

# SESLHD PROCEDURE COVER SHEET



**Health**  
South Eastern Sydney  
Local Health District

<b>NAME OF DOCUMENT</b>	Sick Leave Management
<b>TYPE OF DOCUMENT</b>	Procedure
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<b>KEY TERMS</b>	Sick leave, unsatisfactory sick leave, excessive sick leave, health safety and wellbeing, illness or injury
<b>SUMMARY</b>	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 Ministry of Health Policy <i>PD2019_010 Leave Matters for the NSW Health Service</i> and the relevant industrial instruments and legislation.

## **COMPLIANCE WITH THIS DOCUMENT IS MANDATORY**

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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
- Flexibility to be able to consider and be sensitive to each employee's particular circumstances
- Active monitoring of sick leave to manage individual cases, and identify and manage organisational contributors to sick leave absences
- The need to support employees in reconciling their work obligations and private commitments
- Effective communication regarding roles, responsibilities and procedures, facilitated through orientation, training and other education
- Eligibility for sick leave under certain conditions rather than automatic entitlement
- Employee and management responsibility and accountability in accordance with the NSW Health 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 Ministry of Health Policy - PD2019 010 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
  - They are attending legitimate therapy, training, counseling or rehabilitation and provide evidence of need and attendance

- 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 their 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 Ministry of Health Policy - PD2019 010 Leave Matters for the 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 Ministry of Health Policy - PD2019 010 Leave Matters for the NSW Health Service](#).

Paid sick leave is cumulative 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.

Leave without pay (including sick leave without pay, maternity, adoption or parental leave) in excess of 28 consecutive calendar days does not count as service for the purposes of sick leave accrual.

**Casual employees** have no entitlement to paid sick leave

**Part-time employees** have a pro-rata entitlement

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

**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

#### Public holidays

An employee who is rostered for duty on a public holiday but takes sick leave is not entitled to any of the usual benefits associated with public holidays. If they are eligible for paid sick leave, they will be paid one day's sick leave, and their sick leave balance will be debited for the number of rostered hours.

#### 4.1 First three months of service

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 Section 18 of [NSW Ministry of Health Policy - PD2019 010 Leave Matters for the NSW Health Service](#).

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:
  - Notifying their manager of an absence due to sickness
  - 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
- Submit a request via SARA to take leave when claiming sick leave
- Participate in any discussions related to attendance
- Provide the necessary notice and evidence for the use of sick leave as personal / carer's leave, as required by these procedures and [NSW Ministry of Health Policy - PD2019\\_010 Leave Matters for the NSW Health Service](#)
- 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 and 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 Manager Self Service (MSS) in 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 the [People & Culture Business Partner](#) 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 People and Culture Business Partnering and Employee Relations 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 [SESLHDPR/564 - Non-Work Related Injury or Illness Management Procedure](#)
- 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**

Evidence of sickness and incapacity is usually not required for absences of two days or less, unless there are particular circumstances involved, including where excessive sick leave is being actively managed.

For periods of sick leave up to one week, certificates in support of sick leave applications may be issued by the following registered health service providers:

- Registered Medical Practitioners; or
- Other persons listed in the relevant award for particular award classifications (e.g. the Director of Nursing); or
  - Dentists
  - Optometrists
  - Physiotherapists
  - Nurse Practitioners
  - Chiropractors
  - Osteopaths

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Where the period of sick leave exceeds one week, the certificate must be from a registered medical practitioner.

Medical certificates should indicate:

- The date on which the examination took place
- The degree of incapacity of the employee
- The date the 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.

While certificates are required to indicate the nature of illness, employees have a right to confidentiality in relation to the reason for sick leave. Where there are concerns about the ability of an employee to perform the duties of their position or to do so safely, the employee's consent should be sought to discuss their prognosis with the provider of the medical certificate, or, if the employee does not consent to this, a second medical opinion may be sought.

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.

Appropriately approved leave requests must be completed for all sick leave absences as soon as possible after return to work (if not already done), and supported by certificates where required.

