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<td>Director Workforce Services</td>
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<td><strong>AUTHOR</strong></td>
<td>Karen Schaffer, HR Consultant</td>
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<td><strong>POSITION RESPONSIBLE FOR THE DOCUMENT</strong></td>
<td>Director Workforce Services</td>
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<td><strong>KEY TERMS</strong></td>
<td>Sick leave, unsatisfactory sick leave, excess sick leave, health safety and wellbeing, illness or injury</td>
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<tr>
<td><strong>SUMMARY</strong></td>
<td>This procedure provides employees with information about sick leave eligibilities and entitlements and outlines the steps for managers to follow when managing unsatisfactory sick leave absences. This document should be read in conjunction with the NSW Health Policy Directive PD2014_029 Leave Matters for the NSW Health Service and the relevant industrial instruments and legislation</td>
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1. POLICY STATEMENT

The impact of sick leave absences is significant to both employees and the services within South Eastern Sydney Local Health District (SESLHD). Frequent or prolonged sick leave absences may indicate an issue with an employee’s health or wellbeing while also having a detrimental effect on the District’s service provision.

SESLHD promotes an active approach to the management of sick leave that is based on the following key principles:

- A commitment to the health, safety and wellbeing of employees;
- Fair application across the organisation;
- Active monitoring of sick leave to manage individual cases, and identify and manage organisational contributors to sick leave absences;
- The need to consider the specific circumstances of each case;
- The need to support employees in reconciling their work obligations and private commitments;
- Employee and management responsibility and accountability in accordance with the Code of Conduct.

2. BACKGROUND

The purpose of this procedure is to provide all SESLHD employees with clear direction in relation to the taking of sick leave and the management of unsatisfactory sick leave, and provides all the relevant information in one document.

This procedure has been developed in accordance with Section 3 of the NSW Health Policy Directive PD2014_029 Leave Matters for the NSW Health Service.

NSW Health also provided two Information Sheets (Leave Matters for the NSW Health Service – Better Practice Guidelines for Sick Leave Management and Better Practice Checklist for Sick Leave Management). The Guidelines and Checklist are intended to assist with the development of local procedures and were used to develop this procedure, they do not provide the specific details that are outlined below.

3. ELIGIBILITY

Sick leave is granted to employees only in circumstances of genuine illness or incapacity

An employee is eligible for paid sick leave when they:

- are incapacitated for the performance of duties by a physical or psychological illness; an injury; or an illness or injury associated with pregnancy or childbirth (but not pregnancy/childbirth itself);
- risk further impairment to their health by reporting for duty;
- undergo treatment by a registered health service provider (as specified in section 6.2 of this procedure) during rostered work hours when
  - the treatment is urgently needed or
  - it is not possible to obtain an appointment outside the employee’s rostered working hours, such as for a medical specialist or
• would, as determined by the relevant manager and under the advice of a registered medical practitioner, jeopardise the health, well-being or safety of others by his/her presence in the workplace, for example by exposing other employees to a communicable disease.

• are required to provide care for another family member who is ill or injured. In this case, sick leave is to be accessed as Personal/Carer’s Leave in accordance with the NSW Health Policy PD2014 Leave Matters Manual for NSW Health Service and relevant award conditions.

4. ENTITLEMENT

Employees are entitled to sick leave in accordance with the relevant industrial awards and the NSW Health Policy Directive PD2014_029 Leave Matters for the NSW Health Service. A fact sheet on Award entitlements can be found on the NSW Health Intranet.

Casual employees have no entitlement to paid sick leave.

Temporary employees employed for periods not exceeding 13 weeks have no entitlement to paid sick leave.

Part time employees have a pro-rata entitlement

Temporary Exempt Employees engaged for a continuous period in excess of 13 weeks are entitled to sick leave in the same manner as permanent full-time and part-time employees.

Paid sick leave is accumulative and there is no limit to the total accumulation. It should be noted however that the monetary value of accumulated sick leave is not payable on termination.

4.1 First three months of service

Any absence for reasons of sickness or incapacity in the first three months of service will be regarded as sick leave without pay. This will not apply where an employee is able to transfer entitlements under the provisions outlined in Chapter 11 Mobility of leave of the Leave Matters Manual for NSW Health Services.

An employee is not entitled to be back paid for any sick leave without pay taken during the first three months of employment.

4.2 After the first three months of service

Employees become eligible for a full year’s entitlement of paid sick leave on the first day of the fourth month of employment (part time employees on a pro-rata basis). In subsequent years further paid sick leave is available on the anniversary of employment.

5. RESPONSIBILITIES

5.1 Employees will:

• Take reasonable care of their own health and safety and that of others at work.
• Attend work in accordance with the industrial award and employment contract applicable to them
• Follow the procedures for
  o Notifying their manager of an absence due to sickness;
  o Maintaining contact with their manager during an absence;
Providing a medical certificate for absences of more than two consecutive working days unless directed otherwise;

- Submitting a completed leave form as soon as practicable on return to work.

