

CLEANERS' RIGHTS AT WORK

Sick and Personal Leave

You are entitled to be paid for **10 days personal/carers leave per year** (accrued progressively).

This factsheet covers the following areas regarding your sick and personal leave:

1. Notice period to take sick/personal leave
2. Evidence your employer requires
3. Statutory declaration
4. Can my employer attend medical appointments/contact my doctor
5. What to do when something is wrong

1. Notice Period for Sick and Personal Leave

You need to give notice as soon as you know you are sick or need to take carers' leave.

You should try to provide any evidence to your employer within 24 hours.

24hrs

2. What evidence is required

If you are sick you need to provide evidence that would satisfy a 'reasonable' person. This can include*:

- A medical certificate, signed by a medical practitioner; or
- A statutory declaration.

In certain circumstances, your employer may be able to ask for more information than you have provided, if they are not satisfied as to why you need leave. What information your employer can ask for will vary based on your personal circumstances.

Contact the United Workers Union if you are requested to provide more information to better understand your rights.

*Your employer may have other policies that mean you are not required to provide evidence in certain cases, but you need to check carefully.



3. Statutory declaration

This is a document witnessed by a Justice of the Peace (or similar) that you **legally declare is the truth**. It is a criminal offence to lie on a statutory declaration.

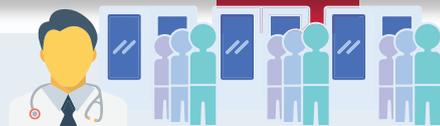
The information you provide in **statutory declaration must satisfy a reasonable person** that you need to take personal/carer's leave.

Without a medical certificate, we recommend providing some information about your illness/injury and why unable to attend work.

If you are uncomfortable about discussing your illness/injury, we recommend attending your doctor to get a medical certificate instead.

If you have been **absent for a long period of time**, or taken a lot of sick/carers' leave, we recommend you get a medical certificate.

If you are not sure, you should contact the United Workers Union.



4. Can my employer ask to attend my medical appointment or contact my doctor?

It is generally **unreasonable for an employer to attend your medical appointment**, but before saying no, contact your union for advice specific to your circumstances.

Whilst there may be exceptions for long term illness, work injuries or questions regarding your fitness to work, your employer **does not generally have a right to contact your doctor without your consent**. You should call the United Workers Union for advice specific to your circumstances.

If your employer asks you to attend their doctor, you should contact the United Workers Union for advice specific to your circumstances.



5. What to do when something is wrong

Asked for more information than you think is reasonable?

Told to go to a specific doctor by your boss?

Speak with your delegate and organiser about it, or call the United Workers Union Member Contact Line in your state/territory:

ACT & NSW 1800 805 027
QLD 1800 065 885
TAS 1800 625 119
WA 1800 199 890

NT (08) 8924 4700
SA 1800 622 900
VIC 1800 819 087



Where can I get a statutory declaration form?

- Post Office
- Some newsagents
- Download from your State Government website
- Download from the Commonwealth Government here: <https://uwu.org.au/statdec>

Who can sign my Stat Dec and where can I find someone?

The easiest authorised witnesses to find is usually a **Justice of the Peace (JP)**.

- If you work at a school, ask if any teachers are Justices of the Peace
- Other locations that may have a JP include:

1. The offices of members of Parliament
2. Chemists
3. Councils and Public Libraries
4. Post Offices
5. Police Stations



What is a Justice of the Peace?

The role of a Justice of the Peace (JP) is to act as an independent and objective witness to documents people use for official or legal purposes. Every State or Territory differs slightly on the role of a JP.

Generally, JPs:

- Witness oaths or affidavits
- Take statutory declarations and affirmations
- Witness signatures
- Attest the execution of a document
- Certify a true copy of an original document

