#

**Leave Policy**

***Overview***

[Company Name] has implemented a Leave Policy. The policy takes effect immediately. This policy outlines the leave provisions that employees are entitled to during their course of employment.

These leave entitlements meet statutory leave obligations under the National Employment Standards (NES).

***What types of leave does this policy cover?***

• Annual leave

• Personal / Carer's leave (previously known as Sick Leave)

• Compassionate leave

• Parental leave

• Long service leave

• Community service leave

• Domestic Violence Leave

***Application***

This policy applies to all employees of [Company Name] regardless of whether they are permanent full-time, permanent part-time or casual employees noting that casual employees generally do not have any entitlement to paid leave.

***Annual Leave***

Permanent employees are entitled to paid annual leave. [Company Name] is committed to the principle that annual leave is intended for rest, recreation and a break from work. For personal health, safety and business productivity reasons, all employees need to take annual leave at least once a year for a sufficient period/block of time, in order to provide a real break from work.

[Company Name] is committed to managing annual leave by creating an environment where leave may be readily taken in periods, which as far as possible suit the employee’s circumstances. There may however be times, that for operational reasons [Company Name] cannot accommodate the request for annual leave to be taken and in those instances, leave may need to be taken at another time.

***Annual Leave Entitlement***

Employees will receive annual leave in accordance with the National Employment Standards. The minimum entitlement is 20 days of paid annual leave for each year worked at the employee’s base rate of pay for ordinary hours worked, calculated on a pro-rata basis. Annual leave accrues progressively during the year and is cumulative. Annual leave is to be taken at a mutually convenient time having regard to operational requirements.

***Annual leave entitlements are not applicable to casual employees.***

If an employee’s employment is terminated for any reason, [Company Name] will pay out an employee’s untaken accrued annual leave entitlements.

***Taking of Annual Leave***

Annual leave may be taken in half day increments as well as full day increments.

* Employees must request leave by completing the form included at the end of this Policy
* School holidays are to be shared; no staff member is to take consecutive school blocks during the year. For example, a leave request for June and then September school holidays will not be approved
* End of year school holidays are to be shared
* The office will be closed for a Christmas shutdown, dates will be advised to staff no later than mid‑December
* The office will normally be closed for gazetted Public Holidays

***Maximum Accrual of Annual Leave***

No more than six (6) weeks of annual leave should be accumulated at any one time. Staff are required to make arrangements to take leave and manage their annual leave balance in accordance with this policy. In the event that the accumulated total is close to or exceeds six (6) weeks and there are no future leave applications in place Management will liaise with the staff member to ensure leave arrangements are made.

In circumstances where no arrangements have been agreed and a staff member’s balance of annual leave is in excess of six (6) weeks, [Company Name] may direct the staff member to take leave by providing four (4) weeks’ notice.

***Re-crediting Annual Leave***

Sometimes, a period of annual leave may be interrupted by circumstances or events that, if an employee had been at work, would have led to a different leave type being paid during that period. In the circumstances specified below [Company Name] will re-credit the staff member their taken annual leave and pay the time using a different leave type. These circumstances are:

1. An employee, other than a casual employee, who is required to attend for jury service during a period of annual leave will, upon producing satisfactory evidence of attendance, be credited with annual leave for the period of jury service.
2. An employee, other than a casual employee, who is entitled to paid compassionate leave in accordance with this policy during a period of annual leave will, upon meeting the evidence requirements, be credited with annual leave for the period for which the compassionate leave applied.
3. An employee, other than a casual employee, who is entitled to paid personal leave in accordance with this policy for one (1) or more days during a period of annual leave will, upon meeting the evidence requirements, be credited with the annual leave for the period for which the personal leave applied.

Of course, there are always exceptions and where possible, on a case by case basis, [Insert Position (e.g. CEO/Director/Owner)] may consider requests from individuals for unusual circumstances. It is always best to submit a request for Annual Leave as early as possible so we can consider it.