- Schedule all routine or non-emergency healthcare appointments outside rostered work hours.
- Schedule medical specialist appointments outside rostered work hours wherever possible.
- Provide suitable evidence if claiming sick leave for attending any medical appointments during rostered work hours if requested by their manager.
- Complete an ‘Application for Leave’ form when claiming sick leave.
- Participate in any discussions related to attendance.
- Provide the necessary notice and evidence as required by these procedures and PD2014 Leave Matters Manual for NSW Health Service to use sick leave as Personal/Carer’s Leave.
- Only utilise sick leave for absences connected with ill health.

5.2 Managers will:

- Ensure the health, safety and welfare of employees, patients and other appropriate persons in accordance with the Work Health and Safety Act (2011).
- Provide information to new employees regarding
  - sick leave policies and procedures;
  - expectations regarding attendance;
  - expectations regarding notification;
  - details of who to contact and relevant phone numbers.
- Encourage and promote attendance at work.
- Be responsible for the day to day management of sick leave.
- Access and run sick leave reports from MSS StaffLink.
- Ensure that employee absence records are accurate and complete.
- Regularly monitor and review attendance levels.
- Manage unsatisfactory sick leave absences in accordance with this procedure and apply them consistently, fairly and in a supportive way to all employees.
- Ensure flexibility in dealing with the individual circumstances of each case.
- Remind employees of the availability of counselling available from the Employee Assistance Program during all meetings and counselling sessions.
- Recognise and act on underlying workplace causes that may have contributed to unsatisfactory sick leave absences.
- Proactively identify and address patterns of absences that may require management intervention.
- Take action where there is concern that an employee’s illness or injury poses a risk to themselves or others.
- Distinguish between incidents of chronic illness and patterns of unsatisfactory sick leave absences.
- Liaise with Workforce Services for complex and long term matters.

5.3 Directors and Senior Management will:

- Ensure the health, safety and welfare of employees, patients and other appropriate persons in accordance with the Work Health and Safety Act (2011).
- Manage the systemic issues affecting sick leave levels through regular monitoring of sick leave and identifying and analysing trends.
5.4 Workforce Services will:

- Assist managers to apply the sick leave policy and procedures fairly, consistently and in a supportive manner.
- Provide guidance on the range of management options available for managing unsatisfactory sick leave and when to apply them.
- Provide guidance in conducting counselling interviews.
- Support managers when dealing with more complex attendance related matters. Provide support in cases that need to be managed in accordance with the Premier and Cabinet’s Procedures for Managing Non-Work Related Injuries or Health Conditions.
- Provide support in cases that require disciplinary action.

6. PROCEDURES

6.1 Notification of Absence

Employees are required to take all reasonable and practicable steps to personally inform their line manager, or other designated member of staff, of their absence from work. Notifications should be made by telephone, email or as otherwise directed by their manager. To minimise disruption to service provision and to allow alternative arrangements to be made, where possible notification should be given prior to or at the beginning of each shift for which the employee will be absent.

The notification must include the estimated duration of the absence where known.

SESLHD acknowledges that there may be exceptional circumstances which prevent an employee from meeting the reporting and certification requirements, for example, in the case of a severe injury / hospitalisation.

If the employee is absent for more than two consecutive days and has not informed their manager of a return to work date, the manager may contact the employee at home to enquire when they are likely to return.

If the employee is absent for more than a week the manager may contact the employee at home to enquire after their wellbeing and offer support.

6.2 Evidence of sickness or incapacity

Employees must obtain medically supported evidence of their illness or incapacity for absences of longer than two consecutive working days, unless they are subject to the provisions of Section 7 of this procedure.

Employees must complete an ‘Application for Leave’ form for all sick leave absences. The leave form is to be approved and maintained by their manager.

Medical certificates supporting sick leave absences will be accepted from the following Registered Health Service Providers:

- Registered Medical Practitioners; or
- for a period of **up to one week** of sick leave, Registered Health Service Providers such as:
  - Dentists
Medical certificates should indicate:
- the date on which the examination took place;
- the degree of incapacity of the employee; and
- the date the Registered Health Service Provider or Registered Medical Practitioner considers the employee is likely to be able to return to work.

Medical certificates should also indicate whether an injured or partially incapacitated employee could return to work on reduced/altered duties and which duties should not be attempted on return.

Employees claiming sick leave for attendance at medical specialist appointments during work hours may be required to provide proof of attendance for example a Certificate of Attendance, appointment letter or appointment card.

6.3 Unpaid Sick Leave

Absences of longer than two consecutive working days not supported by a medical certificate will result in unpaid sick leave from the third day onwards.

If the employee is subject to provisions of section 7 of this procedure and required to produce medical certificates for all absences, any absences without a medical certificate will result in unpaid sick leave.

Unpaid sick leave is entered as SICK-UN in Kronos (option not available in Romulus).

6.4 Managing health and safety risks where an employee may have an illness or injury

Where managers are concerned that an employee currently at work may have an illness or injury that may pose a risk to their own health or safety, or the health and safety of others at the workplace, they should direct the employee to seek medical advice.

