# Leave Policy

Company Name will endeavour to, where possible, approve leave requests by employees in order to best accommodate personal, family, work and community commitments, without compromising the achievement of the Company’s business objectives.

Leave entitlements are outlined under the National Employment Standards in the Fair Work Act 2009 (Cth) (‘the Fair Work Act’), in addition employees may have entitlement to leave under a modern award, enterprise agreement or State legislation (such as long service leave legislation).

## Purpose

The purpose of this policy is to set out employees’ entitlements to leave and the manner in which leave must be requested by employees.  To the extent of any inconsistency between this policy and the legislation referred to above, the provisions of the legislation shall prevail.

In so far as this policy imposes any obligations on the Company (ie those in addition to those set out in legislation), those obligations are not contractual and do not give rise to any contractual rights. To the extent that this policy describes benefits and entitlements for employees (ie those in addition to those set out in legislation), they are discretionary in nature and are also not intended to be contractual.  The terms and conditions of employment that are intended to be contractual are set out in an employee’s written employment contract.

The Company may unilaterally introduce, vary, remove or replace this policy at any time.

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## Annual Leave

### Eligibility & Entitlement

Permanent full-time employees are entitled to 4 weeks’ paid annual leave per year (pro rata for permanent part-time employees), which accrues progressively throughout the year according to an employee’s ordinary hours of work and is cumulative from year to year.

Casual employees are not eligible to paid annual leave.

### Procedures for Requesting Annual Leave

All requests for annual leave must be approved in advance by the Company. The employee’s relevant immediate manager will consider the employee’s request in conjunction with the business and operational needs of the workplace. Employees should complete a request for annual leave, providing, where possible, two weeks’ notice of his/her leave. An employee must have an accrued leave balance of at least the amount of leave the employee proposes to take.

Simply making a request for annual leave does not automatically entitle an employee to take such leave. The Company may refuse to authorise a period of annual leave on the grounds of the operational requirements of the business or in the event that the employee has provided insufficient notice of his/her desire to take leave. The Company will not unreasonably refuse to approve a period of annual leave or deny an employee a period of annual leave which has already been authorised.

### Company requiring employees to take annual leave

The Company may direct an employee to take annual leave in certain circumstances, which will be determined by the applicable industrial instrument (if any) covering the employee.

### Termination of Employment

An employee is entitled to receive payment for the balance of his/her accrued but un-taken annual leave when he/she ceases employment.

## Personal / Carer’s Leave

### Eligibility & Entitlement

Personal/carer’s leave refers to both sick and carer’s leave. The entitlement to receive personal/carer’s leave arises as follows:

* Where an employee is unfit to work because of personal illness or injury; or
* An employee is required to provide care or support to a member of his/her immediate family or household due personal illness, an injury or an unexpected emergency.

For the purposes of this Policy, ‘immediate family’ means a spouse, former spouse, de facto partner, former de-factor partner, child, parent, grandparent, grandchild or sibling of the employee; or a child, parent, grandparent, grandchild or sibling of the spouse, de facto partner or former de facto partner of the employee.

Full-time employees are entitled to 10 days paid personal/carer’s leave per year (at the base rate of pay, as defined under the Fair Work Act 2009 (Cth)). Part-time employees are entitled to paid personal/carer’s leave on a pro rata basis. An employee’s entitlement to personal/carer’s leave accrues progressively throughout the year according to the number of ordinary hours that the employee works and is cumulative from year to year. Casual employees are not eligible for paid personal/carer’s leave.

### Procedural Requirements for Personal/Carer’s Leave

The following procedures apply:

* An employee shall, where practicable, advise their manager by phone call (not text message) of his/her inability to attend for work prior to the commencement of his/her shift and as far as possible the nature of the illness or situation and the estimated period of absence; and
* An employee shall produce a medical certificate or other satisfactory evidence to prove his/her inability to attend for duty on the days in respect of which personal/carer’s leave is claimed. Failure to produce a medical certificate or other satisfactory evidence will result in the employee’s leave not being approved or paid. On return to work after a period of personal/carer’s leave an employee will be required to complete the appropriate leave form on the day of his/her return.

## Unpaid Carer’s Leave

### Eligibility & Entitlement

In addition to the paid entitlements outlined above, casual employees and permanent employees (who have utilised all of their paid personal/carer’s leave) can access unpaid carer’s leave entitlements for the purposes of providing care or support to a member of his/her immediate family or household due personal illness, an injury or an unexpected emergency.

Employees are entitled to a period of up to 2 days unpaid carer’s leave for each permissible occasion.

### Procedural Requirements for Taking Unpaid Carer’s Leave

The procedural requirements for accessing these benefits are as per personal/carer’s leave (see above).

