

The Paraplegic and Quadriplegic Association of SA Inc



Leave – Sick/Carer's Policy and Procedures

STATEMENT

The Paraplegic and Quadriplegic Association of South Australia Incorporated (PQSA) is committed to ensuring all workers have a clear understanding of leave availability. Sick/Carer's leave covers absence from work as a result of illness or to care for an immediate family or household member who is sick and requires the worker's care and support or who requires care as a result of an unexpected emergency.

Approved by: 	Date: 28/10/2015
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The Paraplegic and Quadriplegic Association of SA Inc.(PQSA) is incorporated under the *Association Incorporation Act 1985 (SA)* and conducts its business through operating Divisions, namely Support Services and HomeCare+.

SCOPE

Compliance with this policy is a condition of appointment for all persons engaged to provide services on behalf of PQSA.

DEFINITIONS

Casual Worker - A worker for the purpose of this policy is a person who works irregular and informal hours.

De facto partner – A person who, although not legally married to the employee, lives with the employee in a relationship as a couple on a genuine domestic basis (whether the employee and the person are of the same or different sexes).

Evidence – A medical certificate issued by a registered Health Practitioner that relates to the field in which they practice.

Immediate family –

1. Spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the employee;
2. Child, parent, grandparent, grandchild or sibling of the spouse or de facto partner of the employee; and
3. Spouse and de facto partner includes a former spouse and a former de facto partner.

Manager/Supervisor – A person who is charged with the management or direction of The Paraplegic and Quadriplegic Association of SA Inc. and its Divisions including Support Services and HomeCare+, and other divisions as determined from time to time.

Sick/Carer's Leave - Entitlements in case of illness or injury and leave for caring purposes of immediate family.

Spouse – Includes a former spouse.

Worker – For the purpose of this Policy, is a person who carries out work in any capacity for a person conducting a business or undertaking including work as an employee.

Workplace – Is a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work.

RESPONSIBILITIES

It is the responsibility of PQSA to communicate the contents of this Policy to all workers on a regular basis.

Managers/Supervisors to ensure that:

- ◆ Workers are familiar with their obligations and entitlements in accordance with this Policy.

Workers to ensure they:

- ◆ Notify their immediate Manager/Supervisor of any absence in accordance with this Policy;
- ◆ Initiate leave applications for Sick/Carer's leave by completing the appropriate documentation for approval (if practicable).
- ◆ Provide required documentation to support their application for leave as outlined within this Policy.

POLICY

Full/Part Time Workers

Full and part time workers will be entitled to paid Sick/Carer's leave due to illness or injury or to provide care to immediate family. Sick/Carer's leave is accrued progressively during a year of service and is credited on a fortnightly basis. A worker will be entitled to two (2) weeks of Sick/Carer's leave for each twelve (12) months of continuous paid service. This can accumulate from year to year.

Workers employed on a part time basis will have access to the Sick/Carer's leave provisions on a pro-rata basis.

A worker is entitled to be paid their base rate for the hours they take as Sick/Carer's leave. This does not include any monetary allowances, shift loadings and any regular or rostered overtime the worker would have been entitled to if they had worked.

A worker who is rostered for duty on a public holiday and requires Sick/Carer's leave, is not entitled to any of the usual monetary benefits associated with public holidays, the entitlement to Sick/Carer's leave will be the same as on an ordinary work day.

If a worker has three (3) or more consecutive day's Sick/Carer's leave, a medical certificate is to be provided to their Manager/Supervisor.

A medical certificate may be requested by a Manager/Supervisor if a worker takes Sick/Carer's leave on a day:

- ◆ Before a Public Holiday;
- ◆ After a Public Holiday;
- ◆ Before a rostered day off;
- ◆ After a rostered day off;
- ◆ On a weekend rostered shift.

A medical certificate must be issued by a registered Health Practitioner and must relate to the medical field in which they practice.

If a worker has three (3) or more individual days without a medical certificate during an accrual year, the Manager/Supervisor may request that the worker produce a medical certificate for their next and subsequent Sick/Carer's leave days. Sick/Carer's leave to care for an immediate family member will need to be supported by a medical certificate at the discretion of the Manager/Supervisor.

Leave balances are recorded as per legislative requirements on a worker's fortnightly payslip. When all Sick/Carer's leave has been used, the worker may request annual leave be used or request unpaid leave. At no time can Sick/Carer's leave go into a negative.

In special circumstances, special sick/carers leave may be granted at the discretion of the Chief Executive Officer.

Upon termination of employment, unused Sick/Carer's leave will **not** be paid out as an entitlement irrespective of whether the worker was terminated by PQSA or the worker terminated their own employment.

Sickness during Working Hours

Where a worker becomes ill during the day or is called to care for an immediate family member the worker must report the need to leave the workplace to the Manager/Supervisor and record on their Time Sheet with a corresponding Leave Form.

Sickness during Period of Annual Leave

Where a worker becomes ill during a period of annual leave, Management may approve the period of incapacity to be credited against Sick/Carer's leave provisions, provided;

- ◆ a medical certificate is produced; and
- ◆ The worker has enough Sick/Carer's leave credit to cover the period.

