

Managing Absences due to Illness or Injury Procedure

Section 1 - Summary

(1) The purpose of this Procedure is to provide guidance to managers and employees on managing personal leave, medical assessments and fitness for work, where a health condition is impacting on an employee's ability to perform the inherent requirements of their position.

(2) Note: work-related illnesses and injuries are covered by the [Workplace Injury Rehabilitation and Compensation Act 2013 \(Cth\)](#).

Section 2 - Accountability

Accountable/Responsible Officer	Role
Accountable Officer	Vice President, People and Culture
Responsible Officer	Senior Manager Workplace Relations

Section 3 - TEQSA/ASQA/ESOS Alignment

(3) HESF: Standard 2.3 Wellbeing and Safety

Section 4 - Scope

(4) This Procedure applies to all employees of the University.

(5) This Procedure does not apply to students of the University. Students should consult the [Student Charter Policy](#).

(6) This Procedure does not cover work related illness or injuries covered by the [Workplace Injury Rehabilitation and Compensation Act 2013 \(Cth\)](#) or its successors.

(7) This Procedure is not incorporated into the employees' contracts of employment but its content do operate as lawful and reasonable directions to employees.

Section 5 - Definitions

(8) Nominated medical assessor: A qualified medical officer engaged by the University to provide an independent medical assessment.

(9) Employee: All employees of the University, on all domestic and offshore locations, including student residences.

(10) The University: Where the term relates to an action performed by a person, means a person authorised to act on behalf of the University under this procedure, including the employees' manager or supervisor, an officer of People & Culture or the relevant Senior Executive Group member.

(11) Treating doctor: The employees' general practitioner, specialist doctor, or other treating practitioner, as applicable.

Section 6 - Policy/Regulation

(12) Managing Absences due to Ill Health or Injury Policy

Section 7 - Procedures

Part A - Summary of Roles and Responsibilities

Roles	Responsibilities
Managers and Supervisors	Notify People & Culture if they have concerns about an employees pattern of absences and/or their fitness for continued duty. Develop a Return to Work plan in consultation with their employee, and relevant People and Culture Business Partner.
All Staff	Take responsibility for their own health, wellbeing and fitness to perform the duties of their position. Comply with the University's lawful and reasonable direction to attend and participate in a medical assessment (both with their treating doctor or a nominated medical assessor). In the event of an extended absence, update their manager on their condition and expected return to work date. Develop a Return to Work plan in consultation with their manager, and relevant People and Culture Business Partner.
Vice-Chancellor	Where an Academic employees capacity to perform the inherent requirements of their role is in doubt, the Vice-Chancellor may require, in writing, the employee to undergo an independent medical examination by the nominated medical assessor. May terminate the employment of an academic employee in accordance with their contract of employment and the University's Enterprise Agreement, where an independent medical examination reveals that an Academic employee is unable to perform the inherent requirements of their role and is unlikely to be able to resume them within 12 months.

Part B - Responsibilities

University's responsibilities

(13) The University has the right to question an employee's health-based absences, particularly if it appears to impact their ability to perform the inherent requirements of their position. Managers should immediately notify People and Culture if they have concerns about a employee's pattern of absences and/or their fitness for continued duty.

(14) In the first instance the University should rely on the available medical advice from the employee's treating doctor in relation to the doctor's assessment of their capacity to work. Additional advice may be sought by the University when it is unclear or there are concerns about the practicality of implementing the treating doctor's advice. The manager and People and Culture should discuss this with the employee first and obtain written consent from the employee, then request additional information or clarification from the employee's treating doctor.

(15) It may be necessary for the University to direct the employee to attend an independent medical assessment by a nominated medical assessor.

Employe responsibilities

(16) Employee's are urged to take responsibility for their own health, wellbeing and fitness to perform the duties of their position. This includes taking appropriate steps to address any non-work related health issues they may have or develop, if these impact on their ability to safely perform the inherent requirements and demands of their position.

(17) Employee's are required to comply with the University's lawful and reasonable direction to attend and participate in a medical assessment (both with their treating doctor or a nominated medical assessor). If an employee fails to comply with such a reasonable direction they may be subject to disciplinary proceedings. A employee may be accompanied by a support person (such as a family member or union delegate) in the medical assessment. This person may provide support but must not interfere with the assessment process.

(18) Copies of all relevant documents that have been provided to the nominated medical assessor will be provided to the employe prior to the independent medical assessment appointment. An employee must provide copies of all further relevant information relating to the health issue in question to the University or directly to the nominated medical assessor no later than the time of the medical assessment appointment.

