



## Leave Policy

This Leave Policy applies to all Employees of the business.

The objective of the policy is to define when workers are eligible for leave and to outline the process for requests, approvals and administrative tasks.

The requirement is for all staff to comply with Leave Policy.

Procedures (not required)

## Purpose

This policy covers the following types of leave: annual, personal/carer's, compassionate, community service, long service, and domestic and family violence leave. It applies to all full-time, part-time, and casual employees (where applicable) as detailed in the policy.

## Commencement of the Policy

This policy will commence from 1st May 2023. It replaces all other leave policies of Sydney Drafting Concepts and Designs which deal with the taking of annual leave, personal/carer's leave, compassionate leave, community service leave, long service leave, and domestic and family violence leave.

## Application of the Policy

- This policy applies to employees (including temporary employees) of the business who apply for or take leave after 1st May 2023.
- This policy does not form part of any employee's contract of employment. The policy is not intended to override the terms of any award, enterprise agreement or contract that applies to an employee.
- This policy reflects the National Employment Standards (NES) as set out in the *Fair Work Act 2009 (Cth)* but does not override the NES.

## Definitions

'Immediate family' means:

- a spouse, de facto partner, child, parent, grandparent, grandchild, or sibling of the employee;  
or
- a child, parent, grandparent, grandchild, or sibling of a spouse of the employee.
- This includes adoptive, step-relations and foster care relationships.

'Spouse' includes a former spouse, a de facto spouse, or a former de facto spouse.

'De facto partner' means a person who, although not legally married to the employee, lives with the employee in a relationship as a couple on a genuine domestic basis (whether the employee and the person are of the same sex or different sexes) and includes a former de facto partner of the employee.

'Child' includes an adopted child, a stepchild, an ex-nuptial child, and an adult child.

## Annual Leave

The business provides annual leave in accordance with the Act.

### Amount of leave

- For each year of service, an employee (other than a casual employee), subject to their hours and employment status, progressively accrues four (4) weeks of paid annual leave.
- Annual leave must be taken at a time mutually agreed upon with the business with a minimum notice period of four weeks for all annual leave applications. Employees are required to submit a leave form and gain approval from their Manager for the annual leave.
- Annual leave accrues progressively from year to year, unused balances carry over from year to year.

### **Applying and Taking annual leave**

- Annual leave should be applied for with at least four weeks' notice.
- Annual leave is to be taken for a period agreed between the employee and employer. Requests for leave will not unreasonably be refused but can be denied if not enough accrued leave is available at the time the leave is requested, or if the employee will not have enough leave accrued for the annual Christmas and New Year shutdown period.
- In addition to the employer directing an employee to take annual leave, employees can be directed to take annual leave in accordance with the relevant award or agreement that applies to them and under the terms set out in the NES.

### **Temporary shutdown periods including Christmas and New Year period**

- The business has an annual Christmas shut down for 2 weeks and staff will be required to access annual leave during this period. Notice of the shutdown will be provided 28 days prior to the shutdown period.
- If an employee does not have enough annual leave to cover the shutdown period, the employee may agree to take leave without pay for any period of the shutdown not covered by paid leave.

### **Payment on annual leave**

- Annual leave will be paid at the employee's base rate of pay for the employee's ordinary hours of work in the period. This will not include payment for any allowances, loadings, penalties, or the like. The payment will be processed at the usual pay time.

### **Payment of annual leave on termination**

- Subject to the terms of any other agreement, contract, or award, any accrued but untaken annual leave will be paid out on termination.

### **Casual employees**

- Casual employees have no entitlement to paid annual leave.

## **Personal/Carer's Leave**

The business provides personal/carer's leave in accordance with the Act.

- Personal/carer's leave encompasses sick leave and carer's leave.
- For each year of service, an employee (other than a casual employee) will, subject to their hours and terms of employment, accrue ten (10) days of paid personal/carer's leave. Such leave accrues progressively during a year of service according to the employee's ordinary

hours of work and accumulates from year to year. Part time employees accrue leave on a pro rata basis.

### **Taking paid personal/carer's leave**

- An employee may use their accrued paid personal/carer's leave for personal illness or personal injury affecting the employee. An employee may also use this leave to provide care and support to a member of the employee's immediate family, or a member of the employee's household, who requires care or support because of a personal illness, or personal injury affecting the member, or an unexpected emergency affecting the immediate family /household member.

### **Paid personal/carer's leave — notice and documentation requirements**

- In order to access an entitlement to personal/carer's leave, an employee must:
  - comply with any requirements in their award, agreement, relevant policies, and contract;
  - as soon as practicable, inform your direct Manager that the employee will be absent from work because of personal illness or injury;
  - inform the Manager of the expected period of absence; and
  - provide evidence that would satisfy a reasonable person that the leave is taken for personal/carer's reasons as specified in this policy, such as either a medical certificate or a statutory declaration.

### **Payment for personal/carer's leave**

- Paid personal/carer's leave for employees, other than casuals, will be paid at the employee's base rate of pay for all ordinary hours of work in the period. This will not include payment for any allowance, loadings, penalties, or the like. The payment will be processed at the usual pay time provided the employee has complied with the notice and documentation requirements.
- Casual employees are not entitled to paid personal/carer's leave.

### **Payment for personal/carer's leave on termination**

- Subject to the terms of any other agreement, contract, or award, any accrued but untaken personal/carer's leave will not be paid out on termination of employment.

## **Unpaid Carer's Leave**

- Casual employees and those full-time and part-time employees who have used their entitlement to paid carer's leave, are entitled to up to 2 days' unpaid carer's leave for each occasion when a member of the employee's immediate family or household requires care or support because of:
  - a personal illness or injury of the member; or
  - an unexpected emergency affecting the member.

