**Leave Policy**

**Purpose**

Company Name (‘short name’) recognises the importance of work life balance and encourages all Workers to have regular holidays for rest and relaxation.

The intent of this policy is to inform Workers of their entitlements and requirements regarding all forms of Leave.

**Scope**

This Policy applies to all Company short name Workers.

**Policy**

Company short name understand that everyone has a life outside of work and would like to take holidays, have a break from work, tend to their health or care for others. Company short name strives to achieve consistent treatment in the management of leave in the workplace, ensuring confidentiality, fairness and reasonableness.

A fair and consistent approach is taken in the active management of all leave entitlements to ensure accrued and taken leave remains within acceptable levels.

**Annual Leave**

Workers are entitled to accrue annual leave in accordance with the National Employment Standards (NES) unless otherwise stated in your contract of employment. For the avoidance of doubt, casual Workers are not entitled to annual leave.

A full-time Worker accumulates 4 weeks of annual leave per year. Annual leave is accrued on a pro rata basis according to the Worker’s ordinary hours of work for part time Workers.

An Worker shall give and be given at least 4 weeks’ notice of commencement of annual leave. Company short name recognises that from time-to-time Workers may not be able to provide this amount of notice.

Annual leave approvals will generally be allocated on a "first come, first served" basis whilst ensuring that operational efficiency and appropriate staffing levels are maintained throughout the year.

**Annual Leave Loading**

Annual Leave loading is paid in accordance with the relevant award.

**Cashing Out**

Workers may agree with Company short name (at the Chief Financial Officer’s discretion) to cash out Annual Leave, provided that:

* The Worker retains an entitlement to at least 4 weeks Annual Leave
* That there is an agreement in writing on each occasion that leave is cashed out
* That the Worker is paid the full amount had the Annual Leave been taken
* The maximum amount of paid Annual Leave that may be cashed out is 2 weeks in any 12-month period

**Excess Annual Leave**

Annual Leave exceeding 8 weeks’ may be considered excessive and may require management.

Company short name will seek to prepare a plan (Company short name Excessive Annual Leave Plan) that is mutually agreed upon to ensure the reduction in excessive Annual Leave. If unsuccessful, Company short name may direct the Worker on Annual Leave, provided that:

* The notice to take paid Annual Leave is made in writing (Company short name Excessive Annual Leave Letter)
* The Worker will be given at least 8 weeks’ notice
* The Worker is required to take no less than 1 weeks paid Annual Leave
* The Worker retains an entitlement to at least 6 weeks of Annual Leave
* A request made by the Worker to take paid Annual Leave must not unreasonably be refused

**Payment of Annual Leave on Termination**

On termination of employment, Company short name will pay the Worker for any untaken Annual Leave which has accrued at the Worker’s current base rate of pay.

**Public Holidays**

Workers’ entitlement to public holidays is in accordance with the National Employment Standards, unless otherwise stated in an individual’s contract of employment.

**Personal Leave**

The provisions of the NES apply with regards to all forms of personal leave.

A full-time Worker is entitled to [10] days paid personal leave each year. Part time and fixed-term Workers are entitled to this entitlement on a pro-rata basis, based on their ordinary hours of work. For the avoidance of doubt, casual Workers are not entitled to paid personal leave.

Personal leave consists of what is commonly known as sick leave and carer’s leave. Eligible Workers are entitled to take personal leave:

* because the Worker is not fit for work due to a personal illness or personal injury affecting them
* to provide care or support to a member of your immediate family, or a member of their household who requires their care and support because of:
* a personal illness or injury affecting the member; or
* a sudden or unexpected emergency affecting the member

Paid personal leave accrues over the course of your employment.

If an Worker’s entitlement to personal leave is exhausted, or if the Worker is a casual Worker, then the Worker may take two days’ unpaid carer’s leave for each occasion when a member of their immediate family or a member of your household requires your care and support because of:

* a personal illness or personal injury affecting the member
* a sudden or unexpected emergency affecting the member.

 An immediate family member is a:

* spouse
* de facto partner
* child
* parent
* grandparent
* grandchild
* sibling
* child, parent, grandparent, grandchild or sibling of the Worker's spouse or de facto partner.

