

## ***Leave***

### ***Overview***

This document outlines the policy and procedures for taking leave.

### ***Scope***

This Policy applies across all student Associations.

“Associations” refers to ANUSA, PARSA & Woroni.

### ***Policy Statement***

The policy of the Associations is to provide employees with an opportunity to take a reasonable break from work to enhance the quality of their personal life and consequently be in a better position to meet their employment responsibilities.

### **General**

The following conditions apply to all types of leave:

- All leave will be accrued, granted and processed in accordance with this policy and will be subject to the provisions of the Student Associations of the Australian National University Enterprise Agreement 2016 -2019 and the minimum entitlements under the National Employment Standards in *the Fair Work Act 2009*.
- All applications for leave, either paid or unpaid are to be made using the Associations Human Resource Management/Payroll system, Xero.
- All paid absences will count as service for all purposes.
- Casual employees receive a salary loading of 25% in lieu of public holidays, and all paid leave entitlements.
- A part time employee is entitled to the same leave and absence entitlements as a full time employee in an equivalent position, except that leave will be accrued and paid on a pro rata basis.
- If an employee takes leave at half pay his or her leave accruals and employer superannuation contributions during the period of leave at half pay will be on a pro rata basis.
- Where practicable, all absences must have prior approval. Employees should give sufficient notice to permit consideration of the application and, if approved, to permit alternative arrangements to be made for his/her duties to be fulfilled.
- Where an employee is absent without having obtained prior approval, the Association may cease paying the employee’s salary for the duration of the absence. If such unapproved absence is for an extended period, the Association will be entitled to assume that the employee has abandoned his/her employment, and take steps to terminate their employment.
- A Delegate must exercise their delegation to approve a leave application in accordance with the conditions and approval arrangements specified in this policy.

### ***Annual Leave***

Full-time employees, excluding casual employees, are entitled to 22 days paid Annual Leave per annum which is cumulative and accrues on a daily basis. Employees may access Annual Leave at half pay.

If an employee has in excess of two (2) years' annual leave entitlement, and they have not applied for leave which will eliminate the excess, the supervisor will inform them that leave must be taken at a mutually agreed time within the next four (4) months. The amount of leave to be taken must be sufficient to reduce the excess leave, to below the one (1) years' annual leave entitlement. Employees have the option of cashing out any accrued Annual Leave in excess of 20 days. Where a Public Holiday occurs during a period when an employee is absent on Annual Leave no deduction shall be made from Annual leave credits for that day.

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

Employees are entitled to 20 days paid Personal leave per annum for personal illness, bereavement or for care of immediate family or member of the employee's household, essential religious or cultural purposes; wellbeing purposes or compassionate grounds. Employees with more than 3 years' service are entitled to 25 days paid Personal/Carer's leave per annum.

Immediate family means 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. Bereavement leave of five paid days per occurrence will be granted on the death of an employee's family or household. This leave is in addition to Personal Carers leave.

A continuing employee or a fixed term employee engaged for a period in excess of 12 months will be credited with the 1st year's entitlement. Second and subsequent year's entitlement accrues throughout the year and available on the anniversary of appointment.

Personal/Carer's leave may also be used for bereavement (up to 5 days per occasion in the case of loss of an immediate family member), cultural leave for essential cultural or religious obligations the employee is required to observe, or other compassionate or compelling grounds approved by the employee's President/Editor-in-Chief.

If the period of employment is for 6 months or less, employees are entitled to 10 days paid Personal/Carer's leave for personal illness or caring purposes which will be credited on commencement.

If an employee has no entitlement to paid Personal/Carer's, they are entitled to unpaid carer's leave in accordance with section 102 of the *Fair Work Act 2009*.

An employee who contracts an infectious disease classified as notifiable to the ACT Department of Health, or who is required by a medical practitioner to remain in isolation by reason of contact with a person suffering from a notifiable infectious disease, shall be granted isolation leave on full pay for the period that the employee is required to be absent and shall not have such leave deducted from sick leave credits.

