Government of Western Australia
Department of Health

Industrial Relations Directive
Reference: IRD 04/2024
Effective from: 9 July 2024

Unauthorised Stoppages – Payment of Wages and Effect on Entitlements

Intention

This Industrial Relations Directive (IRD) provides instructions for the payment of wages and effect on entitlements where Employees are absent from work due to participation in Industrial Action.

This IRD aligns with the *Department of Mines, Industry Regulation and Safety (DMIRS), Government Sector Labour Relations Policy Statement – Industrial Action* and *DMIRS Circular to Departments and Authorities No. 14 of 1980 Unauthorised Stoppages – Effect on Sick Leave Entitlements – Wages Employees.*

This IRD supports the application of MP 0025/16 *Industrial Relations Policy.*

Applicability

This IRD is applicable to WA Health Entities.

Direction

1.1 Notification

WA Health Entities are required to notify the Director, System-wide Industrial Relations when Industrial Action or an Unauthorised Stoppage is threatened or is being taken by Employees.

1.2 Effect on salary or wages

Consistent with the *DMIRS Government Sector Labour Relations Policy Statement – Industrial Action*, the payment of wages to Employees who are absent from work due to participation in Industrial Action is as follows:

- wages are not paid during any period of Industrial Action unless there are extenuating circumstances such as an issue of health, safety or welfare.
- there is no entitlement to wages for any period an Employee is absent from work, apart from approved leave.

1.3 Effect on entitlements

Unauthorised Stoppages will be treated as having the same effect as taking leave without pay.

1.3.1 Annual leave
The anniversary date for annual leave will be deferred by the number of days of an Unauthorised Stoppage.

1.3.2 Personal or sick leave
The anniversary date for entitlement to personal or sick leave will be deferred by the same period as the Unauthorised Stoppage.

If an Employee is on approved personal or sick leave before the commencement of an Unauthorised Stoppage, and that leave continues into the period of Unauthorised Stoppage, an Employee shall be paid personal or sick leave for the period of approved leave.

If an Employee becomes ill or applies for sick or personal leave whilst they are participating in an Unauthorised Stoppage, they are not entitled to personal or sick leave payments.

1.3.3 Accrued days off
Unauthorised Stoppages of five days or more during the twelve-month cycle over which days off are accrued will be added to the work cycle.

1.3.4 Long service leave
Long service leave entitlements are not affected until an Employee has had a total of 14 days leave without pay in one qualifying period. Periods of Unauthorised Stoppages in excess of 14 days are deducted from service.

1.3.5 Increment dates
Increment dates for years of service will be deferred by the same period as the Unauthorised Stoppage.

Related documents

The following documents are mandatory to the application of this IRD:
- DMIRS Government Sector Labour Relations Policy Statement – Industrial Action
- DMIRS Circular to Departments and Authorities No. 14 of 1980 Unauthorised Stoppages – Effect on Sick Leave Entitlements – Wages Employees

Definitions

The following definition(s) are relevant to this IRD.

Term	Definition
Employee	An employee employed pursuant to Part 3 of the *Public Sector Management Act 1994* or as defined in section 6 of the *Health Services Act 2016*.
Industrial Action	As provided for in section 7 of the *Industrial Relations Act 1979*.
Unauthorised Stoppage	Employee absence from work for the purposes of participating

	in Industrial Action not authorised by the Department of Health or the relevant Health Service Provider.
WA Health Entities	WA Health Entities Include: (i) Health Service Providers as established by an order made under section 32 (1)(b) of the *Health Services Act 2016*. (ii) Department of Health as an administrative division of the State of Western Australia pursuant to section 35 of the *Public Sector Management Act 1994.*

Contact

Enquiries relating to this IRD should be directed to the System-wide Industrial Relations team via SWIR.Administration@health.wa.gov.au

Approval

Approval by	Justine Withers, Director, System-wide Industrial Relations Directorate, Strategy and Governance Division, Department of Health
Approval date	1 July 2024
Review date	July 2027