



FACT SHEET

Resigning Your Employment with Queensland Health

Background

- 1) In November 2012, the State Government entered into a certified agreement with Senior Medical Officers ("SMOs") and their unions. The Government has broken this agreement and is now trying to force SMOs to sign unfair individual statutory contracts which significantly reduce SMOs' conditions of employment and remove employment security.
- 2) The SMO Contracts represent a significant threat to the provisions of high quality health care to Queenslanders and to the training of the next generation of medical specialists.
- 3) The Queensland Government's introduction of statutory individual contracts has been accompanied by radical legislative changes which prevent SMOs from collectively organising, taking industrial action and advocating for their industrial interests. The contracts have punitive and coercive provisions which specifically target SMOs with the aim of forcing SMOs to sign this unfair contract. SMOs have lost access to unfair dismissal and industrial dispute resolution provisions of the *Industrial Relations Act 1999* ("IR Act").
- 4) Many SMOs are of the view that this leaves them with no choice other than to resign their employment in the hope that this action will cause the Government to negotiate fair employment conditions for SMOs and save the public health system from the imminent disaster these contract represent.
- 5) This document has been developed in response to the overwhelming demands of SMOs who wish to resign their employment with Queensland Health because of the contract debacle.
- 6) This document is designed to answer the questions raised by SMOs in relation to resigning their employment. If you require any further information, contact ASMOF/Together.

What Notice must I give Queensland Health?

- 7) Pursuant to the *District Health Services - Senior Medical Officers' and Resident Medical Officers Award - State 2012* ("Award"), in order to resign your employment with Queensland Health, you must give Queensland Health three months' notice. Queensland Health may:
 - (a) require you to work the three month notice period; or

(b) accept your resignation and pay you three months salary in lieu.

What will I be paid on termination?

- 8) In the event you work your three months' notice period, you will be entitled to your usual pay during this period. This includes your Private Practice Arrangement ("PPA") income, professional development allowance ("PDA"), overtime, on call and recall and any other allowances or ancillary payments you become entitled to while working the notice period.
- 9) The only difference may be if your notice period goes past 1 July 2014. The effect of s.200 of the IR Act is that you would cease to be entitled to any remuneration derived from PPA from 1 July 2014. This provisions will terminate all present PPA Options. PPA will only be available to SMOs that QH has agreed can have PPA under a contract. PPA is no longer a "right" under the contract.
- 10) For example, if you resign your employment on 31 March 2014, your remuneration during your notice period will be unaffected. However, if you resigned on 30 April 2014, you would not receive any PPA income during the period from 1 July 2014 until 31 July 2014, the last month of your notice period. Therefore, for each day, week and month that your notice period goes past 30 June 2014, you will not receive PPA.
- 11) You should not be able to undertake private practice work at this time. Therefore, your HHS will not be able to receive income from this work.

What if QH does not require me to work my Notice?

- 12) Queensland Health may advise you that it does not require you to work your three month notice period. If this occurs then your employment will cease on the day specified by Queensland Health.
- 13) If QH advises you that they do not require you to work your notice period you would be entitled to be paid:
 - a) three months' salary; and
 - b) accrued annual leave, including leave loading;
 - c) if eligible, long service leave.
- 14) PPA would generally not form part of your termination pay, unless your PPA supplementary benefit contract provided for this. That is, it will not be paid on accrued annual leave or long service leave. You should review your supplementary benefit contract and seek further advice if required.
- 15) If you are paid a fortnightly income under either option A or E for example, these payments would not be paid as part of a payment in lieu of notice, annual leave or long service leave. If you are on, for example Option B, you would receive private practice fee payments in respect of the period up to and including the effective date of termination. Option R SMOs would receive the Supplementary Benefit and Incentive Payment (if applicable) up to and including the date of termination.
- 16) Accrued sick leave is not paid out on termination.
- 17) As PDA is paid as a fortnightly allowance it would also not be paid out on termination as part of your notice, annual leave or long service leave.
- 18) If you have any questions regarding your entitlements, please contact ASMOF or Together.

Ramifications of Resignation

- 19) If you determine to resign, you should be aware that this is potentially a final decision. Although it is hoped that the Government will see reason and negotiate fair employment conditions for SMOs, there is no guarantee that they will do this. It may be the case that the Government accepts your resignation. In this event, your employment with Queensland Health will come to an end at the conclusion of the notice period.
- 20) In any negotiations, the withdrawal of your resignation will be a condition of any agreement. SMO representatives will not countenance any resolution of this dispute which does not result in all SMOs who have tendered their resignation being offered by Queensland Health their former positions with no effect on the SMOs continuity of service or employment security.
- 21) There is a risk that even in the event that the Government returns to the negotiation table and agrees to change legislation and negotiate a better contract, that Queensland Health may not allow you to retract your resignation. As stated above, in any negotiations the withdrawal of your resignation will be a condition of any agreement
- 22) Therefore, SMOs need to understand that a decision to tender your resignation carries with it significant ramifications.

