Leave Policy

1. Purpose

This policy outlines our employees' leave entitlements.

2. Application

This policy applies to all Greystanes Disability Services employees.

3. Summary of entitlements

Full-time and part-time employees	
Annual leave	4 weeks paid leave per year (pro-rata for part-time employees)
Personal/carer's leave	10 days paid leave per year (pro-rata for part-time employees) 2 days unpaid carer's leave per permissible occasion
Compassionate leave	2 days paid leave per permissible occasion
Parental leave	12 months unpaid leave
Community service leave	Depends on situation
Family and domestic violence leave	10 days paid leave per year
Casual employees	
Annual leave	N/A
Personal/carer's leave	2 days unpaid carer's leave per permissible occasion
Compassionate leave	2 days unpaid leave per permissible occasion
Community service leave	Depends on situation
Family and domestic violence leave	10 days paid leave per year

4. Annual leave

Full-time and part-time employees receive 4 weeks of annual leave per year of service based on their ordinary hours of work. This entitlement is pro-rated for part-time employees.

Casual employees are not entitled to annual leave.

Annual leave accrues progressively through the year and accumulates from year to year. Employees are encouraged to use their entire leave accrual each year.

Annual leave may be taken for a period agreed between us and each employee. At least 4 weeks' notice should be given of a request to take annual leave.

Requests for annual leave should be made in consultation with an employee's manager. Taking annual leave is subject to current or anticipated business needs. We will not unreasonably refuse a request to take annual leave.

We may direct employees to take annual leave:

- during the Christmas and New Year period or any other shut down period, or
- if they have accrued an excessive amount of annual leave.

Some modern awards have rules about employers giving employees directions to take leave, including during a shutdown. If an employee is covered by a modern award with these provisions, we will follow the requirements of the modern award.

We do not encourage employees to take annual leave in advance. Employees should have sufficient annual leave accrued to cover the entire period of leave at the time a request for annual leave is made.

Accrued but unused annual leave is paid out on termination of employment.

5. Cashing out annual leave

At our sole discretion, we may agree with an employee that they can cash out an amount of their accrued annual leave. An employee may not cash out an amount of annual leave if it would result in their remaining accrued entitlement being less than 4 weeks. Most modern awards contain provisions that prevent employees from cashing out more than 2 weeks' annual leave in a 12-month period. We will comply with that requirement if an employee is covered by a modern award that contains those provisions.

Each time annual leave is cashed out we will enter into a separate written agreement with the employee in the form set out in the Annexure to this policy.

Payment for cashed out annual leave will be the amount that would have been paid to the employee had they taken the leave.

6. Personal/carer's leave

Full-time and part-time employees receive 10 days of paid personal/carer's leave per year of service. This entitlement is pro-rated for part-time employees.

Casual employees are not entitled to paid personal/carer's leave.

Personal/carer's leave accrues progressively through the year and accumulates from year to year.

Personal/carer's leave may be taken:

- because the employee is not fit for work because of a personal illness or injury affecting them, or
- to provide care or support to a member of the employee's immediate family or household who requires care or support because of a personal illness or injury, or unexpected emergency, affecting them.

A member of an employee's immediate family means a spouse, de facto partner, child, parent, grandparent, grandchild or sibling. It also includes a child, parent, grandparent or sibling of a spouse or de facto partner of the employee.

An employee taking personal/carer's leave must notify their manager as soon as practicable and advise the period, or expected period, of the leave.

Employees must provide suitable evidence if they:

- take 2 or more days of personal/carer's leave, or
- take one day of personal/carer's leave either side of a weekend or public holiday.

We may also require an employee to provide evidence if less than 2 days of personal/carer's leave is taken.

For personal leave, the evidence provided should be a medical certificate. All medical certificates must come from a doctor and must comply with the AMA Guidelines on Medical Certificates. Medical certificates must contain the doctor's medical opinion as to whether the employee is fit for work. Online medical certificates and certificates from pharmacists will not be accepted.

