

## Human Resources Policy

## Queensland Health Employment Framework

- Policy Number:** A1 (QH-POL-205)
- Publication date:** February 2021
- Purpose:** To outline the employment framework for Queensland Health employees.
- Application:** This policy applies to all Queensland Health employees.

This policy does not apply to employees of Queensland Ambulance Service. Queensland Ambulance Service is established under the *Ambulance Service Act 1991*. Queensland Ambulance Service is part of the Queensland Health portfolio however maintains a separate employment framework which is not outlined in this framework policy.

- 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.

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## 1 Employment framework

The conditions of employment for employees of Queensland Health are dependent on a number of factors, including their occupation, applicable industrial instrument/s and their geographical location.

The following source documents provide the employment framework to determine conditions of employment for Queensland Health employees:

- Legislation
- Industrial instruments (e.g. Certified Agreements and Awards)
- Employment contracts
- Directives (e.g. Minister for Industrial Relations, Public Service Commission, Health Employment and Health Service Directives)
- Queensland Health Human Resource (HR) policies
- Queensland Government/public sector policies and circulars (e.g. Code of Conduct for the Queensland Public Service, employment security, breastfeeding at work and Queensland Government Indemnity Guideline)
- HR Delegations
- HR Circulars.

Employees are to receive entitlements and be paid in accordance with the provisions of the relevant industrial instrument (Certified Agreement and/or Award) applicable to them, or in accordance with the specific terms of their employment contract.

Queensland Health HR policies and associated documents, e.g. standards and guidelines, are consistent with the above source documents. HR policies complement the source documents by providing further information about and interpretation of employment conditions.

## 2 Legislation

Managers and employees of Queensland Health are obliged to abide by the provisions of relevant legislation, including but not limited to the following:

- *Aged Care Act 1997 (Cth)*
- *Anti-Discrimination Act 1991*
- *Crime and Corruption Act 2001*
- *Hospital and Health Boards Act 2011*
- Hospital and Health Boards Regulation 2012
- *Human Rights Act 2019*
- *Industrial Relations Act 2016*
- *Public Interest Disclosure Act 2010*
- *Public Sector Ethics Act 1994*
- *Public Service Act 2008*
- Public Service Regulation 2018
- *Work Health and Safety Act 2011*
- *Workers' Compensation and Rehabilitation Act 2003*
- *Working with Children (Risk Management and Screening) Act 2000*

A number of other Acts and Regulations exist, both state and commonwealth, that remain inherent to employment within the Queensland public sector e.g. the *Information Privacy Act 2009*, *Right to Information Act 2009* and *Health Practitioner National Law Act 2009*.

## 2.1 Application of the *Public Service Act 2008* – public service employees

The *Public Service Act 2008* applies to Queensland Health public service employees, e.g. corporate office staff.

The conditions of employment for a public service employee, are governed by:

- the Public Service Act
- the *Industrial Relations Act 2016*
- an industrial instrument that applies to the employee
- health employment directives
- if the employee is appointed on a contract for a fixed term - the employee's contract.

## 2.2 Application of the *Hospital and Health Boards Act 2011* – health service employees

The *Hospital and Health Boards Act 2011* applies to Queensland Health employees appointed as health service employees in the Department or to work for a health service, i.e. a service for maintaining, improving or restoring people's health and well-being, such as a hospital. Health service employees include persons providing support services to a health service, e.g. catering, laundry and administration.

Section 66 of the Hospital and Health Boards Act outlines conditions of employment as follows:

### Health service employee

The conditions of employment for a health service employee, other than for a health executive or a senior health service employee, are governed by:

- the Hospital and Health Boards Act
- the Industrial Relations Act
- the applied Public Service law (refer Definitions)
- an industrial instrument that applies to the employee
- health employment directives
- if the employee is appointed on a contract for a fixed term - the employee's contract.

### Health executive

A health executive's conditions of employment are governed by:

- the Hospital and Health Boards Act
- the Industrial Relations Act
- the applied Public Service law (refer Definitions)
- health employment directives
- the health executive's contract.

### Senior health service employee

A senior health service employee's conditions of employment are governed by:

- the Hospital and Health Boards Act
- the Industrial Relations Act
- the applied Public Service law (refer Definitions)
- health employment directives
- an industrial instrument that applies to the employee
- the employee's contract.

### Conditions of employment more favourable

Section 66(4) of the Hospital and Health Boards Act provides that the Director-General may decide that a particular health service employee's conditions of employment are to be more favourable than those contained in a health employment directive or an industrial instrument that applies to the employee.

### 2.3 Application of the *Public Service Act 2008* to health service employees

Health service employees are not public service employees; however, Schedule 3 of the Public Service Regulation (as amended from time to time) applies the following sections of the Public Service Act to health service employees:

Section of the <i>Public Service Act 2008</i>	Title
Section 25	The management and employment principles
Section 25A	Positive performance management principles
Section 26	Work performance and personal conduct principles
(Chapter 3, Part 3) Sections 47 - 55	Rulings by the commission chief executive and industrial relations Minister
(Chapter 3, Part 6) Sections 88H – 88N	Functions of commission relating to work performance matters
Section 133	Chief executive's power to transfer or redeploy * Note – Section 8 of the Public Service Regulation modifies the application of this section
Section 134	Consequence if transfer refused
Section 137	Suspension
Section 137A	Commission chief executive must make directive about procedure for suspension
Section 138	Action because of surplus
Section 149	Fixed term temporary employees and casual employees may ask for review of status after 1 year of continuous employment
Section 149A	Decision on review of status
Section 149B	Review of status after 2 years continuous employment
Section 149C	Appointing public service employee acting in position at higher classification level
(Chapter 5, Part 6) Sections 150-173	Assessing suitability of persons to be engaged in particular employment
(Chapter 5, Part 7) Section 174-179AA	Mental or physical incapacity
Section 179A	Requirement to disclose previous history of serious disciplinary action
Section 181	Requirement to give notice of charge or conviction for indictable offence
Section 182	Confidentiality of private information contained in notice
Section 183	Work performance arrangements
Section 184	Interchange arrangements
Section 186	Conflicts of interest

(Chapter 6) Sections 186A–192A	Part of Act dealing with disciplinary action
(Chapter 7) Sections 193–218A	Part of Act dealing with appeals and reviews * Note - Section 9 of the Public Service Regulation modifies the application of this chapter.

## 2.4 Application of the *Public Service Act 2008* to Hospital and Health Services and Department of Health

Schedule 3 of the Public Service Regulation (as amended from time to time) applies the following sections of the Public Service Act to a Hospital and Health Service or the Department of Health:

<b>Section of the <i>Public Service Act 2008</i></b>	<b>Title</b>
Section 25	The management and employment principles
Section 25A	Positive performance management principles
(Chapter 3, Part 3) Sections 47 - 55	Rulings by the commission chief executive and industrial relations Minister
(Chapter 3, Part 6) Sections 88H – 88N	Functions of commission relating to work performance matters
Section 99	How responsibilities must be discharged
Section 133	Chief executive's power to transfer or redeploy * Note – Section 8 of the Public Service Regulation modifies the application of this section
Section 134	Consequence if transfer refused
Section 137	Suspension
Section 137A	Commission chief executive must make directive about procedure for suspension
Section 138	Action because of surplus
Section 149	Fixed term temporary employees and casual employees may ask for review of status after 1 year of continuous employment
Section 149A	Decision on review of status
Section 149B	Review of status after 2 years continuous employment
Section 149C	Appointing public service employee acting in position at higher classification level
(Chapter 5, Part 6) Sections 150 -173	Assessing suitability of persons to be engaged in particular employment
(Chapter 5, Part 7) Section 174-179AA	Mental or physical incapacity
Section 179A	Requirement to disclose previous history of serious disciplinary action
Section 183	Work performance arrangements
Section 184	Interchange arrangements
Section 186	Conflicts of interest
(Chapter 6) Sections 186A–192A	Part of Act dealing with disciplinary action



(Chapter 7) Sections 193–218A	Part of Act dealing with appeals and reviews * Note - Section 9 of the Public Service Regulation modifies the application of this chapter
Section 219A	Departments to have complaints management system for customer complaints

## 2.5 Executive and senior roles in Queensland Health

Senior executive service (SES), section 122, and senior officer (SO) employees in corporate office, are appointed under the Public Service Act.

Health executive service (HES), contracted employees, and district senior officers (DSOs) are appointed under the Hospital and Health Boards Act.

For information regarding the employment conditions of these staff, refer to the Executive and senior officer employment conditions site on the Queensland Health intranet (QHEPS) - <https://qheps.health.qld.gov.au/hr/policies-agreements-directives/executive-employment/remuneration-terms-conditions>.

Health executives or senior health service employees (including senior medical officers and visiting medical officers) will continue to be employed directly by the respective Hospital and Health Service to which they are engaged. Refer section 2.2 for the governance of employment conditions.

## 3 Industrial instruments

Industrial instruments are Certified Agreements, Awards or orders that are made by an industrial tribunal (e.g. the Queensland Industrial Relations Commission).

Current **Certified Agreements** covering Queensland Health employees are:

- Aboriginal and Torres Strait Islander Health Workforce (Queensland Health) Certified Agreement (No. 1) 2019 (A&TSIHW EB1)
- Health Practitioners and Dental Officers (Queensland Health) Certified Agreement (No.3) 2019 (HPDO3)
- Medical Officer (Queensland Health) Certified Agreement (No.5) 2018 (MOCA5)
- Nurses and Midwives (Queensland Health and Department of Education) Certified Agreement (EB10) 2018 (NMEB10)
- Queensland Health Building, Engineering & Maintenance Services Certified Agreement (No.7) 2019 (BEMS7)
- Queensland Public Health Sector Certified Agreement (No. 10) 2019 (EB10)
- Terms and Conditions of Employment, Queensland Government Visiting Medical Officers 2011 (2011 VMO Agreement).

Current **Awards** covering Queensland Health employees are:

- Building, Engineering and Maintenance Services Employees (Queensland Government) Award – State 2016
- Health Practitioners and Dental Officers 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.

Current **Orders of the Queensland Industrial Relations Commission** covering Queensland Health employees are:

- Order – Apprentices’ and Trainees’ Wages and Conditions (Queensland Government Departments and Certain Government Entities)
- Order – Apprentices’ and Trainees’ Wages and Conditions (Excluding Certain Queensland Government Entities) 2003 – schedule 15 – Manufacturing, Engineering and Related Industries.

Decisions of industrial relations tribunals may determine how industrial instruments are to be interpreted and applied.

Hospital and Health Services are not to enter into any agreement which alters Award/Industrial Agreement provisions or entitlements to be more favourable or less favourable.

The provisions of an industrial instrument prevail over the directive to the extent of any inconsistency between the directive and the industrial instrument. However not inconsistent if terms and conditions are at least as favourable.

### 3.1 Preservation of existing conditions (grand-parenting) – health service employees

Existing employment conditions preserved are as follows:

Award/Agreement	Conditions
Aboriginal and Torres Strait Islander Health Workforce (Queensland Health) Certified Agreement (No. 1) 2019	Clause 20 of the Aboriginal and Torres Strait Islander Health Workforce (Queensland Health) Certified Agreement (No. 1) 2019 for details of grand-parenting arrangements applicable to administrative stream employees transitioning into the Agreement.
Health Practitioners and Dental Officers (Queensland Health) Certified Agreement (No. 3) 2019	Clause 103 and Schedule 7 of the Health Practitioners and Dental Officers (Queensland Health) Certified Agreement (No. 3) 2019 for details of grand-parenting arrangements applicable to eligible employees.
Hospital and Health Service General Employees (Queensland Health) Award – State 2015	Schedule 9 of the Hospital and Health Service General Employees (Queensland Health) Award – State 2015 preserves certain entitlements (grand-parented conditions) for employees who were in receipt of those entitlements as at 1 March 1993.

## 4 Directives

### 4.1 Health Employment Directives

Section 51A of the Hospital and Health Boards Act provides that the Director-General may issue health employment directives about conditions of employment for health service employees. A health employment directive is binding on the health service employees and Hospital and Health Services/Department of Health to which it applies.

Health employment directives are available publicly and are accessible on the [Queensland Health internet site](#).

Refer Governance framework for Health Employment Directives HR Policy A2 for further information.

## 4.2 Health Service Directives

Section 47 of the Hospital and Health Boards Act provides that the Director-General may issue a health service directive about matters affecting the health system's delivery of service, including to provide a consistent approach to employment matters other than conditions of employment. A health service directive is binding on the Hospital and Health Service to which it relates.

Health service directives are available publicly and are accessible on the [Queensland Health internet site](#).

## 4.3 Public Service Commission/Minister for Industrial Relations Directives

Directives issued by the Commission Chief Executive or the Minister responsible for industrial relations under sections 53 or 54 respectively of the Public Service Act, detail the mandatory principles to be adhered to by Queensland Government departments on a range of employment conditions. These directives apply to public service employees in Queensland Health.

Directives, and any replacement Directives issued, are applied to health service employees as outlined in this section.

### 4.3.1 Public Service Regulation 2018

The following Directives are issued via Public Service Regulation 2018:

Matter	Current PSC/IR Directive No.
Appeals <sup>1</sup>	<a href="#">07/20</a>
Appointing a public service employee to a higher classification level	<a href="#">13/20</a>
Casual employment (previously Conversion of casual employees to permanent employment)	<a href="#">08/20</a>
Change of pay date for employees of Queensland Health <sup>2</sup>	<a href="#">17/13</a>
Discipline	<a href="#">14/20</a>
Domestic travelling and relieving expenses	<a href="#">09/11</a>
Early retirement, redundancy and retrenchment	<a href="#">04/18</a>
Employment arrangements in the event of a health pandemic	<a href="#">01/20</a>
Employment screening	<a href="#">07/11</a>
Fixed term temporary employment (previously Temporary employment)	<a href="#">09/20</a>
Hours, overtime and excess travel (only to the extent the ruling provides for excess travel)	<a href="#">02/18</a>
Independent medical examinations (previously Managing employee health, safety and wellbeing – Independent medical examinations under the <i>Public Service Act 2008</i> )	<a href="#">10/20</a>
Individual employee grievances (previously Managing employee complaints) <sup>3</sup>	<a href="#">11/20</a>
International travelling, relieving and living expenses	<a href="#">10/11</a>
Leave without salary credited as service	<a href="#">01/19</a>



Paid parental leave	<a href="#">05/20</a>
Positive performance management	<a href="#">15/20</a>
Recognition of previous service and employment	<a href="#">12/18</a>
Recruitment and selection <sup>4</sup>	<a href="#">12/20</a>
Support for employees affected by domestic and family violence	<a href="#">03/20</a>
Supporting employees affected by workplace change (previously Employees requiring placement)	<a href="#">18/20</a>
Suspension	<a href="#">16/20</a>
Transfer and appointment expenses <sup>5</sup>	<a href="#">11/11</a>
Transfer within and between classification levels and systems	<a href="#">10/16</a>
Work performance information <small>Note: This matter is a component of the Workforce profile and work performance information PSC Directive 05/14</small>	<a href="#">05/14</a>
Workforce establishment management	<a href="#">05/12</a>
Workplace investigations	<a href="#">17/20</a>

<sup>1</sup> Note – Section 9 of the Public Service Regulation modifies the application of this ruling

<sup>2</sup> Note – Section 10 of the Public Service Regulation modifies the application of this ruling

<sup>3</sup> Note – Section 12 of the Public Service Regulation modifies the application of this ruling

<sup>4</sup> Note – Section 13 of the Public Service Regulation modifies the application of this ruling

<sup>5</sup> Note – Section 11 of the Public Service Regulation modifies the application of this ruling

#### 4.3.2 Application of Directives via Awards and Agreements

The following Awards and Agreement incorporate the directives (and any replacement directive dealing with substantially the same subject matter) as issued and amended by the Minister for industrial relations.