Timing of Resignations

- 23) A majority of SMOs have advised SMO representatives that mass resignation is the only option left to bring the Government back to the negotiation table and to get fair and just conditions of employment and avoid the oncoming train wreck to the public health system that the contracts represent.
- 24) This campaign cannot be successful unless you stand with your colleagues, and collectively, resign your employment. If only a small minority of SMOs resign, this campaign will fail.
- 25) The first important date is **31 March 2014**. This is the date the many SMOs have asked that the resignations occur.
- 26) This is the last date at which you can submit a resignation and receive your current entitlement to PPA and PDL payments for the full duration of your notice period. After this date, for each day, week or month that your notice period goes past 30 June 2014, you will not be paid PPA as part of the remuneration.
- 27) By far, the most important date from Queensland Health's perspective in respect of the contracts at this stage is **30 April 2014**. If the majority of SMOs have been unable to reach agreement with Queensland Health by this date, and have not signed a contract, the contract roll-out will be a failure.
- 28) This is Queensland Health's deadline. It is the date that Queensland Health has chosen, for operational and payroll reasons, to require doctors to have signed contracts. Queensland Health has stated that if a SMO has not signed a contract by this date, the contract will be withdrawn. **Remember, don't refuse! Continue to negotiate!**
- 29) **ASMOF and Together recommend that you tender your resignations on either 31 March 2014 or 30 April 2014.**
- 30) You may wish to tender your resignation at a later date (or earlier as some SMOs already have). However, it is important that you tender your resignation as part of this campaign.

How do I participate in this Campaign?

- 31) ASMOF and Together have developed a draft resignation letter for you to complete. The resignation letter is available on the www.keepourdoctors.com.au
- 32) ASMOF has also drafted an authority for you to sign which allows ASMOF to hold your resignations confidentially until your chosen resignation date. The authority is also on the website.
- 33) At this time, it is ASMOF's view that SMOs who wish to resign their employment should do so in a process which proceeds in three phases.
- 34) Firstly, those SMOs who have already made the decision to resign should advise ASMOF immediately so that the resignation can be used to highlight the damage already being caused to SMOs and the public system.
- 35) Secondly, SMOs who wish to resign should authorise ASMOF to hold their resignation letters and to act as their agent in respect of the issuing of the resignation letter. This will allow ASMOF to identify the numbers of SMOs who wish to participate in this strategy, their specialty and the facility they work in and from this, run a campaign identifying the significant impact that the resignations will have.
- 36) These resignations will be held confidentiality and would only be issued to your HHS following your approval. That is, providing your resignation letter to ASMOF does not mean that the resignation letter will be submitted. This will still require your approval. However, we need to have a firm idea of the number of SMOs who are willing to participate in this campaign. The mass resignation campaign will not be successful if only a small number of SMOs are agreeable to it. The campaign needs as many SMOs as possible to take the brave step in support of their colleagues, the profession and the public health system of agreeing to participate in this campaign strategy.
- 37) Thirdly, if the Government does not return to the negotiation table and offer a fair contract, you will be contacted to confirm you wish to resign and, if so, your resignations will be provided to the CEO of your HHS.

What if I already plan to resign?

- 38) If you have already made the decision to resign, get in contact with ASMOF or Together. You can still be part of this campaign and help your colleagues.
- 39) If you are agreeable, we will publicise your resignation as an example of the damage being inflicted on the public health system by this Government

What can I do during my notice period?

- 40) ASMOF and Together have developed a comprehensive campaign plan, which has activities occurring every week from now until 1 July 2014 aimed at continuing to ramp up the pressure on the Government to be reasonable, return to the negotiating table and agree to fair conditions of employment.
- 41) The campaign is designed to place pressure upon the Government to return to the negotiation table and make changes to the legislation and contract before 1 July 2014.
- 42) You should participate in all campaign activities organised by keepourdoctors.com.au. Keep looking at the website and encourage you colleagues, junior doctors and all allied health staff to get involved.

Can I be terminated for refusing a contract?

43) It would be unlawful for Queensland Health to terminate your employment for refusing to sign a contract.

Further information

44) If you have any questions or concerns in respect of this strategy or wish to discuss the strategy further, please contact ASMOF or Together.