

**Policy Title:** Leave

**Policy Owner:** Director, Human Resources Services Centre

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**Policy Code:** PL287 / hr179

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**1. INTENT**

To assist and increase awareness of leave available to staff, and flexibility arrangements that may be applied.

**2. ORGANISATIONAL SCOPE**

All ongoing, fixed-term and casual ECU Staff

**3. DEFINITIONS**

| TERM                                | DEFINITION  |
|-------------------------------------|---|
| Industrial Instrument               | Edith Cowan University Enterprise Agreement 2017 (Enterprise Agreement).<br><br>For Employees not covered by the Enterprise Agreement, in the event of any conflict between the terms of this Policy and the individual's Employment Contract/Agreement, then the terms of the Employment Contract/Agreement will prevail.  |
| NES (National Employment Standards) | The National Employment Standards as contained in sections 59 to 131 of the Fair Work Act 2009 (Cth), as amended from time to time.   |
| Registered Medical Practitioner     | means an individual who practises a health profession in the following professions, and includes a recognised specialty in any of the following professions:<br>a. Aboriginal and Torres Strait Islander health practice;<br>b. Chinese medicine;<br>c. Chiropractic;<br>d. Dental (including the profession of a dentist, dental therapist, dental hygienist, dental prosthetist and oral health therapist);<br>e. Medical;<br>f. Medical radiation practice;<br>g. Nursing and Midwifery;<br>h. Occupational therapy;<br>i. Optometry;<br>j. Osteopathy;<br>k. Pharmacy;<br>l. Physiotherapy;<br>m. Podiatry; and<br>n. Psychology. |

## **4. POLICY CONTENT**

### **4.1 Leave**

- 4.1.1 Leave, paid and unpaid, may be granted to an employee in accordance with the ECU Industrial Instrument and under the relevant procedures.
- 4.1.2 Any period the employee is on leave (including leave without pay) they remain employed by the University.
- 4.1.3 Casual employees are not entitled to paid leave, except as provided by law, and as set out within the NES, and the Industrial Instrument and relevant procedures for:
- Unpaid Carer's leave
  - Unpaid Community Service leave
  - Unpaid Compassionate leave
  - Unpaid Parental leave
- 4.1.4 All leave will be calculated on a pro-rata basis for part-time employees.

### **4.2 Leave Entitlements**

- 4.2.1 Leave entitlements are:
- Annual Leave – 20 days per annum
  - Personal Leave – 12.5 days on anniversary
  - Long Service Leave – 13 weeks after completion of required years of continuous service with the University.
- 4.2.2 A fixed-term employee with breaks between fixed-term appointments of up to 2 times per year and of up to 6 weeks will not count for service, but will not be regarded as a break in continuous service.
- 4.2.3 Periods of approved unpaid leave, including leave without pay in excess of 10 consecutive working days will not count for service, but will not be regarded as a break in service.

### **4.3 Personal Leave**

- 4.3.1 An employee's anniversary of appointment is the basis point for accrual of personal leave.
- 4.3.2 Personal leave may be used for personal illness or injury, or to care for ill or injured members of the immediate family or household, or to provide care or support for a member of the immediate family or household experiencing the effects of family and domestic violence.
- 4.3.3 An employee seeking approval for personal leave is required as soon as practicable to advise their line manager of the period, or expected period of the leave.
- 4.3.4 The employee may be required to submit a medical certificate, statutory declaration or other supporting evidence of their illness or caring support.
- 4.3.5 Personal leave in excess of 5 consecutive working days needs to be supported by a medical certificate from a registered medical practitioner.

- 4.3.6 Personal leave exceeding 2 but not exceeding 5 consecutive working days must be supported by a statutory declaration or a medical certificate from a Registered Medical Practitioner.
- 4.3.7 Where the total personal leave in one anniversary year exceeds 12.5 days a statutory declaration may not be used, and additional personal leave must be supported by a medical certificate from a registered medical practitioner.
- 4.3.8 Personal leave will not be granted during periods the employee is on parental leave or leave without pay.
- 4.3.9 Personal leave may be granted where the employee is unable to attend work due to restrictions imposed by Commonwealth or State law in respect of infectious disease. The employee may request such leave be deducted from annual or long service leave.
- 4.3.10 Consistent with the NES and as set out within the Industrial Instrument all employees including a casual employee may access unpaid carer's leave.

#### **4.4 Short Leave**

- 4.4.1 The intent of short leave is for it to be accessed for personal emergency situations that arise with little or no notice and require immediate attention and which cannot be conducted outside of the employee's required hours of duty.
- 4.4.2 An employee is entitled to short leave as provided within the Industrial Instrument, and short leave is non-cumulative.
- 4.4.3 Short leave can be taken as 2 consecutive days at any one time, and in a minimum period of 1 hour.
- 4.4.4 Short leave is not to be used for planned arrangements such as moving house or routine medical appointments.
- 4.4.5 An application for short leave will be assessed on its merits and subject to line management approval.

#### **4.5 Pooling of Leave**

- 4.5.1 Where agreed, an employee may be permitted to "pool" paid Personal, Short and Compassionate Leave, to a maximum of 19.5 available days (pro-rata for part-time employees), in any 1 year should their personal care circumstances so require.
- 4.5.2 An employee who is affected by domestic or family violence may also "pool" Personal, Short and Compassionate leave for the following reasons:
  - (a) attending medical or counselling appointments;
  - (b) organising or moving to alternative accommodation; and
  - (c) care and/or education arrangements.
- 4.5.3 Of the maximum of 19.5 available days per year only the 12.5 days available Personal Leave days are capable of accrual.
- 4.5.4 An employee may be required to provide satisfactory evidence to support the purpose for leave. Supporting evidence under 4.5.2 could take the form of a document issued by a medical practitioner, a domestic violence support service, or a counselling professional.

