**Employee Leave Policy**

**Policy Statement**

All Employees are required to adhere to **(Insert Position)** policies and procedures which reflect the behaviour expected and are designed to encourage integrity and professionalism.

The **Employee Leave Policy** is a policy for which all employees are expected to observe.

**Sources**

(Insert Award/Agreement)

- Fair Work Act 2009

- Fair Work Regulations 2009

- National Employment Standard

**Application of this policy**

This policy applies to all employees of **(Insert Organisation Name).** The policy shall be implemented in accordance with appropriate industrial relations legislation and the relevant Award and/or Enterprise Agreements.

The purpose of the ***Employee Leave Policy*** is to outline leave entitlements and the employee’s obligation and requirement to be entitled to take leave. This policy has been designed with our organisations values, best practices and current employment laws.

**(Insert Organisation Name) Statement**

**(Insert Organisation Name)** provides the following leave entitlements to all Permanent and Part Time Employees. Casuals are entitled to limited leave entitlements.

This policy covers:

1. Annual Leave
2. Personal/Carer’s Leave
3. Compassionate Leave
4. Community Service Leave
5. Long Service Leave
6. Parental Leave
7. Study Leave
8. Leave without pay

**Annual Leave**

An employee is entitled for each completed year of service with **(Insert Organisation Name)**, is entitled to the following:

* 4 weeks of paid annual leave;

An Annual Leave Loading of 17.5% is paid on leave taken **only** when stated/identified in an Award or Enterprise Agreement is applicable.

Annual leave should, as far as practicable, be taken as and when it falls due and should not be substantially accumulated. The maximum leave accrual is four (4) weeks for each year of service and this is not to be exceeded without the approval of the **(Insert Position)**.

Where an employee’s annual leave accrual exceeds four (4) weeks as at 31 December in any year, the staff member must submit a diary of proposed leave for the following 12 months to the **(Insert Position)** for subsequent approval, documenting the strategy and timing of leave to be taken to bring their accrual amount back in line with allowable limits.

During the Christmas vacation only, an employee will be directed to take annual leave. An employee without sufficient accrued leave to maintain their ordinary rate of pay during the vacation period may be required to take leave without pay for a maximum of four (4) weeks.

Employees may not take annual leave in advance of their entitlement unless mutually agreed between the employee and employer.

If the employee takes leave before becoming entitled to it, the employee is only entitled, at the end of the completed year of employment, to the balance of the leave that would be due at the end of the year.

In such cases where payment in advance is approved the employee consents for **(Insert Organisation Name)** to recoup any leave paid in advance against all outstanding payments to that individual in the event that they leave the organisation prior to the leave entitlement balancing.

An employee will not be approved to cash in Annual Leave.

**Personal/Carers Leave**

**Personal Leave**

Employees are entitled to ten (10) days paid personal leave for each year of completed service. These are not redeemable for cash upon termination of employment; however personal leave is an ongoing accrual whilst employed unless the relevant Award/Agreement provides otherwise.

**Taking Paid Personal Leave (other than a casual)**

An employee may take paid personal leave if the leave is taken:

* because the employee is not fit for work because of a personal illness, or personal injury, affecting the employee;

Employees, who become sick whilst on duty, must inform their **(Insert Position)** as soon as possible. If the employee is unable to come to work due to illness, they must promptly advise their **(Insert Position)** of:

1. any illness that will cause them to be absent from work; and
2. the approximate period for which they will be absent.

Personal leave can be taken for part of a day.

Medical Certificates will be required for all:

1. absences taken immediately prior to and immediately following week-ends, public holidays and any periods of paid leave;
2. once three (3) single absences have been taken in each year; and
3. two or more days have been taken.

**Carer’s Leave (other than a casual)**

An employee may take paid carer’s leave if the leave is to provide care of 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:

1. a personal illness, or personal injury, affecting the member; or
2. an unexpected emergency affecting the member.

An employee is entitled to two (2) days of unpaid carer’s leave for each occasion (a permissible occasion) when a member of the employee’s immediate family, or a member of the employee’s household, requires care or support because of:

1. a personal illness, or personal injury, affecting the member; or
2. an unexpected emergency affecting the member.

Carer’s Leave is sourced from the employee’s Personal Leave Entitlement. Carer’s Leave is not an additional entitlement. i.e. It is unused personal leave.