## Unpaid Family & Domestic Violence Leave

All employees (including casual employees) are entitled to 5 days unpaid family and domestic violence leave per year to deal with family and domestic violence. It may be taken in a continuous 5 day period or separate periods of one or more days.

This type of leave is available in full on commencement of employment with the Company, but does not accumulate from year to year.

The employee may take unpaid family and domestic violence leave if:

* The employee is experiencing family and domestic violence; and
* The employee 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 the employee's ordinary hours of work.

Family and domestic violence means violent, threatening or other abusive behaviour by a close relative of the employee that seeks to coerce or control the employee and causes them harm or fear.

A “close relative” for the purposes of this entitlement is a member of the employee’s “immediate family” (as defined above) and those related to the employee according to Aboriginal or Torres Strait Islander kinship rules.

The Company will treat requests for unpaid family and domestic violence leave with confidentiality, as far as it is practicable to do so.

### Procedural Requirements for Taking Unpaid Family & Domestic Violence Leave

To be eligible for these benefits, an employee must comply with the following conditions:

* An employee shall, where practicable, advise their manager by phone call (not text message) of his/her inability to attend for work prior to the commencement of his/her shift and as far as possible, state the reason for the absence and the estimated period of absence; and
* An employee may be required to produce evidence to prove his/her inability to attend for duty on the days to support the purpose of the unpaid family and domestic violence leave that is claimed. Such evidence may include a document issued by the police, a court or a family violence support service or statutory declaration.

## Compassionate Leave

### Eligibility & Entitlement

The purpose of taking compassionate leave is for an employee to either spend time with an immediate family member who has sustained a life-threatening illness or injury, or to take the compassionate leave as a result of the death of an immediate family or household member.

### Paid Compassionate Leave

Permanent employees are eligible to access 2 days paid compassionate leave per occasion if a member of his/her immediate family or household:

* Contracts a personal illness that poses a serious threat to his/her life; or
* Sustains a personal injury that poses a serious threat to his/her life; or
* Dies.

Permanent employees are entitled to payment at his/her base rate of pay for the employee’s ordinary hours of work (as defined under the Fair Work Act 2009 (Cth)) when taking compassionate leave.

Casual employees are not eligible to access paid compassionate leave.

### Unpaid Compassionate Leave

Casual employees are eligible to access 2 days compassionate leave per occasion; however, this is unpaid.

### Procedural requirements for taking compassionate leave

To be eligible for these benefits, an employee must comply with the following conditions:

* An employee shall, where practicable, advise their manager by phone call (not text message) of his/her inability to attend for work prior to the commencement of his/her shift and as far as possible, state the reason for the absence and the estimated period of absence; and
* An employee shall produce appropriate written documentation as evidence to prove his/her inability to attend for duty on the days in respect of which compassionate leave is claimed. On return to work after a period of compassionate leave the employee will be required to complete the appropriate leave form.

## Parental Leave

Employees may be able to access a period of unpaid leave when their child is born or adopted. Parental leave includes birth-related leave, concurrent leave, special maternity leave and adoption leave.

### Eligibility & Entitlement

Employees with at least 12 months' service with the Company can access unpaid parental leave for a period of 12 months. Casual employees are only eligible for parental leave if they have worked for the Company on a regular and systematic basis for at least than 12 months and have a reasonable expectation of continuing employment on a regular and systematic basis.

Birth-related leave may start up to 6 weeks before the birth of the child and must not start later than the date of birth of the child. Either parent can access unpaid parental leave provided they have responsibility for the care of the child. They can also request an additional 12 months leave (however such additional leave is subject to approval from the Company). The entitlement to unpaid parental leave cannot be more than 24 months in total (whether this is taken as a single continuous period by one parent or by both parents as two consecutive periods of leave). A maximum of 8 weeks of parental leave may be taken by both parents at the same time (in periods of no less than 2 weeks on each occasion).

### Procedural Requirements for Taking Parental Leave

At least 10 weeks prior to the intended start date of the leave, the employee must provide their manager with written notification of intention to take the unpaid parental leave, along with a medical certificate stating that the employee or their partner is pregnant and confirming the expected date of birth of the child. This written notification must specify the intended start and end dates of the leave. At least 4 weeks before the intended start date specified in this written notification, the employee must also confirm the intended start and end dates of the leave with your manager and advise of any changes to these dates.

### Requesting an extension of Parental Leave

If an employee is seeking an extension to their unpaid parental leave beyond the initial 12 months, they must provide their request to their manager in writing at least 4 weeks before the expected end date of the parental leave. A written response will be provided to the request no later than 21 days after the date on which the request is received. The request will only be refused on reasonable business grounds

Factors relevant in determining reasonable business grounds include:

* The effect on the workplace and the business of approving the request, including the financial impact and the impact on efficiency, productivity and customer service;
* The capacity to organise work among existing staff;
* The capacity to recruit a replacement employee or the practicality of the arrangements that may need to be put in place to accommodate the request.

