



Unauthorised Stoppages: Payment of Wages and Effect on Entitlements Policy

1. Purpose

The *Unauthorised Stoppages – Payment of Wages and Effect on Entitlements Policy* provides instruction regarding the payment of wages and effect on entitlements where Employees are absent from work due to participation in Industrial Action.

This Policy 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 Policy is a mandatory requirement for Health Service Providers under the *Employment Policy Framework* pursuant to section 26(2)(f) of the *Health Services Act 2016*, and a mandatory requirement for the Department pursuant to section 29 of the *Public Sector Management Act 1994*.

This Policy supersedes *OP 0427/94 – Unauthorised Stoppages – Payment of Wages and Effect on Entitlements*.

2. Applicability

This Policy is applicable to all WA health system entities, as defined in this Policy.

3. Policy requirements

3.1 Notification

Health Service Providers are required to notify the Director, System-wide Industrial Relations when Industrial Action or an unauthorised stoppage is threatened or being taken by Employees.

3.2 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.

3.3 Effect on entitlements

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

Annual leave

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

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.

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.

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.

Increment dates

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

4. Compliance monitoring

WA health system entities are responsible for complying with this Policy.

System-wide Industrial Relations also undertake activities to assure the System Manager that WA health system entities are complying with this Policy. These compliance monitoring activities include, but are not limited to:

- monitoring and evaluating the industrial relations environment, including trends, issues and disputes
- monitoring and evaluating compliance with the Policy by WA health system entities, which may include requesting audit reports into compliance with the Policy
- liaising with WA health system entities, unions and other external stakeholders in relation to specific Industrial Action. Any action taken in response to Industrial Action will be commensurate to the associated level of system risk.

5. Related documents

The following documents are mandatory pursuant to this Policy:

- [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](#)

6. Supporting information

The following information is not mandatory but informs and/or supports the implementation of this Policy:

- N/A

7. Definitions

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

Term	Definition
Employee	An Employee employed pursuant to Part 3 of the <i>Public Sector Management Act 1994</i> or as defined in section 6 of the <i>Health Services Act 2016</i> .
Department	The department of the Public Service principally assisting the Minister in the administration of the Act as defined in the <i>Health Services Act 2016</i> . This is known as the Department of Health as established as an administrative division of the State of Western Australia pursuant to section 35 of the <i>Public Sector Management Act 1994</i> .
Health Service Provider	A Health Service Provider as established by an order made under section 32(1)(b) <i>Health Services Act 2016</i> .
Industrial Action	As provided for in section 7 of the <i>Industrial Relations Act 1979</i> .
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 system entities	<ul style="list-style-type: none">• All Health Service Providers as established by an order made under section 32(1)(b) of the <i>Health Services Act 2016</i>.• Department of Health as an administrative division of the State of Western Australia pursuant to section 35 of the <i>Public Sector Management Act 1994</i>. <p>Note: Contracted health entities are not considered WA health system entities.</p>

8. Policy contact

Enquiries relating to this Policy may be directed to:

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9. Document control

Version	Published date	Effective from	Review date	Amendment(s)
MP 0151/20	23 December 2020	23 December 2020	December 2023	Original version
MP 0151/20 v1.1	4 October 2021	24 September 2021	December 2023	Minor Amendments
<ul style="list-style-type: none">• Deletion of requirement to obtain approval from the Minister for Industrial Relations for the payment of wages during an unauthorised stoppage.• Inclusion of the following Related documents:<ul style="list-style-type: none">○ 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				
MP 0151/20 v1.2	23 August 2022	23 August 2022	December 2023	Policy contact amended from Executive Director, Governance and System Support to Director, Systemwide Industrial Relations.

10. Approval

Approval by	Nicole O'Keefe, Assistant Director General, Strategy and Governance Division, Department of Health
Approval date	24 September 2021

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