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

**Evidence and Notification Requirements**

Workers must notify their direct manager by telephone on the first day of incapacity or at the earliest possible opportunity. Workers should give an indication of their expected return date and notify their direct manager as soon as possible if this date changes. The notification procedures should be followed on each day of absence, unless you are covered by a doctor’s medical certificate. If the Worker’s manager is unavailable, Workers must contact another Company short name manager of equal or higher decision-making authority as their manager.

Text messages and e-mails are not an acceptable method of notification. Other than in exceptional circumstances notification should be made personally, via telephone to the Workers’ manager.

Workers can access two (2) paid personal leave single day absences in each calendar year without the requirement to provide evidence. All other absences must be accompanied by reasonable evidence, generally a medical certificate from a qualified medical practitioner.

If the Worker’s incapacity extends to more than seven (7) days the Worker is required to notify of their continued incapacity once a week thereafter, unless otherwise agreed.

**Time Off**

Company short name understands that from time-to-time Workers will need to attend various medical appointments.

However, attendance at a medical appointment itself does not meet the definition of personal leave.

Where possible, such appointments should be made outside normal working hours. If this is not possible, time off required for these purposes may be granted at the discretion of management and will normally be without pay.

**Return from Extended Leave**

Workers should notify their direct manager as soon as they know on which day they will be returning to work, if this differs from a date of return previously notified.

On return to work after any period of personal leave, the Worker may be required to speak with their direct manager to discuss the state of your health and fitness for work. Information arising from such an interview will be treated with strictest confidence.

An Worker may be required to provide a certificate from your own doctor stating that you are fit to return to your duties. This will always be required where you have suffered a workplace injury/illness that required medical treatment.

**Parental Leave**

The provisions of the NES and any other relevant Federal legislation including Australian Government Paid Parental Leave Scheme and Dad and Partner Pays shall apply except to the extent more favourable conditions are provided for in the Employment Contract.

Under the NES, Workers who will have at least 12 months of continuous service as at the expected date of birth of the child, are entitled to 52 weeks of unpaid parental leave. Casuals with regular on-going work are also entitled to unpaid parental leave. Workers may request an additional 52 weeks of leave which will only be refused by Company short name Butchers on reasonable business grounds.

Other forms of leave, such as annual leave and long service leave, may be taken concurrently with parental leave, but when combined with the unpaid parental leave must not exceed the 52-week period.

Workers may be entitled to government funded parental leave. The Paid Parental Leave scheme is fully funded by the Australian Government. Workers who are expecting a child or adopting a child are eligible for up to 18 weeks of paid Parental Leave at the rate of the National Minimum Wage if they meet the eligibility criteria. For further details on eligibility criteria and to apply for this payment please refer to the Department of Human Services.

Two weeks of Dad and Partner Pay will be paid directly by the Government at the minimum wage for those who are on unpaid leave from work, after their partner has had a baby or they are adopting a child. Company short name and the Worker will need to reach an agreement as to your unpaid leave period. For further details and to apply for this payment please refer to the Department of Human Services.

**Evidence and Notification Requirements**

A Worker must give Company short name at least ten weeks prior notice of your intention to take unpaid parental leave. This notice needs to be in writing, and provide the amount of leave requested, including the starting and finishing dates.

When advising of an intention to take unpaid parental leave the Worker must provide the following:

* a medical certificate indicating the expected date of birth of the child, or, where the leave is adoption related, the expected date of placement;
* an expected return date; and
* details of any parental leave your partner intends to take.

A Worker must confirm their parental leave dates at least 4 weeks before they are due to start their leave. If there have been any changes to the dates the Worker should notify Company short name as soon as possible.

**Compassionate Leave**

Full time or part time Workers are entitled to two days paid compassionate leave for each occasion when a member of their immediate family, a member of their household or their spouse’s immediate family:

* contracts or develops a personal illness that poses a serious threat to their life
* sustains a personal injury that poses a serious threat to their life
* Dies

**Long Service Leave**

Workers are entitled to Long Service Leave in accordance with the relevant laws of the state in which they are employed.

Long Service Leave should be taken as soon as reasonably practicable after you become entitled to it.