## **Compassionate Leave**

The business provides compassionate leave in accordance with the Act.

- Employees (other than casuals) are entitled to up to two (2) days paid compassionate leave for each occasion when a member of the employee's immediate family or a member of their household has a personal illness or injury that poses a serious threat to his or her life or dies.

#### **Payment for compassionate leave**

- Compassionate leave for employees other than casuals will be made at the employee's base rate of pay for the employee's ordinary hours of work in the period. This will not include payment for any allowances, loadings, penalties, or the like. The payment will be processed at the usual pay time provided the employee has complied with the notice and documentation requirements.

#### **Cashing out personal/carer's leave**

- Compassionate leave cannot be cashed out.

#### **Casuals**

- Casual employees are entitled to up to two (2) days off unpaid for each occasion when a member of the employee's immediate family, or a member of their household has a personal illness or injury that poses a serious threat to his or her life or dies.

#### **Compassionate leave — notice and documentation requirements**

- In order to access an entitlement to compassionate leave, employees must as soon as practicable, inform your direct Manager that they need leave to:
  - grieve following the death of a member of the employee's immediate family or a member of the employee's household; or
  - attend the funeral of that immediate family member or a member of the employee's household; or
  - spend time with an immediate family member or a member of the employee's household because that member has a personal illness or injury that poses a serious threat to his or her life.
- An employee must also provide Manager with any evidence required to substantiate the fact that the leave is to provide care and support for an immediately family member suffering a personal illness or personal injury (such as a medical certificate or a statutory declaration) is for one of the reasons for compassionate leave listed above.

#### **No accumulation**

- As compassionate leave is an event-based leave, it does not accrue and accordingly, will not be paid out on termination of employment.

## **Long Service Leave**

- Long service leave will be granted to all employees in accordance with applicable long service leave legislation as varied from time to time.

## **Community Service Leave**

The business provides Community Service Leave in accordance with the Act.

- Community service leave incorporates jury service and voluntary emergency management activities.

### **Jury service**

- Employees are entitled to be absent from work in order to perform jury service.

### **Payment for jury service leave**

- Full-time and part-time employees are entitled to "make-up pay" for the first 10 days of jury service. This means the employer must pay the difference between the employee's base pay rate and the amount received from the court for jury duty. Employees may need to provide evidence of the jury duty payment received to claim this make-up pay.
- This will not include payment for any allowances, loadings, penalties, or the like. The payment will be processed at the usual pay time provided the employee has complied with the notice and documentation requirements.
- The amount payable to the employee for the absence from jury service will be reduced by the jury service pay that the employee receives or is entitled to receive from the court.

### **Voluntary emergency management activities**

- An employee is entitled to be absent from work to undertake voluntary emergency management activities if:
  - the employee engages in an activity that involves dealing with an emergency or natural disaster; and
  - the employee engages in the activity on a voluntary basis (whether or not the employee is paid a gratuity); and
  - the employee is a member of, or has a member-like association with, a recognised emergency body such as a firefighting, civil defence or rescue body, and either:
    - is requested by or on behalf of the body to engage in the activity; or
    - it is reasonable to expect that such a request would have been made if circumstances permitted; and
  - the employee's absence is reasonable in all circumstances.
- The amount of time permitted by an employee to be absent from work for a voluntary emergency management activity will depend on whether the employee's absence is reasonable and will be reassessed from time to time. However, as a guide, the absence time may consist of the time the employee engages in the activity, reasonable travelling associated with the activity and reasonable rest time immediately following the activity.

### **Notice and documentation for community service leave**

- In order to access an entitlement to community service leave, an employee must:
  - comply with any requirements in their award, agreement, relevant policies and contract;
  - as soon as practicable, inform your direct Manager that the employee will be absent from work due to either a voluntary emergency management activity or jury service leave;
  - inform Manager of the period of the absence;

- provide evidence that the absence is because the employee has been or will be engaging in a voluntary emergency management activity or jury service leave;
- in the case of absence for jury service, provide Manager with evidence of any jury service pay they have received or may be entitled to receive.

## Domestic & Family Violence Paid Leave

- An employee will be entitled to ten (10) days per year of paid leave to deal with family and domestic violence.
- The leave will be available in full at the start of each 12-month period of the employee's employment and the leave does not accumulate from year to year.
- An employee may take paid leave to deal with family and domestic violence if the employee:
  - is experiencing family and domestic violence; and
  - needs to do something to deal with the impact of the family and domestic violence and it is impractical for the employee to do that thing outside their ordinary hours of work.
- An employee must give notice of the taking of leave. The notice:
  - must be given to the Manager as soon as practicable (which may be a time after the leave has started); and
  - must advise the Manager of the period, or expected period, of the leave.
- An employee who has given notice of the taking of leave may be required to give evidence that would satisfy a reasonable person.
- The employee does not have to use other leave entitlements before accessing this leave. This leave can be taken as consecutive days, single days, or part days by agreement.
- The business will take steps to ensure information concerning any notice an employee has given, or evidence an employee has provided is treated confidentially, as far as it is reasonably practicable to do so. The leave will be recorded as ordinary time on the employee's payslip.
- However, the business may be required to disclose information provided by an employee if the disclosure is required by Australian law or is necessary to protect the life, health or safety of the employee or another person.

## Applications for Leave

- Any employee who requests a leave of a type specified by this policy should submit a Leave Application via the appropriate channels and comply with the other relevant notice and documentation requirements outlined in this Policy. All documents, including additional documents requested where reasonable, should be given to the Manager.

The Director is responsible for communicating the Leave Policy to all persons working for or on behalf of the organisation and making it available to interested parties.