### 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 SICKUNP – Sick Leave Unpaid in HealthRoster.

### 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 must take appropriate action in consultation with their Return to Work Coordinator or People & Culture Business Partner.

- If high risk, direct the employee to proceed on sick leave while medical advice is being sought and/or until clearance to return to work is provided – refer to [SESLHDPR/564 - Non-Work Related Injury or Illness Management Procedure](#):
  - Where the employee has exhausted their paid sick leave entitlement, they will proceed on sick leave without pay, or they may choose to use any annual or long service leave
  - Where advice from a registered medical practitioner subsequently provides that the employee is fit for duty, and the direction to proceed on sick leave was unnecessary, the employee will be reinstated for any paid leave taken, or reimbursed for any period of sick leave without pay.

**Definition of high risk:** where the injury or illness has a high likelihood of being aggravated / exacerbated by work activities, and/or poses a significant risk to the health and safety of other workers or safety of patients.



If low risk, request the employee provide medical advice from a registered medical practitioner confirming their work capacity.

**Definition of low risk:** where the injury or illness has a low likelihood of being aggravated / exacerbated by work activities, and poses a minimal risk to the health and safety of other workers and safety of patients.

If the employee refuses to seek medical advice, the manager should discuss their duty of care and responsibilities under the WHS legislation. As a last resort, the manager should refer the employee for a medical assessment.

Should the medical advice received indicate that the employee is only able to work with restrictions, the manager must complete a Non Work Related Injury / Illness Notification Form and consult with their Recovery at Work Coordinator - refer to [SESLHDPR/564 - Non-Work Related Injury or Illness Management Procedure](#).

### **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. [The People Assist Hub or People & Culture Business Partners](#) 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 be 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 the Return to Work Coordinator or People & Culture Business Partner, may consider the following options:

- Return to work in current position
- Return to work on reduced hours / duties for a specified period of time
- Job redesign to facilitate a return to work
- Return to work in an alternative position for a specified period of time
- Return to work on reduced hours or in an alternative 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 should be in line with [SESLHDPR/564 - Non-Work Related Injury or Illness Management Procedure](#). If it is not appropriate or practicable to offer the employee a Return to Work Plan, the employee should be managed for unsatisfactory sick leave as outlined in Section 7 below.

**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 use StaffLink to regularly monitor and run the two available reports in relation to employee sick leave. For information on how to run reports refer to the Stafflink Manager Self Service Participant Guide.

**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 taken sick leave within a defined date period.

**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 the People Assist Hub or People & Culture Business Partnering.

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

**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 unsupported by medical certificates.

***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.

***Frequent Short Term Absences – supported***

A manager can commence discussion with an employee who has had eight separate unrelated absences due to sickness which is supported by medical certificates in any 12 months.

Even though the absences may be unrelated it is important that the manager reviews the employee's attendance and provides support as required. If the absences continue the employee should be managed under the [SESLHDPR/564 - Non-Work Related Injury or Illness Management Procedure](#) for an assessment on whether there is an underlying medical condition and in consultation with People & Culture Business Partnering.



***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, study leave) or on a particular day of the week in a specified period
- Large amounts of sick leave prior to retirement
- 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
- Patterns of absence that regularly exhaust or very nearly exhaust paid sick leave entitlements.

**7.1 Step 1 – Informal Discussion**

Managers can initiate discussion with an employee about their sick leave record if they have had five separate absences in a 12 month period or where unsatisfactory sick leave levels or trends have become evident within the first three months of employment. The purpose of the discussion is 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
- 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.

**7.2 Step 2 – First Formal Meeting**

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 2).

At this meeting 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 this on a case by case basis and communicate how this would be demonstrated
- 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 EAP.

Determination of the appropriate follow up review date is dependent on each individual case. 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 People & Culture Business Partnering.

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 the *first sick leave warning* (Attachment 3).

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It should be noted that sick leave warnings issued in relation to unsatisfactory sick leave are in line with the [NSW Ministry of Health Policy - PD2019 010 Leave Matters for the NSW Health Service](#) and can be issued by managers.

