

Are you Certifiable at Harbison?

Dear Member,

Several members at Harbison have made the HSU aware of inconsistencies in evidentiary requirements when using personal leave. Members reported having certificates from pharmacies and some doctors refused. This is a clear breach of your enterprise agreement (EA) and the National Employment Standards (NES). Below is section of your EA that covers evidentiary requirements.

If you feel you may be entitled to leave that has been refused, you are encouraged to contact the HSU Member Services Division to claim your entitlement. The HSU will also be contacting Harbison Care to remind them of their obligations.

This is another example of the HSU delivering for members at Harbison. If you know someone that is not already a member you should encourage them to join online at www.hsu.asn.au/join or call the Union on 1300 478 679.

THE HARBISON MEMORIAL RETIREMENT VILLAGE, NSWNMA AND HSU NSW ENTERPRISE AGREEMENT 2017-2020

Clause 22.10 Notice and Evidence Requirements

(a) To be entitled to leave under clause 22 an employee must give the employer notice of the period, or expected period of the leave:

(i) as soon as reasonably practicable (which may be at a time before or after the leave has started) that the employee is (or will be) absent from his or her employment;

(b) An employer may require an employee to give the employer evidence that would satisfy a reasonable person that the leave was taken for a permissible reason or occasion.

(c) To be entitled to personal leave during the period, the employee may be required to give the employer as soon as reasonably practicable (which may be at a time before or after the personal leave has started) either:

(i) a medical certificate from a medical practitioner stating that in their opinion, the employee was, is, or will be unfit for work during the period because of a personal illness or injury; or

(ii) a statutory declaration made by the employee stating that the employee was, is, or will be unfit for work during the period because of a personal illness or injury.

(d) To be entitled to carer's leave during the period, the employee may be required to give the employer as soon as reasonably practicable (which may be at a time before or after the carer's leave has started) either:

(i) a medical certificate from a medical practitioner stating that in their opinion the member requires or required care and support during the period due to personal illness or injury; or

(ii) a statutory declaration made by the employee stating that the employee requires or required leave during the period to provide care or support to the member because the member requires or required care or support during the period because of personal illness, or injury, of the member or an unexpected emergency affecting the member.

In unity,

A handwritten signature in black ink, appearing to read 'Gerard Hayes', with a long, sweeping underline.

Gerard Hayes
Secretary, HSU NSW/ACT/QLD