



Queensland Branch

# Bus Circular

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Dear Member,

## Medical Certificates Issue

Members will be aware that we are lobbying for the removal of a BCC policy clause which requires employees to give the nature of their illness on a medical certificate. In this respect I wrote to Lord Mayor, Graham Quirk, asking him to intervene and restore Council employees' right to privacy. I am saddened to have to report that the response from the Lord Mayor was a BIG "NO" and his callous justification for this stunned me to say the least.

They have obviously taken legal advice to find a way round the privacy requirements in State legislation which can be seen in the following passage from his response:

***While providing the nature of the medical condition is often referred to as a "requirement" it is imperative to note that Council cannot and will not force an employee to provide this information. This information is a requirement insofar as considering an application to access paid Personal Leave for the absence. It is, of course, the prerogative of patients to give or withhold consent to the inclusion of the nature of their medical condition on medical certificates. However, if employees exercise their right to withhold this information, any application for Paid Personal Leave may not be approved.***

So in simple terms we have the Lord Mayor saying we accept the Union is right in saying that we cannot force people to advise what their medical condition is. However, the Lord Mayor appears quite happy to flout the principles under which this is legislated and for all intents and purposes enter into a practise that could be perceived as blackmailing workers to divulge their personal information or face not being paid.

You may not be stunned to find some middle ranking IR or HR bureaucrat trying to win some technical argument against a worker on such appalling grounds. However the Lord Mayor, elected by the people of Brisbane, personally writing to his employees' Union, gleefully using such appalling logic to force workers to sacrifice rights given to them many years ago by the Queensland Parliament is practically beyond belief.

The RTBU is exploring what legal avenues are available, but if this Lord Mayor has discovered some sneaky way to circumvent the State privacy legislation, you can be guaranteed that this will be an issue the RTBU will demand to be resolved at the next EA negotiations, later this year.

I also might add that in my letter I asked the Lord Mayor to meet with a delegation of our members to receive our petition on this issue which now has nearly 800 signatures. Mr Quirk did not acknowledge this request in his response.

**Not Happy Mr. Quirk.**

Unity is Strength

Tom Brown  
**Secretary, Tram & Bus Division,  
RTBU Qld Branch**