



# WUJAL WUJAL ABORIGINAL SHIRE COUNCIL

## Leave Policy

### Document Control

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## 1. Origin / Authority

Wujal Wujal Aboriginal Shire Council

## 2. Purpose and Scope

The purpose of this policy is to outline Wujal Wujal Aboriginal Shire Council's (Council) procedure and provide a summary of entitlements with respect to paid and unpaid leave, excluding parental leave and domestic and family violence leave. This policy outlines the evidence requirements and process for applying and notifying when accessing leave.

Parental leave and domestic and family violence leave entitlements may be in accordance with the Industrial Relations Act 2016 (QLD) (the Act), Queensland Local Government Industry Awards (the Award/s).

## 3. Policy Statements

### 3.1. Definitions

**Immediate family** means a spouse, child, ex-nuptial child, step-child, adopted child, foster child, ex-foster child, parent, grandparent, grandchild or sibling of the employee or employee's spouse.

**Casual employee:** includes a long-term casual employee and short term casual employee.

**Long term casual employee** means a casual employee who is engaged by Council on a regular and systematic basis for one or more periods of employment during a period of at least one year immediately before the employee seeks access to a relevant leave entitlement.

**Short term casual employee** means a casual employee other than a long term casual employee.

**Spouse:** includes a former spouse or a de facto partner.

**Continuous shift-worker** means an employee who is employed in a calling where shifts are worked 24 hours a day, 7 days a week and that employee works a rotating roster that includes each of the shifts.

**De facto partner** means a person who, although not legally married to the employee, lives with the employee in a relationship as a couple on a genuine domestic basis (whether the employee and the person are of the same sex or difference sexes).

### 3.2 Annual Leave

#### Amount of Leave

**3.2.1** For each completed year of service, an employee, who is not a casual or a continuous shift- worker is, subject to their hours and employment status, entitled to accrue at least four (4) weeks of paid annual leave, for each completed year of employment, which will be accrued on a pro rata basis part-time employees.

Four (4) weeks annual leave will be provided on the basis of 145 hrs for each completed year of employment, for full time employees working an average of 36.25 hrs per week, or 152 hrs for each completed year of employment, for full time employees working an average of 38 hrs per week.

**3.2.2** For each completed year of service, an employee who is a continuous shift-worker is, subject to their hours and employment status, entitled to accrue at least five (5) weeks (190 hrs leave for a full time employee working an average of 38 hrs per week) of paid annual leave, for each completed year of employment.

- 3.2.3** At the sole discretion of the Chief Executive Officer, for each completed year of service, an employee may be provided a further one (1) week annual leave. This additional week leave will be provided on the basis of 36.25 hrs for each completed year of employment, for full time employees working an average of 36.25 hrs per week, or 38 hrs for each completed year of employment, for full time employees working an average of 38 hrs per week. The Chief Executive Officer may, at any time, chose to withdraw an employee's entitlement to accrue this additional week leave.
- 3.2.4** In calculating whether an employee has completed a year of employment, Council will not take the following periods of time into account:
- (a) A period of more than three months, when the employee is absent without pay with Council's approval; and
  - (b) A period when an employee is absent without pay without Council's approval, unless the employee is absent for not more than three months because of illness or injury all of which is certified by a doctor.
- 3.2.5** Annual leave accumulates from year to year unless an industrial instrument provides otherwise.

