

Health Declaration FAQs for employees

1. What is the intent/purpose of the Employee Health declaration (declaration)?

Northside has a duty of care to provide safe work environments to all employees. This includes understanding an employee's health and/or medical requirements and potentially modifying a role to accommodate these. For this reason, the primary purpose of the declaration is to assist Northside to ensure that no employee is placed in an environment or given tasks that will result in physical or mental harm. It is not the intention of the declaration to deny or terminate a person's employment solely because of a disability, illness or injury.

2. What are some of the legal protections available for employees with a disability, illness or injury?

Section 351 of the Fair Work Act and Disability Discrimination Act 1992 prohibits an employer from taking adverse action or discriminate against an employee or prospective employee because of their disability; unless the employer can show that an action (for example, refusing to offer a candidate employment in the position for which they have applied) was taken because of the employee not being able to satisfactorily perform inherent requirements of the particular position concerned.

3. What is 'inherent requirements of a position/job'?

Inherent requirements of a position are the essential outcomes that must be achieved as part of a job. They are the tasks or skills that are a major part of the job; they cannot be allocated elsewhere or done in a different way, and have significant consequences if not performed. For example, ability to move large pieces of equipment is inherent requirement for a professional furniture removalist position.

4. Do I have to complete the declaration?

The declaration is required to be completed so that Northside may take appropriate and reasonable action to ensure your health, safety and wellbeing. You are required to disclose to Northside any pre-existing illness, disease, injury, ailment or condition that you have suffered or continue to suffer of which are aware and could reasonably be expected to foresee, and could be affected by the nature of the employment.

5. What if I don't want to disclose my medical and/or health information in the declaration?

As health is often a private issue, you may not wish to disclose your health status to Northside. Northside cannot force you to disclose any information that you do not wish to. However, failure to disclose or making a false or misleading disclosure may disentitle you to compensation pursuant to the Workers Compensation Legislation (applicable in the ACT) should you suffer any recurrence, aggravation, acceleration, exacerbation or deterioration of a pre-existing injury or disease arising from employment with Northside. Northside may rely upon any failure to disclose in accordance with the provisions in the Workers Compensation Legislation as grounds for denying compensation.

6. Can Northside request my health related information?

Workers Compensation Legislation requires disclosure to your employer of any pre-existing injuries or diseases that you have suffered, or existing injuries or disease that you continue to suffer of which you are aware and could reasonably be expected to foresee, and could be affected by the nature of your employment.

7. How is my declaration information stored and used?

Northside takes your privacy seriously. All details provided on the declaration are treated confidentially. The completed health declaration form will be retained on your personnel file, which is kept secure at all times. Northside may use the information in your health declaration for the purpose of assessing your suitability for employment. Further, Northside may also disclose your health declaration information to Northside's Work Cover insurer should you submit a Work Cover claim for compensation.