If it is considered that there may be a risk to the employee, other employees or the public by that employee remaining at the workplace for the time it takes to obtain medical advice, the employee may be directed to leave the workplace while the advice is being sought. In such cases, the most appropriate form of leave to be utilised should be discussed with Workforce Services, and will be decided on a case by case basis.

On receipt of the medical advice if the employee is certified fit for duty and the direction to leave the workplace was unnecessary, the employee will have their leave re-credited and/or be reimbursed for any unpaid leave.

If the employee has remained in the workplace while the medical advice was sought and the medical advice is that the employee is not fit for work, the manager should then direct the employee to proceed on sick leave immediately.
Should the medical advice received indicate that the employee is only able to work with restrictions, the manager should consult with Workforce Services or Work Health and Safety to develop a suitable return to work plan.

6.5 **Non Work Related Long-term illness/injury or serious incapacity**

Long term absences are defined as equal to or exceeding four consecutive weeks. If an employee is absent from work for this period of time it is usually related to a significant illness, injury or incapacity. Absences of this length have a negative impact on both the employee and the employee’s place of work and need to be proactively managed.

It is important that the manager maintains regular contact with the employee in order to clarify information and provide support as required. A common sense approach should be taken in regard to the frequency and type of contact on a case by case basis. Workforce Services are available to advise managers if required.

If the employee is likely to be absent from work for two months or more, a formal meeting can arranged to discuss the absence and the likely return to work. If the employee is not capable of attending a meeting the discussions can occur by telephone or letter. Depending on the outcome of the discussions and the circumstances of the employee, a further review date may be set or other strategies put in place. Documentation must be kept of any discussions or agreed actions.

If an employee does not appear to be capable of returning to work due to illness or injury, or if the manager has concerns about the employee’s fitness to carry out the duties of the position safely, the employee is to be referred for a medical assessment.

Following the medical assessment a number of options are possible, dependent on the nature of the condition and the health related restrictions. The manager, in consultation with Workforce Services, may consider the following options:

- return to work in current position;
- return to work on reduced hours/duties;
- job redesign to facilitate a return to work;
- return to work in an alternate position for a specific determined period of time;
- return to work on reduced hours on a permanent basis;
- return to work in an alternate position on a permanent basis;
- continued absence for a specified period of time;
- medical retirement;
- termination of employment on medical grounds.

The management of long term non work related injuries or ill health is in line with the *Department of Premier and Cabinet’s Procedures for Managing Non-Work Related Injuries or Health Conditions* and should be referred to Workforce Services.

6.6 **Sick whilst on Annual or Long Service Leave**

Subject to the provision of medical certificates and sufficient sick leave being available, annual leave or long service leave shall be re-credited where an illness or injury of at least one week’s duration occurs during the period of annual or long service leave provided that the period of leave does not occur prior to retirement, resignation or termination of services.
6.7 Monitoring Sick Leave using StaffLink Manager Self Service

Managers should be using StaffLink to regularly monitor and run the two available reports in relation to employee sick leave.

The **Excessive Sick Leave Report** provides details of sick leave taken, if a medical certificate has been provided and the number of instances the employee has had of sick leave within a defined date period.

The **Medical Certificate Report** reports the requirement for medical certificates and whether they were provided or not.

7. MANAGEMENT OF UNSATISFACTORY LEVELS OF SICK LEAVE

Managers need to regularly monitor and review the sick leave levels and patterns of their employees and actively manage unsatisfactory levels of sick leave.

At no time should any action be taken without attempting discussion and consultation with the employee to ascertain the reasons for the absences or otherwise provide the employee with the opportunity to discuss the matter.

At any point in the process, advice and clarification of appropriate strategies can be sought from Workforce Services.

For a summary of the process see Attachment 1 - Flowchart and Attachment 2 - Checklist.

7.1 Definition of Unsatisfactory Sick Leave

Note: an absence is one unbroken period of sick leave.

**First Three Months of Employment**
An employee who has three separate absences without a medical certificate.

**Frequent Short Term Absences - unsupported**
An employee who has had eight separate absences unsupported by medical certificates in any period of 12 months. Discussions may be initiated where five separate absences have occurred prior to reaching an unsatisfactory level.

Note: Frequent absences supported by medical certificates are to be managed in line with the **NSW Department of Premier and Cabinet's Procedures for Managing Non-Work Related Injuries or Health Conditions** – consult with Workforce Services for appropriate procedures.

**Absences Displaying Trends**
An employee who has sick leave absences which display trends such as:

- Periods of absence not certified by medical certificate immediately before or after a public holiday or before or after a period of approved leave (annual leave, long service leave, Allocated Day Off) or on a particular day of the week in a specified period;
- Periods close to where the employee may work overtime;
- Periods of absence associated with workplace health and safety incidents;
- Periods which appear to relate to specific roster patterns.
Prior to Retirement
An employee who takes large amounts of sick leave prior to retirement.

