



LEAVE POLICY

Summary:

The purpose of this policy is to provide clear direction on the provisions of Leave entitlements to Council employees.

Policy Number	4.010
File Number	N/A
Document version	V1.0
Adoption Date	22 May 2019
Approved By	Council
Endorsed By	Council
Minute Number	92/19
Consultation Period	N/A
Review Due Date	May 2021 – 2 years
Department	Office of Chief Executive
Policy Custodian	Manager HR, Workforce Development & Safety
Superseded Documents	Annual Leave Policy
Related Legislation	Local Government Act Fair Work Act State & Federal Long Service Leave Acts Paid Parental Leave Act Local Government (State) Award
Delegations of Authority	Manager HR, Workforce Development & Safety

1. Overview

The Local Government (State) Award provides Council employees with entitlements of Four (4) weeks Annual Leave at their ordinary or pro rata rate of pay per annum. The Award also provides Emergency Services, Long Service Leave (in accordance with Legislation), Sick Leave, Carers Leave, Parental Leave, Adoption, Bereavement, Jury Service, Union training, Union Picnic Day and Special Leave.

It is recognised that taking annual leave and other forms of leave contributes to the general health and well-being of staff, enhances the productivity of the organisation, and allows staff to discharge community and family responsibilities. Council observes and also recognises the need to respond to circumstances arising

from floods or disasters and domestic violence. Work closedown requirements, cover the taking of Annual Leave during a Work Closedown period and/or RDO's, TOIL (Time Off In Lieu).

The fair and equitable management of leave entitlements contributes to the Financial Management of the organisation by limiting Council's future liabilities and to Risk Management.

2. Scope

The aim of the policy is to ensure that:

- Council and staff adhere to the terms and conditions of the Local Government (State) Award for the purpose of taking leave, as directed.
- Council and staff adhere to the requirements of the relevant legislation.
- Leave is provided to staff with special need arising from compassionate grounds such as bereavement and domestic violence.

2.1 Emergencies and other situations

In cases where employees require leave and they don't have an entitlement to annual leave or other leave they may make an application for leave without pay.

2.2 Family & Domestic Violence Leave

- A.** Council recognises that employees sometimes face situations of violence or abuse in their personal life that may affect their attendance or performance at work. Council is committed to providing support to staff that experience family and domestic violence.
- B.** Understanding the traumatic nature of family and domestic violence Council will support their employee if they have difficulties performing tasks at work. No adverse action will be taken against an employee if their attendance or performance at work suffers as a result of experiencing family and domestic violence. An employee will not be discriminated against or have adverse action taken against them because of their disclosure of, experience of, or perceived experience of family violence.
- C.** An employee, including a casual employee, experiencing family and domestic violence is entitled to ten (10) days per year of paid family and domestic violence leave for the purpose of:
- a) Attending legal proceedings, counselling, appointments with a medical or legal practitioner;
 - b) Relocation or making other safety arrangements; or
 - c) Other activities associated with the experience of family and domestic violence.
- D.** In addition, an employee, including a casual employee, who provides support to a person experiencing family and domestic violence is entitled to access family and domestic violence leave for the purpose of:

- a) Accompanying that person to legal proceedings, counselling, appointments with a medical or legal practitioner;
- b) Assisting with relocation or other safety arrangements; or
- c) Other activities associated with the family and domestic violence including caring for children.

2.3 Notice and Evidentiary Requirements

- A.** The employee shall give his or her employer notice as soon as reasonably practicable of their request to take leave under this clause.
- B.** If required by the employer, the employee must provide evidence that would satisfy a reasonable person that the leave is for the purpose as set out in clause C(a). Such evidence may include a document issued by the police service, a court, a health professional, a family violence support service, a lawyer, a financial institution, an accountant or statutory declaration.
- C.** The employer must ensure that any personal information provided by the employee to the employer concerning an employee's experience of family and domestic violence is kept confidential. Information will not be kept on an employee's personnel file.

2.4 Individual Support

- A.** In order to provide support to an employee experiencing family and domestic violence and to provide a safe work environment to all employees, council will approve any reasonable request from an employee experiencing family and domestic violence for:
 - a) Changes to their span of hours or pattern or hours and/or shift patterns;
 - b) Job redesign or changes to duties;
 - c) Relocation to suitable employment within Council;
 - d) A change to their telephone number or email address to avoid harassing contact;
 - e) Any other appropriate measure including those available under existing provisions for family friendly and flexible work arrangements.
- B.** An employee that discloses to the nominated contact person or their supervisor that they are experiencing family and domestic violence will be offered:
 - a) Access to professionals trained specifically in family and domestic violence through the Employee Assistance Program (EAP) or Council's Health and Wellbeing program; and
 - b) A resource pack containing information in relation to external support agencies, referral services and other local employee support resources.

3. Parental Leave

All staff have the responsibility to comply with the provisions of the Local Government (State) Award with respect to Parental Leave, as well as the Fair Work Act, National Employment Standards and Paid Parental Leave Act.

4. Accountability, Roles & Responsibility

Responsibilities

All staff have a responsibility to comply with the provisions of the Local Government (State) Award, and other respective legislation.

- Aim to plan to take their leave entitlement each year.
- Apply for leave by providing Council with two weeks' notice for planned leave and recognise that leave is to be taken at a mutually convenient time as far as possible.
- RDO's are taken to address unplanned leave requirements before other leave is utilised.
- Long Service Leave is taken in compliance with Award provisions.
- Parental Leave is taken in compliance with Award and relevant legislative provisions.

5. Related Documents, Standards & Guidelines

Local Government Act

Fair Work Act

Paid Parental Leave Act

State & Federal Long Service Leave Acts

Local Government (State) Award

National Employment Standards

6. Version Control & Change History

Version	Date	Modified by	Details
V1.0	22/05/19	Council	Adoption of Original Policy (Res No. 92/19)
V2.0			