

ORGANISER'S REPORT

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YOUR SICK LEAVE QUESTIONS ANSWERED

At the time of writing this article there are 61 sleeps to Christmas, (for those of you who are counting). Let's hope this year ends in a better financial position than the doom and gloom of last year. Everywhere I go I hear of employee's and employers doing it hard and as a consequence of that business' trying that little bit harder to get that little bit more out of its employees. We saw the current financial crisis have an affect on the last Union Collective Agreement we negotiated, percentage increases are just not there to give. As union members and members of union negotiating committees we have to think outside the box, now more than ever.

We are all concerned about the financial crisis and the affects that it's having on our lives. I know of members who are taking on more within their employment and don't want to say no to the extra requests due to fear of losing their job. We have to also protect ourselves from being burnt out emotionally and physically.

Employers more than ever are looking at what you do i.e. work performance, sick leave.

Sick leave is especially being looked at in most businesses. Sick leave is a cost that most employers would much rather do without. Sick leave questions are common and if you are having problems in this regard please don't hesitate to call the union.

Some common sick leave questions are:

How much sick leave am I entitled to?

Most employees (except casual employees) are entitled to sick leave which can be used when the employee is too ill to work or when it is necessary to look after ill family members. How much sick leave you're entitled to depends upon the agreement or award you are paid under.

How much sick leave can I take?

You would have to be guided by your doctor on how long you can take off work but you can only be paid if you have sick leave credit available.

Can I take sick leave to look after a sick family member i.e. child/children?

You can take sick leave to look after a sick family member (Carer's Leave). Carer's leave is paid out of your sick leave entitlement in most cases. If an employee takes carer's leave they must be responsible for the care of the person who is sick.

Who can I take the leave for?

You may take sick leave/carer's leave for a family member who is the employee's:

- Spouse, de facto spouse or same sex partner
- Child, including adopted, foster, ex-nuptial or step child
- Parent, including foster parent or legal guardian
- Grandparent
- Grandchild
- Sibling.

An employee may also take leave for the children, parents, grandparents or siblings of their spouse or defacto spouse, or any other relative who is direct relative mentioned above.

What proof do I have to provide to be eligible for sick leave?

For sick/carer's leave, an employer can require you to establish that you or a family member is sick and needs care. A medical certificate or statutory declaration can do this.

What information must be contained on the medical certificate? (As per the NSW Medical Board Medical Certificates Policy <<http://www.nswmb.org.au/index.pl?page=68>> Revised February 2005)

- The certificate should be legible, written on the doctor's letterhead and should not contain abbreviations or medical jargon.
- The certificate should be based on facts known to the doctor. The certificate may include information provided by the patient but any medical statements must be based upon the doctor's own observations or must indicate the factual basis of those statements.

Medical Certificates Policy
NSW Medical Board's Web Site
<http://www.nswmb.org.au/index.pl?page=68>

- The certificate should:
 - (a) indicate the date on which the examination took place
 - (b) indicate the degree of incapacity of the patient (refer section 6 below)
 - (c) indicate the date on which the doctor considers the patient is likely to be able to return to work
 - (d) be addressed to the party requiring the certificate as evidence of illness e.g. employer, insurer, magistrate
 - (e) indicate the date the Certificate was written and signed
- The Certificate should only be issued in respect of an illness or injury observed by the doctor or reported by the patient and deemed to be true by the doctor.
- A certificate may be issued by a doctor subsequent to a patient taking sick leave. However the certificate must:
 - (a) state the date the Certificate was issued
 - (b) cover the period during which the doctor believes the patient would have been unfit for work

- When issuing a sickness certificate, doctors should consider whether or not an injured or partially incapacitated patient could return to work with altered duties. Arrangements regarding altered duties are matters for negotiation between the patient and the employer.
- Patient rights to confidentiality must be respected; a diagnosis should not be included in a certificate without a patient's consent.

Patients may request doctors to withhold information regarding their diagnosis. In such cases it should be made clear to the patient that the information provided on the certificate may not be sufficient to attract sick leave and that an employer has the ultimate right to accept or to reject a certificate.

If you have any questions regarding sick leave or anything else please don't hesitate to call the union.

"Until next time" - Bye for now, Karen Rogers

Congratulations to our new Life Members

Patricia Gilbert

Patricia joined the AMIEU in 1980, she was an active Union delegate throughout her working life at Steggles. Over that period of time she saw a lot of changes and helped many of our union members.

Marie Lucas

Joining our union in 1980 Marie worked at Chickadee Chickens (now Ingham's Lisarow). Marie was a very active delegate who has contributed a lot to this union and her fellow workers.



Presented at the Union's awards night in Newcastle by Mark Cooke and Kath Evans.

Happy Retirement Howard Barbey

Howard started working at Grafton Ulmarra Dairy factory in 1979 as a cart machinery operator.

In the early 90's Howard joined Norco, Lismore.

Howard has been married to his wife Sandra for over 30 years and they have a son Anthony and daughter Michelle.

Kath Evans and Justin Smith joined in the retirement party celebrations for Howard back in May (pictured right).

Wishing Howard all the best in his retirement!