## Adoption Leave

Parents who are adopting a child under the age of 16 may also access these unpaid parental leave entitlements detailed above. At least 10 weeks prior to the date on which you intend to take the unpaid adoption leave, you must provide your manager with written notification of your intention to take the unpaid adoption leave, along with documentary evidence stating the expected date of placement of the child. This written notification must specify the intended start and end dates of the leave. At least 4 weeks before the intended start date specified in this written notification, you must also confirm the intended start and end dates of the leave with your manager and advise of any changes to these dates.

### Requesting an extension of adoption leave

If an employee is seeking an extension to their unpaid adoption leave beyond the initial 12 months, they must provide their request to your manager in writing at least 4 weeks before the expected end date of the parental leave. A written response will be provided to the request no later than 21 days after the date on which the request is received.  As above, the request can only be refused on reasonable business grounds.

### Unpaid pre-adoption leave

Employees are entitled to up to 2 days of unpaid pre-adoption leave to attend any interviews or examinations required in order to obtain approval for the employee’s adoption of a child.
An employee is not entitled to take this unpaid pre-adoption leave if:

* The employee could instead take some other form of leave; and
* The Company directs the employee to take that other form of leave.

An employee must provide their manager with written notification of their intention to take the unpaid pre-adoption leave. This written notification must be given to their manager as soon as possible and must advise of the period of the leave to be taken.

## Special Maternity Leave (“SML”)

An employee is entitled to a period of SML where she has a pregnancy-related illness or where her pregnancy ends within 28 weeks of the expected birth, other than by giving birth to a living child.

An employee must provide their manager notice of their intention to take SML as soon as practicable. The Company may require documentary evidence such as a medical certificate.

### Transfer to a safe job

All pregnant employees, including casuals, are entitled to move to a safe job if it isn’t safe for them to do their usual job because of their pregnancy. This includes employees that aren’t eligible for unpaid parental leave.

An employee who moves to a safe job will still get the same pay rate, hours of work and other entitlements that she got in her usual job. She and her employer can agree on different working hours. She will stay until it's safe to go back to her normal job, or until she gives birth.

The employee will need to give her employer evidence that:

* She can work but can’t do her normal job (including why her normal job isn't safe) and
* How long she shouldn't work in her normal job.

The employer can ask for this to be a medical certificate.

###  **When no safe job is available**

If there is no safe job available, the employee can take no safe job leave. If the employee is entitled to unpaid parental leave, no safe job leave is paid.

For a full-time or part-time employee, no safe job leave is paid at the base rate of pay for ordinary hours of work.

For a casual, no safe job leave is paid at the base rate of pay (not including the casual loading) for the average number of hours they would have worked in the period they're on leave.
Employees who aren't entitled to unpaid parental leave can take unpaid no safe job leave.

### Interaction with other leave

Employees may be entitled to other forms of leave, such as personal/carer’s leave, when they are unfit or unavailable for duties prior to formally commencing parental leave.

### Consultation during Parental Leave

If, while an employee is on unpaid parental leave, the Company makes a decision that will have a significant effect on the status, pay or location of the employee’s pre-parental leave position, the Company will take all reasonable steps to consult with the employee about the effect of the decision on your position.

### Return to work guarantee

Upon ending the period of unpaid parental leave, they are entitled to return to:

* Their pre-parental leave position; or
* If that position no longer exists, an available position for which they are qualified and suited that is nearest in status and pay to their pre-parental leave position.

An employee may take paid annual leave within the parental leave period. However, they cannot take paid personal/carer’s leave or compassionate leave while taking a period of parental leave. An employee may be able to take long service leave within the parental period subject to applicable State or Territory legislation.

Continuity of service is not affected by the taking of any authorised paid or unpaid leave. However, unpaid leave does not count as service.

### Australian Federal Government Paid Parental Leave Scheme

Employees may be eligible to receive payment from the Government for a component of unpaid parental leave, which provides financial support at the minimum wage for up to 18 weeks to the primary carer.  Dad and Partner Pay is also available for up to 2 weeks for eligible employees. For more information visit:
<http://www.humanservices.gov.au/customer/services/centrelink/parental-leave-pay>

## Community Service Leave

Employees, including casual employees, can take community service leave for certain activities such as:

* Voluntary emergency management activities;
* Jury duty (including attendance for jury selection);

With the exception of jury duty, community service leave is unpaid.

## Long Service Leave

An employee gets long service leave after a long period of working for the same employer.

Most employees' entitlement to long service leave comes from long service leave laws in each state or territory. These laws set out:

* How long an employee has to be working to get long service leave (e.g. after 7 years);
* How much long service leave the employee gets.

In some states and territories long serving casuals are eligible for long service leave.