4.5.5 Requests for the pooling of leave are to be made to the Director, Human Resources Services Centre.

#### **4.6 Leave without Pay (LWOP)**

4.6.1 Leave without pay (LWOP) is granted at the discretion of the University and must be taken at times convenient to the work area.

4.6.2 Periods of LWOP in excess of 10 consecutive working days do not count as continuous service therefore entitlements such as long service leave, annual leave or personal leave entitlements will not accrue during these periods.

4.6.3 A University holiday that falls within a period of LWOP will be counted as part of the employee's LWOP.

4.6.4 An employee while on LWOP will not be entitled to access personal leave, or other paid leave including public holidays, or progress through the incremental scale.

#### **4.7 Ceremonial and Cultural Leave**

4.7.1 In consultation with their line manager, an employee who identifies and is accepted as member of Aboriginal or Torres Strait Islander communities may access Ceremonial and Cultural Leave as provided within the Industrial Instrument.

4.7.2 This is for the purpose of fulfilling ceremonial obligations of a traditional or urban nature and may include relevant cultural events, initiation, birthing and naming, funerals and smoking or cleansing and sacred site or land ceremonies.

4.7.3 An additional day of paid leave can be accessed to participate in National Aboriginal and Islander Day of Observance Committee (NAIDOC) activities/ events during NAIDOC week.

4.7.4 An employee may be required to provide reasonable evidence such as a Statutory Declaration to support their period of leave.

#### **4.8 Defence Forces Leave**

4.8.1 An employee who is a volunteer member of the Defence Force Reserves or the Cadet Force may be granted leave as provided within the Industrial Instrument to attend Defence Force training camps or special schools or courses.

4.8.2 The employee may also apply for paid or unpaid leave to attend training camps or other special schools or courses.

4.8.3 Where the employee elects to use unpaid leave and this exceeds 10 continuous working days it will not count as continuous service, and will not constitute a break in service.

#### **4.9 Leave Jury Duty / Witness Leave**

- 4.9.1 Where the employee is on a period of approved annual leave or long service leave and is required to serve on a jury, such leave will be reinstated for the equivalent period of the jury service.

The employee may be required to provide satisfactory evidence to support the reinstatement of leave, and this could take the form of a document issued by a court showing the period of jury service.

- 4.9.2 An employee affected by domestic or family violence may in addition to other forms of available leave access paid witness leave for the purposes of:
- (a) attending court hearings and/or police appointments; or
  - (b) accessing legal advice.

The employee may be required to provide satisfactory evidence to support the leave taken, and this could take the form of a document issued by the police service, a court, a domestic violence support service, or a lawyer.

- 4.9.3 Requests under section 4.9.2 are to be made to the Director, Human Resources Services Centre.

#### **4.10 Compassionate (Bereavement) Leave**

- 4.10.1 Compassionate leave may be taken when an employee needs to spend time with a member of their immediate family or household who has sustained a life threatening illness or injury.
- 4.10.2 Compassionate leave may also be taken after the death of a member of an employee's immediate family or household. This will also apply upon the death of a close friend, or a person who, due to cultural or religious beliefs is considered a member of the employee's family.
- 4.10.3 An employee is entitled to 2 days of paid compassionate leave upon each eligible occasion, as prescribed within the Industrial Instrument.
- 4.10.3 Casual employees are entitled to unpaid compassionate leave.

#### **4.11 Long Service Leave (LSL)**

- 4.11.1 Where an employee has varied their working arrangements during the LSL accrual period, the employee's ordinary hours for calculating LSL will be averaged over the period.
- 4.11.2 An Employee may apply to take pro rata LSL in accordance with provisions set out within the Industrial Instrument.
- 4.11.3 Except as provided for under relevant applicable legislation, a casual employee is not eligible for LSL under the provisions of the Industrial Instrument.

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

- 4.12.1 Consistent with the NES and as set out within the Industrial Instrument an employee is entitled to paid leave for a reasonable period to engage in certain community service activities.
- 4.12.2 Dependent upon the activity the University may approve a reasonable period of up to 10 working days. Unpaid community service leave is uncapped.
- 4.12.3 Casual employees are entitled to unpaid community service leave.

### **5. ACCOUNTABILITIES AND RESPONSIBILITIES**

In relation to this policy, the following positions are responsible for the following:

The Director, Human Resources Services Centre has overall responsibility for the content of this policy and its operation in ECU.

Staff are required to comply with the content of this policy and to seek guidance in the event of uncertainty as to its application.

### **6. RELATED DOCUMENTS:**

- 6.1 The policy is supported by the following Guidelines:
- [Responding to the impact of Domestic and Family Violence Guidelines](#)
  - [Managing Excess Annual Leave and Cash Out of Annual Leave Guidelines](#)
- 6.2 Other documents which are relevant to the operation of this policy are as follows:
- [ECU Enterprise Agreement](#)
  - [Parental Leave Policy](#)
  - [Code of Conduct](#)
  - [HR Delegations](#)

### **7. CONTACT INFORMATION**

For queries relating to this document please contact:

|                        |  |
|------------------------|--|
| Policy Owner           | Director, Human Resources Services Centre            |
| All Enquiries Contact: | Manager, Safety and Employee Relations               |
| Telephone:             | 08 6304 5995   |
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## 8. APPROVAL HISTORY

|                             |  |
|-----------------------------|--|
| Policy Approved by:         | Acting Vice-Chancellor   |
| Date Policy First Approved: | 30 May 2018  |
| Date last modified:         | 8 September 2020   |
| Revision History:           | 8 September 2020 – Updated and approved by the Vice-Chancellor |
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