7.2 Unsatisfactory Sick Leave during first three months of employment

Where unsatisfactory sick leave levels or trends have become evident within the first three months of employment, the manager may arrange an informal counselling session to:

- explain the negative impact on service delivery caused by frequent absences;
- reinforce sick leave policies and procedures;
- identify if there are any underlying causes for the absences;
- advise the employee of a three month review period;
- require medical certificates for all further absences;
- remind the employee of the services of the Employee Assistance Program (EAP).

A written sick leave warning will be issued following the meeting (Attachment 3).

If further absences of sick leave without a medical certificate occur in the three months after the issue of the sick leave warning, the employee should be given a second sick leave warning and be advised that disciplinary action leading to termination of employment may follow any further absences (Attachment 4).

7.3 Step 1 - Potential Unsatisfactory Sick Leave

The manager should arrange to meet with the employee informally to discuss the sick leave levels when five separate unsupported absences have occurred or when a trend is emerging.

At this informal meeting the manager will:

- discuss the effect of absences on other employees, service delivery and the District;
- identify if there are any underlying causes for the absences;
- reinforce the sick leave policy and procedures;
- attempt to resolve any identified problems;
- agree upon a course of action;
- make reasonable adjustments to work practices if appropriate;
- remind the employee of the services of the Employee Assistance Program (EAP).

Managers should document the informal meeting and continue to monitor sick leave absences.

7.4 Step 2 - Sick Leave Absences become Unsatisfactory

Once the sick leave level has become unsatisfactory, the manager should advise the employee that a formal counselling session will be held to discuss their sick leave absences and issue an invitation to the meeting, giving at least 48 hours’ notice (Attachment 5).

At this counselling session the manager will:

- remind the employee of the District’s sick leave procedures and the implications of unsatisfactory attendance;
- explore underlying reasons for the unsatisfactory sick leave ;
- discuss possible solutions;
- set targets for improving attendance and/or notification;
- outline the consequences of continuing unsatisfactory sick leave;
• require a sustained improvement - managers should determine and communicate how this would be demonstrated on a case by case basis;
• explain that the follow up review date and possible requirement to provide medical certificates for all future absences will be determined following the meeting and the employee informed in writing;
• remind the employee of the services of the Employee Assistance Program (EAP).

Determination of the appropriate follow up review date is dependent on each individual case and can be determined in consultation with Workforce Services. The requirement to provide medical certificates for all future absences is also to be determined by the manager on a case by case basis, depending on the individual circumstances revealed in the meeting and if necessary in consultation with Workforce Services.

The employee will receive a letter outlining the unsatisfactory sick leave levels, the matters discussed at the meeting, the requirement for medical certificates (if appropriate), the requirement for improvement and the date for the follow up review. This letter serves as an initial sick leave warning (Attachment 6).

A sick leave warning need not be issued if the manager assesses that the circumstances don’t warrant it. Matters that may justify the non-issue of a sick leave warning may include:

• an exemplary attendance record for the whole of the employee’s career and that the absences in the last 12 months were as a result of an abnormal sick leave or special circumstances;
• where the employee has a chronic illness, supported by medical certificates, which is being treated and could be resolved in the short to mid-term.

Records of actions taken should be kept on the employee’s personal record (eg counselling, an initial sick leave warning, or a decision to keep the matter under review). Copies of all letters should be trimmed.

The employee’s sick leave absences should be monitored closely to determine if the attendance records show a sustained improvement.

7.5 Step 3 – Review

Should the employee show improvement in attendance in the review period stated in the sick leave warning letter, the monitoring of attendance should revert to normal and no further action taken. This should be confirmed to the employee in writing (Attachment 7).

If insufficient improvement is noted in the review period, the employee will attend a follow up counselling session to further discuss his/her reasons for the continued unacceptable absence levels (Attachment 8).

At this counselling session the manager will:
• discuss sick leave records over the review period;
• explore any new reasons for the unsatisfactory sick leave;
• review the success of any strategies that were implemented during the review period
• set new targets for improving attendance and/or notification;
• discuss the requirement for provision of medical certificates for all future absences if appropriate;
• outline the consequences of continuing unsatisfactory sick leave;
7.6 Step – 4 Further Action

Should the employee show an improvement in their attendance in the specified review period following the issuing of the second sick leave warning, the monitoring and requirement to produce medical certificates will be withdrawn in writing (Attachment 7).

If, after two sick leave warnings have been issued and all relevant strategies to support the employee have been implemented, there is no sustained improvement, appropriate further action should be taken dependent on whether the absences have been supported by Medical Certificates or not.

7.6.1 Unsatisfactory Sick Leave supported by Medical Certificates

An employee who has been issued with two sick leave warnings and who continues to have unsatisfactory sick leave absences supported by medical certificates will need to provide evidence of their fitness to carry out the inherent duties of their position. The employee should be issued with a letter requesting information from their Treating Medical Practitioner (Attachments 10 and 11).

If the Treating Medical Practitioner provides a reason for the high level of sick leave absences the employee should be managed in line with the Department of Premier and Cabinet’s Procedures for Managing Non-Work Related Injuries or Health Conditions. Managers can refer to Workforce Services for advice and support.

