

Communication Guidance Materials – Compensable Medical Redeployment



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Issued by: WSIR, CMTEDD

Purpose

1. The information provided in this guide is for educational and informational purposes. The following examples of possible communication to employees provide suggestions and guidance to directorates and agencies as they step through the medical redeployment process set out in the Medical Redeployment Policy. Directorates may like to adapt these examples to meet their particular agency needs. These examples do not replace the requirement for directorates to read and understand their obligations under legislation and the Compensable Medical Redeployment Policy.

Communication Guidance Materials

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Further Information

12. If you have further questions about producing communication material for individual medical redeployment matters where there is an associated workers' compensation claim, please contact the Workplace Safety and Industrial Relations Group, Chief Minister Treasury and Economic Development Directorate at wsir@act.gov.au

Review

13. This guide is due for review in line with the Compensable Medical Redeployment Policy, 1 year from the last issued or reviewed date, or earlier where there are changes that affect the operation of this guide.

Document name: Communication Guidance Materials – Compensable Medical Redeployment	Prepared by: Workplace Safety and Industrial Relations Division, CMTEDD, based on content prepared by Whole of Government Industrial Relations and Public Sector Employment team, Workforce Capability and Governance, CMTEDD
	Feedback to: wsir@act.gov.au
Issue Date: <i>October 2021</i>	Review Date: <i>October 2022</i>

Attachment 1 - Medical examination under Enterprise Agreement

[title] [first name] [surname]

[agency name]

[postal address]

Email:

Dear [title] [surname]

Medical examination under the Enterprise Agreement

I advise that I have arranged for you to attend a medical examination that is necessary under the provisions of the Enterprise Agreement.

Referral for medical examination

Under subclause [F4.30 of the *ACT Public Sector Administrative and Related Classifications Enterprise Agreement 2018-2021*], the Head of Service may refer an employee for a medical examination by a nominated registered medical practitioner or registered health professional, or nominated panel of registered medical practitioners or registered health professionals, at any time for reasons including where:

- F4.30.1 the Head of Service is concerned about the wellbeing of an employee and considers that the health of the employee is affecting, or has a reasonable expectation that it may affect, the employee's ability to adequately perform their duties;
- F4.30.2 the Head of Service considers that documentary evidence supplied in support of an absence due to personal illness or injury is inadequate; or
- F4.30.3 the employee has been absent on account of illness for a total of thirteen weeks in any twenty-six-week period.

On this occasion, I consider that clause [F4.30.1, F4.30.2 or F4.30.3] is applicable to your circumstances. **[provide further information as to why]**

Requirement to attend medical examination

[If appropriate: Where an employee has a medical condition, which impacts on their capacity to undertake their usual work, the Directorate is required to consider what reasonable adjustments could be made to enable the employee to continue to work.]

You are required to attend a medical examination as follows:

Name of provider:	
--------------------------	--

Doctor:	
Date:	
Time:	
Location:	

This examination will be paid for by the [insert name] Directorate.

The purpose of the medical examination is to seek further medical information to [below suggestions only – amend for each individual case]:

- a) assess your capacity to perform the required duties of your position;
- b) assess whether any workplace adjustments could be made to enable you to continue to work in your position; and
- c) provide comprehensive information on your current and future capacity to perform the duties of your position.

To assist with making an informed assessment, records relating to your personal leave; medical certificates/history; position description and a workplace statement may be provided to [doctor] for consideration.

In accordance with the *Health Records (Privacy and Access) Act 1997* (ACT) you have the right to access the information we collect, use and/or disclose regarding your personal health information for the purpose of your medical examination. Your report and personal health information will be handled in accordance with privacy principles.

You may submit supporting material such as any medical reports you might hold for consideration by [doctor]. Please submit any such material through to [name of contact officer] to be forwarded to [doctor] on or before the close of business on [date]. You should be aware that it may constitute misconduct if you provide false medical evidence.

[If appropriate: I have attached a copy of the request for the medical examination.]