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

- A satisfactory attendance record for the whole of the employee's career. It should be assessed whether the absences in the preceding 12 months were a result of abnormal sick leave, special circumstances or the commencement of a trend
- 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. Where the absences are frequent and have occurred over a long period they may need to provide medical advice to confirm their fitness to perform the duties of their position.

Records of actions taken and copies of all letters should be kept on the employee's personal record (e.g. counselling, sick leave warning, or a decision to keep the matter under review). The employee's sick leave absences should be monitored closely to determine if the attendance records show a sustained improvement.

As a general guide sustained improvement may mean that a full-time employee has no more than the following number of absences:

- Up to two separate absences within a three month review period supported by medical certificates
- Up to four separate absences within a six month review period supported by medical certificates
- Up to five absences within a 12 month period supported by medical certificates.

The number of absences for part-time staff may need to be adjusted based on the hours worked by the employee.

All absences must be reviewed on a case by case basis and any advice may be sought from People & Culture Business Partnering as required.

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 4).

### 7.3 Step 3 – Second Formal Meeting

If insufficient improvement occurs in the review period, or if a further two unsupported absences occur, the manager should issue an invitation to a second formal meeting, giving at least 48 hours notice (Attachment 2).

At this meeting 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
- Require a sustained improvement - managers should determine this on a case by case basis and communicate how this would be demonstrated
- Remind the employee of the services of the EAP.

Following the meeting, and in the absence of any mitigating circumstances, the employee is to be issued with a second sick leave warning and, if not requested following the first meeting, are now required to

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produce medical certificates for all sick leave absences (Attachment 5). The review period can be determined on a case by case basis.

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 4).

### 7.4 Step – 4 – Third Formal Meeting

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, the manager should issue an invitation to a third formal meeting (Attachment 6).

At the meeting the manager will:

- Discuss sick leave records over the review period
- Explore any new reasons for the unsatisfactory sick leave including if there is an underlying medical condition
- Review the success of any strategies that were implemented during the review period
- Discuss the effect of the excess sick leave on the team and services
- Note the issue of two sick leave warnings
- Advise the employee of the next steps (commencement of disciplinary action or the need to complete a Capability Assessment – see below)
- Remind the employee of the services of the EAP.

Dependent on whether the employee has provided medical certificates or not, the following steps should be taken:

#### 7.4.1 Unsatisfactory Sick Leave unsupported by Medical Certificates

Disciplinary action can be recommended for 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. (See 7.5 below).

#### 7.4.2 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. In line with [SESLHDPR/564 - Non-Work Related Injury or Illness Management Procedure](#) and in consultation with the Return to Work Coordinator or People & Culture Business Partner, the manager should provide the employee with a copy of their Position Description and Job Demands Checklist and request the employee obtain a completed Capability Assessment.

- If the employee refuses to obtain a Capability Assessment the manager can recommend disciplinary action (See 7.5 below)
- 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 can recommend disciplinary action (See 7.5 below)
- If the treating Medical Practitioner provides a reason for the high levels of sick leave absences, such as an underlying medical condition, the line manager should complete a Non Work Related Injury/Illness Notification Form and forward it with the Capability Assessment to Work Health Safety and Wellbeing. The employee will then be placed on a Return to Work Plan and managed in line with [SESLHDPR/564 - Non-Work Related Injury or Illness Management Procedure](#).

If it is determined that it is not appropriate or practicable to place the employee on a Return to Work Plan, or there is no improvement after a Return to Work Plan has been implemented, the process to

commence retirement on medical grounds can be considered, based on the employee's inability to carry out the inherent requirements of their position.

### **7.5 Disciplinary Action**

Continued unsatisfactory sick leave can lead to disciplinary action being taken. An employee with unsatisfactory sick leave absences should be issued two written warnings, each followed by an appropriate review period, prior to disciplinary action being initiated.

People & Culture Business Partnering will be able to assist management in providing advice on how to proceed, including recommending disciplinary action, or referring the employee for a medical examination as to their fitness for duty.

If the matter is referred for disciplinary action, the manager should send the employee a letter advising that the requirement to provide a medical certificate is continuing, and that the matter is now being managed as a misconduct issue under [NSW Ministry of Health Policy - PD2018\\_031 Managing Misconduct](#), which could result in termination of employment.

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. A sample brief is attached (Attachment 13).

### **7.6 Procedural fairness**

Managers must ensure that procedural fairness is observed in all actions that are taken in relation to managing 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 (e.g. the requirement for Medical Certificates) which includes clear indications of next steps.

## **8. RETURN-TO-WORK MEETINGS**

Managers should conduct return-to-work meetings, however brief or informal, when the employee returns to work after a sick leave absence. Return-to-work meetings may be conducted after each absence, or at a pre-determined point, for example when a trend emerges, or after a long term illness. 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, where appropriate
- 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 EAP, where appropriate
- Discuss the option of a medical assessment to review the employee's ongoing fitness for duties, where appropriate.

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

## **9. 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. In order to ensure that the employee's leave is adequately managed, it is the responsibility of the current

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line manager to ensure that any written records regarding the employee's unsatisfactory sick leave are transferred to the new manager.

### 10. DOCUMENTATION

Attachment 1	Flowchart
Attachment 2	Letter - Meeting Invitation
Attachment 3	Letter - First Sick leave Warning
Attachment 4	Letter - No Further Monitoring
Attachment 5	Letter - Second Sick Leave Warning
Attachment 6	Letter - Invitation to Third Meeting
Attachment 7	Letter - Commencement of Disciplinary Action
Attachment 8	Brief to Tier 2 Director / General Manager Director – Disciplinary Action.

### 11. AUDIT

This process is audited through a variety of means including:

- Sick Leave Reports
- StaffLink
- Manager's Records
- People & Culture Business Partnering and Employee Relations

### 12. REFERENCES

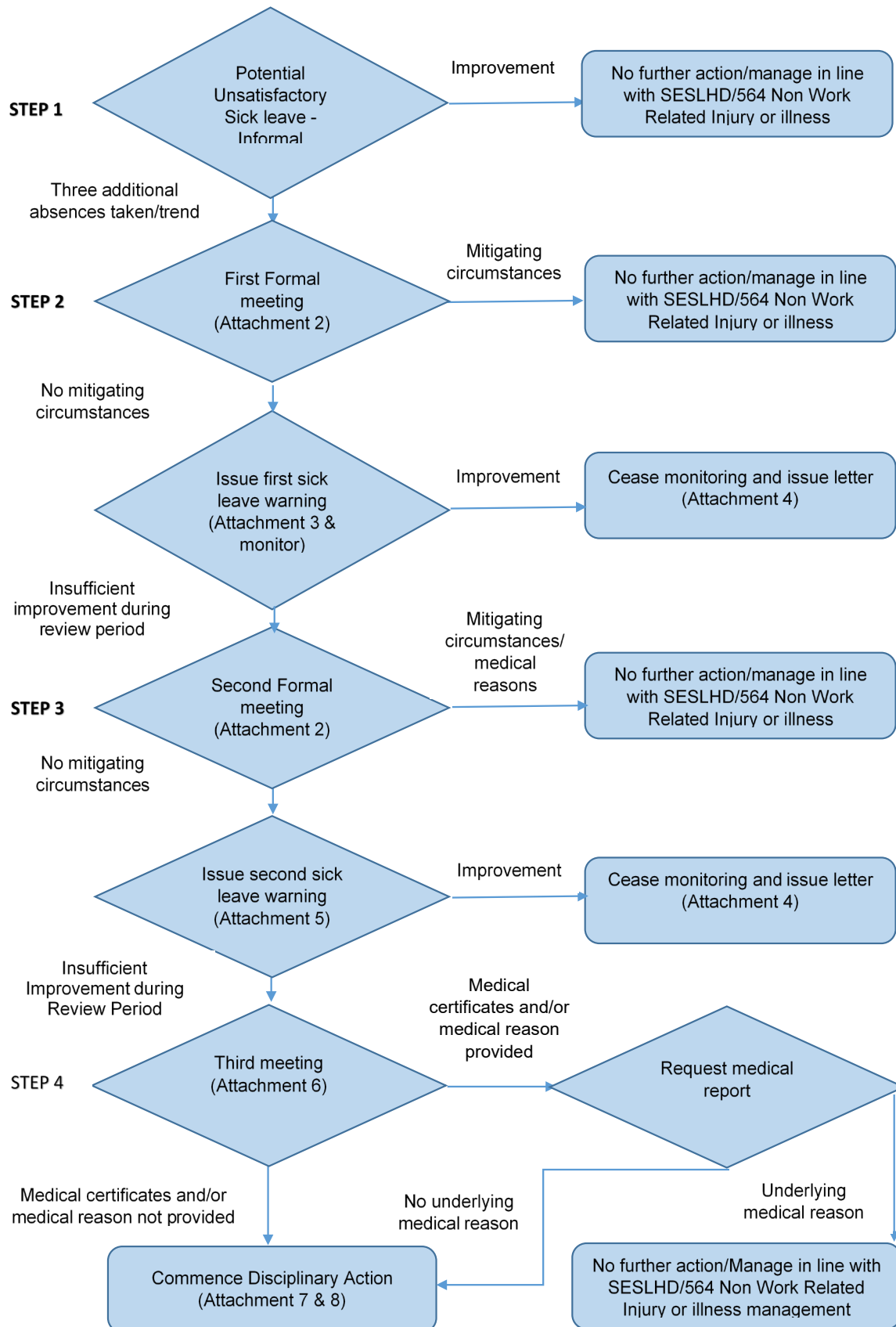
- [NSW Ministry of Health Policy Directive - PD2019\\_010 Leave Matters for the NSW Health Service](#)
- [NSW Ministry of Health Policy Directive - PD2013\\_006 Injury Management and Return to Work](#)
- [NSW Ministry of Health Policy Directive - PD2018\\_031 Managing Misconduct](#)
- [NSW Health Information 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](#)
- [SESLHDPR/564 - Non-Work Related Injury or Illness Management Procedure](#)
- [SESLHD Delegations of Authority Manual](#)

### 13. REVISION AND APPROVAL HISTORY

Date	Revision No.	Author and Approval
June 2015	1	Endorsed by Executive Sponsor
June 2015	1	Endorsed by DET on 11 June 2015
June 2018	2	Minor changes to position titles and alignment to NSW Health policy directive Leave Matters – approved by Executive Sponsor
July 2018	2	Processed by Executive Services prior to publishing.
November 2018	3	Minor review to update references to Ministry of Health Policies and letters updated. Approved by Executive Sponsor.
December 2018	3	Processed by Executive Services prior to publishing – Minor Review.
January 2022	4	Minor review: hyperlinks updated; added references to 'People Assist Hub'; updated references to People and Culture positions; updated brief template in attachment 8. Approved by Executive Sponsor. Processed and published by SESLHD Policy.



**ATTACHMENT 1 – FLOWCHART**





# SESLHD PROCEDURE

## Sick Leave Management

SESLHDPR/412

### ATTACHMENT 2 – INVITATION LETTER FIRST / SECOND FORMAL MEETING

Ref: Txx/xxxx

#### PRIVATE AND CONFIDENTIAL

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

Dear <Name>

#### <First Formal Meeting>

A review of your sick leave record has determined that you have taken excess sick leave as described in *SESLHDPR/412 Sick Leave Management*.

You are invited to a meeting to discuss your attendance and sick leave, (see attached record). 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.

OR

#### <Second Formal Meeting>

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 first 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. *[Insert for Nursing and Midwife Staff only:]* You also have access to the Nurse and Midwife Support, a confidential service available 24/7 on 1800 667 877.

Yours sincerely  
Manager Name  
**Manager Title**  
<Date>

**SESLHD PROCEDURE****Sick Leave Management****SESLHDPR/412****ATTACHMENT 3 – FIRST SICK LEAVE WARNING**

Ref: Txx/xxxx

**PRIVATE AND CONFIDENTIAL**

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

Dear &lt;Name&gt;

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> OR <over the three month period since you commenced work on 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 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 further absences of sick leave. Failure to produce a medical certificate for any further absences will result in the imposition of sick leave without pay.>  
>

This letter serves as a first sick leave warning and your sick leave absences will continue to 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 and strategies to deal with the problem with me. I also would like to remind you of the availability of the Employee Assistance Program (EAP), available on 1300 687 327. *[Insert for Nursing and Midwife Staff only:]* You also have access to Nurse and Midwife Support, a confidential service available 24/7 on 1800 667 877.

Yours sincerely

Manager Name

**Manager Title**

&lt;Date&gt;

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

\_\_\_\_\_  
<employee name> signature and date

**SESLHD PROCEDURE****Sick Leave Management****SESLHDPR/412****ATTACHMENT 4 – 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 two days>

Yours sincerely

Manager Name

**Manager Title**

<Date>

**SESLHD PROCEDURE****Sick Leave Management****SESLHDPR/412****ATTACHMENT 5 – SECOND SICK LEAVE WARNING**

Ref: Txx/xxxx

**PRIVATE AND CONFIDENTIAL**

&lt;Name&gt;

&lt;Street Address&gt;

&lt;City State Postcode&gt;

Dear &lt;Name&gt;

I refer to the letter dated <date of first 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*

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

OR

<You need to continue 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 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, <name and number>, a People & Culture Business Partner or the Employee Assistance Program (EAP), available on 1300 687 327. *[Insert for Nursing and Midwife Staff only:]* You also have access to Nurse and Midwife Support, a confidential service available 24/7 on 1800 667 877.

Yours sincerely

Manager Name

**Manager Title**

&lt;Date&gt;

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

\_\_\_\_\_  
<employee name> signature and date

**SESLHD PROCEDURE****Sick Leave Management****SESLHDPR/412****ATTACHMENT 6 – INVITATION TO THIRD FORMAL MEETING**

Ref: Txx/xxxx

**PRIVATE AND CONFIDENTIAL**

&lt;Name&gt;

&lt;Street Address&gt;

&lt;City State Postcode&gt;

Dear &lt;Name&gt;

I refer to the letter dated <date of second leave warning> notifying you that your sick leave was unsatisfactory, issuing you with a second sick leave warning and advising you that your sick leave record would be monitored for a further <number> months. A review of your sick leave record has shown no acceptable and sustained improvement with <number> of absences since the issue of the second sick leave warning of which <number> were unsupported by medical certificates.

Consequently it is now necessary to discuss the next steps. 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*.

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. *[Insert for Nursing and Midwife Staff only:]* You also have access to Nurse and Midwife Support, a confidential service available 24/7 on 1800 667 877.

Yours sincerely

Manager Name

**Manager Title**

&lt;Date&gt;

**ATTACHMENT 7 – LETTER ADVISING OF DISCIPLINARY ACTION**

Ref: Txx/xxxx

**PRIVATE AND CONFIDENTIAL**

&lt;Name&gt;

&lt;Street Address&gt;

&lt;City State Postcode&gt;

Dear &lt;Name&gt;

I refer to the meeting held on <date of third meeting> at which your unsatisfactory sick leave record was discussed.

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>.

You will receive a letter from <appropriate Tier 2 Director / General Manager> 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 / General Manager>.

You are reminded of the availability of the Employee Assistance Program (EAP), available on 1300 687 327. *[Insert for Nursing and Midwife Staff only:]* You also have access to Nurse and Midwife Support, a confidential service available 24/7 on 1800 667 877.