If the Treating Medical Practitioner does not provide a reason for the high level of sick leave absences or the employee refuses to provide information, the manager may direct the employee to attend an independent medical assessment in order to obtain further information in regard to the employee’s health and circumstances. Alternately the manager can consider commencing disciplinary procedures and issue the employee with a notice to that effect (Attachment 12).

7.6.2 Unsatisfactory Sick Leave unsupported by Medical Certificates

An employee who has been issued with two sick leave warnings, who continues to have unsatisfactory sick leave and fails to provide medical certificates for all absences, may be subject to disciplinary procedures. (Attachment 12).

7.7 Disciplinary Action

It should be noted that the sick leave warnings issued in relation to unsatisfactory sick leave are in line with the NSW Health PD2014_029 Leave Matters for the NSW Health Service and can be issued by managers.
Any disciplinary procedures initiated for employees who continue to have unsatisfactory sick leave following the issue of two sick leave warnings will be managed in line with NSW Health *PD2014_042 Managing Misconduct*. A brief outlining the circumstances, efforts that have been made to address the unsatisfactory sick leave and recommended disciplinary action should be sent to the appropriate Tier 2 Director/General Manager Director. A sample brief is attached (Attachment 13).

### 7.8 Procedural fairness

Managers must ensure that procedural fairness is observed in all actions that are taken in relation to sick leave absences. This includes:

- Advising the employee when their sick leave becomes unsatisfactory;
- Always providing the employee with the opportunity to comment on absences considered to be unacceptable or unsatisfactory;
- Managing absences in a structured, fair and consistent manner;
- Ensuring counselling precedes any sanctions (eg requirement for Medical Certificates) which includes clear indications of next steps.

### 7.9 Return-to-work meetings

Managers are encouraged to conduct return-to-work meetings, however brief or informal, when the employee returns to work after each absence. This provides the Manager with the opportunity to:

- Demonstrate support and concern for the health of the employee;
- Investigate underlying reasons for the absence/s and any strategies to deal with the situation;
- Outline the impact on the organisation and fellow employees;
- Reinforce desirable attendance attitudes;
- Provide a level of scrutiny that discourages unnecessary sick leave;
- Discuss the implications of continued absence and availability of the Employee Assistance Program;
- Set individual targets for improvement;
- Discuss the option of a medical assessment to review the employee’s ongoing fitness for duties.

Managers must record any actions agreed in return-to-work meetings.

### 7.10 Changes to Work Location/Ward

The management of unsatisfactory sick leave is a process carried out over several months and this could coincide with the affected employee being moved to other locations within the Local Health District. To ensure that the employee’s leave is adequately managed, it is the responsibility of the current line manager to ensure that any written records regarding the employee’s unsatisfactory sick leave are transferred to the new manager.

### 8. DOCUMENTATION

- Attachment 1: Flowchart
- Attachment 2: Checklist
- Attachment 3: Unsatisfactory Sick Leave during first three months
- Attachment 4: Final Notice during first three months
Attachment 5  Invitation to first review
Attachment 6  Initial Sick Leave warning
Attachment 7  No further monitoring
Attachment 8  Invitation to second review
Attachment 9  Second Sick Leave Warning
Attachment 10  Letter requiring medical assessment
Attachment 11  Authority to Release Medical Information
Attachment 12  Commencement of Disciplinary Action
Attachment 13  Brief to Tier 2 Director/General Manager Director – Disciplinary Action

9. AUDIT

This process is audited through a variety of means including:
- Sick Leave Reports
- StaffLink
- Manager’s records
- Workforce Services staff will monitor its implementation

10. REFERENCES

- Leave Matters for the NSW Health Services PD2014_029
- NSW Health Information Sheet 1: Leave Matters for the NSW Health Service – Better Practice Guidelines for Sick Leave Management
- NSW Health Information Sheet 2: Leave Matters for the NSW Health Service – Better Practice Checklist for Sick Leave Management
- Injury Management and Return to Work PD2013_006
- Premier and Cabinet’s Procedures for Managing Non-Work Related Injuries or Health Conditions
- NSW Health PD2014_042 Managing Misconduct
- Delegations of Authority Manual

11. REVISION AND APPROVAL HISTORY

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<th>Date</th>
<th>Revision No.</th>
<th>Author and Approval</th>
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<td>June 2015</td>
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COMPLIANCE WITH THIS DOCUMENT IS MANDATORY

This Procedure is intellectual property of South Eastern Sydney Local Health District. Procedure content cannot be duplicated.
ATTACHMENT 2 – CHECKLIST