Confidentiality

(19) Maintaining confidentiality is the responsibility of all employees. This applies to personal information on medical reports, drug and alcohol testing results, self-identification, rehabilitation, return to work, health or performance monitoring/management and any disciplinary action. Breaches of confidentiality are considered a breach of the University [Appropriate Workplace Behaviour Policy](#) and will be investigated.

(20) The nominated medical assessor may discuss the medical report with the employee's manager and/or People & Culture. Employees are able to request access to all personal information (including their medical record) concerning their assessment by the nominated medical assessor.

Record keeping

(21) All records relating to an employee's health (and related absences) must be kept confidential and securely stored in a separate part of the employee's personnel file, in accordance with the University's [Privacy Policy](#) and Procedures.

Part C - Managing absences due to ill health or injury

Taking personal leave

(22) Employees are responsible for attending work in accordance with their contracted working hours and to fulfil their contract of employment. If employees are fit for duty, they must come to work.

(23) Genuine illness or injury will be dealt with by the University sympathetically and the employee should not return to work before they are well again, to avoid infecting others (where applicable) and to ensure they are fit to work.

(24) Employee's are required to notify their manager as early as practicable if they are unable to attend work due to illness or injury and, in the event of an extended absence, are expected to update their manager on their condition and expected return to work date. Illegitimate use of personal leave and/or lack of prompt advice regarding an absence places additional burdens on other employees and the organisation.

Evidentiary requirements

(25) The University may require employees to produce evidence for absences on personal leave, such as a certificate

from their treating doctor, a statutory declaration or other reasonable evidence confirming their absence is/was a result of illness or injury, in the following circumstances:

- a. where the absence is for three or more consecutive working days;
- b. where the employee has been absent for an aggregate of more than 6 single days on each anniversary of appointment; or
- c. where the employee has a pattern of absences on personal leave.

Extended or patterned absences

(26) Managers may use Human Resources information systems to monitor, record and analyse employee personal leave information.

(27) Where the University suspects inappropriate use of personal leave, or an employee has frequent unsupported absences, an absence trend, or repeatedly fails to adequately notify their manager of an absence, the employee's manager should meet with the employee to identify any underlying causes. (Absence trends may include personal leave taken just before or after weekends, public holidays, accrued days off or other leave.)

(28) Absence management discussions should include exploring possible solutions, setting targets for improving attendance and/or notification, and identifying consequences of continued unsatisfactory evidence or unexplained absences. A manager may also impose additional requirements for evidence of illness where appropriate. A further review meeting should be scheduled to determine whether targets have been met.

Medical assessment - Treating Doctor

(29) The University may lawfully and reasonably direct an employee to obtain a report containing further information from their treating doctor including where:

- a. The University needs more information concerning an employee's sick-related absences and/or medical certificate(s);
- b. The University requires additional information to satisfy itself that the employee is fit to perform their regular duties;
- c. An employee has an extended absence (whereby the University needs to ascertain the duration, ability and likelihood of a successful return to work);
- d. An employee returns to work after an extended period of absence and the University needs to assess their fitness to continue; or
- e. The University has concerns regarding the impact of an employee's ill health on the health and safety or wellbeing of other employees, students, visitors or clients.

(30) The University may request further information from the employee's treating doctor in the event that the employee's absence is extended (2 weeks - 3 months), or their treating doctor does not provide sufficient detail for the University to assess their condition.

Medical assessment - Independent medical assessment

(31) The University may require an employee to undertake a medical assessment with a medical assessor nominated by the University in a number of scenarios, including where:

- a. the information provided by the employee's treating doctor under clause (30) remains incomplete, unclear or there are concerns about the practicality of implementing the treating doctor's advice;
- b. the University needs further advice or an opinion about the employee's suitability to perform their role in

addition to the information provided by their treating doctor;

- c. the University needs further information about any reasonable adjustments that may need to be made to enable the employee to perform their role;
- d. the employee refuses to provide consent for their treating doctor to provide information to the University; or
- e. the University has concerns about the employee's capacity to perform the inherent requirements of their role.

(32) Independent medical assessments may provide guidance to the University on how to manage an employee's work arrangements for non-work related illnesses or injuries. They will also assess an employee's ability to perform the inherent requirements of their position, and may include recommendations for rehabilitation or work adjustments. The University-initiated independent medical assessments are paid for by the employee's Department and can be attended during work hours.