Yours sincerely

Manager Name

**Manager Title**

&lt;Date&gt;



**ATTACHMENT 8 – BRIEF TO COMMENCE DISCIPLINARY PROCESS**

**Disciplinary action due to unresolved unacceptable sick leave.**

<b>Analysis</b>	<<Employee Name, Position, Department,> has a history of unacceptable sick leave. Sick Leave Warnings were issued on DD/MM/YYYY and DD/MM/YYYY. Following further unresolved unacceptable sick leave, a third formal meeting was held. <Employee name> was unable to provide an acceptable reason for the unresolved sick leave OR <insert brief reasons, or relevant information>. It is recommended that the <Tier 2 Director / General Manager> <issue a Formal Warning or recommend the Termination of <Employee name> employment>.
<b>Recommendation</b>	<<That the GM/CE/Director >> <<note the information / sign the correspondence/ approve the <<disciplinary action>>

**Background and Key Issues**

- <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>
- Other considerations taken into account include <any other relevant information>
- Essential facts to support recommendation and advantages / disadvantages of recommendation
- Reference prior / supporting documents and list as Tabs (A – Z) and include CM references.
- <name> is in breach of the NSW Health Code of Conduct PD2015\_049 Section 4.3.5 Carry out their duties diligently and efficiently.

**Impact**

Consider impacts eg Patient Safety / Organisational Reputation / Performance / Aboriginal Health / Financial / Human Resources / Industrial relations / Staff safety

**Risk**

This brief does / does not identify unmitigated risk(s)

**Consultation**

<Senior Manager Name, Position; Name, Position of People & Culture Business Partner; Name, Industrial Relations Specialist; Name, Employee Relations Consultant; other>

**Contact**

<<The Author's Name, Position, Phone>>,

Date

**Approval**

<b>Name:</b>	<b>Select Approver</b>	<b>Click to enter date.</b>
Submit to <a href="mailto:SESLHD-ExecutiveServices@health.nsw.gov.au">SESLHD-ExecutiveServices@health.nsw.gov.au</a>	<b>Date Received:</b>	
<b>Manager Office of the Chief Executive</b>		
<b>Add Tier 2 approver/s</b>		

# SESLHD PROCEDURE

## Sick Leave Management

**SESLHDPR/412**

<b>Name:</b>	<b>Select Approver</b>	<b>Click to enter date.</b>
<b>Name:</b>	<b>Select Approver</b>	<b>Click to enter date.</b>
<b>Name:</b>	<b>Select Approver</b>	<b>Click to enter date.</b>
<b>Name:</b>	<b>Select Approver</b>	<b>Click to enter date.</b>

**CHIEF EXECUTIVE**

**Date:**

**Dispatch / Distribution / Communication**

<<Routine dispatch is to the contact person listed above and the relevant General Manager or Director. Please provide specific instructions and use the below table if broader circulation is required >>

**On dispatch please distribute to the following for information**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Director Allied Health        | <input type="checkbox"/> Director Clinical Governance & Medical Services | <input type="checkbox"/> Director Corporate & Legal Services |
| <input type="checkbox"/> Director Finance              | <input type="checkbox"/> Director Nursing & Midwifery Services           | <input type="checkbox"/> Director People & Culture           |
| <input type="checkbox"/> Director Research             | <input type="checkbox"/> Director Strategy, Innovation & Improvement     |  |
| <input type="checkbox"/> Executive Director Operations | <input type="checkbox"/> OTHER   | <input type="checkbox"/> Director Internal Audit             |
| <input type="checkbox"/> General Managers              | <input type="checkbox"/>   | <input type="checkbox"/> Manager Media Communications        |
| <input type="checkbox"/> DPACH                         |  | <input type="checkbox"/> General Manager OTDS                |
| <input type="checkbox"/> Mental Health                 |  | <input type="checkbox"/> General Manager War Memorial        |
| <input type="checkbox"/> POWH/SSEH                     |  | <input type="checkbox"/> General Manager Calvary Kogarah     |
| <input type="checkbox"/> RHW                           |  |  |
| <input type="checkbox"/> STG                           |  |  |
| <input type="checkbox"/> TSH                           |  |  |

**Provide specific instructions**

<< Return to author for hand delivery OR original signed copy to be sent by mail to xyz; provide to Manager Employee Relations >>

**Date dispatched:**