

## C-19 Staff Leave

### NQS

QA. 4.1	Staffing arrangements.
QA. 4.1.2	Continuity of staff
QA. 4.2.2	Professional standards
QA. 7.1.2	Management systems

### National Regulations

Reg. 183	Storage of records and other documents
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### My Time, Our Place

LO. 1	Children and young people feel safe, secure, and supported
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### Policy Statement

We recognise the entitlements of our staff and appreciate the service they provide whilst at the centre. To ensure staff are fit and able to complete their role to the best of their ability, the centre is committed to ensuring they are fully aware of the procedures with regards to taking leave, and the processes Management will go through in approving this leave.

### Procedure

This policy does not override the employee's rights under the National Employment Standards or Children's Services Award.

This policy applies to all staff employed by Concord OSHC in relation to the taking of the following types of leave:

- Sick and Carer's Leave
- Compassionate and bereavement Leave
- Community Service Leave
- Long Service Leave
- Annual Leave
- Leave without Pay

### Sick and Carer's Leave or Personal / Carer's leave

Paid Sick & Carer's leave applies to all Permanent staff when they are sick or injured, or when the employee needs to care for an immediate family or household member who is sick, injured or has an unexpected emergency.

The Fair Work Ombudsmen defines immediate family as an employee's:

- Spouse or former spouse,
- de facto partner or former 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 (or former spouse of de facto partner)

This definition includes step relations, as well as adoptive relations. A Household member is defined as any person who lives with the employee.

Documentation supporting Personal / Carer's leave must be provided for two consecutive days of leave or a day on either side of a weekend, Public Holiday or other non-working day.

Unpaid Personal / Carer's leave is available for all staff members, including casual employees in the same instances as above. Permanent employees can only use unpaid personal / carer's leave when they have used all of their paid personal / carer's leave.

### **Compassionate Leave**

Paid compassionate leave is available for all Permanent Employee's when:

- a member of their immediate family or household dies, or contracts or develops a life-threatening illness or injury
- a baby in their immediate family or household is stillborn.
- they have a miscarriage.
- their current spouse or de facto partner has a miscarriage.

Unpaid compassionate leave applies for casual employees, in the same circumstances as for paid compassionate leave.

### **Community Service Leave**

Community Service Leave is available to all employees when they are carrying out certain community service activities such as Jury service, and other Voluntary Emergency Management Activities. This leave entitles the employee to be absent whilst they are performing these activities. This leave is unpaid with the exception of Jury Service where a Permanent employee is entitled to "Make-up Pay" to cover the difference between jury service pay received by the employee and the employee's "base rate of pay" they would otherwise be entitled to for the first 10 days of absence.

### **Long Service Leave**

Long Service Leave in NSW is allowed for under the NSW Long Service Leave Act 1955. This commences accruing after five years and can be payable in some circumstances should an employee

resign prior to their 10 year anniversary with the same employer. More information can be found in the NSW Long Service Leave Act 1955.

### **Annual Leave**

Annual Leave is provided for in the NES and is available to all Permanent employees at their “base rate of pay”. As the centre is closed for the Christmas / New Year time frame, the centre requests that leave is taken during this time. Should an employee choose not to take the annual leave owing or not have enough leave to cover the time of closure, this time will be automatically considered as leave without pay.

### **Leave Without Pay**

In certain circumstances, the employee may ask for Leave without pay. Leave without pay is required to be taken during times of close down if the employee chooses not to take their annual leave owing, or should they not have enough annual leave for the whole time of closure.

### **Applying for Leave**

Applications for leave must be made to the Centre Management Committee at a minimum of 4 weeks in advance for Annual Leave, Long Service Leave or Leave Without Pay. Personal / Carers Leave, Community Service Leave or Compassionate Leave must be applied for as soon as the employee is aware. Leave forms must be completed in full, with the appropriate documentation attached, prior to the leave being considered. Leave forms must be provided to Management for approval and then forwarded to Becklyn P/L with the wage information.

### **Sources**

- Fair Work Act 2009
- Children’s Services Award 2010
- National Employment Standards
- NSW Long Service Leave Act 1955
- Fair Work Ombudsmen factsheet “Personal Carers Leave and Compassionate Leave and the National Employment Standards”
- Fair Work Ombudsmen factsheet “Community Service Leave and the National Employment Standards”
- Fair Work Ombudsmen factsheet “Long Service Leave and the National Employment Standards”
- Fair Work Ombudsmen factsheet “Annual Leave and the National Employment Standards”

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