**Taking Unpaid Carer’s Leave**

An employee may take unpaid carer’s leave for a particular permissible occasion if the leave is taken to provide care or support as above or;

1. a single continuous period of up to two (2) days; or
2. any separate periods to which the employee and his or her employer agree.
3. An employee cannot take unpaid carer’s leave during particular period if the employee could instead take paid personal/carer’s leave.

You may take additional unpaid carer’s leave if Management agrees.

Carer’s leave cannot be taken if another person has taken leave to care for the same person unless there are special circumstances requiring more than 1 person to care for the person.

Carer’s Leave may be taken for part of a day.

Management reserves the right to request a medical certificate for the time the employee has taken carer’s leave.

**Compassionate Leave**

An employee is entitled to two (2) days of compassionate leave for each occasion when a member of the employee’s immediate family or a member of the employee’s household:

1. Contracts or develops a personal illness that poses a serious threat to his or her life; or
2. Sustains a personal injury that poses a serious threat to his or her life; or
3. Dies.

An employee may take compassionate leave for a particular occasion as:

1. A single continuous 2 day period; or
2. 2 separate periods of 1 day each; or
3. Any separate periods to which the employee and the **(Insert Position)** agree.

**Payment for Compassionate Leave (other than for casual employees)**

If, an employee, other than a casual employee, takes a period of compassionate leave, the employer will pay the employee at the employee’s base rate of pay for the employee’s ordinary hours of work in the period.

**Community Service Leave**

An ***eligible community service activit*yincludes;**

1. Jury service (including attendance for jury selection) that is required by

or under a law of the Commonwealth, a State or a Territory; or

1. A voluntary emergency management activity, or
2. A recognised emergency management activity.
3. Any Arm Forces Reserve Activity

Employees must notify their **(Insert Position)** of a call to Jury Service and provide a copy of the notification received as soon as possible after receipt.

If an employee is not required to serve on a jury for a day or part of a day after attending for jury service and the employee would ordinarily be working for all or part of the remaining day, the employee must, if practicable, present for work at the earliest reasonable opportunity.

**Voluntary Emergency Management Activities**

An employee engages in a *voluntary emergency management activity* if, and only if:

1. the employee engages in an activity that involves dealing with an emergency or natural disaster; and
2. the employee engages in the activity on a voluntary basis (whether or not the employee directly or indirectly takes or agrees to take an honorarium, gratuity or similar payment wholly or partly for engaging in the activity; and
3. the employee is a member of, or has a member-like association with, a recognised emergency management body; and
4. either:
5. the employee was requested by or on behalf of the body to engage in the activity; or
6. no such request was made, but it would be reasonable to expect that, if the circumstances had permitted the making of such a request, it is likely that such a request would have been made.

Entitlement to be absent from employment for engaging in eligible community service activity for a period if:

1. the period consists of one or more of the following:
2. time when the employee engages in the activity;
3. reasonable travelling time associated with the activity;
4. reasonable rest time immediately following the activity; and
5. Unless the activity is jury the service – the employee’s absence is reasonable in all the circumstances.

**Notice and Evidence Requirements**

An employee who wants an absence from their employment to attend community service will need to give the **(Insert Position)** notice.

The notice must be given to their **(Insert Position)** as soon as practicable (which may be time after the absence has started and must advise their **(Insert Position)** of the period, or expected period, of the absence.

**Long Service Leave**

Long Service Leave is a period of paid leave granted to an employee in recognition of a long period of service to an employer and to provide a respite from work. Long Service Leave is covered by the state Qld Industrial Relations Act 2016. (Act)

All employees are entitled to Long Service Leave after the completion of ten (10) years of continuous service with **(Insert Organisation Name)**

The employee’s entitlement to Long Service Leave is 8.6667 weeks on full pay after 10 years of continuous service.

After an employee has completed their first ten (10) years of continuous service, they are entitled to take any further long service leave accumulated only after five (5) years continuous service (i.e. after 15 years continuous service).

Long service leave entitlements accumulated for such periods but which have not been taken are payable on termination.

**Continuous Service**

Generally continuous service refers to paid working time and paid leave. The long service leave entitlement is based on continuous service with the same employer including instances where the Act states that an employee’s continuity of service is:

* Taken to be the same employer e.g. Transmission of business, or
* Not broken in certain circumstances e.g. parental leave.