Where Awards provide an end date for the effectiveness of a directive, the Health Employment Directive 01/18 Application of directives to employees engaged under certain awards (and any replacement directive), continues the application of the Directive to those respective employees.

Award/Agreement	Matter
Building, Engineering and Maintenance Services Employees (Queensland Government) Award – State 2016	<ul style="list-style-type: none"> <li>• Annual leave</li> <li>• Court attendance or jury service</li> <li>• Higher duties</li> <li>• Long service leave</li> <li>• Motor vehicle allowances</li> <li>• Overtime meal allowances</li> <li>• Sick leave</li> <li>• Special leave (insofar as it relates to bereavement leave)*</li> </ul>
Health Practitioners and Dental Officers (Queensland Health) Award – State 2015	<ul style="list-style-type: none"> <li>• Long service leave</li> <li>• Motor vehicle allowances</li> <li>• Sick leave</li> <li>• Special leave (insofar as it relates to bereavement leave)*</li> </ul>

Hospital and Health Service General Employees (Queensland Health) Award – State 2015	<ul style="list-style-type: none"> <li>• Long service leave</li> <li>• Motor vehicle allowances</li> <li>• Sick leave</li> <li>• Special leave (insofar as it relates to bereavement leave)*</li> </ul>
Medical Officers (Queensland Health) Award – State 2015	<ul style="list-style-type: none"> <li>• Hours, overtime and excess travel (insofar as it relates to excess travel)</li> <li>• Locality allowances (RMOs and SMOs only)</li> <li>• Long service leave</li> <li>• Sick leave</li> <li>• Special leave (insofar as it relates to bereavement leave)*</li> </ul>
Nurses and Midwives (Queensland Health) Award – State 2015	<ul style="list-style-type: none"> <li>• Higher duties (applies to public service, Eventide Homes Nurse Grade 5 and above, and Correctional Health Services)</li> <li>• Locality allowances (applies to public service, Eventide Homes, Correctional Health Services, and Psychiatric Hospital Nursing Grade 1 to Nurse Grade 8)</li> </ul>
Nurses and Midwives (Queensland Health and Department of Education) Certified Agreement (EB10) 2018	<ul style="list-style-type: none"> <li>• Special leave</li> </ul>

\* as amended from time to time

## 5 Queensland Health Policies

### 5.1 HR policies

HR policies reflect the relevant content of the Queensland Health employment framework source documents. HR policies may also include content that is not included in the source documents. The structure of HR policies is outlined in Attachment One.

### 5.2 Standards

Standards provide the specific minimum actions required to comply with a policy and identifies responsibilities for employees.

### 5.3 HR guidelines

Guidelines provide advice on best practice and are intended to be a supporting document to a policy. The guidelines must be consistent with the policy.

## 6 HR Circulars

HR Circulars are issued by the Chief Human Resources Officer, Human Resources Branch to advise of:

- new HR policies
- amendments to current HR policies
- superseded and repealed HR policies and Integrated Resource Manuals
- amendments to Certified Agreements and Awards
- other information as necessary.

## Access to information

All information under the Queensland Health employment framework can be accessed via either the Queensland Health intranet (QHEPS) or internet sites.

## Definitions:

Applied Public Service law	For a health service employee, means the following that are applied to the employee under a regulation under the <i>Public Service Act 2008</i> , section 23 – (a) a provision of the <i>Public Service Act 2008</i> ; (b) a directive issued under that Act.
Incorporated by reference	Within the context of a specific directive additional sections of legislation are applied to allow the operation of that directive only.
Public service employee	A person is a public service employee if the person is employed under the Public Service Act as – (a) a public service officer; or (b) a general employee; or (c) a temporary employee.