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<th>Action</th>
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<td><strong>Step 1 - Potential unsatisfactory sick leave</strong> - 5 absences in 12 months or less and/or trend emerging</td>
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<td>Meet informally with employee to discuss sick leave levels:</td>
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<td>o discuss the effect of absences on other employees, service delivery and the District</td>
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<td><strong>Step 2 – Sick Leave Absences become Unsatisfactory</strong> - 8 unsupported absences in a period of 12 months or less and/or absences displaying a trend</td>
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<tr>
<td>2.1 Invite employee to formal meeting (Attachment 5)</td>
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<td>2.2 Hold meeting</td>
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<td><strong>Step 3 – Review</strong></td>
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<tr>
<td>3.1 Improvement shown in review period – issue letter (Attachment 7)</td>
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<tr>
<td>3.2 No improvement in review period set at the first review meeting – issue invitation to second meeting (Attachment 8)</td>
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</tbody>
</table>
### 3.3 At the meeting:
- discuss sick leave records over the review period
- explore any new reasons for the unsatisfactory sick leave
- review the success of any strategies that were put over the review period
- set new targets for improving attendance and/or notification
- discuss the requirement for provision of medical certificates for all future absences
- outline the consequences of continuing unsatisfactory sick leave
- require a sustained improvement
- remind the employee of the services of the Employee Assistance Program (EAP)

### 3.4 Determine second review period and issue second sick leave warning to employee confirming issues discussed at the meeting (Attachment 9)

#### Step 4 – Further Action

4.1 Improvement shown in second review period – issue letter (Attachment 7)

4.2 No improvement – medical certificates provided

   Requirement for evidence of fitness to carry out inherent duties of position – issue letter to employee and Treating Medical Practitioner (TMP) (Attachment 10 & 11)

   - 4.2.1 Medical reason provided by TMP
     
     Manage in line with Procedures for Managing Non-work Related Injuries or Health Conditions

   - 4.2.2 No Medical reason provided by TMP
     
     Issue letter advising employee that disciplinary process will commence and offer them the opportunity to comment (Attachment 12)

4.3 No improvement – medical certificates not provided

   Issue letter advising employee that disciplinary process will commence and offer them opportunity to comment (Attachment 12)

   On receipt of response (if any) commence disciplinary action with brief to Tier 2 Director/General Manager Director (Attachment 13)
ATTACHMENT 3 – INITIAL SICK LEAVE WARNING DURING FIRST THREE MONTHS OF EMPLOYMENT

Dear <insert name>

I refer to our discussion regarding the Sick Leave Policy and Procedures (as per NSW Health Policy Directive 2014_029 Leave Matters for the NSW Health Service and SESLHDPR/412) and the implications of poor attendance within the first three months in your position.

A review of your sick leave record has shown that you have been absent on sick leave on <number> separate occasions without a medical certificate over the three month period since you commenced work on <date> (sick leave record attached). This is not considered to be a satisfactory sick leave record.

In view of the above it will now be necessary for you to produce medical certificates for all further absences of sick leave. This requirement will be reviewed after a period of three months from the date of this letter. Failure to produce a medical certificate for any future sick leave absences will result in the imposition of sick leave without pay.

An unsatisfactory sick leave record is regarded as a serious matter and this letter serves as an initial sick leave warning that an immediate and sustained improvement in your sick leave record is required.

It is appreciated that staff can have recurring illnesses of short durations and if your medical history is one which involves this aspect you are invited to discuss this matter with a Human Resources Consultant or with me.

You are reminded of the availability of the free and confidential service provided by the Employee Assistance Program, available on 1300 687 327.

Yours sincerely

Manager Name
Manager Title

<Date>

I acknowledge receipt of this document and understand I may reply in writing.

__________________________
<employee name> signature and date
ATTACHMENT 4 – SECOND SICK LEAVE WARNING – NEW EMPLOYEE

Dear <insert name>

I refer to our meeting on <Date> and my letter of <Date> when you were advised that your sick leave record was considered unsatisfactory and that an immediate and sustained improvement was required.

Since that time you have had a further <number> occasions of sick leave and your sick leave remains unsatisfactory according to the PD2014_029 Leave Matters for the NSW Health Service and SESLHDPR/412.

SESLHD regards an unsatisfactory sick leave record as a serious matter. Please treat this letter as a second sick leave warning that should there not be an immediate and sustained improvement it may result in disciplinary action in line with NSW Health PD2014_042 Managing Misconduct.

You are reminded of the availability of the Employee Assistance Program, available on 1300 687 327

Yours sincerely

Manager Name
Manager Title

<Date>

--------------------------------------------------------------------------------

I acknowledge receipt of this document and understand I may reply in writing.

_____________________________________
<employee name> signature and date
ATTACHMENT 5 - INVITATION TO FIRST MEETING

PRIVATE & CONFIDENTIAL

Dear <insert name>

Further to our discussion, I confirm our meeting to discuss your attendance and sick leave (see attached record) will be held in my office on <D M Y> at <time>. <Name> <Position> will also be present at the meeting.

You may bring a support person with you to the meeting.

This process is undertaken in accordance with SESLHDPR/412 Sick Leave Management. The procedure is based on the following key factors:

- A commitment to the health and well-being of all employees;
- Procedural fairness;
- Active monitoring of sick leave to both manage individual cases, and identify and manage systemic causes of sick leave;
- The need to consider the specific circumstances of each case;
- The need to support employees in reconciling their work obligations and private commitments;
- Management accountability.