Part D - Options following an independent medical assessment

(33) Following an independent medical assessment, the nominated medical assessor will provide a report to the University concerning the employee's suitability for their employment. This will contain information/opinion of the nominated medical assessor based on the reason for referral and the University's specific questions. Advice may include that the employee:

- a. is fit to undertake the inherent requirements and demands of their position, including perform teaching
- b. may safely continue to work with reasonable adjustments, restrictions and/or a rehabilitation program
- c. is temporarily unfit but is likely to become fit to safely return to their normal duties within an approximate time frame or date
- d. is temporarily unfit but is likely to become fit to safely return to work with modified or alternative duties within an approximate time frame or date
- e. is permanently unable to carry out the inherent requirements and demands of their position, or
- f. is permanently unfit for any duties.

(34) The University will discuss the report and options with the employee as soon as practicable. This may include the creation of a written plan to facilitate a return to the workplace. Options following an independent medical assessment include, but are not limited to:

- a. Alternative duties
- b. Reasonable workplace adjustments
- c. Further periods of leave
- d. Where ill health leads to an incapacity to perform the inherent requirements of the position, termination of employment

(35) A Return to Work plan will be developed in consultation with the employee, their manager, the relevant People and Culture Business Partner, on the basis of advice from the Treating Doctor or the University's nominated medical assessor.

(36) A Return to Work plan will be reviewed and/or updated on an ongoing and regular basis (e.g. fortnightly).

Alternative duties

(37) Where required, the University will consider whether there are existing suitable alternative duties within the University that the employee could perform. This may be on a temporary or permanent basis, and the new position must provide the employee with meaningful work. A new position or duties does not need to be created. A permanent transfer to a more suitable position elsewhere in the University may also be considered, in consultation

with the employee, the employee's manager and the new hiring manager.

Workplace adjustments

(38) The implementation of workplace adjustments will be guided by the [Staff Disability and Accessibility Policy](#) and [Procedure](#).

(39) Depending on the circumstances, the University may consider the following types of adjustments:

- a. implementing flexible work arrangements, such as flexible working hours or working from home, where that arrangement is compatible with the employee's role;
- b. vocational retraining and/or temporary job redesign aimed at ensuring the work is adjusted to assist the employee to perform their duties;
- c. purchasing reasonable equipment to assist the employee to perform their duties; and/or
- d. providing services or facilities to assist the employee to undertake their duties, for example by re-arranging workplace access. Provision of services or facilities will be paid for by the employee's department.

Personal leave

(40) The independent medical assessment may recommend the employee be absent from work on accrued personal leave for a specified period. This may be to allow the employee time to recover or meet certain health outcomes.

(41) Where an employee has no accrued personal leave, they will be required to take another form of approved leave, for example, annual leave, long service leave, or leave without pay.

(42) A further medical assessment may be required at the end of this period to determine the employee's fitness to return to work and how their health can best be supported and/or managed by the University.

Termination on the grounds of ill health - Academics

(43) Where an Academic employee's capacity to perform the inherent requirements of their role is in doubt, the Vice-Chancellor may require, in writing, the employee to undergo an independent medical examination by the nominated medical assessor. The Vice-Chancellor will provide 2 months' notice that the examination is required.

(44) If the independent medical examination reveals that an Academic employee is unable to perform the inherent requirements of their role and is unlikely to be able to resume them within 12 months, the Vice-Chancellor may terminate the employment of the employee in accordance with their contract of employment and the University's Enterprise Agreement.

Termination on the grounds of ill health - TAFE Teaching and Professional staff

(45) Where a TAFE Teacher's or professional staff member's capacity to perform the inherent requirements of their role is in doubt, the University may require, in writing, the employee to undergo a medical examination by the nominated medical assessor by providing reasonable notice.

(46) The employee will provide consent to the nominated medical assessor to provide the University with its opinion about their capacity to perform the duties of their position.

(47) If the medical examination reveals that the employee is unable to perform their duties and is unlikely to be able to resume them within a reasonable time, the University may proceed to terminate the employment of the employee in accordance with their contract of employment and/or the relevant University Enterprise Agreement.

Section 8 - Supporting Documents and Information

(48) [Privacy Policy](#)

(49) [Privacy Procedure](#)

(50) [Staff Disability and Accessibility Policy](#)

(51) [Staff Disability and Accessibility Procedure](#)

Status and Details

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