## History:

February 2021	<ul style="list-style-type: none"> <li>• Policy amended to: <ul style="list-style-type: none"> <li>– update references and naming conventions</li> <li>– update sections of the <i>Public Service Act 2008</i> applied by Schedule 3 of the Public Service Regulation 2018 (sections 2.3 and 2.4)</li> <li>– include Aboriginal and Torres Strait Islander Health Workforce (Queensland Health) Certified Agreement (No. 1) 2019 (section 3)</li> <li>– update and include new Directives applied to health service employees by Public Service Regulation 2018 (section 4.3.1).</li> </ul> </li> </ul>
June 2020	<ul style="list-style-type: none"> <li>• Policy: <ul style="list-style-type: none"> <li>– formatted as part of the HR Policy review</li> <li>– amended to update references and naming conventions</li> <li>– amended as a result of changes outlined in the Hospital and Health Boards (Changes to Prescribed Services) Amendment Regulation 2019.</li> </ul> </li> </ul>
December 2009	<ul style="list-style-type: none"> <li>• Amended to reflect: <ul style="list-style-type: none"> <li>– People and Culture Corporate</li> <li>– updated Awards and Certified Agreements</li> <li>– updated replacement directives.</li> </ul> </li> </ul>
May 2009	<ul style="list-style-type: none"> <li>• Amended to include Queensland Health Building, Engineering and Maintenance Certified Agreement (No. 4) 2008 (BEMS EB4) and Queensland Public Health Sector Certified Agreement (No.7) 2008 (EB7).</li> </ul>
December 2008	<ul style="list-style-type: none"> <li>• Amended to clarify that Directive 11/08 – Transfer and Appointment Expenses is only applicable to those groups of employees as outlined in the Transfer and Appointment Expenses HR Policy D4, and for which there has been a s28 determination.</li> </ul>
October 2008	<ul style="list-style-type: none"> <li>• Amended table in clause 6.2 to include Directives 09/08, 10/08 and 11/08, and to detail directives which are applicable by virtue of respective Awards.</li> </ul>

August 2008	<ul style="list-style-type: none"> <li>Amended to accurately reflect the relevant sections for 'Mental or Physical Incapacity'.</li> </ul>
July 2008	<ul style="list-style-type: none"> <li>Amended to reflect <i>Public Service Act 2008</i> and Public Service Regulations 2008</li> </ul>
May 2008	<ul style="list-style-type: none"> <li>Adjusted to outline the Queensland Health Employment Framework.</li> </ul>
April 2008	<ul style="list-style-type: none"> <li>Developed as a result of the HR Policy Framework consolidation project as an introduction document.</li> </ul>

Public Sector Act 2022  
applies on 1 March 2023

UNDER REVIEW

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

## Attachment One – Structure of Human Resources (HR) Policies

The structure of the human resource policy framework includes:

- Human Resource (HR) policy – a document that sets out the Department of Health’s intent to achieve a particular outcome.
- Guideline – provides advice on best practice and intended to be a supporting document to a HR policy.

The HR policy template includes the following headings:

Policy heading	Description
Purpose	Provides a brief description of the intention of the policy, e.g. To outline entitlements for long service leave.
Application	Identifies the employees who are covered by the policy. Policies may apply to all Queensland Health employees or specific occupational groups.
Delegation	Prescribes the Human Resource (HR) Delegations Manual, as amended from time to time as the determining sources of authority to approve provisions for employees of the Department of Health or Hospital and Health Services.
Legislative or other authority	Includes the legislation, industrial instruments (Award, Agreement) and directives related to the policy.
Related policy or documents	Includes related policy documents to support the implementation of the policy.
Policy	Provides the key principles of a policy and the arrangements and entitlements for employees.
Definitions	Optional – List of definitions to describe key terms used in some policies.
History	Includes summarised amendments to the various policy versions.
Attachments	Policies may include attachments which contains information on how a policy is to be implemented including procedural components. This section may include examples.