### ***Supporting evidence***

An employee unable to attend for duty must ensure their manager is advised as soon as reasonably practicable. Failure to do so may result in the absence being treated as an unauthorised absence. Supporting evidence for Personal/Carers Leave will be required for absences in excess of 3 consecutive days (incl. a weekend) or an aggregate of 6 individual days in a 12 month period.

A certificate from a registered physiotherapist, registered medical practitioner, registered Pharmacist, registered chiropractor, registered dentist, registered osteopath, registered optometrist, registered naturopath, registered clinical or counselling psychologist or a statutory declaration by the employee shall be accepted as proof of illness.

In the absence of such proof, the period of absence from duty shall be without pay or, at the request of the employee, shall be deducted from the Annual leave credits of the employee.

#### ***Compassionate Leave including Bereavement Leave***

Employees are entitled to two days per occurrence paid Compassionate Leave (in addition to Personal Leave) in accordance with the National Employment Standard. Employees are also entitled to up to five days per occurrence (in addition to Personal Leave).

For the purposes of personal/carers leave and compassionate leave immediate family means spouse, de facto partner, child, parent, grandparent, grandchild, sibling, or a child, parent, grandparent, grandchild or sibling of the employees spouse or de facto partner.

Casual employees are entitled to 2 days per occurrence unpaid Compassionate Leave in accordance with section 104 of the *Fair Work Act 2009*.

#### ***Public Holidays***

Employees will have the benefit of public holidays which are gazetted by the Australian Capital Territory government as public holidays in the Australian Capital Territory. Part time employees will not be paid for any public holiday which falls on a day the employee is not rostered to work. Nor is the employee entitled to any pro rata payment in lieu of the public holiday.

#### ***Leave over Christmas Period***

Employees are entitled to paid leave during the period 24 December to 1 January inclusive for those days that are not prescribed as public holidays. If the University Christmas closedown is extended by the Vice Chancellor employees will be granted additional paid leave.

#### ***Leave Associated with the Birth or Adoption of a Child***

##### *Parental Leave*

After 12 months continuous service, an employee will be entitled to 52 weeks absence of which 20 weeks leave will be at full pay or 40 weeks at half pay. Paid leave to a maximum of 20 weeks will count for service for all purposes. If the employee's partner is also employed by the Association, the unpaid leave may be shared with the partner, but the total unpaid leave remains the same.

##### *Paid Adoption Leave*

After 12 months continuous service, if an employee adopts a child and are the primary caregiver for the adopted child, they will be entitled to 20 weeks leave at full pay or 40 weeks at half pay for adoption purposes. Paid leave to a maximum of 20 weeks will count for service for all purposes.

The adoptive child must not be the employee's or the employee's partner's child or step-child unless the child has not been in the employee's or the employee's partner's custody and care for a significant period.

#### *Paid Fostering Leave*

After 12 months continuous service, if an employee is appointed as a legal foster carer, the employee will be entitled to paid Fostering Leave of 20 weeks for the purposes of fostering a child. Fostering Leave may be taken in one block or as separate absences over a period of time at the discretion of the employee's supervisor.

The fostered child must not be a child or step-child of the employee's or the employee's partner unless that child had not been in the custody and care of the employee's or the employee's partner for a significant period. Paid leave to a maximum of 20 weeks will count for service for all purposes.

#### *Paid Partner Leave*

After 12 month's continuous service, an employee will be entitled to 10 days paid Partner Leave within 1 month of the birth, adoption or fostering of a child. If the employee accesses paid Parental Leave, Adoption Leave or Fostering Leave they are not entitled to Paid Partner Leave for that child. For periods of employment of less than 12 months' leave associated with the birth, adoption or fostering of a child, those employees eligible to access paid Parental Leave, Adoption Leave or Fostering Leave will be granted paid leave on the basis of 1.6 weeks leave for each completed month of service.

#### *Unpaid Parental (Maternity, Paternity, Adoptive) Leave*

Employees, including casual employees are entitled to unpaid Parental Leave in accordance with Part 2-2 of Division 5 the *Fair Work Act 2009*.

For casual employees to be eligible for unpaid parental leave they need to have;

- been working for the Associations on a regular and systematic basis for at least 12 months,
- a reasonable expectation of continuing work with the Associations on a regular and systematic basis,

if it had not been for the birth, adoption or fostering of a child.

#### ***Domestic Violence***

An employee experiencing family violence who has provided satisfactory proof in accordance with the Associations' policy will have access to 5 days (pro rata) per year (non-cumulative) special leave for medical appointments, legal proceedings and other activities related to family violence. This leave will be in addition to existing leave entitlements and may be taken as consecutive or single days or as a fraction of a day.

Individual support for employees experiencing family violence will be in accordance with the Associations' policy on Domestic Violence. An employee who supports a family member experiencing domestic violence may take personal/carers leave to accompany them to court, hospital or to mind children.

#### ***Long Service Leave***

An employee will be entitled to long service leave of thirteen weeks after ten years' service and at the rate of 1.3 weeks for every additional year of service thereafter. Employees with seven (7) years eligible service are able to access long service leave. Such leave shall be on full pay unless the employee elects to convert all or part of the period of entitlement to double the period by taking leave on half pay.

Casual employees will accrue long service leave based on the hours that they work.

The Associations will recognise service credits for long service leave for prior service as an employee of an Australian university or another student association representing students at an Australian university.

An employee shall be entitled to have service with previous employers of the employee listed above recognised for the purpose of determining the long service entitlement of the employee provided that-

- except as provided otherwise below, any break in service with such employers does not exceed twelve months;
- an employee on or after the date of this Agreement shall make any claim for recognition of service within six months of the date of appointment. The President/Editor in Chief shall, as soon as possible after the date of the employee's appointment but no later than twelve months from that date, notify the employee in writing as to the amount of service with previous employers recognised for long service leave purposes. A notice giving full details of the provisions for transfer of long service leave credits shall be provided to the employee with the letter of appointment.
- a claim for recognition of service shall only be approved upon the production of evidence satisfactory to the Association.
- in the case of an employee employed on or after 1 December 1998 the amount of service with previous employers recognised for long service leave purposes shall not exceed ten years.

Where service with another employer is recognised for long service leave credit, the President/Editor in Chief may require that a period of service with the Association not greater than three years be completed before an employee is eligible to take long service leave.

An employee with seven years or more service shall be entitled to take long service leave at a time of his or her choosing provided that at least six months written notice is given by the employee of intention to take such leave or, in the absence of such notice, the President/Editor in Chief is satisfied that alternative arrangements can be made to cover the workload of the employee. An employee may take all or portion of the long service leave entitlement of the employee on a continuous basis provided that a minimum continuous period of one month on full pay or two months on half pay shall be taken at any one time.

Where an employee has had a leave balance of thirteen weeks or more for three years, the President /Editor in Chief may, direct that employee to take that leave or such minimum number of weeks as may be required. Such leave shall be commenced within a period of two years from the date of the issue of such written notice.

If an employee is ill during long service leave and sends immediately on recovery a medical certificate certifying the nature and period of illness, it will be debited against Personal/Carers leave credits and, unless the leave of absence on long service leave is extended, the period of illness shall be recredited to the employee's long service leave entitlement.

Subject to the conditions governing Annual leave, employees may add to the period of absence on long service leave:

- not more than two years entitlement of Annual leave; and
- any gazetted public holidays and which fall within or adjoin the long service leave period and payment for such holiday shall be at full pay.

