

DFSI undermines your access to leave

Be alarmed.

The PSA hasn't seen this level of needless confrontation from this Department in many years.

Illegitimate attacks on your award entitlements are becoming more frequent.

In one instance, a PSA member took a period of unplanned leave for four days due to the unexpected illness of a close family member.

It was a crisis with the family member going in and out of hospital. The treating doctors had expressed their grave medical concerns for the patient. *(see disclaimer)

The Department granted the member one day (out of four) FACS leave to attend to the family crisis.

It denied the member access to carer's or FACS leave for the remaining three days despite her needing to attend to "unplanned and emergency family responsibilities", in particular, the family member's grave medical state.

The member was subsequently forced by the Department to use her rec leave for these remaining three days.

The PSA took the matter to the Industrial Relations Commission and argued:

- » All four days constitute FACS leave because the applicant was attending to "unplanned and emergency family responsibilities", in particular, the family member's grave medical state
- » In the alternative, the PSA argued that the remaining three days constitute sick/carer's leave, in particular because per Clause 81.4.1 sick/carer's leave is available if the carer is "responsible for the care and support of the person concerned."

The Department should have recognised that this member was sharing the responsibility for care and support with the hospital and therefore should have access to either FACS or carer's leave award entitlements.

Anyone could see this member was providing critical emotional care and support for her son while her son was under the medical care of the hospital. Anyone, that is, apart from DFSI management which is evidently determined on cutting departmental costs at the expense of its employees' entitlements.

Despite the numerous medical certificates from treating doctors, the Department refused to compromise with the PSA on granting (at least some) carer's leave or FACS leave. Instead, the Department imposed a further hurdle: that the member provide yet more evidence: a certified statement from the hospital stating the member was "responsible for the care and support of the person concerned."

This is an unnecessarily high threshold, however, the member complied and set about procuring a back-dated statement from the hospital to this effect. However, this became impossible as she was advised by the hospital that it has a policy of not handing out such documents.

The Department is now continuing to force the member to take three days' rec leave.

The PSA intends to bring the matter to arbitration, seeking a binding order from the Industrial Relations Commission for the Department to grant either three days' FACS or three days' carer's leave.

This isn't just about one member's plight but about everyone's rightful access to their award entitlements.

***DISCLAIMER:** this bulletin has been written in collaboration with (and the expressed approval of) the member concerned.

