

# Medical Conditions Affecting Performance Policy

## Section 1 - Purpose and Objectives

(1) This Policy outlines the provisions related to the management of medical conditions affecting the performance of University staff. This Policy will be applied in accordance with the Enterprise Agreement and the [Medical Conditions Affecting Performance Procedure](#).

## Section 2 - Definitions, Terms, Acronyms

Term	Definition
Case Manager	representative from the Human Resources Division responsible for managing performance concerns associated with a staff member's medical condition in consultation with the Associate Director, Workplace Relations (or their delegate).
Enterprise Agreement	The <a href="#">University of Queensland Enterprise Agreement 2021-2026</a> , or as amended or replaced.
Reasonable Adjustment	an adjustment is a reasonable adjustment unless making it would impose an unjustifiable hardship or involve changing the inherent requirements of a job.
Redeployment	placement of a staff member from their substantive position to a suitable alternative position.
Senior Executive	<ul style="list-style-type: none"><li>• professional staff – the Chief Operating Officer;</li><li>• academic staff – the Pro-Vice-Chancellor;</li><li>• TESOL Language Teacher staff – the Deputy Vice-Chancellor (Global Engagement); or</li><li>• another senior officer nominated by the University.</li></ul>

## Section 3 - Policy Scope/Coverage

(2) This Policy applies to all staff covered by the [Enterprise Agreement](#).

## Section 4 - Policy Statement

(3) The University is committed to accident prevention and health promotion. However, the University recognises that despite its best efforts, some medical conditions can arise (i.e. injuries and illnesses) that affect a staff member's ability to carry out their duties. These injuries and illnesses can arise at the workplace or outside.

(4) The University has an obligation to support and contribute to the provision of rehabilitation for all staff whose ability to carry out their duties is affected by injury or illness. The [Workers' Compensation and Rehabilitation Policy](#) and [Workers' Compensation and Rehabilitation Procedure](#) are administered by the Health, Safety and Wellness Division, and can operate in conjunction with this Policy.

(5) The University is committed to the following priorities with respect to final outcomes of injury/illness:

- a. Priority 1: The staff member returns to the same position.
- b. Priority 2: The staff member returns to a modified version of the same position.

- c. Priority 3: The staff member is redeployed to a different position preferably within the substantive organisational unit or to another organisational unit.

(6) Termination on the grounds of ill-health only occurs when the staff member is unable to be redeployed within the University and as a last resort.

(7) Further details are included in the [Workers' Compensation and Rehabilitation Policy](#) and [Workers' Compensation and Rehabilitation Procedure](#).

## Section 5 - Medical Advice

(8) In order to support and contribute to the provision of rehabilitation for staff whose ability to carry out their duties is affected by an injury or illness, the University may need to consider appropriate medical information and advice.

(9) Nothing in this Policy or the associated procedures restricts any right the University may have to direct a staff member to attend a medical appointment where there are genuine occupational health and safety reasons for this. Any such direction will operate independently of this Policy and not be part of the associated procedures.

### Treating Medical Practitioner

(10) To assist in creating a considered and personalised approach to personal injury or illness, the University will appoint a Case Manager.

(11) The Case Manager can request consent to liaise with the staff member's treating medical practitioner(s).

(12) The staff member is under no obligation to provide consent for the Case Manager to liaise with their treating medical practitioner. Where a staff member has provided their consent for the Case Manager to liaise with their treating medical practitioner, the staff member can withdraw their consent at any time in writing.

### Independent Medical Examination

(13) Where, after thorough investigation (including the processes as outlined in the [Workers' Compensation and Rehabilitation Procedure](#)), the capacity of a staff member to perform the duties of their role is in doubt, the relevant Senior Executive may require the staff member, in writing, to undergo medical examination subject to the notice requirements contained in the [Medical Conditions Affecting Performance Procedure](#).

## Section 6 - Redeployment

(14) Attempts to redeploy an injured or ill staff member to a suitable alternative position can occur in circumstances where rehabilitation to the staff member's substantive or modified position is unsuccessful or where the staff member agrees that the circumstances may prevent rehabilitation to the position.

(15) Redeployment may or may not involve placement into another organisational unit, although redeployment within the substantive organisational unit is a priority.

(16) Redeployment can be on a temporary or continuing basis. An injured or ill staff member can either seek to be, or be required to be, redeployed. In either case, the staff member will be involved in consultations with the Head of Organisational Unit and/or supervisor, Case Manager and where appropriate, the Ergonomics and Rehabilitation Advisor.

## Section 7 - Retraining

(17) Staff unable to return to their substantive position, and unable to be redeployed to a suitable alternative position, can receive, where practicable, assistance with retraining. Priority for assistance will be given to staff who are considered to have good redeployment prospects within the University following retraining.

## Section 8 - Termination of Employment

(18) Subject to the procedural requirements contained in the [Medical Conditions Affecting Performance Procedure](#), the relevant Senior Executive can terminate the employment of a staff member on the grounds of ill-health if:

- a. a medical examination reveals that the staff member is unable to perform their duties and is unlikely to be able to resume them within a reasonable period, being not less than 12 months; and
- b. attempts to redeploy the staff member have been unsuccessful, or it is clear that no viable redeployment opportunities are available.

(19) Where the staff member's superannuation fund determines that the staff member is permanently disabled, the University is entitled to consider the staff member's employment has ceased.

(20) At any point the staff member may elect to resign.

## Section 9 - Superannuation Fund

(21) The staff member may elect to apply to their superannuation fund, prior to the expiry of the period of notice of employment, for retirement on the grounds of ill-health or temporary disability benefit pursuant to the rules of the superannuation fund.

(22) Where the staff member makes an application to their superannuation fund for retirement on the grounds of ill-health or temporary disability benefit prior to the medical examination(s), the staff member cannot be required to attend a medical examination(s) until one of the following occur:

- a. Payment of the temporary disability benefit ceases, for a member of Unisuper or QSuper;
- b. After two years of receiving a disability benefit, for a member of the University of Queensland Superannuation Plan;
- c. The superannuation fund determines that the person is ineligible under the rules of the fund to receive a temporary disability benefit. This does not apply in circumstances where the staff member is on Personal (Sick) Leave but has not reached the expiry of three months qualifying period or such period of paid Personal (Sick) Leave as the fund requires.

(23) The staff member will only be required to undergo a medical examination in these circumstances if their capacity to perform the duties of their position remains in doubt.

## Section 10 - Privacy

(24) Medical information obtained by the University will be used to assist in the management of the staff member's medical condition in the workplace. Any written medical information received will be filed on a confidential file (accessible only to authorised University staff) and stored securely.



## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	12th August 2011
<b>Review Date</b>	8th December 2014
<b>Approval Authority</b>	Vice-Chancellor and President
<b>Approval Date</b>	12th August 2011
<b>Expiry Date</b>	Not Applicable
<b>Policy Owner</b>	Phil Vaughan Chief Human Resources Officer
<b>Enquiries Contact</b>	Human Resources Division