



Quiz

Medical issues and sick leave

1. In *Marshall v Commonwealth of Australia (represented by Bureau of Meteorology)* [2012] FMCA 1052, the court held that:
 - a. Medical certificates must be provided for any absence, of any length, in any form of employment with the Commonwealth Government
 - b. If required, medical professionals who certify that an employee is "unfit for work" must provide an accompanying statement with more detail
 - c. The mental health of employees is the paramount consideration when running a Government Department especially at a remote weather station
 - d. An employee may be unfit for work but fit to engage in other things, for instance appearing on a reality TV show.
2. Section 28 of the *Work Health and Safety Act 2011* (Cth) which provides:
 - a. Take reasonable care for his or her own health and safety, and take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons
 - b. Comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with this Act
 - c. Co-operate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers.
 - d. All of the above
3. Pursuant to the *Disability Discrimination Act 1992* (Cth), employers have an obligation to make:

- a. The workplace an enjoyable, challenging and friendly environment for all of their employees every day
 - b. Reasonable adjustments to manage an employee's illness or injury. Any adjustment will be reasonable unless that adjustment poses unjustifiable hardship on the employer
 - c. Provide a working environment that is free from obstacles including red tape
 - d. Sure that they employee targeted ratios of minority groups
4. In *Watts v Australian Postal Corp* [2014] FCA 370, the FCA held that:
- a. Matters such as limited working hours which gradually increased, alterations to supervision arrangements, modifications to face to face meeting requirements, amelioration of deadlines being too tight, changes in the kind of work being performed, minimising conflict situations, avoiding the need to lead teams...are adjustments which could have been made for Ms Watts without imposing unjustifiable hardship on Australia Post.
 - b. The *Disability Discrimination Act 1992* (Cth) does not apply to bargain enterprises
 - c. If an employee has a mental health related injury that is not work related, their employer is entitled to terminate their employment
 - d. If making reasonable adjustments to accommodate a psychological illness or injury is inconvenient to an employer, then they do not need to make them.
5. Section 772 of the *Fair Work Act 2009* (Cth) and the applicable Regulations provide:
- a. If an employee is taking frequent period of absence from work that total more than four weeks in a calendar year, they are able to have their employment terminated without notice
 - b. An employer can terminate a worker's employment if they develop a non-related injury and need to take 7 consecutive days off work
 - c. An employer must not terminate an employee's employment for temporary absence (less than three months unpaid in a 12 month period) from work because of illness or injury
 - d. An employer must terminate an employee's employment for temporary absence (less than three months unpaid in a 12 month period) from work because of illness or injury

Answers:

1. d 2. d b. X 4. a 5. c