

Health employment directive

No. 03/24

Effective Date:
17/05/2024

Supersedes:
n/a

Recognition of previous service for employees of Childrens Health Queensland Hospital and Health Service who have transitioned from the engaged service provider (Medirest)

1. Compliance

Compliance with this health employment directive (HED) is mandatory.

2. Purpose

To prescribe the entitlements for recognition of previous service and employment when a person is engaged to work in the Public Sector Health System and the Queensland Public Sector, after transitioning from the engaged service provider (Medirest).

3. Legislative Provision

- Section 51A of the *Hospital and Health Boards Act 2011* (the Act).
- Section 222 and 223 of the *Public Sector Act 2022*.
- Sections 228 and 229 of the *Public Sector Act 2022* apply if there is a conflict with an Act, regulation, or industrial instrument.

4. Application

This HED applies to employees who were employed at Queensland Children's Hospital through the engaged service provider (Medirest) and at the transition date become employed by the Director-General, Queensland Health and engaged under the Act.

5. Related documents

- *Hospital and Health Boards Act 2011*
- *Minister for Industrial Relations Directive 11/18: Long Service Leave*
- *Minister for Industrial Relations Directive 05/20: Paid Parental Leave*
- *Public Sector Commission Directive 07/23: Recruitment and selection*

Directive:

6. Transfer of employee entitlements

Transitioning employees who are employed by Medirest at Queensland Children's Hospital immediately prior to the transition date, and who are subsequently appointed by Children's Health Queensland Hospital and Health Service are approved the following recognition of previous service and entitlement provisions.



6.1 Entitlement

A transitioning employee is eligible to have their previous service and entitlements with the former employer recognised under this HED if they were employed by the former employer and have not had a break in service of more than three months between their employment with the former employer and commencing their employment with Childrens Health Queensland Hospital and Health Service.

6.2 Entitlement on appointment – leave

To the extent provided in this HED, the previous employment of a person to whom this directive applies with a former employer is to be counted for the purposes of calculating –

- a) annual leave accumulation and entitlement;
- b) sick leave accumulation and entitlement;
- c) long service leave accumulation and entitlement; and
- d) paid parental leave.

Where a transitioning employee had an entitlement to annual leave as at the date of ceasing duty with the former employer and has received payment of a cash equivalent on termination of employment from the former employer, the transitioning employee is not entitled to claim annual leave accruals or payment from Childrens Health Queensland Hospital and Health Service for the same period of service.

Where a transitioning employee had an entitlement to long service leave as at the date of ceasing duty with the former employer and has received payment of a cash equivalent on termination of employment from the former employer, the transitioning employee is not entitled to claim long service leave accruals or payment from Childrens Health Queensland Hospital and Health Service for the same period of service.

Where the transitioning employee has been paid a cash equivalent of any portion of accrued sick leave as at the date of ceasing duty with the former employer, the payment must be taken into consideration in determining any entitlement to be transferred to Childrens Health Queensland Hospital and Health Service. That is, the transitioning employee is not entitled to claim sick leave accruals or payment from Childrens Health Queensland Hospital and Health Service for the same period of service.

The recognition of previous casual employment is limited to determining service for long service leave and paid parental leave purposes only.

6.3 Entitlement on appointment - Salary payable

Subject to the provisions of any relevant industrial instrument, the chief executive will recognise the previous employment of a transitioning employee with a former employer for the purpose of calculating salary payable (that is salary payable relevant to a classification level at Queensland Health equivalent role).

Translation for roles will be to the same classification level as the transitioning employees salary at the transition date.

Notwithstanding the above, Childrens Health Queensland Hospital and Health Service will maintain the salary of any transitioning employees who, at the transition date, were being paid by the former employer at a rate higher than the relevant classification and salary rate that they are translated to. That salary maintenance will continue for the transitioning employee in the translated role until the Queensland Health pay rates catch up to the higher rate.

6.4 Recruitment and Selection

A transitioning employee who is currently employed under an enterprise agreement (*Compass Group (Medirest – Queensland Children’s Hospital) Enterprise Agreement 2019*; or *Compass Group (Omega security Services – Queensland Children’s Hospital) Enterprise Agreement 2019*) will not be subject to the following sections of *Human Resources (HR) Policy B1 – Recruitment and Selection* at transition, including:

- a) Part II – *Filling Vacancies* - Section 8: Advertising
- b) Part IV – *Selection* - Section 11: Selection Strategy; and Section 12: Referee Checking
- c) Part V – *Pre-employment* - Section 13.5: Curriculum Vitae.

The transition process would not require:

- for two selection techniques to be conducted, such as interviews and CVs to be submitted;
- referee reports to be carried out; and
- selection reports to be created.

