

This document is current as at 10 February 2014

You have time, you don't need to sign.

It's critical that Senior Medical Officers do not sign up to these unfair contracts that have been released by Queensland Health.

Here's why these contracts are unfair:

1. There are no rights of recourse if you are unfairly dismissed or if your dismissal is harsh, unjust or unreasonable. That is, you can be given notice, for no good reason, and have your employment terminated.

What could you do?

The legislation takes away your rights as a contract employee. You might have an action at common law, however, there is no right to reinstatement (being returned to your position) at common law. The most you could hope for would be to take an action for "wrongful dismissal" and seek a remedy in damages (money).

In order to commence this action you would need to engage a solicitor and a barrister. It normally takes between 12 months to two years after you commence a claim to having it heard and determined in Court.

For a two or three day trial, the cost to you could be in the range of \$35,000-\$50,000 plus GST. (note an estimate). Also, 'costs follow the event'. So if you are unsuccessful it is possible you might have to pay a portion of the employer's legal costs as well.

You could be reinstated if you can prove discrimination under the *Anti-Discrimination Act 1991* (Qld) or for example grounds under the *Disability Discrimination Act 1992* (Cth). Again, these proceedings take time and you have to have a clear case on those grounds.

2. The Director General can issue a new "Health Employment Directive" at any time and change your conditions of employment without notice. Their unilateral decision is final.

What could you do?

Perhaps, if it was seen as a "fundamental" term there may be a remedy in breach of contract, however, in signing the contract you are signing knowing that the DG may take this action and as per the above a breach of contract action can take at least 1, up to 2 years to settle. And then it is only usually a monetary remedy.

3. Existing rights and entitlements are not being honoured. Queensland Health has said in this process 'you will be no worse off'. That is not true. At a fundamental level your rights have been eroded already by this legislation and there are no guarantees that SMOs will be no worse off. New SMOs are also faced with greater uncertainty.

What CAN you do RIGHT NOW?

Join your union. Take action.

Do not sign these unfair contracts.

www.together.org.au/join

Together, the medical workforce of Queensland's public health system, supported by the community, will fight back and say NO.