At the time of your appointment you will be required to complete a medical consent form. Failure to complete this form will mean the assessment cannot be undertaken. If the assessment cannot be undertaken for this reason it may be regarded as a breach of Section 9(1)(c)(ii) of the *Public Sector Management Act 1994* (PSM Act).

Process after the medical examination

If the medical examination determines that you are not able to perform the functions of your position, there are a number of potential outcomes. These include, but are not limited to: becoming an unattached officer; finding or being placed in an alternative position; or commencement of the redeployment process under section 122 of the PSM Act which can lead to redeployment, permanent reduction in classification or retirement.

If the medical examination finds that you are capable of undertaking some work, this information will be considered by your Rehabilitation Case Manager and may lead to changes in your Rehabilitation Program. If you do not currently have a Rehabilitation Program, your Rehabilitation Case Manager may discuss with you the option of developing such a Program.

Employee Assistance Program

I understand this is a difficult time. Should you require any additional support in relation to this matter, the Employee Assistance Program (EAP) offers free, professional and confidential services to support you and your immediate family members through both personal and work-related issues, including financial counselling, career assistance and vocational counselling.

The ACT Government has contracted a primary provider as follows:

Service	Phone	Website
Converge International	1300 687 327	www.convergeinternational.com.au

Questions

Should you have any questions in the meantime regarding this medical examination, please contact [name] on [phone number] or [email].

Yours sincerely

[name]

[position title]

September 2021

Attachments:

- Request for medical examination and pre-assessment paperwork

Attachment 2 – Initiation of redeployment s122 PSM Act

[title] [first name] [surname]

[agency name]

[postal address]

Email:

Dear [title] [surname]

Medical Examination - Outcome and next steps

Thank you for attending the medical [examination/assessment] with [name of doctor] on [date].

[Name of doctor] provided a report dated [date]. *Choose either:* A copy of that report is attached for your records **OR** As per correspondence to you dated [date], a copy of the report was forwarded to your treating practitioner, [name of treating doctor], on [date] for them to discuss with, and release to you.

[summarise the specialist assessment report findings. Consider level of detail appropriate, particularly where the report was released through the GP.

If there is other information on file, such as reports from workplace rehabilitation providers; previous s36/s57 assessments that also contribute to the decision-making around the employee's capability to fulfil the inherent requirements of their role summarise that information here also. Include the dates of reports and only include relevant information that is key to decision making]

This letter advises you of what this information means in terms of your ongoing employment and potential redeployment within the ACT Public Service. Please be aware that your ongoing entitlement to workers' compensation benefits, and your responsibilities in relation to your claim, will not be affected by the initiation of redeployment, nor by unattachment. As such, you must continue to provide Certificates of Capacity and actively engage in your Rehabilitation Program. Your Rehabilitation Case Manager, [insert RCM name] and Workplace Rehabilitation Provider, [insert WRP name, or delete if not relevant] will continue to provide you support with your rehabilitation.

Determination of incapacity

Having reviewed the medical specialist's report [and considered other information available in relation to your fitness for work as described above], in accordance with section 122 of the *Public Sector Management Act 1994* (PSM Act), I am satisfied on reasonable grounds that you are incapacitated in your role as a [position title], [business unit] [classification, position number]. Under the PSM Act, an officer is incapacitated if the officer is unable to exercise functions appropriate to the officer's classification because of physical or mental incapacity.

[if total incapacity to perform any work: [name of doctor] has made a medical assessment that you are not able to perform any type of work now or in the foreseeable future. If you are able

to provide evidence that you have capacity to perform your job within 14 days of this letter, I may review this decision. I have attached the factsheet 'Information for ACTPS Employees who have total and permanent incapacity to perform work' which provides further information about the process for ACTPS employees with total permanent incapacity to work.]

Becoming an unattached officer on medical grounds

[If applicable: In accordance with Part 5, Division 5.9, section 115 of the PSM Act, I advise that you will become an unattached officer on [insert date]. Please note that your employment and conditions of service (including remuneration) remain unaffected. Unattachment is an internal process which severs the link between you and your position, but your employment relationship with the ACT Public Service remains.