Sickness during Period of Work Related Injury

If a worker is unable to complete their duties due to a work related injury and requires Sick/Carer's leave during the period, a medical certificate must be provided to PQSA and the Claims Agent acting on behalf of Return to Work SA. The worker is entitled to their normal Sick/Carer's leave entitlements and will need to sign a Discontinuance form issued by Return to Work SA or their nominee.

Casual workers must also provide a medical certificate to PQSA for any period of Sick/Carer's leave during their period of work related injury. Casual workers are not entitled to paid Sick/Carer's leave and will need to sign a Discontinuance form issued by Return to Work SA or their nominee.

Casual Workers

Casual workers are not entitled to paid Sick/Carer's leave. Unpaid Sick/Carer's leave can be accessed when a worker is required to provide care or support to a member of their immediate family or household because they are sick or injured. Unpaid Sick/Carer's Leave will not count as service; however it will not result in a break to the worker's continuity of service. A worker may take unpaid Sick/Carer's leave for a single continuous period of up to three (3) days; or any separate periods to which the worker and Manager/Supervisor agree. A medical certificate will be required for periods of sick leave due to illness.

Certificate of Capacity Form

Casual workers will be required to have their Health Professional complete a Certificate of Capacity form when a worker is unable to return to work or complete their normal duties due to a personal illness or injury of a physical nature.

Unpaid Carer's Leave

A worker is entitled to two (2) days of unpaid carer's leave for each occasion when a member of the worker's immediate family, or a member of the worker's household, requires care or support because of:

- a) a personal illness, or personal injury, affecting the member; or
- b) An unexpected emergency affecting the member.

On each occasion that a worker requires unpaid Carer's leave, the worker must notify their Manager/Supervisor of the intention to take leave, the name of the person requiring care, their relationship to the worker, the reasons for taking such leave and the estimated length of absence.

A worker cannot take unpaid Carer's leave if the worker could instead take paid Carer's leave.

PROCEDURES

Workers who are absent from their usual work due to illness or injury or caring requirements, must ensure the following procedures are adhered to:

Full/Part Time Workers

1. Worker must notify their Manager/Supervisor of Sick/Carer's leave requirements as soon as practicable or within twenty-four (24) hours.
2. Manager/Supervisor will advise their workers about how they require a worker to notify them of an absence either by phone call, text or email.
3. Worker must notify their Manager/Supervisor of the nature of the illness or injury or carer requirement and the estimated duration of leave which is required.
4. It is the responsibility of a worker to keep PQSA fully informed about the time off required for Sick/Carer's leave.

5. Worker must complete the Application for Leave Form, within twenty four (24) hours of their return to work and attach a Medical Certificate if applicable.
6. Manager/Supervisor to sign and approve the Leave Form and sight the medical certificate (if applicable).
7. Application for Leave form and medical certificate is to be attached to the corresponding timesheet for the applicable fortnightly pay period.
8. The above documentation will be forwarded to the Payroll Department during the applicable pay period.
9. All documentation received regarding Sick/Carer's leave is to be retained by the Payroll department.

Casual Workers

1. Worker must notify their Manager/Supervisor of Sick/Carer's leave requirements as soon as practicable or within twenty-four (24) hours.
2. Worker must notify their Manager/Supervisor of the nature of the illness or injury or carer requirement, the estimated duration of leave which is required and complete a Leave – Support Worker Notification of Leave of Absence Form if applicable.
3. It is the responsibility of a worker to keep HomeCare+ fully informed about the time off required for Sick/Carer's leave.
4. At the completion of Sick leave, a medical certificate and or/Certificate of Capacity Form will be required - in the case of personal injury/illness of a physical nature, a Certificate of Capacity Form will be required.
5. Medical Certificate/Certificate of Capacity form to be sent to Human Resource Department – Human Resource Department to send email to HC+ Handover regarding outcome of Medical Certificate/Certificate of Capacity form and any restrictions (if applicable).
6. Support Worker Notification of Leave of Absence Form is to be attached to the corresponding timesheet for the applicable fortnightly pay period to be forwarded to the Payroll Department during the applicable pay period and to be retained by the payroll department.
7. All medical documentation received regarding Personal/Carer's leave is to be filed on the workers personnel file.

RELATED LEGISLATION

- ◆ Fair Work Act 2009
- ◆ National Employment Standards
- ◆ Return to Work Act 2014

Awards

- ◆ Social, Community, Home Care and Disability Services Industry Award 2010
- ◆ Nurses (South Australia) Award 2010

SUPPORTING PQSA DOCUMENTATION

- ◆ Application for Leave Form
- ◆ Enterprise Agreement 2011
- ◆ Leave – Annual Policy and Procedures
- ◆ Leave – Parental Policy and Procedure

- ◆ Leave – Support Worker Notification of Leave of Absence Form
- ◆ Leave – Unpaid Policy and Procedure

BREACHES OF THIS POLICY

A **breach** of this policy is grounds for disciplinary action, up to and including termination of employment. 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 PQSA accept such an argument.

DISTRIBUTION AND REVIEW

PQSA 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 periodic basis or when legislation or government policy determines.