



Medical Examination of Employee

Human Resources Policy

Effective Date: April 2009

1 PURPOSE

To outline the arrangements for the medical examination of a Queensland Health employee pursuant to sections 174 to 179 of the *Public Service Act 2008*.

2 APPLICATION

This policy applies to all Queensland Health employees.

3 GUIDELINES

Guidelines may be developed to facilitate implementation of this policy. The guidelines must be consistent with this policy.

4 DELEGATION

The 'delegate' is as listed in the Queensland Health Human Resource Delegations Manual as amended from time to time.

5 REFERENCES

- *Anti-Discrimination Act 1991*
- *Industrial Relations Act 1999*
- *Income Tax Assessment Act 1936*
- *Public Service Act 2008*
- *Public Service Regulation 2008*
- *Workers' Compensation and Rehabilitation Act 2003*
- Occupational Health and Safety Management System 3-3#21: Managing Ill Health

6 SUPERSEDES

- Separation of Employment HR Policy H1 Part C (April 2008)

7 POLICY

7.1 Legislative provisions

Public Service Regulation 2008 extends the mental or physical incapacity provisions of the *Public Service Act 2008* to health service district employees.

An employer can require an employee to submit to a medical examination if:

- an employee is absent from duty or the employer is reasonably satisfied that the employee is not performing their duties satisfactorily

- the employer reasonably suspects that the employee's absence or unsatisfactory performance is caused by mental or physical illness or disability.

Section 175 of the *Public Service Act 2008* provides for the Director-General or delegate to:

- appoint a doctor to examine an employee and provide a medical report
- require an employee to submit to the medical examination.

If, after considering the report of the medical examination, the Director-General or delegate is reasonably satisfied the employee's absence or unsatisfactory performance is caused by mental or physical illness or disability, the Director-General or delegate may:

- transfer or redeploy the employee
or
- if it is not reasonably practicable to transfer or redeploy the employee, retire the employee.

The above does not limit the action that may be taken in relation to an employee.

7.2 Referral by occupational health and safety practitioner

Once all options, including reasonable adjustment and alternative work roles, have been investigated and the occupational health and safety practitioner is unable to return a worker to safe and sustainable employment, the matter is to be referred to the local HR unit for coordination of the independent medical examination process.

7.3 Medical examination

A direction for an employee to attend a medical examination can only be made under section 175 of the *Public Service Act 2008*.

The local HR unit is to consult HR Branch, Corporate Office prior to directing an employee to submit to a medical examination under section 175 of the *Public Service Act 2008*.

7.4 Directing an employee to attend medical examination

A direction for an employee to attend a medical examination is a lawful direction.

If the Director-General or delegate requires an employee to submit to a medical examination under the *Public Service Act 2008*, the employee is to be provided with a letter directing them to attend the appointment and advising them that the direction is made under the *Public Service Act 2008*.

The letter is to be signed by the appropriate delegate.

Section 176 of the *Public Service Act 2008* states that the employee is not to be given sick leave for any period during which the employee fails to comply with the requirement.

8 APPLYING THE POLICY

8.1 Action following medical report

On receipt of the medical assessment report the Director-General or delegate may:

- transfer or redeploy the employee (all attempts are to be documented)
or
- if transfer or redeployment is not reasonably practicable, retire the employee.

The employee is to be given an opportunity to show cause why they are not to be retired. This includes an opportunity to provide medical advice or other information.

8.2 Notice of retirement to employee

If the employee is to be retired the prescribed period of notice in the relevant Award or the *Industrial Relations Act 1999* (whichever is the greater) is to be provided to the employee in writing.

8.3 Notification to registering authorities

If a registered health professional is retired on the grounds of ill health, the appropriate registering authority is to be notified immediately.

9 HISTORY

April 2009	Amended to include section 7.2 to include referral by an occupational health and safety practitioner in accordance with OHSMS 3-3#21 Managing Ill Health Work Practice Directive.
August 2008	Amended section 8.1 to reflect all Queensland Health employees may be retired, not only those employees from the public service.
August 2008	Extracted from the Separation of Employment HR Policy as the outcome of a medical examination may or may not be separation of employment.