

## Leave Policy

### 1. Purpose

All Inala Community House employees are entitled to leave in accordance with relevant legislation, the Award and the provisions of this policy. This policy outlines the leave entitlements, the process of application for and approval to take leave.

### 2. Scope

This policy shall apply to all Inala Community House employees.

### 3. Definitions

**Immediate Family Member:** refers to a:

- Spouse or former spouse
- De facto partner or former de facto partner
- Child
- Parent
- Grandparent
- Grandchild
- Sibling
- Child, parent, grandparent, grandchild or sibling of the employee's spouse or de facto partner (or former spouse or de facto partner)

This includes step and adoptive relationships.

**Household Member:** is any person who lives with the employee

### 4. Policy

Leave entitlements are addressed within the:

- *Social, Community, Home Care and Disability Services Industry Award 2010* (the Award)
- *Fair Work Act 2009 (Cth)* which includes the National Employment Standards
- *Industrial Relations Act 2016 (Qld)*
- *Defence Act 1903 (Cth)* and the *Defence Reserve (Protection) Act 2001*

#### Annual Leave

Employees (except casual employees) are entitled to 4 weeks paid leave per year (pro rata for part time employees). Annual leave accrues on a pro-rata basis and is cumulative.

Any unused leave will either be paid out when an employee's contract expires or by agreement with ICH, any remaining leave balance may rollover to a subsequent contract.

Annual leave must be requested by an employee and approved by the Manager. Approval by the Manager is subject to the operational requirements of ICH.

ICH also may direct an employee to take annual leave in accordance with the Award and legislation in circumstances where the employee has an excessive annual leave balance over 8 weeks.

### **Personal Leave**

Personal leave includes sick and carer's leave. This leave allows an employee to take time off to help them deal with personal illness or injury. It also allows an employee to have time off to care for an immediate family or household member who is sick or injured or help during a family emergency.

An employee taking personal leave must notify their Manager or senior worker as soon as possible and specify how long they will be off or expect to be off work. ICH may request evidence which shows that the employee took leave because they:

- Weren't able to work because of an illness or injury, or
- Needed to provide care or support to an immediate family or household member (because of an illness, injury, or unexpected emergency affecting the member).

ICH can request this evidence at any time and for any period of time taken. An employee who doesn't provide evidence when requested may not be entitled to be paid for the leave taken.

#### *Paid:*

Employees (except casual employees) are entitled to 10 days of personal leave. This leave is accrued from the first day of work and the balance is carried across at the end of each year.

#### *Unpaid:*

All employees (including casual employees) are entitled to 2 days of unpaid carer's leave each time an immediate family member or household member needs care and support because of illness, injury or an unexpected emergency. For full-time or part-time employees, this is only available if they have no personal leave left.

This can be taken in 1 continuous period or in separate periods (as agreed between the employee and ICH).

### **Compassionate Leave**

All employees (including casual employees) are entitled to compassionate leave. Compassionate leave can be taken when a member of an employee's immediate family or household dies or contracts or develops a life-threatening illness or injury.

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. It can be taken as a single continuous period or any separate periods the employee and ICH agree. For full-time and part-time employees, this is paid compassionate leave whereas for casual employees it is unpaid.

This leave does not accrue, and it is not deducted from the employee's personal leave balance. The employee can use compassionate leave, even if they are on another type of leave (e.g. annual leave).

An employee taking compassionate leave must give ICH notice as soon as they can. The employee must specify the period or expected period of the leave. ICH can request evidence of the reason for taking compassionate leave. If the employee does not provide the requested notice or evidence, they may not receive compassionate leave.

### **Family and Domestic Violence Leave**

All employees (including casual employees) are entitled to 5 days unpaid family and domestic violence leave each year. This entitlement is not accrued and is available from the day an employee starts work.

Family and domestic violence means violent, threatening or other abusive behaviour by an employee's close relative that seeks to coerce or control the employee causing them harm or fear. A close relative shares the same meaning of immediate family member and includes a person related to the employee according to Aboriginal or Torres Strait Islander kinship rules.