For carer's leave, the evidence may be a medical certificate in relation to the immediate family or household member that the employee is caring for or supporting (if applicable). The same rules apply as for medical certificates for personal leave. A statutory declaration may also be provided as evidence for carer's leave.

Once paid personal/carer's leave is exhausted, employees can take up to 2 days of unpaid carer's leave for each occasion where a member of the employee's immediate family, or member of their household, requires care or support because of a personal illness or injury, or unexpected emergency, affecting them.

Accrued but unused personal/carer's leave is not paid out on termination.

7. Compassionate leave

Employees are entitled to 2 days of compassionate leave if:

- a member of their immediate family or household dies, or contracts or develops a personal illness or injury that poses a serious threat to their life;
- a child, that would otherwise have been a member of the employee's immediate family or household, is stillborn; or
- the employee, or the employee's current spouse or de facto partner, has a miscarriage.

The entitlement is to 2 days leave per occasion.

Compassionate leave taken by a full-time or part-time employee is paid leave.
Compassionate leave taken by a casual employee is unpaid.

Compassionate leave may be taken in a single continuous 2-day period, as 2 separate periods of 1 day each, or as any separate periods that we and the employee agree on.

If the reason for taking compassionate leave is a life-threatening personal illness or injury, the employee may take the compassionate leave for that occasion at any time while the illness or injury persists.

An employee taking compassionate leave must notify their manager as soon as practicable and advise the period, or expected period, of the leave. We may also require an employee to provide suitable evidence of their entitlement to take compassionate leave.

8. Parental leave

Refer to Parental Leave Policy.

9. Community service leave

Eligible community service activities include:

- jury service (including attendance for jury selection);
- prescribed voluntary emergency management activities; and

- defence reservist leave.

Employees who engage in an eligible community service activity are entitled to be absent from work if the period consists of:

- time when the employee engages in the activity;
- reasonable travelling time associated with the activity; or
- reasonable rest time immediately following the activity,

and the employee's absence is reasonable in all the circumstances (unless the activity is jury service).

Community service leave is unpaid, except in the case of jury service leave.

For jury service leave, employees are paid for up to 10 days of jury service leave less any jury service pay that the employee receives from the court (excluding any expense-related allowances). Casual employees are not entitled to payment for jury service leave.

Before paying for jury service leave, we may request evidence from the employee to show:

- that the employee has taken all necessary steps to obtain jury duty pay; and
- the total amount of jury duty pay that has been paid or will be payable to the employee for that period.

An employee taking community service leave must notify their manager as soon as practicable and advise the period, or expected period, of the leave. We may also require an employee to provide suitable evidence of their entitlement to take community service leave.

10. Family and domestic violence leave

All employees (including casuals) are entitled to 10 days paid family and domestic violence leave in a 12-month period. The 10 days is available in full at the start of each 12-month period of the employee's employment. It does not accumulate from year to year.

An employee may take family and domestic violence leave if:

- they are experiencing family and domestic violence;
- they need to do something to deal with the impact of the family and domestic violence; and
- it is not practical for them to do that thing outside of their work hours.

Examples of things the employee needs to do could include:

- arranging for the safety of the employee or a close relative (including relocation);
- attending court hearings;
- accessing police services;
- attending counselling; or
- attending appointments with medical, financial or legal professionals.

Family and domestic violence is violent, threatening or other abusive behaviour by a close relative, a current or former intimate partner, or a member of the employee's household that:

- seeks to coerce or control the employee; and
- causes the employee harm or to be fearful.

A close relative is an employee's:

- spouse or former spouse;
- de facto or former de facto partner;
- child;
- parent;
- grandparent;
- grandchild;
- sibling;
- a child, parent, grandparent, grandchild or sibling of an employee's current or former spouse or de facto partner; or
- a person related to the employee according to Aboriginal or Torres Strait Islander kinship rules, (Close Relative).

Employees may take family and domestic violence leave as a single continuous 10-day period, as separate periods of one or more days each, or as any separate periods to which we agree with the employee (including periods of less than 1 day).