***Purchase of Annual Leave***

Purchased Annual Leave is a flexible work arrangement that allows an employee to purchase up to 4 weeks leave (may be purchased in increments of 1 week, 2 weeks, 3 weeks or 4 weeks) per 26 fortnightly pay periods and are able to ‘pay’ for this entitlement via salary sacrifice. This option is available for both permanent full time and permanent part time employees.

Employees are eligible to purchase up to 4 weeks leave per 26 fortnightly pay periods if the employee has been employed by [Company Name] for a minimum of at least 6 [Delete after reading: Amend this if it is incorrect] months or if on a fixed term employment contract, has at least 12 months left on their current contract of employment.

Purchased Leave arrangements must be entered into on an annual basis. To ensure efficient administration, Purchased Annual Leave arrangements will commence at the beginning of a pay period.

A staff member on a Purchased Annual Leave arrangement must:

* take the amount of leave purchased (up to 4 weeks) and their annual leave accrual during [Delete after reading: Amend this if it is incorrect] the 26 fortnightly pay periods; and
* plan the period(s) of leave to be taken for the year in advance and submit to the [Insert Position (e.g. CEO/Director/Owner)] for approval prior to commencing the arrangement; and
* take a period of Purchased Annual Leave for a minimum period of 1 week.

In exceptional circumstances, a staff member may apply to the [Insert Position (e.g. CEO/Director/Owner)] to make a change to the approved leave [Delete after reading: Amend this if it incorrect] plan.

Purchased Annual Leave will be funded through the employee agreeing to a fortnightly pre-tax salary deduction, which accumulates and is paid to the staff member during the Purchased Leave periods (noting that Purchased Annual Leave cannot be paid in advance of the pay period in which it occurs).

The fortnightly pre-tax salary deduction is a fixed amount per fortnight for the 26 fortnightly pay periods and is based on the base salary at the time of commencement of the arrangement.

An employee’s payment during Purchased Annual Leave will therefore be equivalent to this calculated base salary as at the time of commencement of the Purchased Annual Leave arrangement.

The fortnightly deduction will not be impacted by any changes to salary that an employee may receive during the 26 fortnightly pay periods of the Purchased Annual Leave arrangement. The fortnightly salary deductions for the Purchased Annual Leave arrangement will commence the next practical pay period after approval or as otherwise specified (noting that to ensure efficient administration, Purchased Annual Leave arrangements must commence at the beginning of a pay period).

The fortnightly pre-tax deduction from salary is generally determined as per the following example:

Standard base salary per annum (gross) = $52,178.44

Standard base salary per fortnight (gross) = $ 2,000.00

Purchased Leave 4 weeks [2 x fortnightly salary (gross)] = $ 4,000.00

Fortnightly pre-tax deductions for 4 weeks Purchased Leave = $ 153.85

 ($4,000/26 fortnights)

Fortnightly salary during the Purchased Leave Agreement (gross) = $ 1,846.15

 ($2,000-$153.85)

The fortnightly pre-tax deduction will be based on a staff member’s substantive base salary only. Allowances and commissions will not be included in the calculation of the fortnightly deduction and subsequent payment during Purchased Annual Leave.

***Personal/Carer’s Leave & Compassionate Leave***

Employees will receive personal leave and compassionate leave in accordance with the applicable statutory requirements. Casual employees are not entitled to paid personal/carer’s leave or compassionate leave.

***Paid Personal/Carer’s Leave***

Employees are entitled to 10 days paid personal/carer’s leave for each year of service, calculated on a pro-rata basis, when absent from work due to personal illness or injury (sick leave) or for the purpose of providing care or support to a member of the employee’s immediate family or household who is sick and requires your care or support because of a personal illness or injury or because of an unexpected emergency affecting the member (carer’s leave).

An immediate family member includes:

* Your spouse or former spouse, de facto partner or former de facto partner, child, parent, grandparent, grandchild, or sibling of the employee; or
* Your spouse or de facto partner’s child, parent, grandparent, grandchild, or sibling.

This definition includes step-relations (e.g. stepparents and stepchildren) as well as adoptive relations.

A household member is any person who lives with the employee.

Paid personal/carer’s leave will accumulate from year to year but will not be paid out on termination of employment.

***If you are unwell, you should telephone or text the [Insert Position (e.g. CEO/Director/Owner)] as soon as possible, ideally before 8.00am unless extreme circumstances prevent a text or voice call / voice message. This is to allow for alternate arrangements to be made as needed.***

***Please text/call either [Insert name] on [Insert phone number] or [Insert alternative notification procedure such as email address etc.].***

If you become unwell during business/work hours, please discuss with [Insert Position (e.g. CEO/Director/Owner)] so arrangements can be made. We do not encourage our staff to ‘soldier on’, your wellbeing and that of our other staff is very important to us.

Here at [Company Name], we ask employees to give evidence (a medical practitioner certificate) to confirm why they have been away from work for 2 x days or more during any one instance. We would also appreciate it if you can keep in touch advising of your likely/anticipated return to work.

If the employee does not provide such evidence, [Company Name] reserves the right to treat the period of absence as unauthorised leave without pay, or by agreement of the employee and their Supervisor as annual leave.

Upon their return, the employee is required to hand into the office their medical certificate or statutory declaration attached to their leave request.

Please note, if a Medical Certificate has been issued for a specified date/s you cannot return to work early. If you become well sooner than anticipated, you will need to obtain an amended Medical Certificate confirming your capacity to return.

***Unpaid Carer’s Leave***

An employee, including casual employees, will be entitled to up to two days unpaid carer’s leave on each occasion in a particular period 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 an unexpected emergency, providing the employee cannot take paid personal/carer’s leave during the period.

To take unpaid carer’s leave, the employee must promptly notify the employee’s [Insert Position (e.g. CEO/Director/Owner)] (prior to the employee commencing work or as soon as possible thereafter) of any illness or injury to another person that will cause the employee to be absent from work and the approximate period of that absence.

The employee is also required to provide [Company Name] with a medical certificate or statutory declaration for any period of unpaid carer’s leave. If the employee does not provide such evidence, [Company Name] reserves the right to treat the period of absence as unauthorised leave without pay or by agreement with the employee’s Supervisor as annual leave.

***Reliability***

[Company Name] places trust and confidence in staff to use and apply for leave only when it is legitimate to do so. It is also acknowledged that from time to time personal/carer’s leave may be taken without legitimate cause and an employee may become unreliable regarding their attendance to work. Factors that may be considered when determining whether an employee’s attendance is unsatisfactory include:

* a regular pattern of absenteeism (for example taking days off immediately after weekends); where reasons provided to support absences are proven not to be legitimate; or
* repeated part days off work.

[Company Name] may make enquiries regarding absences, even when supporting documentation (for example a medical certificate) is supplied.

***Compassionate Leave***

Permanent employees will be entitled to two days paid compassionate leave on each occasion for the purpose of spending time with a member of the employee’s immediate family or household when he or she contracts or develops a personal illness or sustains a personal injury that poses a serious threat to his or her life, or after the death of a member of the employee’s immediate family or household.

Casual employees are entitled to two days unpaid compassionate leave per occasion.

An immediate family member includes:

• Your spouse or former spouse, de facto partner or former de facto partner, child, parent, grandparent, grandchild, or sibling of the employee; or

• Your spouse or de facto partner’s child, parent, grandparent, grandchild, or sibling.

This definition includes step-relations (e.g. stepparents and stepchildren) as well as adoptive relations.

Employees will be able to take compassionate leave for other relatives (e.g. cousins, aunts, and uncles) if they are a member of the employee's household, or if the employer agrees to this.

All employees are entitled to 2 days compassionate leave each time an immediate family or household member dies or suffers a life-threatening illness or injury.

The compassionate leave can be taken as:

* a single continuous 2 day period, or
* 2 separate periods of 1 day each, or
* any separate periods the employee and the employer agree.

An employee does not accumulate compassionate leave and it does not come out of their sick and carer's leave (or annual leave) balance. It can be taken any time an employee needs it.

If an employee is already on another type of leave (e.g. annual leave) and needs to take compassionate leave, the employee can use compassionate leave instead of the other leave.

Additional leave may be approved at the discretion of a [Insert Position (e.g. CEO/Director/Owner)].

***Parental Leave***

[Company Name] fully complies with our obligations under Federal and State/Territory laws regarding parental leave and providing flexible working conditions.

***Australian Government Paid Parental Leave Scheme***

The Paid Parental Leave scheme is an entitlement for working parents of children born or adopted from 1 January 2011.

The Australian Government’s scheme doesn’t provide eligible employees with a new entitlement to leave. The scheme provides Government-funded Parental Leave Pay at the National Minimum Wage for a maximum period of 18 weeks. Parental Leave Pay can start from the date of birth or adoption, or at a later date. Eligible employees can split their Parental Leave Pay (PLP) so they take it over 2 periods within 2 years.

Employees are able to claim PLP for 1 set period and 1 flexible period. The first period of PLP is available for up to 12 continuous weeks, within 12 months of the birth or adoption of a child. The second period of PLP is flexible and available for up to 30 days, usually starting after the first period ends and finishing within 24 months of a child’s birth or adoption.

For further information, go to the Fair Work Ombudsman web site. Parental Leave Pay is taxable and can be received before, after, or at the same time as existing entitlements, such as annual leave, and employer-funded paid parental leave.

Eligible employees either receive the government-funded Parental Leave Pay directly from Centrelink, or it is passed on to them via their employer.

This payment applies to eligible employees who:

* will have been an employee for 12 months or more prior to the expected date of birth or adoption
* will be an employee for the period of their Parental Leave Pay
* are Australian-based
* are expected to receive eight weeks or more of Parental Leave Pay.

Eligible employees who don’t meet these criteria will be paid by Centrelink.

For further information on the Australian Government’s Paid Parental Leave scheme visit <https://www.servicesaustralia.gov.au/individuals/services/centrelink/parental-leave-pay>.

***Dad and Partner Pay***

Dad and Partner Pay is a payment for working dads or partners who are on leave to care for a child born or adopted from 1 January 2013.

An eligible working dad or partner will receive up to 2 weeks of government-funded pay at the National Minimum Wage. Dad and Partner Pay can be received at any time in the first year after the child’s birth or adoption, as long as the dad or partner is on leave. This means that Dad and Partner Pay must start within 50 weeks of the child’s birth or adoption to ensure that payments are made in time.

For further information visit <https://www.servicesaustralia.gov.au/individuals/services/centrelink/dad-and-partner-pay>.

***Unpaid parental leave under the National Employment Standards***

Under the Fair Work Act 2009, employees are entitled to unpaid parental leave (maternity, paternity, adoption, and related kinds of leave). The primary entitlement to unpaid parental leave is 12 months following birth/placement, to be shared between both parents.

In addition to the basic entitlement to unpaid parental leave, one parent may request an additional 12 months of leave, which will only be refused on reasonable business grounds. Employees who are parents of school age and pre-school age children and employees with carer’s responsibilities may also request flexible working arrangements which will be considered taking into account business needs.

***Service Requirement***

To be eligible for unpaid parental leave, an employee must, immediately before the due date of birth or the expected placement date of adoption of the child:

* For a permanent employee: have completed at least 12 months of continuous service;
* For a casual employee: have been employed by Dornbusch Partners on a regular and systematic basis for at least 12 months and have a reasonable expectation of on-going employment on the same basis.

Additional eligibility rules apply in respect of adoption-related leave.

***Return to Work Guarantee***

At the end of their unpaid parental leave, an employee is entitled:

* To return to their pre-parental leave position; or
* If that position no longer exists - an available position for which the employee is qualified and suited that is nearest in status and pay to the employee's pre-parental leave position.

***Period of Leave***

Unpaid parental leave must be taken in a single continuous period (not broken periods) - subject to specific exceptions about concurrent leave around the time of the child's birth or placement for the secondary carer.

***Commencement of Unpaid Parental Leave***

Unpaid parental leave starts:

* If the employee’s spouse or de facto partner is our employee or an employee of another business, at the date of the child’s birth;
* For a pregnant female employee, up to 6 weeks before the expected date of birth of her child, but no later than the date of the child's birth;
* For an employee other than the pregnant female employee, unpaid parental leave starts on the child's date of birth;
* For adoption leave, on the day of placement of the child;
* If the employee’s spouse or de facto partner is not an employee: anytime within 12 months of the date of birth or day of placement of the child.