Employees can take this leave if they need to do something to deal with the impact of family and domestic violence and it is impractical to do so outside their ordinary hours of work (such as making arrangements for safety, attending court, accessing police services). The leave can be taken as a single or multiple days or by agreement with ICH part days. An employee taking this leave needs to let ICH know as soon as possible and how long they expect to be off. ICH can request evidence which shows that the employee took the leave to deal with family and domestic violence. If the employee doesn't provide the requested evidence, they may not get family and domestic violence leave.

ICH will take all reasonably practicable steps to keep information about the employee's situation confidential except where required by law or is necessary to protect the life, health or safety of the employee or another person. Given the potential adverse impacts of the information, ICH will consult with the employee regarding the handling of the information.

Employees who are affected by family and domestic violence leave can receive confidential information, counselling and support from 1800 RESPECT website.

### **Community Service Leave**

Employees (including casual employees) can take community service leave for certain activities such as voluntary emergency management activities or jury duty (including attendance for jury selection).

This leave can be taken while the employee is engaged in the activity and for reasonable travel and rest time. This is unpaid leave (except for jury duty) and there is no limit on this type of leave. An employee must give ICH notice of the absence as soon as possible and specify the period or expected period of absence. ICH may request evidence that they are entitled to take community service leave.

Jury duty is another type of community service leave. Employees (including casual employees) can take leave to attend jury selection and jury duty. Employees must advise ICH of the period or expected period of leave as soon as possible. If an employee requests leave, they need to provide evidence showing they attended jury selection or jury duty.

Employees are paid 'make-up pay' for the period of jury selection and duty. Make-up pay is the difference between any jury duty payment the employee receives (excluding expense-related allowances) from the court and the employee's base pay rate for the ordinary hour they would have worked.

Before paying, ICH 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 the period. If the employee can't provide evidence, they won't be entitled to 'make-up pay'. An employee must return to work, if practicable, at the earliest reasonable opportunity.

### **Long Service Leave**

Long service leave is available to employees in recognition of a long period of service with ICH. Long service leave can be accessed after 10 years of continuous service. A further period of long service leave becomes available at 15 years of continuous service and employees are entitled to access further long service leave as it accrues.

Under certain circumstances, an employee may be paid a proportionate payment of long service leave as part of their termination payment after 7 years of service. After 10 years an employee will be paid pro-rata long service leave upon leaving the organisation.

Applications for long service leave must be made in advance and approved by the Service Manager. Long service leave will be taken by agreement between the employer and employee and is subject to reasonable operational need.

### **Public Holidays**

Public holidays form part of the National Employment Standards and are recorded in the *Fair Work Act*. Other public holidays may include any other day or part-day declared or prescribed by or under Queensland law as a public holiday.

The National Employment Standards provides an entitlement for employees to be absent from work on the day or part-day that is a public holiday. Employees can reasonably refuse to work on a public holiday. If an employee does work on a public holiday, they will be paid public holiday rates.

### **Ceremonial Leave**

An employee who is legitimately required by indigenous tradition to be absent from work for Aboriginal or Torres Strait Islander ceremonial purposes will be entitled to up to 10 working days unpaid leave in any one year. An employee wishing to take this leave must provide notice and gain approval from ICH.

### **Parental Leave**

Parental leave is covered under the ICH *Parental Leave Policy*.

### **Defence Force Leave**

ICH recognises that employees engaged with the defence force may have obligations related to this during their employment which may result in their absence from work. This is unpaid leave. An employee is not required to take any leave (such as annual or personal leave) during the time of their absence due to defence service however the employee may

request to use leave during this time. ICH will not dismiss or penalise a person for rendering or being liable to render services to the defence force.

## 5. Review

This policy shall be reviewed every 3 years.

This policy remains in effect unless otherwise determined by resolution of the Board of Directors.

## 6. Related Documents

### **Policies**

ICH Parental Leave Policy

### **Procedures**

ICH Leave Procedure

### **Other Documents**

Fair Work Information Statement

### **References**

*Fair Work Act 2009*

*Industrial Relations Act 2016 (Qld)*

*Social, Community, Home Care and Disability Services Industry Award 2010*