**Community Service Leave**

Eligible Workers are entitled to community service leave in certain circumstances. Community service leave is for eligible community service activities such as SES and volunteer fire fighting. Community service is generally unpaid.

A Worker’s entitlement for payment for Jury Duty will depend on the relevant state and federal legislation.

If a Worker believes they meet the eligibility requirements for either community leave or have been requested to participate in Jury Duty, they should speak with their direct manager as soon as possible after being summoned in order to confirm eligibility and next steps.

**Family and Domestic Violence Leave**

Company short name recognises that Workers may face situations of violence or abuse in their personal life that may affect their attendance or performance at work. Company short name is committed to providing support to Workers that experience family violence.

A Worker engaged on full-time, part-time, fixed-term or casual basis experiencing family violence may access up to 5 days per year of unpaid family and domestic violence leave for medical appointments, legal proceedings and other activities related to family violence in accordance with the National Employment Standards. This leave will not accumulate from year to year.

A Worker who supports a person experiencing family violence may take carer’s leave to accompany them to court, to hospital, or to mind children.

Where possible, Company short name will approve reasonable requests from an Worker experiencing family violence to:

* change their span of hours or pattern or hours and/or shift patterns
* redesign or changes duties
* relocate to an alternative workspace
* change their telephone number and/or email address.

A Worker experiencing family violence and seeking leave and/or support should raise the issue with their direct manager or through an alternative workplace nominee.

Proof of family violence may be required by Company short name. These may include document(s) issued by the Police Service, Court, Doctor, Nurse, Family Violence Support Service or Lawyer.

All personal information concerning family violence will be kept confidential.

**Logging and Approval of Leave**

All leave should be logged, to be approved by an Worker’s direct manager.

**Managing Frequent Absences**

If management identifies frequent absences or patterns of absences, they may review an Worker’s attendance records and discuss this with the Worker.  If a pattern of absences or frequent absences are detected, or if an excessive amount of personal leave has been taken, Company short name may arrange a time to discuss this with the Worker.

Five (5) instances of absence across a 12-month period may be recognised by Company short name as frequent absences. In deciding whether a Worker’s absence is acceptable, Company short name will take into account the reasons for your absences and extent of them, including any absence caused by sickness/injury.

If medical documentation or other evidence cannot be produced to support the absences, management may determine that the situation will be addressed as a performance management issue relating to poor attendance.

If considered necessary, we reserve the right to ask your permission to contact your doctor and/or for you to be independently medically examined.

**Responsibilities**

**Company short’s Responsibilities**

It is Company short name’s responsibility to ensure that:

* there are policies and processes in place to manage the team’s leave and set expectations for notification of leave
* management are empowered to educate their teams on a regular basis about the existence of this policy, and their rights and responsibilities
* any breach of this policy is dealt with in a fair and consistent manner.

**Managers’ Responsibilities**

Managers are expected to:

* ensure their team understands the provisions outlined above in relation to leave management at Company short name
* understand the procedures in place, and follow and apply them fairly and transparently
* understand that the majority of applications for leave are for genuine reasons and need to be dealt with consistently
* understand that discretion is available to apply flexibility in considering each Worker’s individual circumstances;
* use information management systems to monitor, measure and analyse leave data/information
* identify options, strategies and support available to manage absences when they occur.

**Workers’ Responsibilities**

Workers are expected to:

* make themselves familiar with the content of this policy
* adhere to the contents of this policy, being sure to be proactive and speak with their direct manager if you have any questions on the contents of this document
* understand that applications for leave are evaluated in relation to other Workers leave applications and the needs of the business.
* genuinely apply for the appropriate leave within the appropriate timeframes. All efforts will be made to approve leave applications.

**Relevant Reference Material**

The following documents and legislation may provide relevant supplementary information:

* Company short name – Code of Conduct
* *Fair Work Act 2009* (Cth)
* *“Insert industry” Industry Award 2020*

**Contact**

Should any clarification be needed for the contents of this Policy, the reader should contact your Manager or the HR Team via phone (Company number) or email (company email).

**Monitor and Review**

This Policy will be reviewed from two (2) years from date of adoption.

**Approval**

This Policy was drafted on 22 April 2022 and approved by [NAME], [POSITION TITLE], on [DATE].