



POLICY	
<b>Termination of Employment on the Grounds of Incapacity Due to Ill Health or Injury</b>	
<b>Scope (Staff):</b>	All Staff
<b>Scope (Area):</b>	CAHS (PCH, Community Health, CAMHS)

### Aim

CAHS is committed to ensuring employees who seek to retire, or whose employment is sought to be terminated on the grounds of incapacity due to ill health or injury, are treated equitably and granted access to all appropriate entitlements.

This policy outlines how to:

- assess employee requests for retirement on the grounds of incapacity due to ill health or injury
- manage a termination of employment on the grounds of incapacity due to ill health or injury in a fair, equitable and consistent manner and in accordance with the [CAHS values](#)

### Background

Employees who are partially or fully incapacitated for work due to ill health or injury must undertake a fitness for work assessment in accordance with the [CAHS Fitness for Work Policy](#) in the first instance.

This policy is applicable only once all suitable alternative options have been exhausted and an employee is seeking to retire or their employment is sought to be terminated by the employer on the grounds of incapacity due to ill health or injury.

### Risk

Being exposed to the industrial, legislative and reputational impacts of not appropriately and equitably managing ill or injured employees.

### Principles

- Employees are required to cooperate in the determination of their fitness for work and to attend medical assessments as directed by their manager when deemed necessary.
- Employees registered with a Professional Board or Body such as AHPRA may have legislative obligations in relation to this policy and/or the [CAHS Fitness for Work Policy](#).
- Processes and decisions relating to an employee’s termination on the grounds of incapacity due to ill health or injury must comply with relevant legislative and industrial requirements as well as the;
  - principles of natural justice and procedural fairness

## Termination on the Grounds of Incapacity Due to Ill Health or Injury

- [Public Sector Standard in Human Resource Management for Termination](#)
- [WA Health Code of Conduct](#)
- [CAHS Fitness for Work Policy](#)
- An employee who retires or whose employment is terminated on the grounds of incapacity due to ill health or injury must be provided with written details of the proposed termination.
- Authority to approve termination of employment on the grounds of incapacity due to ill health or injury (whether employee or employer initiated) is in accordance with the [CAHS Authorisation Schedule](#).
- Managers must consult with CAHS Human Resources (CAHS HR) in relation to this policy.
  - For more information on employee initiated requests see [Appendix 1: Employee Initiated Request](#).
  - For more information on employer initiated requests see [Appendix 2: Employer Initiated Request](#).

## Superannuation

- An employee must be advised to obtain advice from their superannuation fund prior to an employee initiated retirement or employer initiated termination requests. Sufficient time should be allowed to obtain and consider advice.
  - The authority to determine a person's eligibility for a superannuation disability benefit is vested with the superannuation fund and is made independently of the view of CAHS.

## Redeployment / Voluntary Severance

- Part 1 of the [Public Sector Management \(Redeployment and Redundancy\) Regulations 2014](#) restricts an employee who retires or whose employment is terminated on the grounds of incapacity due to ill health from eligibility for redeployment or voluntary severance (redundancy).
- It does not prevent an employee who receives a voluntary severance from being entitled to a disability benefit.

## Record Keeping

- Records produced as a result of this policy will be maintained in accordance with:
  - [CAHS Recordkeeping Plan 2015027](#)
  - [General Disposal Authority for State Government Information](#) (Section 67.1 Occupational Safety and Health)

## Compliance


- Each CAHS Executive Director will be responsible for monitoring the requirements to be met within this policy.

