

# Managing Ill Health Policy

## Section 1 - Key Information

<b>Policy Type and Approval Body</b>	Administrative – Vice-Chancellor
<b>Accountable Executive - Policy</b>	Chief People Officer
<b>Responsible Manager - Policy</b>	Director, Workplace Relations Injury Services
<b>Review Date</b>	23 May 2028

## Section 2 - Purpose

(1) The purpose of this Policy is to establish a structured approach for managing staff health concerns in the workplace, ensuring that all staff are supported in maintaining their health and wellbeing at work.

(2) This Policy aims to provide clear guidelines for addressing both short-term and long-term ill health, promoting early intervention, fostering an environment of understanding, and ensuring compliance with the [La Trobe University Enterprise Agreement 2023](#) ([Enterprise Agreement](#)) and relevant health and safety regulations.

(3) Ill Health refers to a staff member who is unable to perform the inherent requirements of their position due to illness or injury or may pose a health and safety risk to other staff or students.

## Section 3 - Scope

(4) This Policy applies to all continuing and fixed-term staff at the University where the [Enterprise Agreement](#) applies to their employment.

(5) Noting clauses 24-27 of this Policy (Termination of employment on the Grounds of Ill-Health) do not apply to staff employed on Senior Staff Contracts. Where applicable, the remainder of the Policy can be applied to staff employed under Senior Staff Contracts.

## Section 4 - Key Decisions

<b>Key Decisions</b>	<b>Role</b>
Notification of leave required due to a medical condition or submitting a workplace adjustment request to advise on their capacity to perform inherent requirements of role.	Staff Member
Contacting staff who are on leave for longer absences to undertake welfare checks, refer staff to relevant support services (i.e. Staff Wellbeing Connect, EAP) and confirming arrangements for returning to work and promptly seeking assistance from P&C.	Supervisor/Manager
Identifying a genuine concern whether staff member is able to perform the inherent requirements of their position due to illness or injury, or may pose an occupational health and safety risk to other staff or students, and issuing a direction to attend an independent medical examination.	Senior Manager, Workplace Relations and Support

Key Decisions	Role
Progressing Serious Misconduct process on the basis of a refusal or failure to attend the medical examination without reasonable cause.	Chief People Officer
Decision to terminate employment on the grounds of ill health.	Chief People Officer

## Section 5 - Policy Statement

(6) La Trobe University is committed to supporting staff with work-related and non-work-related injury or ill health.

## Section 6 - Procedures

### Part A - Initial Approach

(7) Staff members taking personal or unplanned leave are encouraged to:

- provide their supervisor with sufficient information that enables the supervisor to understand the estimated time of the absence and whether the illness or injury may impact their ability to perform the inherent requirements of their position, upon their return;
- submit their personal leave in MyHR as soon as practicable (including during periods of leave) to ensure that their absence is correctly recorded and deducted from their leave entitlements, and they are not overpaid.

(8) Where a staff member is absent for a period of two (2) weeks or more due to personal or unplanned leave and the supervisor is unsure of the staff member's estimated return to work, the supervisor may contact their staff member to discuss their leave arrangements and estimated return to work.

(9) Supervisors may contact People & Culture for advice if:

- they experience any difficulties contacting the staff member, or are reluctant to contact the staff member due to workplace issues;
- if the staff member (upon request from the supervisor) has not provided information or indicated their estimated return to work;
- a staff member indicates that the illness or injury may impact their ability to perform the inherent requirements of their position;
- the expected absence is for longer than four (4) weeks; or
- the staff member does not have sufficient paid leave entitlements to cover the period of leave.

(10) People & Culture will discuss the matter with the Supervisor and Injury Management Consultant to determine next steps.

(11) For absences greater than two (2) weeks, if a staff member does not submit their leave in MyHR at the time of the absence, the supervisor must arrange for the leave to be recorded in MyHR by submitting an AskP&C request. A failure to submit leave on a fortnightly basis may lead to the staff member being overpaid.

### Part B - Return to Work Planning

(12) The University may request a medical clearance from a staff member's medical practitioner who is returning to work after a period of personal leave to determine if they are fit to return to work and identify any requests for workplace adjustments. This will likely occur where People & Culture has formed a view that the nature of the illness

or injury may impact the staff member's ability to perform the inherent requirements of their position, or where the staff member may pose an occupational health and safety risk to themselves or other staff and students.

(13) The Injury Management Consultant, People & Culture and Supervisor will work with the staff member to facilitate an appropriate return to work plan, supported by medical advice. It is the intention of the University for staff to return to work as smoothly as possible. It is expected that where staff have suffered a significant illness or injury such that workplace adjustments may be required, the University will support the staff member through this process as appropriate. For further information refer to the [Injury Management Policy](#).

(14) In addition, there may be some circumstances where the staff member's illness or injury may prevent them from immediately returning to their pre-illness/injury duties. In these circumstances, the University will explore opportunities with the staff member to facilitate a safe return to work and will support the staff member to be able to perform the inherent requirements of the position.

