type: none"> • Policy: <ul style="list-style-type: none"> – formatted as part of the HR Policy review – amended to update references and naming conventions – updated to provide clarity regarding the application of the PSC Directive 18/20: Supporting employees affected by workplace change – definition of suitable alternative employment included.
October 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 requirements and processes for relinquishment – update references and naming conventions.
October 2012	<ul style="list-style-type: none"> • Policy placed under review as part of the Government's Establishment Management Program.
August 2011	<ul style="list-style-type: none"> • Amended to provide clarity regarding the relinquishment of roles.
October 2009	<ul style="list-style-type: none"> • Amended section 8 to provide further clarity around relinquishment of role.
February 2009	<ul style="list-style-type: none"> • Developed as a result of the HR policy consolidation project.
Previous	<ul style="list-style-type: none"> • IRM 1.15-7 Relinquishment of Role: Permanent Employees • ER Circular 5/03

Attachment One – Process for relinquishment

The following information is provided as the minimum mandatory standard practice, procedure or process to enable satisfactory compliance with this Queensland Health HR policy.

Local guidelines/procedures may be developed to facilitate implementation of this policy. Any local guidelines/procedures must be consistent with this policy and standard practice and ensure employee entitlements continue to be met.

1 Relinquishment process

Both the employee and appropriate delegate are to sign an agreement when relinquishing a role. This should occur prior to the employee accepting the secondment, temporary appointment or leave.

Copies of all relinquishment documentation are to be uploaded on *myHR*.

The substantive work unit is responsible for the following:

- Determining whether to release an employee for a secondment or approve the employee's application for leave.
- Ensuring the employee understands the relinquishment process and that upon completion of the secondment, temporary appointment or leave that the employee is to be placed in a suitable role. This may not be the role they relinquished.
- Monitoring the expected date of return and liaising with the employee concerning their return.
- Liaising with the manager of the receiving agency/work area concerning the return of the employee or permanent transfer of the employee under the relevant provisions of the *Public Service Act 2008* or *Hospital and Health Boards Act 2011*.
- Managing the placement of the employee upon their resumption of duty. This includes providing the employee with a suitable role and duties to undertake commensurate with their classification level.
- Providing the employee with any necessary reasonable training to be able to undertake another suitable role in the work unit.
- The employee's salary costs on their return.

2 Resumption after absence

When an employee who has relinquished their role completes their secondment, temporary appointment or period of leave, the employee:

- returns to their substantive work area to be placed in a suitable vacant role at their substantive classification level
or
- is placed in a suitable vacant role at their substantive classification level in another work area.