



LEAVE POLICY

1. Purpose

This policy outlines the requirements for the management for leave.

- Own illness / injury and
- Family / emergency leave
- Bereavement Leave
- Compassionate Leave
- Annual Leave
- Parental Leave
- Community Service
- Long Service
- Unpaid Leave
- Family and Domestic Violence Leave
- Converting Annual Leave to Sick Leave

In line with legislative requirements both fair work Australia and the National Employment Standards (NES), the award and the businesses own operational requirements.

2. Scope

These provisions apply to permanent and fixed term employees employed on a

- Full time basis or
- Part time basis

It excludes casuals with the exception of unpaid leave for family / emergency reasons.

3. Responsibilities

Delegates supervisors / managers responsibilities include.

- Managing the taking of own illness / injury and family. Emergency leave by employees
- Discussing planned employee leave intention in order to effectively manage leave balances according to leave provisions, workplace health and safety and anti-discrimination principles.
- Approving or rejecting these leave types based in the circumstances of the leave request
- If required, seeking appropriate documentation to support the leave request.
- Not unreasonably refusing to agree to a request by the employee to take own illness / injury and family/emergency leave.
- Making appropriate cover arrangements for the business and operational needs during periods of leave absence.
- Monitoring employee use of these leave types to identify patterns or concerns, or any abuse/misuse of these leave types
- Using appropriate HR processes to manage absence and attendance concerns, as well as suspect abuse / misuse of these leave types

Employee responsibilities include:

- Where possible, providing reasonable advance notice of their request for leave and seeking delegated manager approval before taking leave or leaving the workplace. Reasonable advance notice takes into consideration the circumstances of the request, business and operational needs, the type and length of leave being requested. This does not apply to leave requests for emergency or exceptional circumstances
- Where possible, making medical appointments outside of work hours.
- Advising of the expected length of their absence when taking illness / injury leave
- Accessing illness / injury leave in accordance with the award, the NES principles and workplace health and safety.
- Providing appropriate documentation to support requests for illness / injury and family leave if requested.

Both employees and managers must:

- Stay in regular contact with each other when taking these leave types to discuss the expected duration of the leave and changes in circumstances.

- Accurately record leave requested using the Leave Request Form
- Never approve their own leave applications

4. Leave Summary Table

This table provides summary information only. Please refer to individual sections of this policy for further information or see your Manager

Leave Provisions	Amount / Accrual	Reason For Taking
Illness / Injury Leave (Sick Leave)	<ul style="list-style-type: none"> • 10 paid days accrue per complete year of service (76 hours based on employees 38-hour week) • Leave accrues on a pro-rata basis for part time employees • Unused leaves accumulate for future use. • Casuals are not entitled to paid illness / injury leave, though may advise nonattendance at work for these reasons 	<ul style="list-style-type: none"> • For genuine illnesses and injuries suffered / experienced by employees
Family / Emergency (Compassionate Leave)	<ul style="list-style-type: none"> • 2 Days paid per permissible occasion. • 2 days unpaid per permissible occasion • This is drawn from the same balance as Illness / Injury. There is no separate accrual for this leave type 	<p>For the employee to provide care or support to an immediate family / household member who has a:</p> <ul style="list-style-type: none"> • Personal illness / injury • An emergency situation
Annual Leave	<ul style="list-style-type: none"> • 4 paid weeks accrue per complete year of service (152 hours based on employees 38-hour week) • Leave accrues on a pro-rata basis for part-time employees. • Unused leaves accumulate for future use. • Casuals are not entitled to paid annual leave but may take an absence unpaid with the approval of their manager 	<ul style="list-style-type: none"> • No limitations on reason for leave • A min of 2 weeks' notice of request for leave for staffing reasons
Parental Leave	<ul style="list-style-type: none"> • 12-month unpaid leave after 12 months of continuous service • Can request an additional up to an additional 12 months. • Under the Australian Government may be entitle to 18 weeks paid leave – criteria applies and applications are submitted to the Department of Human Services 	<p>Be the primary carer of a newborn or recently adopted child (the primary carer is the person who is most meeting the child's physical needs). This is usually the birth mother of a newborn or the initial primary carer of an adopted child. You are considered to be the primary carer from birth, even if your child is in hospital</p>

<p>Community Service Leave</p>	<ul style="list-style-type: none"> • Community Service leave is unpaid and has a time restriction, however, can only be taken with the consent of the employer. • In the case of Jury Service, the employee is entitled to up to 10 days make-up pay, which is the difference between the wage the employee would have earned had they been at work and the Jury Service Allowance provided 	<p>Community Service Leave is for a 'voluntary emergency management activity' where all the following apply:</p> <ul style="list-style-type: none"> • the activity deals with an emergency or natural disaster • the employee engages in the activity on a voluntary basis. • the employee is a member of, or has a member-like association with, a 'recognized emergency management body.' • the body requests the employee to engage in the activity, or it would be reasonable to expect that such a request would have been made if circumstances had permitted. <p>Jury Service includes attendance for Jury Selection</p>
<p>Long Service Leave</p>	<ul style="list-style-type: none"> • 8.66wks of long service leave after 10yrs of continuous service with a further 4.34wks at 15yrs after another 5yrs of continued service • 1.3 weeks accumulates every year of service after the initial 10-year period 	<ul style="list-style-type: none"> • No limitations on reason for leave • 2 Weeks' notice of request is required
<p>Unpaid Leave</p>	<ul style="list-style-type: none"> • Unpaid leave can only be taken by prior agreement with your line manager 	<ul style="list-style-type: none"> • Unpaid leave may be considered under exceptional circumstances

<p>Family and Domestic Violence Leave</p>	<ul style="list-style-type: none"> • 10 Days Paid Leave 	<p>Domestic Violence leave can happen after the leave as started. As an employer we can ask for supporting evidence after the end of the leave period, such as:</p> <ul style="list-style-type: none"> • a statutory declaration • documents issued by the police. • documents issued by a court, or • family violence support service documents.
<p>Converting Annual Leave to Sick Leave</p>	<ul style="list-style-type: none"> • With consent from employer 	<p>If a person / employee exhausts their sick or carers leave, then they may request in writing to continue to be away on paid annual leave should they have an available balance. If no balance is left, then unpaid leave will be assumed. Medical certification still applies in these instances.</p>

5. Deductions of Leave Balances

Any leave taken will be deducted from the employees' leave balances.

6. Payroll Consideration for Leave

Payment

- The following payroll considerations apply to the taking of illness / injury and family. emergency leave
- Employees will be paid their own illness / injury leave and family / emergency leave on the base rate of pay received by the employee immediately before taking the leave.
- If satisfactory evidence of the reasons for the absence, and / or acceptable forms of evidence are not received by the supervisor or manager, the employee will not be paid for the absence until such evidence is received.

Other conditions

- For absence periods up to 1 day, employees may be required to provide evidence of the reasons taking either paid illness / injury or emergency / family leave. Employees may apply for paid leave for either.
 - period shown on medical certificate, subject to leave balances.
 - the period specified on other suitable evidence, subject to leave balances.
- for absence periods of 3 or more consecutive days, employees must provide a medical certificate to cover the entire absence, to apply for paid leave.
- Employees will be paid for public holidays without deduction from illness / injury leave balances should the leave fall within the period of such leave.

7. Use of Illness / Injury Leave

An employee may apply to use their accrued illness / injury when either personally ill or injured. Absences exceeding 2 consecutive days require a medical certificate to confirm reasons for the absence.

In most instances, an employee must not return to work unless their medical certificate has expired or where it allows for conditions to return to work. Should an employee return to work prior to the certificate expiring, the supervisor or manager must consider the potential risks prior to approving the return to work.

8. Use of Family / Emergency Leave

An employee may apply to use their accrued illness / injury leave balance for family / emergency reasons.

Paid leave for family / emergency reasons can be used by the employee to provide care or support to an immediate family / household member who has.

- A personal illness / injury or
- An emergency situation

Care for the family / emergency reasons may include planned medical treatments relating to the immediate family / household member's illness or injury.

An immediate family member includes.

- An employee's spouse (including de facto spouse, former spouse, former de factor spouse or same sex partner)
- A child (including adult child, adopted child, foster child, or step child) of an employee or an employee's spouse
- A parent, guardian, grandchild or sibling of an employee or an employee's spouse.