***Notice and Evidence Requirements***

An employee must give us at least 10 weeks' written notice before starting unpaid parental leave or, if that is not practicable, provide notice as soon as practicable (which may be a time after the leave has started). For example, it may not be practical for an employee to give the requisite notice in relation to the premature birth of a child, but valid notice could still be given as soon as practicable after the child's birth. The notice must specify the intended start and end dates of the leave.

An employee must confirm the intended start and end dates of the leave (or advise of any changes) at least 4 weeks before the intended start date unless it is not practicable to do so. An employer may require an employee who has given notice of the taking of unpaid parental leave to provide evidence of:

* The child's actual or expected date of birth; or
* The day or expected day of placement for adoption and that the child is or will be under 16 years of age as at that date.

The evidence must be sufficient to satisfy a reasonable person and, in the case of birth-related leave, we may require that this be a medical certificate. Separate notice and evidence requirements apply in relation to special maternity leave and unpaid pre-adoption leave (see below).

***Unpaid Special Maternity Leave***

An eligible pregnant employee may also take unpaid special maternity leave in certain circumstances for example if the employee is not fit to work because of a pregnancy-related illness.

***Fitness for Work – Pregnant Employees***

If a pregnant employee continues to work within six weeks before the estimated date of birth, Dornbusch Partners will ask the employee to provide a medical certificate, stating:

* Whether the employee is fit for work; and
* If they are fit for work, whether it is inadvisable for the employee to continue working in her present position during a stated period because of any of the risk factors specified below.

The risk factors include any illness or risks arising out of the employee's pregnancy, or hazards connected with the employee's position. If the employee fails to provide the certificate within seven days, or if the certificate states that the employee is not fit for work, [Company Name] may require an employee to start unpaid parental leave as soon as practicable.

***Interaction with Paid Leave***

Subject to certain exceptions, an employee may take paid leave at the same time the employee is taking unpaid parental leave. The period of unpaid parental leave runs concurrently with the period of paid leave taken by the employee. The requirements for taking the other form of leave would still apply - e.g. [Company Name] agreeing to the employee taking paid annual leave. An employee is not eligible to take paid personal/carer's leave or compassionate leave while taking unpaid parental leave.

***Returning to Work***

[Company Name] will make preparations for an employee to return from their parental leave on the date they have specified in their original leave application to the work pattern and work status that they held immediately prior to taking leave. If an employee on parental leave would like to change their work pattern or work status (for example moving from full time to part time) Dornbusch Partners requests that a Flexible Work Arrangement Request be made in writing no later than four (4) weeks [Delete after reading: Amend this if you have different requirements] prior to the intended return to work date.

If an employee on parental leave requests to shorten their parental leave period and make it less than the original leave period that they applied for [Company Name] will consider their request, however the parental leave period may only be shortened by agreement. [Company Name] will consider the business impacts, the amount of available work and any impacts on other staff (temporary and permanent).

With the agreement of the [Insert Position (e.g. CEO/Director/Owner)], a full-time employee can return to work part time in one or more periods from the date of birth of the child, until the child’s second birthday.

***Long Service Leave***

Long service leave is an entitlement to paid leave for employees engaged on a part-time, fulltime basis or casual basis. Long service leave will be accrued, taken, and paid on termination of employment in accordance with the State laws in which you work (Industrial Relations Act 1999 (Qld) for staff based in Queensland). The current entitlement to long service leave is 8.6667 weeks on full pay after each period of 10 years continuous service.

Applications for long service leave must be made at least one month in advance to ensure there is ample time for resource and workflow planning. Applications for long service leave may be made for a minimum of one week through to the maximum available. Generally, [Delete after reading: Amend this if you have different requirements] Long Service Leave is not permitted to be taken in advance.

***Community Service Leave***

In accordance with the National Employment Standards, employees are entitled to unpaid community service leave in order to perform certain community services, including the carrying out of voluntary emergency management activity. This leave must be made in consultation with your [Insert Position (e.g. CEO/Director/Owner)] and with consideration to your team’s requirements.