Full rate of pay

Full-time and part-time employees can take family and domestic violence leave at their full rate of pay for the hours they would have worked if they weren't on family and domestic violence leave.

Casual employees will be paid at their full rate of pay for the hours they had agreed to be rostered to work when they took family and domestic violence leave.

A 'full rate of pay' is the employee's base rate of pay plus any:

- incentive-based payments and bonuses;
- loadings;
- monetary allowances;
- overtime or penalty rates;
- any other separately identifiable amounts.

Any additional amounts paid to an employee in relation to a period of family and domestic violence leave must be capable of being identified and calculated with a reasonable degree of certainty.

Notification and evidence requirements

An employee taking family and domestic violence leave must notify their manager as soon as practicable and advise the period, or expected period, of the leave. We may also require an employee to provide suitable evidence of their entitlement to take family and domestic violence leave. The evidence needs to convince a reasonable person that the employee took the leave to deal with the impact of family and domestic violence and can include:

- documents issued by the police service;
- documents issued by a court;
- family violence support service documents; or
- a statutory declaration.

We may ask employees to provide evidence for as little as 1 day or less off work for family and domestic violence leave.

Confidentiality

We will ensure that any information concerning any notice or evidence an employee has given in relation to family and domestic violence leave is treated confidentially, as far as it is reasonably practicable to do so. This does not prevent us from disclosing information provided by an employee if the disclosure is required by an Australian law or is necessary to protect the life, health or safety of the employee or another person.

Interaction with other types of leave

An employee can use family and domestic violence leave during a period of paid personal/carer's leave or annual leave. In these circumstances, an employee is considered to no longer be on these other forms of paid leave, and to be on family and domestic violence leave instead. The employee will still need to comply with the notice and evidence requirements for family and domestic violence leave. Where necessary, the employee's leave balance will be adjusted to reflect the correct leave entitlement used.

11. Long service leave

Full-time, part-time and casual employees are entitled to long service leave. Long service leave entitlements are determined by legislation in the state or territory where the employee works.

12. Leave without pay

In general, we do not support employees taking leave without pay. However, we also recognise that special circumstances may arise where leave without pay is appropriate. We will consider each application for leave without pay on a case-by-case basis. All grants of

leave without pay will be at our sole discretion taking into account the employee's particular circumstances and the needs of the business.

13. Applying for leave

Employees must follow all processes put in place for applying for leave and recording leave taken. All leave requests must be approved by an employee's manager.

14. Application of this policy

This policy outlines employees' entitlements to leave set out in the National Employment Standards (**NES**) and modern awards. Nothing in this policy is intended to override, change or substitute for the provisions of the NES or a modern award. To the extent that there is any inconsistency between this policy and the NES or a modern award, the provisions of the NES or modern award will apply. To determine an employee's rights and obligations in relation to leave the NES and any applicable modern award should be consulted directly and employees should not rely on this policy alone.

This policy is subject to review by us and may be changed or revoked at any time.

If an employee has a valid reason for not complying with this policy, they should contact management so management can consider whether to grant an exception.

Need more information?

Contact People	HR Contact Email: hr@greystanes.org.au
Version Number	1.0
Review Details	This policy is effective from 6th December 2024 This policy was last updated on 6th December 2024

Annexure

Agreement to Cash Out Annual Leave

Name of employee: _____

Name of employer: _____

The employer and employee agree to the employee cashing out a particular amount of the employee's accrued paid annual leave:

The amount of leave to be cashed out is: ____ hours/days

The payment to be made to the employee for the leave is: $_____ subject to deduction of income tax/after deduction of income tax (strike out where not applicable)

The payment will be made to the employee on: ___/___/20___

Signature of employee: _____

Date signed: ___/___/20___

Name of employer representative: _____

Signature of employer representative: _____

Date signed: ___/___/20___

Include if the employee is under 18 years of age:

Name of parent/guardian: _____

Signature of parent/guardian: _____

Date signed: ___/___/20___