



## WA HEALTH LEAVE LIABILITY

The Department of Health has recently released an Operational Directive on [WA Health Leave Liability](#).

According to the Operational Directive (OD 0461/13), all WA Health staff must clear excess **annual leave**, **accrued days off** and **TOIL balances** by 30 June 2014. This timeframe does not apply to Professional Development Leave or Long Service Leave.

### Government Policy

The Government has determined that proactive management of leave balances rests with managers and employees within WA Health. It argues that the accumulation of leave balances in excess of approved limits has a direct impact on the cost of delivering health services in Western Australia. As a result, the Government has mandated a policy to limit the growth in leave liability across the public sector related to "*managing leave liability*" and "*implementing controls within WA Health*".

Under the policy set out in OD 0461/13 excess leave is defined as "*a leave balance in excess of twice the annual entitlement. Unless otherwise specified in the relevant industrial instrument, excess long service leave is considered to be leave not cleared within 3 years of the date of entitlement*".

Therefore if you have in excess of 8 weeks of accrued annual leave (or in excess of 10 weeks in the case of those performing on-call, Sunday and Public Holiday work) OD 0461/13 would apply to the leave accrued beyond 8 weeks (or 10 weeks as above).

### AMA Position

While the Association appreciates the Government's need to reduce its leave liability, this should not be at the expense of the individual practitioner's capacity to negotiate a suitable time to take the leave.

It is unreasonable to force practitioners to clear substantial periods of leave in the 7 month period before 30 June 2014. There are many reasons for accrual of leave including leave applications not being approved by managers and insufficient leave relief, among others. Accordingly, reducing excess leave should be handled in a way that allows practitioners to clear their outstanding leave over a period of time.

Practitioners are entitled to discuss with their manager how this could be achieved to suit the practitioner's personal circumstances and also the operations of the health service.



## Leave Relief and Access to Leave

The Association also notes the difficulties experienced by practitioners in taking their leave entitlements due to insufficient leave relief currently available. This is particularly relevant for junior doctors. The Association is aware that certain Hospitals are seeking to limit access to leave to 2 weeks per year. The Association is in the process of raising these issues with relevant hospitals to ascertain how they intend to reconcile the need to minimise the leave liability for Government whilst limiting access to leave entitlements.

## What are the rights of practitioners?

The Association would like to reassure practitioners that:

- You cannot be directed to take excess leave at a time which you do not agree to.
- The OD 0461/13 provides the opportunity to defer clearing of excess leave through an individual leave management plan. This gives you the right to discuss with your manager how and over what time frame excess leave can be reduced to suit your personal circumstances as well as the needs of the health service.
- The *Department of Health Medical Practitioners (Metropolitan Health Services) AMA Industrial Agreement 2011* (the Industrial Agreement) enables the employer to defer the taking of annual leave up to 3 years. Please note that the Industrial Agreement does indicate that if a practitioner accumulates more than three years entitlement then the employer may impose conditions on the taking of the leave. Again the AMA would reiterate that consultation should occur between the employer and the practitioner regarding any proposed conditions to be imposed by the Employer.
- There is flexibility to cash out excess leave under the Industrial Agreement. However, if you are thinking about doing this you are strongly advised to contact the Association for advice about your specific circumstances and the impact cashing out of leave may have.

If practitioners feel they are being forced to take leave at an unsuitable time or without consultation please do not hesitate to contact the Association.

Any enquiries should be directed to [Marcia Kuhne](#) or [Clare Francis](#) at the AMA (WA).

## **Are you an AMA (WA) Member?**

Non members are not eligible to receive AMA benefits and services. This includes the invaluable service of one-on-one assistance when a member encounters problems in the workplace. At some time in their career, most WA medical practitioners face a workplace dispute or problem of some sort. Only AMA members have the security of knowing they can access the Association's expert staff and extensive resources to deal with such a problem.

As the Association does not provide assistance to non members, it is in your interests to join before a problem arises. [Join online now.](#)

