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LONG-TERM SICK LEAVE POLICY

QUALITY AREA 7: LEADERSHIP AND SERVICE MANAGEMENT

<i>Document number:</i>		<i>Version:</i>	4
<i>Date of issue:</i>	August 2013	<i>Contact:</i>	Reesha Stefek
<i>Date of review:</i>			
<i>Updated:</i>	Oct 2019		

National Quality Standard (NQS)

Quality Area 7: Leadership and Service Management		
7.1.2	Management systems	Systems are in place to manage risk and enable the effective management and operation of a quality service.
7.1.3	Roles and Responsibilities	Roles and responsibilities are clearly defined, and understood, and support effective decision-making and operation of the service

Introduction

Woden Early Childhood Centre (WECC) has prepared this policy to provide a clear and simple process for all aspects of educators' long-term sick leave, temporary incapacity and disablement. It provides best practice advice and should be followed unless an equally effective, alternative approach, which complies with the policy's objectives, can be demonstrated. Before any alternative approach is used, advice from the Management Committee must be sought.

In this policy 'long term' means any absence of three calendar months or more. However, this does not preclude the Nominated Supervisor or Director from initiating any of the following suggested procedures for shorter absences.

Purpose

This policy provides guidance to WECC educators who have to take extended sick leave (not related to a worker's compensation claim), to support them in understanding their rights and responsibilities.

Any person who requires assistance in understanding any aspect of this policy should consult the Nominated Supervisor or Director.

Scope

This policy applies to the Nominated Supervisor or Director, educators and the Management Committee.

Implementation

Permanent educators who become ill or are unable to carry out their duties may be placed on sick leave. While on sick leave they shall continue to receive 100 per cent of their wages until they have exhausted their sick leave entitlements.

The period of sick leave will commence on the date the educator was first unable to carry out assigned duties. Any absence in excess of two days due to illness or injury must be supported by a medical certificate satisfactory to the Nominated Supervisor or Director. If illness or injury prevents the educator from attending the Centre the day prior to or the day after a public holiday then a medical certificate satisfactory to the Nominated Supervisor or Director must be provided. In some cases the Nominated Supervisor or Director may request a medical certificate from an educator even if the educator is only taking a single day of leave.

Management of sick leave

Permanent educators

Permanent educators are entitled to 15 working days of sick leave per year of service under WECC's Enterprise Bargaining Agreement (EBA). Unused leave accumulates annually, with the commencement date being the anniversary of the employee commencing employment at WECC.

Educators are required to notify the Nominated Supervisor or Director of their inability to attend for duty because of illness at least two hours prior to the commencement of their shift, or 7am that morning.

All educators

An educator medically certified on long-term sick leave will not be permitted to return to work until a medical certificate of fitness is supplied.

Management of long-term sickness, temporary incapacity or disablement absences

Intervention

Where an educator has been absent on sick leave for a period of one calendar month and the absence appears likely to continue, the Nominated Supervisor or Director will ensure that:

- the absence has been supported by appropriate medical certificate(s)
- the educator (if permanent) has sufficient sick leave available
- the educator is counselled on the alternative options available to support the continued absence (e.g. other forms of leave or temporary incapacity or disablement benefits).

The Nominated Supervisor or Director will inform the Management Committee of the absence and if it is likely to continue.

Where the Nominated Supervisor or Director becomes aware that the educator's certified sick leave absence is likely to continue for more than three calendar months, the Nominated Supervisor or Director should initiate a review of the situation, including further counselling of the educator on alternative options available to support the continued absence (as outlined above) and prepare a recommended course of action for the determination of the Management Committee.

If the educator's sick leave entitlements or other forms of leave to support the continued absence have been exhausted, then any further paid sick leave after three calendar months will be at the discretion of the Management Committee. Such financial support should only be provided in extreme circumstances.

The Nominated Supervisor or Director may recommend to the Management Committee that the provisions of 'Incapacity to Perform Duties' be commenced. Under these provisions the educator in question will be required to undergo a medical examination by a medical practitioner selected by WECC to determine their fitness or otherwise to return to duty. As a result of this examination, if the educator is unable to resume duty and unlikely to be able to return to work within four calendar months, the Management Committee may terminate the staff member's employment.

Fixed-term relief educators

Educators employed on fixed-term contracts cannot have their period of employment extended to cover a sick leave absence. Any support, financial or otherwise, ends with the conclusion of their respective period of contract employment.

After a maximum period of two weeks on approved, certified sick leave (unpaid), it may be appropriate to invoke the provisions of 'Incapacity to Perform Duties' as mentioned above.

If the educator is unable to resume duty within either one calendar month or prior to the end of their employment contract, then the educator's employment may be terminated at the discretion of the Nominated Supervisor or Director.

Disablement or temporary incapacity benefits

Educators who are contributors to a superannuation scheme may be eligible for disability cover. As the invalidity rules of each superannuation scheme differ, the educator should contact their superannuation fund, to discuss the benefits available.

If a disablement benefit or temporary incapacity benefit is approved and the educator remains entitled to sick pay at a rate greater than the rate of pension, the educator will continue to be on sick leave (and therefore not receive the pension) until the sick leave expires (provided that the sick leave entitlements of the educator in question fall within the parameters defined above).

Workers compensation

If an extended period of absence resulting from illness or injury is subject to a workers compensation claim, then the parameters defining that absence shall be as prescribed in the ACT workers compensation legislation. However, if the claim is disputed and/or subsequently denied then the absence will be regarded as sick leave and will fall within the guidelines set out above.

Related policies / documents

- *Return to work (work-related injury)*
- *Staff rehabilitation*

Authorisation

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President

2019 WECC Management Committee