Medical redeployment

I advise that the redeployment process will now commence under section 122 of the PSM Act. For your reference, I have attached sections 120-124 of the PSM Act which provide information about how this process is applied.

In summary, the Director-General (or delegate) must take reasonable steps to find a suitable vacant office that you are eligible for. Eligibility for redeployment will be assessed according to your skills, work experience and the medical assessment of your capacity to work. This process will consider information that has been obtained in relation to your skills and medical capacity throughout the course of your workers' compensation claim, and will have the active involvement of [insert RCM name], your Rehabilitation Case Manager. You will be provided with further advice about any suitable vacant offices identified within the directorate.

Where you do not consent to be transferred into a vacant office or a suitable vacant office cannot be found, your redeployment will be referred to the Head of Service, who will seek to identify a suitable vacant office in the ACT Public Service. You will be notified if such a referral is going to be made.

If the Head of Service cannot find a suitable vacant office to which you consent to be transferred, they must refer your unsuccessful redeployment back to the Director-General (or delegate), where a transfer to a position at a lower classification; reduction in classification and unattachment; or medical retirement will be considered under section 123 of the PSM Act.

This may be a difficult time and I encourage you to seek support if you feel you need assistance with this process. Should you require any additional support, please contact your RCM. You can also access support through the Employee Assistance Program (EAP). EAP offers free, professional and confidential services to support you and your immediate family members through both personal and work-related issues, including financial counselling, career assistance and vocational counselling.

The ACT Government has contracted a primary provider as follows:

Service	Phone	Website
Converge International	1300 687 327	www.convergeinternational.com.au

If you have any questions in the meantime regarding the redeployment process, please contact [name] on [phone number] or [email].

Yours sincerely

[name]

[position title]

September 2021

Attachments:

- Copy of medical examination/health assessment
- Sections 120 – 124 of the *Public Sector Management Act 1994*
- [if applicable: Information for ACTPS Employees who have total and permanent incapacity to perform work]

Attachment 3 – Letter of offer of suitable vacant position s122(2)(b)(i) PSM Act

[title] [first name] [surname]

[agency name]

[postal address]

Email:

Dear [title] [surname]

Letter of Offer – Redeployment under section 122 of the *Public Sector Management Act 1994*

Further to my letter dated [date] advising that the redeployment process under section 122 of the *Public Sector Management Act 1994* (the PSM Act) had commenced, I am writing to advise you that a suitable vacant office has been identified for your redeployment. I am pleased to offer you the position of [position title], [business unit], [administrative unit] (position number). This position is offered to you in accordance with section 122(2)(b)(i) of the PSM Act.

I have attached a position description for your consideration. The position description provides an overview of the position including a description of the role and responsibilities. For further information about this position, please contact [name] on [phone] or [email].

Pursuant to section 122(2)(b)(ii) of the PSM Act, if you accept this offer, arrangements will be made to transfer you to the vacant office. If you choose to decline this offer, your redeployment will be referred to the Head of Service for consideration in accordance with section 122(3) of the PSM Act.

Please be aware that, depending on your specific circumstances, declining the offer of this position may be considered non-compliance with your Rehabilitation Program and therefore may impact your current workers' compensation entitlements. Your Case Manager at the ACT Government's workers' compensation claims administrator, Employers Mutual, [insert claims manager name] will also be advised if you decline the position and may consider this information when determining your ability to earn. This, in turn, may affect your incapacity payments which are determined under the provisions of the *Safety, Rehabilitation and Compensation Act 1988* (SRC Act).

Would you please advise me in writing whether you agree to transfer into the position of [position title], [business unit] (position number) no later than [DATE].

Should you require any further information, please contact me on (02) _____ or email _____.

Yours sincerely

[name]

Date Issued: October 2021

Issued by: WSIR, CMTEDD

[Position]

September 2021

Attachments:

- Position description

Attachment 4 – Confirmation of transfer s122(2)(b)(ii) PSM Act

[title] [first name] [surname]

[agency name]

[postal address]

Email:

Dear [title] [surname]

Transfer to vacant office – Redeployment under section 122 of the *Public Sector Management Act 1994*

I refer to your letter/email dated [date] in relation to the offer to transfer you into the position of [position title], [business unit], [administrative unit] (position number) in accordance with section 122(2)(b)(i) the *Public Sector Management Act 1994* (the PSM Act).

