

KNOW YOUR rights

SICK LEAVE



**TO PROTECT &
IMPROVE YOUR
ENTITLEMENTS BE
AN ACTIVE UNION
MEMBER**

**Please discuss
any problems with
your shop steward
or ring the union
on 03 9387 0189**



**COMMUNICATION
WORKERS' UNION**

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WHO IS ELIGIBLE?

All permanent and fixed-term employees are eligible for paid Personal Leave. Casual employees are NOT entitled to be paid for Personal Leave.

Carer's leave and sick leave come out of the same pool of personal leave. (See Know Your Rights – Carer's Leave).

AMOUNT OF PAID SICK LEAVE

The amount of personal leave to which you are entitled depends on how long you have worked for Australia Post.

During the first 12 months, on the completion of 20 days continuous employment, you accrue 1 day's leave at a time. On completion of 12 months employment you will have 15 days' sick leave, and on completion of each additional 12 months employment another 15 days'.

If unused this entitlement accumulates. The full-time entitlement is actually for 110 hours and 15 minutes per year. Part-time employees receive pro-rata entitlements. Part-time employees accrue sick leave on the additional hours that they work, but they can only access the relevant hours according to the shift they are rostered on.

For example if a part-time employee is temporarily covering a full-time job and becomes sick they should be paid full-time if they have accumulated sufficient hours.

NOTIFICATION

The manager or another appropriate employee must be informed, **prior to the commencement of duty, if practicable** of the employee's inability to attend for duty. If it is not practicable for the employee to give prior notice of absence, the employee shall notify the employer by telephone of such absence at the first opportunity on the day of absence.

Employees should try to co-operate with management requests, **but it is the Enterprise Agreement which governs employees' responsibilities**. Many managers try to impose notification requirements that are not 'reasonable or lawful' e.g. 'you must ring me between 5.45am and 6am.'

The Fair Work Commission has heard a number of cases where Australia Post has tried to dock pay or discipline staff for not meeting extra guidelines, these have confirmed that the EA wording applies.

Faxing a doctor's certificate or notifying the shift before obviously complies. If you are in hospital or asleep on medication **it is not 'practicable'** to notify before the commencement of your shift.

The main reason Australia Post want to control the way you notify is because they wish to keep a check on compensation claims. **If they ask whether your time off is work-related, and you are not sure, just say you are not a doctor and you will let them know what your doctor advises.**

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SICK LEAVE WITHOUT A CERTIFICATE

Australia Post grants sick leave without a doctor's certificate for up to 36 $\frac{3}{4}$ hours (for full-time employees) in any sick leave year, subject to any such leave not exceeding 3 continuous days). Note that you will have difficulty getting paid if you have the 4th day off even if you obtain a certificate for the fourth day.

Note that 36 $\frac{3}{4}$ hours may be different from 5 shifts. Your pay for example may be docked a few hours on the fifth day, if, for example, you were a postie and had 5 Mondays (an 8 hour rostered day) off sick without a certificate.

EVIDENCE SUPPORTING A CLAIM FOR SICK LEAVE

Apart from above, an application for sick leave must be supported by the certificate of a duly qualified medical practitioner (with an original signature) or other evidence approved by Australia Post (See section 14.12.28 of the HR Manual for details about short term certificates from dentist, optometrist, optician, oculist, radiographer, physiotherapist, chiropractor, osteopath, podiatrist.)

The union strongly advises that only the term 'medical condition' should be used. Australia Post has a world class record keeping system and if specific illnesses are listed these records may be used against employees in compensation cases or during management under the '*Non-Work Related Medical Restrictions Policy*'.

It is important to realise that taking sick leave without being sick is fraud. If you are found 'out and about' or working elsewhere when claiming sick leave you will be putting your employment at risk. Doctors' certificates should not be tampered with. Also note that doctors cannot usually back-date certificates.

ILLNESS DURING LEAVE

Where an employee becomes ill during a period of Annual Leave or Long Service Leave **and at that time** produces a medical certificate certifying incapacity for work for not less than one day, the period of illness will be treated as Sick Leave and the equivalent period of AL or LSL will be re-credited to be granted at a later date. The manager should be notified as soon as possible.

MAXIMUM PERIOD

The maximum period of absence which may be approved with pay in respect of a continuous absence through illness is 52 weeks. An employee who has run out of all leave allowable with pay may be granted leave without pay for a total of 20 days in respect of the first year of continuous employment and up to a combined total of 78 weeks thereafter.

OTHER ISSUES

- Sick leave provisions for employees rostered to work on public holidays are explained in Clause 14.12.8 of the HR Manual.
- Full pay leave without deductions from Sick Leave credits is granted to an employee who volunteers as a blood donor.
- An employee not on duty who sustains physical injury as a result of or whilst performing an act of bravery or other meritorious action in the public interest can be granted leave on full pay without deductions from sick leave credits.
- It is adverse action if management take action to disadvantage employees in their employment because they have accessed sick leave entitlements. This is an offense under the Fair Work Act 2009.

The issue of Fitness for Duty Examinations and Medical Release Authorities is the subject of a further leaflet on **ATTENDANCE MANAGEMENT**. As a general principle, however it is advised that you contact the union office for advice on these issues