***Domestic Violence Leave***

All employees (full-time, part-time, and casual) will have access to five days of unpaid Domestic Violence leave for each year of service. This leave is non-accruing and will reset each calendar year. Domestic Violence leave is available to employees who experience family and domestic violence, and subsequently need to deal with the impact of the family or domestic violence, and it is impractical for them to do it outside their ordinary hours of work. An example of when the leave could be utilised, is for making arrangements for their safety or the safety of a family member, attending urgent court hearings, or accessing police services.

Employees may be required to provide evidence to access the leave. Such evidence may include a document issued by the police, a court, a doctor, a nurse, a lawyer, or a statutory declaration.

Any sensitive information received by [Insert Position (e.g. CEO/Director/Owner)] will remain confidential and will only be disclosed where it is required by law, or to protect the health and safety of any individual.

***Leave for Jury Duty***

Jury duty is a type of community service leave and is an entitlement to all employees, including

casual employees to attend jury selection and jury duty. Employees must advise [Insert Position (e.g. CEO/Director/Owner)] of the period or expected period of leave as soon as possible. If an employee is requesting jury duty leave, they must provide evidence of the period, or expected period, of the absence.

An employee, other than a casual employee, is entitled to be paid ‘make-up pay’ for the first 10 days of jury selection and jury duty. Make-up pay is the difference between any jury duty payment the employee receives (excluding any expense related allowances) from the court and the employee’s base pay rate for the ordinary hours they would have worked.

[Company Name] may request further evidence from the employee before paying makeup pay to show:

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

Employees will not be entitled to make-up pay if they cannot provide this evidence.

***Christmas/New Year Shutdown***

All employees will be required to take annual leave or long service leave during the Christmas shut down period. The precise dates for this annual shut-down will be communicated to you well in advance of the shutdown.

At [Company Name] discretion, if you have not accrued sufficient annual leave to cover the shutdown period, you may take unpaid leave. No employee [Delete after reading: Amend this if you have different requirements] will be paid leave in advance of it being accrued.

***Annual Leave Cashing Out***

The Award that covers our employees specifies that paid annual leave must not be cashed out except in accordance with an agreement as outlined in the Award. Each cashing out of a particular amount of paid annual leave must be the subject of a separate agreement using the form at the end of this Policy.

An agreement must not result in the employee’s remaining accrued entitlement to paid annual leave being less than 4 weeks. The maximum amount of accrued paid annual leave that may be cashed out in any period of 12 months is 2 weeks.

Non-Award covered employees may also apply in writing to cash out their Annual Leave. The [Insert Position (e.g. CEO/Director/Owner)] will assess each request on a case by case basis.

***Some important points to consider***

As you are an important part of the [Company Name] team, your attendance is fundamental to you fulfilling your workplace obligations to [Company Name]. It is our policy that employees should not be absent from work without approved leave.

***What do I need to do?***

You need to review the Leave Policy and make yourself familiar with the contents of the policy. In the event that you wish to take leave, make sure you complete a leave request for approval by either the [Insert Position (e.g. CEO/Director/Owner)].

***What happens if I do not comply with the Leave Policy?***

The consequences of a breach of this policy will vary depending on the type and seriousness of the breach and will be at the discretion of [Company Name].

Depending on the circumstances, [Company Name] may take disciplinary action against you up to and including termination of employment.

***Policy and further information***

To the extent that the contents of the Leave Policy refers to obligations on [Company Name], they are guidelines for management or summaries of applicable legislative requirements only and are not contractual terms, conditions, or representations on which a staff member may rely.

[Insert Position (e.g. CEO/Director/Owner)] is available to assist with any queries you have relating to the policy which is detailed above.

***Document Control***

This Policy will be reviewed on a regular basis and approved by the [Insert Position (e.g. CEO/Director/Owner)].

|  |  |  |  |
| --- | --- | --- | --- |
| Implementation date | Author | Approved by | Date of next review |
| [Date] | [Name] | [Position] | [Month, Year] |