I am pleased that you have accepted the offer to be transferred into this position.

An [Instrument of Permanent Transfer](#) will shortly be processed in accordance with section 122(2)(b)(ii) of the PSM Act.

Please contact [name] on [phone] or [email] to confirm the commencement date of the transfer and to make the necessary arrangements for starting your new position.

I would like to confirm that this is the end of the redeployment process and section 122 of the PSM Act no longer applies. Your workers' compensation claim is ongoing and your access to entitlements under the *Safety, Rehabilitation and Compensation Act 1988* will continue.

[Insert RCM name], your Rehabilitation Case Manager, will maintain contact with you and your new workplace, to provide ongoing support.

Should you require any further information, please contact [insert best contact] on (02) _____ or email _____.

Yours sincerely

[name]

[position title]

September 2021

Attachment 5 – Referral of redeployment to HoS

[title] [first name] [surname]

[agency name]

[postal address]

Email:

Dear [title] [surname]

Redeployment under section 122 of the *Public Sector Management Act 1994*

I am writing to you in relation to the redeployment process under section 122 of the *Public Sector Management Act 1994* (PSM Act).

I note your [letter/email/correspondence] dated [date] advising that you do not accept the recent offer made to you to transfer into the position of [position title], [business unit], [administrative unit] (position number).

OR

Under section 122(2) of the Act, the Director-General (or delegate) is required to take reasonable steps to find a suitable vacant office that you are eligible for. Unfortunately the Director-General (or delegate) has not been able to find a suitable vacant position for you in the directorate.

As a result, under section [122(2)(b)(iii) or 122(2)(c)] I will be referring your proposed redeployment to the Head of Service for consideration in accordance with section 122(3) of the PSM Act. Under this provision, the Head of Service is required to take reasonable steps to identify a suitable vacant office in the ACT Public Service that you are eligible for.

Your workers' compensation claim remains ongoing throughout this process. As such, you will continue to receive benefits you are entitled to under the provisions of the *Safety, Rehabilitation and Compensation Act 1988* and must continue to provide Certificates of Capacity and actively engage in your Rehabilitation Program [delete reference to Rehabilitation Program if no program in place]. If you have any questions in relation to your claim/rehabilitation, please contact [insert RCM name], your Rehabilitation Case Manager (RCM).

I understand this continues to be a difficult time and you are encouraged to keep in contact with [insert rehab case manager's name] to let them know how you are coping. The Employee Assistance Program (EAP) is also available to you and offers free, professional and confidential services to support you and your immediate family members through both personal and work-related issues, including financial counselling, career assistance and vocational counselling.

The ACT Government has contracted a primary provider as follows:

Service	Phone	Website
Converge International	1300 687 327	www.convergeinternational.com.au

If you have any questions in relation to this process under the PSM Act, please contact [name] on [phone number] or [email].

Yours sincerely

[name]

[Position]

September 2021

Attachment 6 – Seeking comments from officer s123(2)(a)(i) PSM Act

[title] [first name] [surname]

[agency name]

[postal address]

Email:

Dear [title] [surname]

I refer to previous advice that the Head of Service has referred your unsuccessful redeployment under section 122 of the *Public Sector Management Act 1994* (PSM Act) back to the Director-General (or delegate).

The next stage of the process is that a reduction in classification, unattachment or retirement will now be considered in accordance with section 123 of the PSM Act. I have attached section 123 of the PSM Act for your information.

Under section 123, the Director-General (or delegate) may:

- a) reduce your classification by:
 - (i) transferring you to an office with a lower classification; or
 - (ii) declare, in consultation with the Head of Service, you to be an unattached officer of a lower classification; or
- b) retire you from the ACT Public Service.