**Pro-rata Long Service Leave**

Employees are entitled to receive proportionate payment of long service leave on termination after seven (7) years of continuous service. However, employees who have completed seven (7) years but less than ten (10) years continuous service are entitled to pro-rata long service leave only if:

* the employee’s service is terminated by their death;
* the employee terminates their service because of their illness or incapacity or because of a domestic or pressing necessity;
* the employer dismiss the employee for a reason other than the employee’s conduct capacity or performance; or
* the employer unfairly dismiss the employee.

**Absence from work**

The only periods of absence from work which count as continuous service to determine a long service leave entitlement are periods of paid leave.

Long service leave does not accumulate during unpaid or parental leave.

**Taking Long Service Leave**

An employee, who has reached their ten (10) years of continuous leave, will be entitled to apply to take some or all of their Long Service Leave.

The employee will be required to submit an application to their **(Insert Position)** three (3) months prior to the intended start date of their leave. The **(Insert Position)** will submit the application to the **(Insert Position)** who will consider the application and notify the **(Insert Position)** of the decision to pass onto the employee.

If the employer and employee do not agree when the leave is to be taken, the employer will not refuse the employee taking the leave at any time more than 12 months after the right to take leave has accrued.

The **(Insert Position)** may direct an employee with three (3) months’ notice to take at least four (4) weeks of their long service leave.

The amount of Long Service leave taken can be varied as long as the **(Insert Position)** and employee mutually agrees in writing.

Long Service Leave cannot be cashed in, unless the employee makes application to the Queensland Industrial Relations Commission.

**Parental Leave**

An employee who has completed at least 12 months of continuous service with **(Insert Organisation Name)** immediately prior to taking the leave is eligible to take parental leave.

Employees are also able to access the Australian Government funded Paid Parental Leave scheme.

See Parental Leave Policy for further details.

**Study Leave**

Whilst **(Insert Organisation Name)** adopts a supportive policy with respect to personal development and training, the maximum time allowed for undertaking further education, including travel, during normal business hours is (4) four hours per week. This is not a right but more a privilege that will be considered on an individual basis, on the merits of the application.

**Leave without Pay**

As a general rule leave without pay will not be granted unless it is an exceptional circumstance. It is the employee’s responsibility to manage their leave entitlement each year. Leave without pay can only be approved by the **(Insert Position)** and each application will be assessed on its own merits and be approved, based upon operational requirements.

**Administration Requirements**

A Leave Form must be submitted by the employee for approval by their **(Insert Position)** who will then request further approval from the **(Insert Position)**. The following timeframes apply to the submitting of leave forms:

* Annual Leave: To be lodged at least one month prior to the requested leave. Where extended leave is requested, at least two months’ notice is required.
* Personal Leave: To be completed within two days of the employee’s return to work.
* Carers Leave: To be completed within two days of the employee’s return to work.
* Parental Leave: as per Parental Leave Policy
* Long Service Leave: To be completed and lodged for approval at least three (3) months prior to the requested time off.

**Definition**

Immediate family is an employee's:

* spouse
* de facto partner
* child
* parent
* grandparent
* grandchild
* sibling, or a
* child, parent, grandparent, grandchild or sibling of the employee's spouse or de facto partner.

Household Member

* someone who shares/lives with the employee.

**Responsibilities**

All **staff** are expected to conduct themselves in a manner which respects the rights and welfare of other members of the organisation and to show competence, care, good faith and compliance with instructions, policies and procedures in the performance of their duties.

**Management** is responsible to provide procedural guidance to all parties in the organisation.

All Staff will be made aware of the ***Employee Leave Policy*** and must abide by this policy, as updated or issued from time to time, and by any directions given to employees by **(Insert Organisation)** in the course of their employment.

## Policy Review

The ***Employee Leave Policy*** will be reviewed annually, and all staff will be trained and educated and will be required to sign an acknowledgement that they understand the policy. Should the need arise; the policies will be translated into appropriate languages.

**(Insert Organisation Name)** is committed to providing an environment which is safe for all staff.

**Employee Acknowledgment – Employee Leave Policy**

I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ have been provided with a copy of the **(Insert Organisation Name) Employee Leave Policy.**

I have read and understood the material contained within the **Employee Leave Policy**, and I have had the opportunity to ask questions about any of the material set out in that policy.

I understand the ramifications of failure to adhere to the policy.

Sign: Date:

Print Name:

Witness: Date:

Print Name: