

# The Paraplegic and Quadriplegic Association of SA Inc.



## Abandonment of Employment Policy

### **STATEMENT OF INTENT**

The Paraplegic and Quadriplegic Association of South Australia Incorporated (PQA) is committed to ensuring that all employees are informed of their obligations in relation to attendance at PARAQUAD SA and HOMECARE PLUS and the circumstances in which PARAQUAD SA/HOMECARE PLUS may deem an employee to have abandoned their employment.

<b>Approved by:</b>	<b>Date:</b> June 2013
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**The Paraplegic and Quadriplegic Association of SA Inc. is incorporated under the *Association Incorporation Act 1985 (SA)* and conduct its business through operating Divisions, namely PARAQUAD SA and HOMECARE PLUS.**

# The Paraplegic and Quadriplegic Association of SA Inc.

## SCOPE

Compliance with this policy is a condition of appointment for all persons engaged to provide services on behalf of The Paraplegic and Quadriplegic Association of SA.

## DEFINITIONS

**Abandonment of Employment** – is where an employee is deemed to have discarded their contract of employment through not attending work and not notifying their supervisor as required.

**Administrative Employee** – employed in a position within an office or retail outlet.

**Employee** – is a person employed by PARAQUAD SA/HOMECARE PLUS as either a full-time/part-time, contract or casual employees, Casual Support Worker or collector.

**Must** – indicates a mandatory action required by law, industrial instrument, or PARAQUAD SA / HOMECARE PLUS policy or procedure.

**Casual Support Worker** – provide support to clients in their homes.

## RESPONSIBILITIES

It is the responsibility of **Management** to ensure that:

- ◆ Every effort is made to contact employees who are absent from work without notification;
- ◆ All company property is accounted for after the employment has been terminated by way of abandonment;
- ◆ All required documentation is completed to ensure the employee receives all correct entitlements.

It is the responsibility of all **Employees** to ensure that:

- ◆ They comply with the required absence notification process as appropriate to their area of work.

It is the responsibility of the **Manager, Human Resources** to ensure that:

- ◆ All cases of termination by way of abandonment are reviewed to ensure the appropriate procedural steps have been taken.

It is the responsibility of the **Payroll Department** to ensure that:

- ◆ All paperwork and documentation is completed to ensure employees who have abandoned their employment receive their correct entitlements as soon as possible

## POLICY

Employees who do not notify PARAQUAD SA/HOMECARE PLUS of their absence or 'walks off the job', or fails to return to work after a period of authorised leave will be deemed to have abandoned their employment. PARAQUAD SA/HOMECARE PLUS Management will reasonably conclude that the employee no longer intends to be bound by the employment agreement:

- ◆ The absence must be for a period of fourteen (14) consecutive working days.

This is subject to PARAQUAD SA/HOMECARE PLUS attempting to contact the employee in accordance with the procedures outlined below, unless the employee is able to show evidence to the contrary.

PARAQUAD SA/HOMECARE PLUS have developed policies and procedures in relation to leave and standard work practices. An employee requiring time off from work should be utilising these policies and procedures.

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Under specific circumstances, employees and Managers may agree to additional time away from the workplace to deal with individual issues. This would normally only be done after consultation with the Manager, Human Resources.

Employees are required to notify PARQUAD SA/HOMECARE PLUS of any unplanned absence as soon as practicable.

## **PROCEDURE**

In the absence of provisions relating to abandonment of employment being contained in a relevant Agreement or Award, the procedures management is to follow in determining whether an employee has abandoned their employment will be:-

### **Administrative Employee**

Day One -

- ◆ The appropriate Manager/Supervisor must establish that the employee's absence is unauthorised by checking relevant records such as rosters, attendance records or time sheets, and by checking with the employee's immediate colleagues to ascertain if the employee has made contact.
- ◆ The appropriate Manager/Supervisor must then attempt to contact the absent employee via telephone to home or mobile numbers provided.
- ◆ If the appropriate Manager/Supervisor is unable to make personal contact with the employee via the initial attempts then they will endeavour to make contact through the employees nominated emergency contact.
- ◆ If the employee has not provided an emergency contact then the Manager/Supervisor may endeavor to contact the employee by visiting their address. In such circumstances, another member of staff will accompany the Manager/Supervisor.
- ◆ These initial attempts at contact should emphasize PARQUAD SA/HOMECARE PLUS's concern for the employee's welfare and seek advice from the employee as to the reason for their absence, their date of return and request that they formalise this absence by providing written advice of their intentions (for example, through the completion of a leave application)

Day Two -

- ◆ In the event that the appropriate Manager/Supervisor continues to be unable to contact the employee or the employee fails to formalise their absence after two (2) working days and has not provided written advice of their intentions and does not return to work.
- ◆ The Manager/Supervisor will, in consultation with the HR Manager formally write to the employee at their contact address. The letter should state PARQUAD SA/HOMECARE PLUS's notification requirements and consequences if the employee does not contact PARQUAD SA/HOMECARE PLUS within two (2) working days of receipt of letter. This letter must be sent by Express Post (to ensure a record of the delivery).
- ◆ If the employee responds to the letter within two (2) days, and gives a reasonable explanation for their absence from work, then the presumption of abandonment of employment should be reversed. A determination as to the possible counselling on the employee's return should be assessed.
- ◆ If after two (2) working days of the letter being issued, the employee fails to make contact with PARQUAD SA/HOMECARE PLUS or fails to formalise the absence by providing written advice of their intentions and does not return to work,

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PARAQUAD SA/HOMECARE PLUS's will suspend without pay the employee from the payroll.

*Depending on the circumstances of the situation, and particularly where no contact with the employee can be made, consideration should be given to notifying third parties, such as the Police, of the employee's unexplained absence.*

Day Fifteen (15)-

- ◆ If following fifteen (15) working days of issue of the first letter the employee has made no contact with PARAQUAD SA/HOMECARE PLUS or has failed to formalise this absence by providing written advice of their intentions and does not return to work, the Manager/Supervisor will provide a report to the Manager, Human Resources advising that the employee has abandoned their employment. This report will detail all attempts to contact and any communication received from the employee.
- ◆ The HR Manager in consultation with the Manager will review all the facts and make a determination to terminate the employee. If it is determined to terminate the employee, the Manager in conjunction with the Manager, Human Resources, will formally write to the employee advising that PARAQUAD SA/HOMECARE PLUS has considered the employee's continuing absence to be an indication that they have abandoned their employment with PARAQUAD SA/HOMECARE PLUS. This letter must be sent by Express Post (to ensure a record of the delivery and receipt of the letter).

PARAQUAD SA/HOMECARE PLUS will then implement the normal procedures associated with an employee's termination of employment with PARAQUAD SA/HOMECARE PLUS. This letter must be sent by Express Post (to ensure a record of the delivery).

## **Casual Support Worker**

A casual Support Worker will be deemed to have abandoned their employment if they have not worked for a period of three (3) months. This will be verified by the production of a report produced by Payroll.

Upon receipt of the Payroll Report the HR Department will notify the appropriate Manager/Supervisor to establish if there is a reasonable explanation why the employee has not attended a shift.

If there is no reasonable explanation for the absence from work the following procedures will be followed:

- ◆ Letter one (1) will be sent to the employee requesting that they contact the office within fourteen (14) days should they wish to resume shifts.
- ◆ Letter two (2) will be sent to the employee if they have not responded to the first letter stating that as we have not heard from them it is with regret they will be removed from our system.
- ◆ Upon the employee returning HOMECARE PLUS property e.g. ID Card etc. a Certificate of Service will be forwarded to the employee.

## **SUPPORTING PQA DOCUMENTATION**

- ◆ Leave - Personal Policy and Procedures
- ◆ Leave - Annual Policy and Procedures
- ◆ Leave - Compassionate Policy and Procedures
- ◆ Leave - Parental Policy and Procedures
- ◆ Leave – Jury Duty Policy and Procedures
- ◆ Leave – Emergency Service Policy and Procedures
- ◆ Support Worker Training Policy and Procedures

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- ◆ Letter – Abandonment of Employment

## **BREACHES OF THIS POLICY**

Ignorance of these procedures will not generally be accepted as an excuse for non-compliance. Only in extreme circumstances and where such ignorance can be demonstrated to have occurred through no fault of the individual concerned will PQA accept such an argument.

## **DISTRIBUTION AND REVIEW**

PARAQUAD SA/HOMECARE PLUS will ensure all persons engaged to provide services either paid or unpaid will be aware of this policy and will have easy access to it in an appropriate format. All policies are to be reviewed on a bi-annual basis or when legislation or Government Policy determines.