I note that division 5.9 of the PSM Act deals with unattached officers and specifically section 115 provides for becoming an unattached officer on medical grounds. Unattachment is an internal process which severs the link between you and a particular position, but your employment relationship and remuneration entitlements remain in place. Your access to ongoing workers' compensation entitlements are not affected by your becoming unattached. You will also continue to be required to provide medical certificates, and actively engage in your Rehabilitation Program.

Under section 31 of the *Public Sector Management Standards 2016*, you may make a written request that the Head of Service retire you from the ACT Public Service. You should be aware that there are limitations on retirement on the grounds of invalidity (see section 124 of the PSM Act).

To assist me with consideration of this matter, I am seeking your comments and any further information you may wish to provide in relation to the proposed options under section 123 of the PSM Act.

The Employee Assistance Program (EAP) remains available to you to provide free, professional and confidential services to support you and your immediate family members through both personal and work-related issues, including financial counselling, career assistance and vocational counselling.

I ask that you please provide me with your comments in writing within fourteen (14) days of the date of this letter.

Should you require any further information in relation to this matter, please contact [name] on (02) _____ or email _____.

Yours sincerely

[name]
[position title]

September 2021

Attachments:

- Section 123 of the *Public Sector Management Act 1994*

Section 123 *Public Sector Management Act 1994* (ACT)

123 Reduction in classification or retirement

- (1) This section applies to an officer whose unsuccessful redeployment is referred to the Director-General under section 122 (4).
- (2) The Director-General may, with written notice to the officer—
 - (a) reduce the officer's classification by—
 - (i) transferring the officer to an office with a lower classification; or
 - (ii) declaring, in consultation with the Head of Service, the officer to be an unattached officer of a lower classification; or
 - (b) retire the officer from the service.
- (3) A decision under subsection (2) is an appealable decision.
- (4) If the officer agrees to a reduction in classification or retirement, the date of effect of the action is—
 - (a) for an incapacitated officer—a day agreed, in writing, between the officer and the Director-General; or
 - (b) for an ineligible or an excess officer—any day after the day the notice was given that is agreed, in writing, between the officer and the Director-General.
- (5) If the officer does not agree to a reduction in classification or retirement, the date of effect of the action is—
 - (a) if an industrial instrument applies to the officer and states a retention period for the circumstances—the day after the end of the retention period; or
 - (b) if paragraph (a) does not apply—the latest of the following:
 - (i) the day stated in the notice;

- (ii) the day 1 month after the day the notice was given to the officer;
- (iii) if the officer appeals, but then withdraws the appeal—the day the appeal is withdrawn;
- (iv) if the officer appeals and the appeal upholds the giving of the notice—the day the appeal is decided.

Attachment 7 – Transfer and reduction of classification s123(2)(a)(i) PSM Act

[title] [first name] [surname]

[agency name]

[postal address]

Email:

Dear [title] [surname]

As you would be aware, the Head of Service has referred your unsuccessful redeployment under section 122 of the *Public Sector Management Act 1994* (the PSM Act) back to the Director-General (or delegate).

I refer to my letter on [date] seeking your comments in relation to the options available under section 123 of the PSM Act. I have considered the comments you provided in your letter dated [date] together with information relating to the steps that have been taken to redeploy you.

Please find attached an outline of the attempts made to redeploy you under section 122.

Having considered all relevant information and your circumstances, I have decided that your classification will be reduced to [insert classification], in accordance with section 123(2)(a)(i) of the PSM Act.

A suitable vacant office has been identified with a lower classification that is consistent with your skill set and medical capacity. I am pleased to advise that you will be transferred into the position of [position title and classification], [business unit], [administrative unit] (position number).

I have attached a position description for your reference. The position description provides an overview of the position including a description of the role and responsibilities. For further information about this position, please contact [name] on [phone] or [email].

Please contact [name] on [phone] or [email] to make the necessary arrangements for the commencement of your new position. Please contact [insert EML case manager here], your workers' compensation case manager at EML, to discuss how any ongoing incapacity entitlements associate with your claim will be determined.

I advise that this decision is appealable under section 123(3) of the PSM Act. This means that you may apply to the ACT Civil and Administrative Tribunal for a review of the decision.