I appreciate this may cause you concern and would like to remind you of the availability of the Employee Assistance Program (EAP), available on 1300 687 327.

Yours sincerely

Manager Name
Manager Title

<Date>
ATTACHMENT 6 – FIRST SICK LEAVE WARNING

Dear <name>

I refer to the meeting held on <date> to discuss your sick leave absences.

As discussed at that meeting, a review of your sick leave record has shown that you have been absent on sick leave on <number> separate occasions during the 12 month period ending <date>. This amount of sick leave is considered to be unsatisfactory.

At the meeting I reminded you of SESLHD’s sick leave procedures and of the implications of unsatisfactory attendance. A copy of the SESLHDPR/412 Sick Leave Management is attached.

INCLUDE if applicable You provided me with information about the reasons for your absences and we discussed (list discussions and options/solutions if appropriate).

I have taken into account the information you provided and your personal circumstances and have determined that

Insert as appropriate
<at this time you will not be asked to produce a medical certificate for all future sick leave absences.>

> OR

<it will now be necessary for you to produce medical certificates for all sick leave absences. Failure to produce a medical certificate for any further absences will result in the imposition of sick leave without pay.>

This letter serves as an initial sick leave warning and your sick leave absences will be monitored for <number> months from the date of this letter. If there is no acceptable improvement I will arrange a follow up meeting to discuss the matter further. If there is an improvement the need to monitor your sick leave <and provide a Medical Certificate for all sick leave absences> will cease.

It is appreciated that employees can have recurring illnesses of short duration and you are welcome to discuss any future sick leave absences with me.

I appreciate this may cause you concern and hence remind you of the availability of the Employee Assistance Program (EAP), available on 1300 687 327.

Yours sincerely

Manager Name
Manager Title
<Date>

I acknowledge receipt of this document and understand I may reply in writing.

<employee name> signature and date
ATTACHMENT 7 – NO FURTHER MONITORING

Dear <name>

I refer to my letter of <date> when you were advised that your sick leave record was considered unsatisfactory, that your sick leave absences would be monitored and an immediate and sustained improvement was required. Since that time an improvement has been observed and your sick leave record is now considered satisfactory.

In view of the above your sick leave absences will no longer be monitored.

*Insert as appropriate*

<and it is only necessary for you to produce medical certificates for absences of more than 2 days>

Yours sincerely

Manager Name
Manager Title

<Date>
PRIVATE & CONFIDENTIAL

<Name>
<Street Address>
<City State Postcode>

Dear <name>

I refer to the meeting held on <date> and letter dated <date> to advise you that you had an unsatisfactory sick leave record and that your absences on sick leave would be monitored for <number> months from the date of the letter.

*Insert as appropriate*

<with the necessity to produce medical certificates for all future sick leave absences>

A review of your sick leave record has shown no acceptable and sustained improvement with <number> absences since the issue of the initial sick leave warning.

Consequently it is necessary to meet with you to review your sick leave. The meeting is scheduled for <D M Y> at <time> in my office. <Name> <Position> will also be present at the meeting.

You may bring a support person with you to the meeting.

This process is undertaken in accordance with SESLHDPR/412 *Sick Leave Management*. The procedure is based on the following key factors:

- A commitment to the health and well-being of all employees
- Procedural fairness
- Active monitoring of sick leave to both manage individual cases, and identify and manage systemic causes of sick leave
- The need to consider the specific circumstances of each case
- The need to support employees in reconciling their work obligations and private commitments
- Management accountability

I appreciate this may cause you concern and would like to remind you of the availability of the Employee Assistance Program (EAP), available on 1300 687 327.

Yours sincerely

Manager Name
Manager Title

<Date>
ATTACHMENT 9 – SECOND SICK LEAVE WARNING

Dear <name>,

I refer to the letter dated <date of initial sick leave warning> notifying you that your sick leave was unsatisfactory and that it would be monitored for <number> months. As discussed at the meeting on <date> you have not shown an improvement over that period.

(Include if applicable) You provided me with information about the reasons for your absences and we discussed (list discussions and options/solutions if appropriate).

In view of the fact that your sick leave remains unsatisfactory with a further <number> of sick leave absences in the period <date> to <date>, your sick leave absences will continue to be monitored for a further <number> months from the date of this letter.

Insert as appropriate

<you need to continue to produce medical certificates for all further absences of sick leave.>

OR

<it will now be necessary for you to produce medical certificates for all further absences of sick leave.>

This requirement and your attendance will be reviewed periodically to monitor your progress. I would like to reiterate to you the seriousness of this matter and remind you that this letter is a second sick leave warning. If a sustained improvement in your sick leave record does not occur and/or you do not produce medical certificates for all sick leave absences, disciplinary action up to and including dismissal may occur.

Failure to produce a medical certificate for any further absences will result in the imposition of sick leave without pay.

You are welcome to discuss the reasons for your continued absences and possible strategies to deal with the problem at any time with me, an HR Consultant or the Employee Assistance Program available on 1300 687 327.

