

Fisheries Compliance: new sick leave arrangements applied, then pulled

Members may have seen an email (then an upload to the InFOsite page) advising of the sick leave requirements under the *Crown Employees (Conditions of Employment) Reviewed Award 2009* by the Acting Director Fisheries Compliance (A/DFC).

Whilst most of the language within the document is innocuous and consistent with the explicit provisions of the *Crown Employees (Conditions of Employment) Reviewed Award 2009*, there were several factors that were not.

Changes or adaptations of policy of this nature require the appropriate levels of consultation with the employee representatives, namely the Fisheries Officers Vocational Branch (FOVB) and the PSA. In this case, consultation with either party did not take place which was most disappointing.

Accordingly, after discussions with the FOVB, the PSA has sought agreement from the Department of Regional NSW (DRNSW) that the policy document be withdrawn whilst the required consultation takes place. The DRNSW has agreed to this request.

The Award is the salient document on the requirements for the application, approval and payment of the sick leave entitlement for Fisheries Officers and any other complementary agency-based policy requires there to be adherence to the Award.

So what does that mean?

There appears to be some level of confusion or lax practices regarding what is required when informing your manager of your intention to take sick leave. Discussions with the FOVB have informed the PSA of the several different ways staff convey this message either through emails, texts or phone calls. The PSA doesn't care whether you advised your manager via one of the identified methods or something else like carrier pigeon or smoke signal. If there was an understanding between you and your manager and it worked, then that was fine. However:

- It is reasonable if your manager asks you to phone them to advise your intention to take sick leave. If they don't answer you leave a voice message.
- It is reasonable that this is done before, but as close to, the employee's starting time as possible. If they don't answer, you leave a voice message.
- It is reasonable to tell your manager the probable length of your time off. Most of you would not be a doctor so a definitive medical diagnosis and prognosis is not necessary. However, a reason why the illness is precluding you from attending to your duties is appropriate.
- It is reasonable that after two days of sick leave (i.e. three days' sick or more) that you furnish some form of acceptable medical evidence in order to justify your sick leave application. Any more than five days requires evidence from a certified medical practitioner.



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- It is good practice to advise your manager if you have matters on that day that will require intervention on their part to either reschedule or attend.
- It is not reasonable for your manager to seek you to have your phone or laptop handy and call when on sick leave.
- It is not reasonable that a manager shares your medical diagnosis with other office staff unless there is a genuine duty of care reason to other staff. A real-life and most immediately pressing example would be that of a positive COVID-19 diagnosis.

Sick leave reviews

Some members may have received correspondence from the A/DFC regarding the number of days of sick leave over the calendar year 2020 and the subsequent requirement to administer medical certificates for future instances. The PSA has provided an extract of the Award below on this activity.

80.2 In addition to the requirements under subclause 79.2 of clause 79, Sick Leave of this award, an employee may absent themselves for a total of 5 working days due to illness without the provision of evidence of illness to the Department Head. Employees who absent themselves in excess of 5 working days in a calendar year may be required to furnish evidence of illness to the Department Head for each occasion absent for the balance of the calendar year.

It is beyond doubt that Department of Primary Industries (DPI) Fisheries can direct Fisheries Officers to furnish medical certificates after a period where they have taken more than five calendar days off without a medical certificate. Considering the year that Fisheries Officers have experienced with the bushfires, floods and COVID-19 whilst still continuing to provide the frontline service that recreational and commercial fishers expect and deserve, it's very disheartening.

The biggest concern is that DRNSW previously advised all of their staff to make a concerted effort NOT to attend medical facilities by relaxing the requirements to obtain medical certificates for sick days. Yet now DPI Fisheries chooses to take a swipe at staff for more than five calendar days absent without a certificate.

It is just plain contradictory and it leaves the PSA and FOVB with a bad taste in our mouth. It makes the PSA wonder whether DPI Fisheries should be focussed on more pressing human resource matters, such as filling vacant positions, discussing our antiquated work instructions or looking at our Award, which is no longer fit for purpose.

If you have any further questions speak to your FOVB delegate or call the PSA Member Support Centre on 1300 772 679.