The transition process will however be subject to all other relevant and applicable sections of *Human Resources (HR) Policy B1 – Recruitment and Selection* including, but not limited to:

- Confirmation of Employee Identification;
- Australian Working Rights and Visa Checks; and
- Pre-employment Screening, Blue Card (where applicable) and Criminal History Checks
- Probationary periods (as per *HR Policy B2 – Probation*).

6.5 Waiving of further qualifying period – long service leave

A transitioning employee given recognition of previous employment and who has been paid a cash equivalent of long service leave by the former employer is not required to complete any further qualifying period in order to be granted long service leave.

6.6 Annual leave, long service leave and sick leave

6.6.1 Information requirements

Recognition of a transitioning employee’s previous employment for annual leave, long service leave and sick leave purposes is to be based on the following information obtained from that transitioning employee’s former employer –

- a) details of service, including but not limited to the date of commencement, positions held and remuneration and classification levels, including level held by the transitioning employee throughout their employment with the former employer;
- b) details of annual leave accumulated balance;
- c) details of any cash equivalent of annual leave paid at the date of termination;
- d) details of sick leave accumulated balance;
- e) details of any cash equivalent of sick leave paid at the date of termination;
- f) details of any long service leave accumulated balance;
- g) details of any cash equivalent of long service leave paid at the date of termination;
- h) details of any undertakings given in relation to the non-acceptance of a cash equivalent of long service; and
- i) details of any special leave without salary granted together with the reasons for such leave.

The accruals and balance of long service leave will be in accordance with the above for the previous employment to the transition date, despite the operation of Minister for Industrial Relations Directive 11/18 Long Service Leave, which will apply with the relevant industrial instruments from the

commencement of employment with Childrens Health Queensland Hospital and Health Service on the transition date.

6.6.2 Calculation of entitlements

Entitlements for this HED are to be calculated by applying the following formula: $E = (S \times AR) - LT$

Where –

E = entitlement

S = years of service

AR = accrual rate applicable to appointed position

LT = leave taken

The accrual rate for sick leave is 10 days per year of service. The accrual rate for long service leave is 0.86667 weeks per year of service with a former employer, up to the transition date. The accrual rate for long service leave after the transition date will be as per the transitioning employee's entitlement to long service leave as a public service employee.

The accrual rate for annual leave will be as per the transitioning employee's industrial instrument with the former employer.

6.7 Paid Parental Leave

Where a transitioning employee has service recognised for long service leave and/or sick leave purposes under this HED, service shall also be recognised for the purposes of the qualifying period under the Minister for Industrial Relations Directive 05/20 Paid Parental Leave.

6.7.1 Continuing parental leave

Employees on periods of parental leave from their employment with a former employer who are offered and accept employment with Childrens Health Queensland Hospital and Health Service from the transition date, will have their periods of parental leave recognised and continued.

Transitioning employees on parental leave shall have all of the return to work rights and entitlements for parental leave as if the parental leave had been approved by and taken with Childrens Health Queensland Hospital and Health Service.

6.8 More than one former employer/s

No service prior to the most recent period of service with the former employer is to be recognised, unless as provided for below. A transitioning employee's most recent period of service with the former employer includes any period of continuous service which has not been broken by a period of three months or more.

7. Definitions

Employee	Is a health service employee engaged under the Hospital and Health Boards Act 2011.
Engaged service provider	Means the entity (Medirest) previously engaged by the State of Queensland to assume responsibility for the operation and management of the Queensland Children's Hospital, service with which as a former employer is being recognised under this Health Employment Directive (HED).

Former employer	Means the engaged service provider that was the employer of the transitioning employee prior to the transition to Childrens Health Queensland Hospital and Health Service for which service is being recognised, and includes a predecessor of a former employer where there was a transmission of business or change in the corporate identity of the engaged service. provider and both the previous and successor employers were an engaged service provider.
Previous employment	Means employment with a former employer of a transitioning employee that is recognised under this HED.
Transition date	Means the date on which the transitioning employee commences employment with Childrens Health Queensland Hospital and Health Service, provided there is no break in service exceeding three months between their previous employment with the former employer and their employment with Childrens Health Queensland Hospital and Health Service.
Transitioning employee	Means an employee who was engaged by a former employer who accepts an offer to be engaged at the Queensland Children's Hospital as at the transition date and who therefore becomes an employee with Childrens Health Queensland Hospital and Health Service due to the transition of soft facilities management services to Children's Health Queensland Hospital and Health Service. ...

8. History

Nil	n/a
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9. Approval and implementation

Directive custodian

Chief Human Resources Officer

Approval by Chief Executive

[signed]

Michael Walsh
Director-General

Approval date: 17/05/2024