## Termination on the Grounds of Incapacity Due to Ill Health or Injury

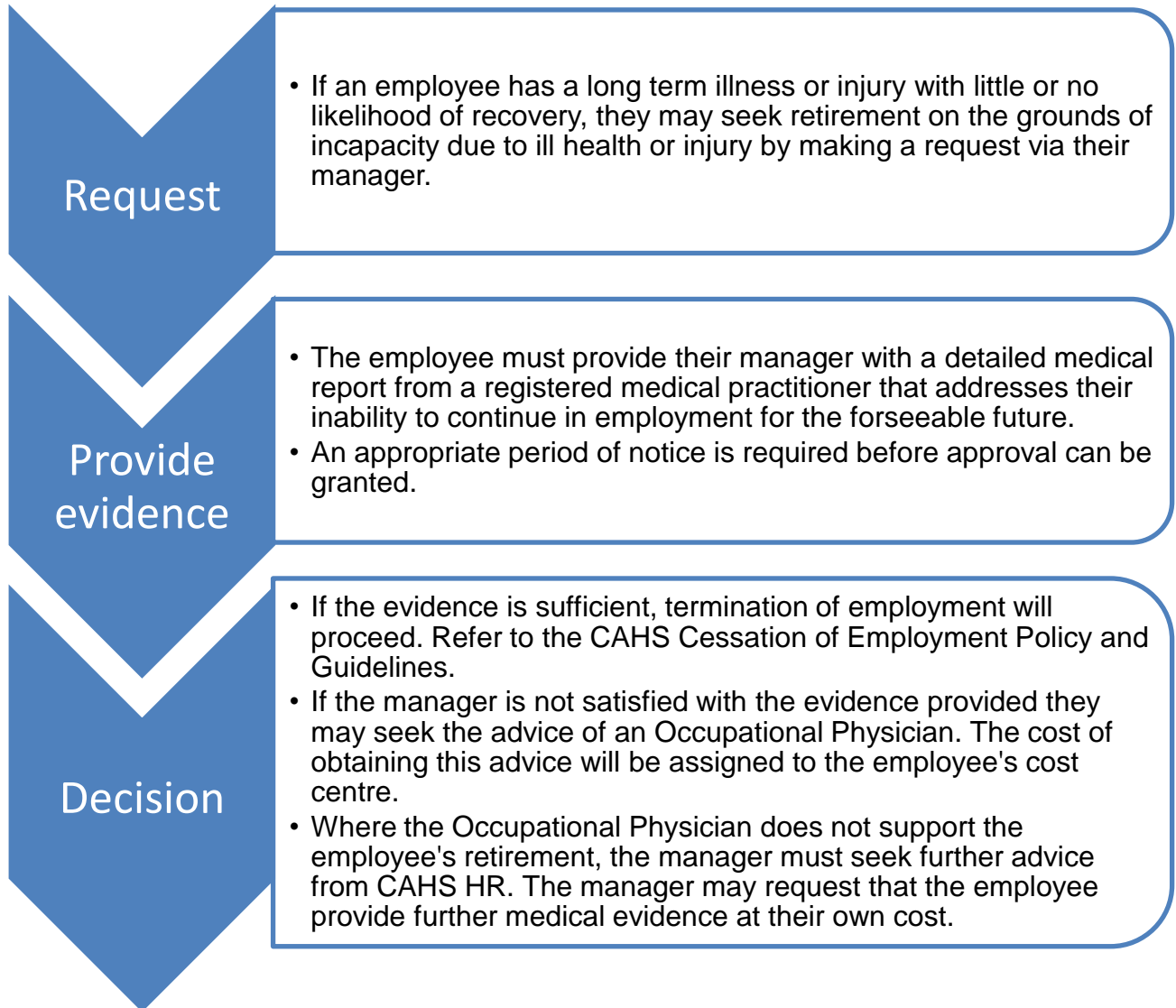
<b>Related CAHS internal policies, procedures and guidelines</b>
<a href="#">Fitness for Work</a> (CAHS Policy Manual)
<a href="#">Grievance Resolution</a> (CAHS Policy Manual)
<a href="#">CAHS Authorisation Schedule</a> (CAHS Corporate Services HealthPoint page)
<a href="#">Cessation of Employment Policy</a> (CAHS Policy Manual)
<a href="#">Cessation of Employment Guideline</a> (CAHS Policy Manual)
<a href="#">CAHS Recordkeeping Plan 2015027</a>
<a href="#">CAHS values</a>

<b>References</b>
<a href="#">Public Sector Standard in Human Resource Management for Termination</a>
<a href="#">WA Health Code of Conduct</a> (WA Health Mandatory Policy MP0031/16)
<a href="#">Public Sector Management (Redeployment and Redundancy) Regulations 2014</a> (Western Australian Legislation)
<a href="#">General Disposal Authority for State Government Information</a> (The State Records Office of WA)
<a href="#">WA Health Awards and Agreement Library</a> (Government of Western Australia)

This document can be made available in alternative formats on request for a person with a disability.

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## Appendix 1: Employee Initiated Request



## Appendix 2: Employer Initiated Request