Yours sincerely

Manager Name
Manager Title

<Date>

I acknowledge receipt of this document and understand I may reply in writing.

__________________________________________
<Employee Name> - Signature and Date
ATTACHMENT 10 – LETTER REQUIRING MEDICAL ASSESSMENT

Dear <Name>

I refer to the letter dated <dated> requiring a sustained improvement in your sick leave record by <date>.

In that period you have had a further <number> of sick leave absences supported by Medical Certificates.

In view of the fact that your sick leave remains unsatisfactory, it is now necessary to review the impact of your continued ill health on your ability to carry out the inherent requirements of your position.

To facilitate this, further information on your fitness for work is needed from your Treating Medical Practitioner. Could you please provide me with a report from your treating doctor by <date> answering the following questions:

1. As per the attached position description is <name> fit for the inherent requirements of their usual position as <position>.

2. If not, will <name> be fit for their usual position as a <position> within 4 weeks?

3. If not fit for their usual position as a <position> in 4 weeks, what permanent restrictions/modifications would be required?

Please send the report to me either by email to <email> or by fax <number>. If you have any difficulties or delays obtaining the report please contact me on Tel: 02 <number>

Please sign and return the enclosed Authority for Release of Medical Information.

I would also like to take this opportunity to remind you of the availability of Employee Assistance Program (EAP), available on 1300 687 327.

Yours sincerely

Manager Name
Manager Title

<Date>

Enc: Position Description
Authority for Release of Medical Information
ATTACHMENT 11 – AUTHORITY FOR RELEASE OF MEDICAL INFORMATION

I ________________________________ of ___________________________________________
(full name) (full address)
give permission to South Eastern Sydney Local Health District in accordance with the procedures set out in SESLHDPR/412 - Sick Leave Management, to obtain any relevant medical information and advice from my medical or other health practitioners, concerning my fitness to safely undertake the duties of my position and other health related matters that have been identified by my employer that need to be considered in respect to my employment.

Listed below are details of my current (and previous) treating medical and health practitioners and my consent is provided to my employer to obtain any relevant medical information and advice from them concerning my fitness to safely undertake the duties of my position and other health related matters that have been identified by my employer that need to be considered in respect to my employment.

| Type of health/medical practitioner | | |
|------------------------------------|--|
| Name                               | |
| Address                            | |
| Telephone                          | |

(∗If the space provided above is insufficient please list on a separate page and attach to this form)

I approve a copy of the authority, including an electronic version or facsimile, being treated as the original.

Signed __________________________________ Date / /

(signature)
ATTACHMENT 12 – COMMENCEMENT OF DISCIPLINARY ACTION LETTER

Dear <Name>

I refer to the letter dated <Date of second sick leave warning> requiring you to provide medical certificates for all sick leave absences and requiring a sustained improvement in your sick leave record.

To date your sick leave remains unsatisfactory with a further <number> of sick leave absences in the period <date> to <date>, of which <number> were unsupported by medical certificates.

I note that you have been issued with two sick leave warnings on <date of first sick leave warning> and <date of second sick leave warning>. You were informed in the second sick leave warning that if a sustained improvement did not occur and/or you did not produce medical certificates for all sick leave absences, disciplinary action up to and including dismissal may occur.

Based on your unsatisfactory sick leave record a recommendation for disciplinary action will be made to <appropriate Tier 2 Director/General Manager Director>.

You will receive a letter from <appropriate Tier 2 Director/General Manager Director> advising you of the proposed disciplinary action and be given the opportunity to comment.

I am also providing you with an opportunity to comment on why disciplinary action should not be commenced. You have 7 days from the date of this letter to respond and should you choose to submit a response it will be taken into consideration before making a recommendation to the Director.

You are reminded of the availability of the Employee Assistance Program (EAP), available on 1300 687 327.

Yours sincerely

Manager Name
Manager Title

<Date>
ATTACHMENT 13 – BRIEF TO COMMENCE DISCIPLINARY PROCESS

Purpose:
To provide advice to the <Tier 2 Director/General Manager Director> in relation to <name, position> unsatisfactory sick leave.

Background:
- <name> has been employed as <position> in <facility> since <start date> on a part-time/full time basis <as appropriate>
- <name> has a history of unsatisfactory sick leave from <date>
- <provide details and evidence of level of sick leave absences, dates, action taken, sick leave warnings issued and outcome and any other relevant information>

Summary of Key Issues:
- <name> is in breach of the SESLHDPR/412 - Sick Leave Management
- Other considerations taken into account include <any other relevant information>

Recommendation:
1. That the above information be noted.
2. That <name> sick leave continue to be monitored
3. That the Tier 2 Director/General Manager Director issue a <Warning, First and Final Warning or Termination> to <name>
4. That if approved the attached letter <giving the employee the opportunity to comment on the recommended disciplinary action> be signed and despatched.

Author: [Signature]
Title: 1. Principal HR Consultant
       2. Tier 2 Director/General Manager Director
       3. Return to Author

Phone: [Signature]
Date: [Signature]