Further, you may make a written request that the Head of Service retire you from the ACT Public Service under section 31 of the *Public Sector Management Standards 2016*. Please note that there are limitations on retirement on the grounds of invalidity (see section 124 of the PSM Act).

If you agree to this reduction in classification, the arrangement will take effect on **[a day agreed, in writing, between the officer and the Director-General]**

I advise that if you choose not to agree to a reduction in classification, the arrangement will take effect on the latest of the following:

- the day stated in this notice;
- the day 1 month after the day this notice was given to you;
- if you appeal the decision and withdraw the appeal, the day after the appeal is withdrawn; or
- if you appeal the decision and the appeal upholds the giving of the notice, the day the appeal is decided.

Should you require any additional support in relation to this matter, the Employee Assistance Program (EAP) can provide you with free, professional and confidential services to support you and your immediate family members through both personal and work-related issues.

The ACT Government has contracted a primary provider as follows:

Service	Phone	Website
Converge International	1300 687 327	www.convergeinternational.com.au

Please advise me in writing by [date] whether you agree to the reduction in classification and transfer into the above position. Should you require any further information in relation to this matter, please contact me on (02) _____ or email _____.

I look forward to hearing from you.

Yours sincerely

[name]

[position title]

September 2021

Attachments:

- Outline of the attempts made to redeploy Officer under section 122
- Position description

Attachment 8 – Confirmation of transfer and reduction of classification s123(2)(a)(i) PSM Act

[title] [first name] [surname]

[agency name]

[postal address]

Email:

Dear [title] [surname]

Reduction in classification – Redeployment under section 122 of the *Public Sector Management Act 1994*

I refer to your letter/email dated [date] in relation to the decision to reduce your classification and transfer you into the position of [position title], [business unit], [administrative unit] (position number) in accordance with section 123(2)(i) of the PSM Act.

I am pleased that you have consented to be transferred into this position.

An [Instrument of Permanent Transfer](#) will shortly be processed in accordance with section 123(2)(a)(i) of the PSM Act.

Please contact [name] on [phone] or [email] to confirm the commencement date of the transfer and to make the necessary arrangements for starting your new position. I wish you well in your new position.

I would like to confirm that this is the end of the redeployment process which means that sections 122 and 123 of the PSM Act no longer apply. Your workers' compensation claim remains ongoing throughout this process. As such, you will continue to receive benefits you are entitled to under the provisions of the *Safety, Rehabilitation and Compensation Act 1988* and must continue to provide medical certificates and actively engage in your rehabilitation program. If you have any questions in relation to your claim/rehabilitation, please contact [insert RCM name], your Rehabilitation Case Manager (RCM).

Should you require any further information, please contact me on (02) _____ or email _____.

Yours sincerely

[name]

[position title]

September 2021

Attachment 9 – Unattached and reduction of classification s123(2)(a)(ii) PSM Act

[title] [first name] [surname]

[agency name]

[postal address]

Email:

Dear [title] [surname]

As you are aware, the Head of Service has referred your unsuccessful redeployment under section 122 of the *Public Sector Management Act 1994* (the PSM Act) back to the Director-General (or delegate).

I refer to my letter on [date] seeking your comments in relation to the options available under section 123 of the PSM Act. I have considered the comments you provided in your letter dated [date] together with information relating to the steps that have been taken to redeploy you.

Please find attached an outline of the attempts made to redeploy you under section 122.

Having considered all relevant information and your circumstances, and in consultation with the Head of Service, I have decided to provide you notice that in accordance with section 123(2)(a)(ii) of the PSM Act, I declare you to be an unattached officer at the lower classification of [insert classification]. An unattached officer is an officer who does not hold an office. For administrative purposes, the unattached position number will be [insert number] and you will become an unattached officer on [date], in accordance with section 115 of the PSM Act.