### *Payments in Lieu of Long Service Leave*

In the circumstances listed below, and provided the minimum qualifying periods shown have been served, payment shall be made to the employee (or in the event of death to the executor or administrator of the deceased's estate) of a sum calculated at the rate of one and three tenths weeks' salary for each full twelve months service remaining after deduction of service for which long service leave (or salary in lieu) has been taken, and one-twelfth of the annual entitlement for each completed month in respect of a partly completed year of service:

#### **Circumstances**

	Minimum Qualifying Period
Retirement/contract non-renewal	4 Years
Redundancy	0 Years
Death	4 Years
Resignation through ill health (certified to be permanent)	4 Years
Resignation under other circumstances	7 years
Dismissal	7 Years

### *Calculation of Payment in Lieu of Long Service Leave on Termination of Employment*

Where the employment of an employee who is entitled to long service leave is terminated, payment in lieu of long service leave shall be calculated on the basis of:

- salary at the date of resignation, retirement, death, retrenchment or dismissal;
- higher duties allowance at the rate in force at the date of resignation, retirement, death, or retrenchment provided the employee had, at that date, performed the higher duties for at least twelve months.

Where an employee uses all or part of the long service leave entitlements of the employee no notice of intention to use long service leave credits shall be required from the employee and the requirement for a minimum period of long service leave to be taken shall not apply.

### *Rate of salary whilst on long service leave*

If an employee is granted long service leave and will be returning to duty at the expiration of such leave, they may receive payment in advance of:

- salary together with any increments which will fall due in the course of the leave;
- higher duties allowance at the rate in force at the date of commencement of leave, provided the employee has performed the higher duties for at least twelve months at the date of commencement of leave

### ***Leave for Defence Reservists***

If an employee is a Defence Reservist they will be entitled to leave in accordance with the policy of the Defence Reserve Support Council.

### ***Community Service Leave***

An employee will be entitled to Community Service Leave in accordance with section 108 of the *Fair Work Act 2009*, including leave for regular training, all emergency services responses, reasonable recovery time and ceremonial duties. Community Service leave for emergency services reasons may be paid or unpaid at the discretion of the President/Editor in Chief.

### ***Jury Service***

An employee required to attend a Court for the purpose of jury service will be entitled to leave on full pay for the duration of such attendance. Accordingly they are not entitled to retain any Jury service fee paid to them as a result of their attendance.

### ***Employees called as witnesses***

An employee required as a witness on behalf of the Association, the Commonwealth or a State/Territory or an organisation in arbitration proceedings will be entitled to leave on full pay for the duration of such attendance. Accordingly they are not entitled to retain any fee paid to them as a result of their attendance.

### ***Workers Compensation Leave and Make-Up Pay***

An employee shall be entitled to "make-up" payments for any absence for which they are entitled to workers compensation, up to a maximum period of 6 months. Such make-up payments shall be the difference between the employee's ordinary weekly salary and the workers compensation payments for the period of the absence.

### ***Leave to attend trade union training courses or seminars***

Leave with pay may be granted to employees who are members of the Union, to attend short trade union training courses or seminars on the following conditions:

- that the operating requirements of the Associations permit the grant of leave;
- that the scope, content, and level of the short course are such as to contribute to a better understanding of industrial relations;
- leave of absence granted shall be with full pay but excluding payments for overtime;
- leave of absence granted shall count as service for all purposes;
- leave of absence granted under the condition may include any necessary travelling time in normal working hours immediately before or after the course, seminar, etc.

The term "short" course includes courses of either:

- one half day to six days full time; or
- one day or a part of a day regularly each week or fortnight for a limited time (generally not beyond a total course time of eight days); or
- occasionally, courses of up to four weeks duration.

Expenses associated with attendance at a trade union training course or seminar other than the employee's salary will not be a charge against the Associations.

### ***Purchased Leave***

Employees are able to purchase up to 4 weeks additional annual leave in any 12 month period by paying for the leave progressively over the course of the relevant period.

The scheme provides greater flexibility for employees to balance their work and other commitments, providing operational requirements can be met.

Details of the scheme are provided in the Associations Purchased leave Policy

***Other Leave***

The President/Editor in Chief, may grant an employee Other Leave, paid or unpaid, at the absolute discretion of, and on such terms determined by, the President/Editor in Chief.

**References:** Enterprise Agreement Clause 20  
*Domestic Violence and Protection Orders Act, 2008 (ACT)*

In the case of any inconsistency between this policy and the Enterprise Agreement, the Enterprise Agreement shall prevail.