

Medical Examination and Termination on the Grounds of Ill Health Procedure

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APPLICATION

This procedure applies to staff employed in accordance with:

1. The University of South Australia Academic and Professional Staff Collective Agreement 2006; or
2. The University of South Australia Grounds and Security Staff Enterprise Agreement 2008; or
3. The University of South Australia Document Services Staff Collective Agreement 2006; or
4. An Australian Workplace Agreement (AWA) covering Academic, Professional, Security, Grounds or Document Services Staff where a reference to this procedure is specifically referred to in the AWA.

OVERVIEW

This procedure reflects the preferred practices of the University and provides a guide to the application and management of termination of the grounds of ill-health.

For the purpose of this Procedure, the Vice Chancellor's nominee will be the Director: Human Resources unless otherwise determined.

PROCEDURE

1. Medical Examination and Ill Health

The Vice Chancellor (or nominee) may require staff members to undergo a medical examination to determine their fitness to carry out their duties. Such examination shall be made by a qualified medical practitioner and its cost shall be borne by the University. Where agreement cannot be achieved on a medical practitioner, a nomination by the President of the State Branch of the Australian Medical Association will be used. Nothing in this clause shall preclude a staff member's right to furnish a second medical opinion.

2. Refusal of Medical Examination

The Vice Chancellor may construe a failure by a staff member to undergo a medical examination in accordance with these procedures, within a reasonable timeframe, as prima facie evidence that such a medical examination would have found that the staff member is unable to perform his or her duties and is unlikely to be able to resume them within twelve (12) months, and may act accordingly, provided that such a refusal by a staff member in these circumstances shall not constitute misconduct nor lead to any greater penalty or loss of entitlements than would have resulted from an adverse medical report.

3. Medical Assessment

3.1 In making an assessment as to whether or not a staff member is unable to perform his or her duties and is unlikely to be able to resume them within a reasonable period, the medical practitioner appointed pursuant to these procedures shall be supplied with the following by the University:

- i) a briefing detailing the reasons why the University has requested a medical assessment; and
- ii) an outline of the staff member's role and responsibilities within the University; and
- iii) a request as to whether any workplace accommodations could be made to assist the staff member perform the full range of their duties within a reasonable period of time
- iv) a request to provide any other information that, in the medical practitioner's opinion, should be considered by the University.

3.2 In the event that the staff member has more than one medical condition, and so as to ensure that the University has a comprehensive medical assessment, the University may:

- i) refer the staff member to a separate medical practitioner for each condition; and
- ii) make each medical practitioner aware of the various medical conditions and referrals that have been made.

4. Copy of Medical Report

A copy of the medical report made by the medical practitioner pursuant to clause 1 hereof shall be made available to the Vice Chancellor and to the staff member.

5. Superannuation

5.1 Where the staff member elects to apply to the staff member's superannuation fund for ill-health retirement or disability benefit pursuant to the rules of the superannuation fund, the requirement for a medical examination under these procedures shall lapse forthwith and no further action, subject to subclause b), shall be taken by the Vice Chancellor under this clause.

5.2 Where the superannuation fund decides that the staff member, following a period of receipt of a temporary disability benefit, is capable of resuming work and the Vice Chancellor elects to dispute this decision, the Vice Chancellor may proceed in accordance with these procedures.

6. Termination and notice period

If the medical examination reveals that the staff member is unable to perform his or her duties and is unlikely to be able to resume them within a reasonable period, being not less than twelve (12) months, the Vice Chancellor may terminate the employment of the staff member in accordance with the notice required by the staff member's contract of employment (normally two (2) weeks), or where no notice is specified a period of six (6) months. Prior to taking action to terminate the employment of a staff member, the Vice Chancellor may offer the staff member the opportunity to submit a resignation and, if such a resignation is offered, shall accept it forthwith and not proceed with action to terminate employment.

7. Personal (Sick) leave

Where a staff member is terminated on the grounds of ill health, all accrued personal (sick) leave (at the date of termination) shall be paid in full.

8. Workers compensation

These provisions shall not displace or override any workers compensation schemes or awards whether State or Federal, including WorkCare and WorkCover, or the provisions contained in any workers compensation legislation that may be enacted.

RESPONSIBILITIES AND/OR AUTHORITIES

Immediate supervisor

The immediate supervisor is responsible for bringing to the attention of Director: Human Resources their concerns in relation to a staff member's fitness to carry out their duties

The Human Resources Unit

The Human Resources Unit is responsible for:

- Facilitating the termination on grounds of ill health process in accordance with this procedure.
- Development and continuous improvement of these procedures.

FURTHER ASSISTANCE

Management and staff may seek further advice from:

- Their immediate supervisor
- The designated HR officer/coordinator for their area
- The Human Resources Unit
- The Human Resources website

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