## **Part C - Independent Medical Examination**

(15) The University may initiate the procedures in clause 55 of the [Enterprise Agreement](#) (Managing Ill Health) and require a staff member to undergo an independent medical examination where the University has a genuine concern that a staff member is unable to perform the inherent requirements of their position due to illness or injury, or may pose an occupational health and safety risk to other staff or students, and where:

- a. the staff member refuses to discuss their circumstances with the University, or
- b. the staff member refuses to provide information requested of them, or
- c. the staff member is uncertain about the length of their absence or the impact the medical condition will have on their ability to perform the inherent requirements of their position, and
- d. the University has a genuine concern that a staff member is unable to perform the inherent requirements of their position due to illness or injury, or may pose an occupational health and safety risk to other staff or students.

(16) The University may also initiate the procedures in clause 55 of the [Enterprise Agreement](#) and require a staff member to undergo an independent medical examination where a staff member is at work (i.e. not on leave) and where the University has a genuine concern that a staff member is unable to perform the inherent requirements of their position due to illness or injury, or may pose an occupational health and safety risk to other staff or students.

(17) Where the University has determined that an independent medical examination is necessary, the University will provide the staff member with a minimum of one (1) weeks' written notice of the requirement to attend an independent medical examination. The medical practitioner will be chosen and paid for by the University.

(18) If a staff member is on personal leave at the time a direction to attend an independent medical examination is provided, they will continue on personal leave until the independent medical examination is conducted and a fitness for work assessment is provided. The staff member will be required to attend an independent medical examination even whilst on personal leave.

(19) If the staff member is working at the time a direction is given, and the University forms the view it is unsafe for the staff member to remain at work, it may place the staff member on paid special leave while the process is being undertaken. Noting that if at any time during this process the staff member is assessed by a medical practitioner as not being fit to attend work, they will be placed on personal leave (or unpaid leave, should the staff member not have a personal leave balance).

(20) The staff member is required to co-operate in respect of the direction, including any requests made by the independent medical practitioner to enable examination and provision of any medical report.

(21) A copy of the independent medical report will be provided to the University and to the staff member.

(22) Based on the advice from the medical practitioner the University will work with the staff member to facilitate a fair, consistent, appropriate return to work plan. It is the intention of the University for staff to return to work as smoothly as possible.

(23) Where the medical advice identifies that a staff member is not able to immediately return to work but can meet the inherent requirements of their position within 12 months, the University will discuss future leave options with the staff member (where applicable) or other options for them to explore, such as temporary disability benefits with their Superannuation fund.

## **Part D - Termination of Employment on the Grounds of Ill-Health**

(24) The University may give written notice of its intention to terminate the employment of a staff member on the grounds of ill health, including the period of notice of termination in accordance with the staff member's contract of employment (or where no notice is specified, a period of six (6) months' notice), if:

- a. an independent medical report received shows that the staff member is unlikely to be able to perform the inherent requirements of their position within twelve (12) months; or
- b. the staff member refuses or fails to attend the medical examination without reasonable cause and the University concludes the staff member is unable to perform the inherent requirements of their position within twelve (12) months.

(25) The University will not proceed to finalise the termination of employment if, within two (2) weeks of the notification, the staff member, or their Representative:

- a. requests a further medical report; or
- b. advises the University of their intention to retire on the grounds of ill health; or
- c. apply for temporary disability benefit with UniSuper.

(26) Further information on the Termination on the Grounds of Ill Health process can be found in clause 71 of the [Enterprise Agreement](#).

(27) This Policy will not displace or override any existing State or Federal workers' compensation schemes contained in any applicable workers' compensation legislation, or the [Disability Discrimination Act 1992 \(Cth\)](#) or relevant equal opportunity legislation.

## **Part E - Support Services**

(28) The University has a range of support services staff can access, this includes support from our internal [Staff Wellbeing Connect team](#) and our external [Employee Assistance Program \(EAP\)](#) provider which offer counselling and coaching services.

(29) Staff can also request a workplace adjustment to assist with managing a medical condition whilst performing the inherent requirements of their position. Please refer to the [Workplace Adjustment \(Staff\) Policy](#) and our [intranet](#) for more information.

## **Section 7 - Definitions**

(30) For the purpose of this Policy and Procedure:

- a. Representative: is a friend or colleague (but this person will not be a practicing solicitor or barrister) or Union representative which may be from the NTEU.
- b. Students: refer to all enrolled students (including people applying to the University for admission or scholarship, students on leave of absence, exchange students, past students who were enrolled less than twelve months ago and students awaiting examination of a submitted thesis).

## Section 8 - Authority and Associated Information

(31) This Policy is made under the [La Trobe University Act 2009](#).

(32) Associated information includes:

- a. [Injury Management Policy](#)

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	23rd May 2025
<b>Review Date</b>	23rd May 2028
<b>Approval Authority</b>	Vice-Chancellor
<b>Approval Date</b>	23rd May 2025
<b>Expiry Date</b>	Not Applicable
<b>Responsible Manager - Policy</b>	Regan Sterry Chief People Officer
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