A household member means a person (e.g., an aunt, cousin or close friend) who lives with the employee. Own illness / injury leave of Family / Emergency reasons is not to be used as a replacement for childcare.

Employees are encouraged to discuss difficulties with childcare arrangements with their supervisor / manager to see what arrangements (if any) can be made.

Unpaid leave for family / emergency reasons

Subject to criteria for family / emergency leave outlined above, employees (including casual employees) may apply for up to 2 days of unpaid leave (leave without pay) per occasion for family / emergency reasons.

Employees (excluding casuals) who have no illness / injury leave balance may apply for leave without pay, annual leave or long service leave. Approval for such leave is subject to business and operational requirements. Such employees should apply to their designated manager / supervisor and provide supporting evidence as required.

9. Evidence Requirement for leave types.

Employees must provide evidence of absences.

- That exceeds 2 working days (total period of absence) including absence broken by a weekend, public holiday or RDO.
- Any absence where the company requests evidence (for absenteeism management purposes)

In circumstances where it is not reasonably practical to obtain a medical certificate for periods less than 2 days, an employee may provide a statutory declaration explaining the reason for the absence, dates and leave type as requested.

Illness / Injury Leave	Family / Emergency Leave
Evidence Requirements	
<ul style="list-style-type: none"> • medical certificates from a registered medical practitioner treating the employee and, • the medical certificate must cover the full period of absence and must be produced on the next working day or when the employee resumes duty • continuous medical certificates must be supplied for absences greater than 2 days 	<ul style="list-style-type: none"> • medical certificates from a registered medical practitioner treating the immediate family / household member • where otherwise impractical to obtain a medical certificate a statutory declaration outlining the reason for the absence and the leave type requested • evidence of the employee's responsibility for the immediate family / household member

Employees being managed for absenteeism reasons under a performance management process may be required to provide a medical certificate for every absence when applying for illness / injury and or family / emergency leave/

Where an employee is being managed for absenteeism and has a nil illness / injury balance and that employee applies for other leave types, the manager or supervisor has the ability to grant only unpaid leave appropriate to the circumstances of the leave request.

10. Family and Domestic Violence Leave

What is family and domestic violence?

Family and domestic violence can be present in many forms, and not all forms are visible. Violence can be physical, sexual, emotional, psychological, social, cultural, spiritual, or financial. It can also be facilitated through technology. Examples can include¹:

- physical violence
 - physically hurting or restraining
 - sleep or food deprivation or forced feeding.
- sexual assault or sexually abusive behavior
 - unwanted touching or rape
 - unwanted exposure to pornography
 - sexual jokes or using sexually degrading insults.
- verbal abuse
 - putting the person down and calling them names
 - shifting the responsibility for abusive behavior onto the victim

¹ Domestic Abuse Intervention Programs, [The Duluth Model](https://www.theduluthmodel.org/) Wheel at <https://www.theduluthmodel.org/>

- emotional or psychological abuse
 - making the person feel afraid by using looks, actions and gestures.
 - making light of the abuse or saying the abuse didn't happen.
- stalking
 - visiting at work in inappropriate ways
 - sending repeated upsetting phone calls/emails/texts
- financial abuse
 - stopping the person from getting or keeping a job
 - making the person ask for money or restricting their access to money, for example by managing any allowance they get.
- spiritual or cultural abuse
 - preventing the person from practicing their religion or ridiculing their religious beliefs or practices
 - misusing spiritual or religious beliefs and practices to justify other types of abuse and violence.
- serious neglect where there is a relationship of dependence.
 - withholding access to the person's money or belongings
 - not allowing services to help someone.
- damage to property or belongings
 - threatening damage to property
 - breaking, hiding, or damaging belongings
- technology assisted abuse.
 - using technology, such as smart phones, social media and apps to threaten, isolate, abuse, track or stalk the victim
 - using technology to control what the victim does, who they see and talk to, what they read
- abuse or threatened abuse of pets.
 - threatening to harm or kill pets.
 - injuring, killing, or abducting pets
- behavior by a person using violence that causes a child to be exposed to the impact of family and domestic violence
 - using children to send messages.
 - using visitation rights to harass the victim or threatening to take children away.

Should you have any questions on the interpretation on this policy please contact a member of the HR team.