

An employee may appeal the review decision (refer to section 5 of this policy).

3 Consideration of transfer or redeployment

If the medical advice indicates the employee is unable to perform the duties of their substantive position, but could perform other work, consideration must be given to whether it is reasonably practicable to transfer or redeploy the employee.

Transfer or redeployment options should be based on:

- information provided by the specialist
- advice from the employee about alternative roles/locations/levels they would consider
- available vacancies.

Employees should be involved in this process and regularly informed of the options being considered.

If a delegate determines transfer or redeployment is not reasonably practicable, documentation must support any decision, including why those options are not suitable.

3 Consideration of retirement

Where a delegate determines it is not reasonably practicable to transfer or redeploy an employee, under section 178 of the PS Act, a delegate may consider retiring the employee. Retirement of the employee should only be considered as a last resort.

3.1 Letter to the employee

The principles of procedural fairness must be applied when determining whether an employee should be retired on the basis of physical or mental incapacity. Before a decision is made to retire an employee, the delegate is to write to the employee affording them an opportunity to show cause why they should not be retired pursuant to the Public Service Act. This includes an opportunity to provide medical advice or other information.

The employee should be provided with a reasonable period to provide their response, usually 14 days.

3.2 Decision on retirement

Upon reviewing all material, including any response to the proposed retirement, the delegate is required to make a decision about whether the employee should be retired.

The employee must be advised of the delegate's decision, and the reasons for the decision, in writing.

3.3 Notice of retirement to employee

If the employee is to be retired, the prescribed period of notice in the relevant industrial instrument is to be provided to the employee or payment in lieu of notice.

3.4 Notification to registration authorities

If a registered health professional is retired due to a mental or physical illness or disability, the appropriate registration authority is to be notified immediately.