Unattachment is an internal process which severs the link between you and a particular position, but the employment relationship remains in place. Your other conditions of service remain unaffected. Your workers' compensation claim also remains ongoing. As such, you will continue to receive benefits you are entitled to under the provisions of the *Safety, Rehabilitation and Compensation Act 1988* and must continue to provide medical certificates and actively engage in your rehabilitation program if one is determined. If you have any questions in relation to your claim/rehabilitation, please contact [insert RCM name], your Rehabilitation Case Manager (RCM).

Section 123(3) of the PSM Act provides that this decision to unattach you at a lower classification is appealable. This means that you may apply to the ACT Civil and Administrative Tribunal for a review of the decision.

Further, under section 31 of the *Public Sector Management Standards 2016*, you may request, in writing, that the Head of Service retire you from the ACT Public Service. You should note that there are limitations on retirement on the grounds of invalidity (see section 124 of the PSM Act).

Should you require any additional support in relation to this matter, the Employee Assistance Program (EAP) remains available to provide you with free, professional and confidential services to support you and your immediate family members through both personal and work-related issues. You should also discuss your concerns with your RCM.

The ACT Government has contracted a primary provider as follows:

Service	Phone	Website
Converge International	1300 687 327	www.convergeinternational.com.au

Should you require any further information, please contact me on (02) _____ or email _____.

Yours sincerely

[name]

[position title]

September 2021

Attachments:

- Outline of the attempts made to redeploy Officer under section 122

Attachment 10 – Retirement s123(2)(b) PSM Act

[title] [first name] [surname]

[agency name]

[postal address]

Email:

Dear [title] [surname]

As you would be aware, the Head of Service has referred your unsuccessful redeployment under section 122 of the *Public Sector Management Act 1994* (PSM Act) back to the Director-General (or delegate).

I refer to my letter on [date] seeking your comments in relation to the options available under section 123 of the PSM Act. I have considered the comments you provided in your letter dated [date] together with information relating to the steps that have been taken to redeploy you. Please find attached an outline of the attempts made to redeploy you under section 122.

Attach outline of reasons

Having considered all relevant information and your circumstances, I have decided to retire you from the ACT Public Service in accordance with section 123(2)(b) of the PSM Act.

[Outline reasons for retirement – required under s42 PSM Standards]

Section 123(3) of the PSM Act provides that this decision is appealable. This means that you may apply to the ACT Civil and Administrative Tribunal for a review of the decision.

[If you agree to retirement, the arrangement will take effect on a date agreed in writing between you and the Director-General (or delegate).

If you choose not to agree to retirement, under section 123(5) of the PSM Act, the arrangement will take effect on the day one (1) month after the day this notice was given to you, unless you choose to appeal this decision.]

[OR if employee is a member of **PSS**, **PSSap** or **CSS** the officer cannot be retired on the ground of incapacity under s123(2)(b) *unless they receive the relevant certificate in accordance with s124*. In accordance with section 124 of the PSM Act we will now, in partnership with the Workplace Safety and Industrial Relations Division, CMTEDD, take steps to apply for an Invalidity Retirement Certificate for you. Once we have obtained this certificate, your retirement will be progressed in accordance with section 123(4) or 123(5) of the PSM Act.]

You may be entitled to Invalidity Retirement benefits within your Superannuation Scheme. Your Rehabilitation Case Manager can provide further information regarding this process and support your application for an Invalidity Retirement Certificate (IRC) required for this purpose.

We strongly encourage you to talk to your superannuation fund or income protection insurance provider in relation to any available superannuation or insurance benefits arising from your retirement.

Should you require any additional support in relation to this matter, you are reminded that the Employee Assistance Program (EAP) can provide you with free, professional and confidential services to support you and your immediate family members through both personal and work-related issues.

The ACT Government has contracted a primary provider as follows:

Service	Phone	Website
Converge International	1300 687 327	www.convergeinternational.com.au

I ask that you please advise me in writing whether you agree to being retired from the ACT Public Service by [DATE].

Should you require any further information, please contact me on (02) _____ or email _____.

I would like to take this opportunity to thank you for the contribution you have made to the ACT Public Service and the ACT community. I wish you well for the future.

Yours sincerely

[name]
[position title]

September 2021

Attachments:

- Outline of the attempts made to redeploy Officer under section 122