### **Taking Annual Leave**

- 3.2.6** Two weeks' notice must be provided in writing via a leave form, submitted to the employee's manager, prior to the commencement of annual leave, unless otherwise approved by the Chief Executive Officer.
- 3.2.7** Annual leave is to be taken for a period agreed between the employee and Council.
- 3.2.8** If Council and an employee cannot agree as to when an employee will take annual leave, Council can decide when the employee is to take leave and will give the employee at least eight weeks written notice of the start of the leave.
- 3.2.9** In addition to Council directing an employee to take annual leave, employees can be directed to take annual leave in accordance with an industrial instrument that applies to them.
- 3.2.10** Without limiting Council's capacity to direct, employees may be directed to take annual leave where it is reasonable. This might include where the employee has accrued an excessive amount of paid annual leave, or where Council is being shut down for a period, such as Christmas or New Year.
- 3.2.11** Annual leave is exclusive of a public holiday that falls during the leave, except where the employee is entitled to additional annual leave as compensation for working on a particular public holiday.  
Payment on annual leave
- 3.2.12** Any annual leave taken will be paid at the employee's ordinary rate of pay immediately before the leave is taken, however if immediately before taking the leave, the employee was being paid at a higher rate than their ordinary rate, then the annual leave will be paid at that higher rate.

### **Leave Loading**

- 3.2.13** Employees are entitled to receive annual leave loading at the rate of 17½%.

### **Payment of Annual Leave on Termination**

- 3.2.14** Subject to the terms of any other agreement, contract or Award/s, any accrued but untaken annual leave will be paid out on termination. Such payment will be the amount that would have been payable to the employee had the employee taken that period of leave.

### **Casual Employees**

- 3.2.15** Casual employees have no entitlement to annual leave.

## **Cashing-out Annual Leave**

**3.2.16** Subject to the following, Council and an employee may agree to the employee cashing-out a particular amount of the employee's accrued annual leave entitlement:

- (a) The employee must always retain a balance of at least four (4) weeks of annual leave
- (b) Each portion of annual leave cashed out must have a separate agreement in writing

The employee must be paid the full amount that would have been payable to the employee had the employee taken the annual leave that has been forgone.

## **3.3. Personal Leave**

**3.3.1** For each completed year of service, an employee, who is not a casual, subject to their hours and employment status, are entitled to accrue fifteen (15) days of paid personal leave, for each completed year of employment (or pro-rata for part-time employees).

Fifteen (15) personal leave will be provided on the basis of 108.75 hrs for each completed year of employment, for full time employees working an average of 36.25 hrs per week, or 114 hrs for each completed year of employment, for full time employees working an average of 38 hrs per week.

**3.3.2** Personal leave accumulates from year to year unless an industrial instrument provides otherwise.  
Taking paid personal leave

**3.3.3** An employee may use their accrued paid personal leave for personal illness or personal injury affecting the employee. An employee may also use this leave to provide care and support to a member of the employee's immediate family, or a member of the employee's household, who requires care or support because of a personal illness, or personal injury affecting the member, or because of an unexpected emergency affecting the immediate family/household member.

**3.3.4** An employee can only use ten (10) days of personal leave for caring purposes, per year of service, irrespective of the amount of personal leave the employee has accumulated.  
Payment for personal leave

**3.3.5** Personal leave for employees (other than casuals), will be paid at the employee's ordinary rate of pay for all ordinary hours of work in the period. This will not include payment for any allowance, loadings, penalties or the like, unless specifically required in accordance with the Award/s. The payment will be processed at the usual pay time provided the employee has complied with the notice and documentation requirements.

## **Payment for Personal Leave on Termination**

**3.3.6** Subject to the terms of the Award/s or contract, any accrued but untaken personal leave will not be paid out on termination of employment.

## **3.4. Unpaid Personal Leave**

**3.4.1** A long term casual employee is entitled to ten (10) days unpaid personal leave for caring purposes for each year of service.

**3.4.2** A long term casual employee may take further unpaid personal leave, for caring purposes, if Council agrees.

**3.4.3** A short term casual employee is entitled to leave work or be unavailable to attend work for up to two days (unpaid) for each occasion the employee needs to care for and support Immediate family members or members of the employee's household:

- (a) When they are ill; or
- (b) Because an unexpected emergency arises; or
- (c) because of the birth of a child.

**3.4.5** A casual employee may take further unpaid personal leave, for caring purposes, if Council agrees.

### **3.5 Notice and Documentation Requirements**

This applies to both paid and unpaid personal leave

3.5.1 In order to access an entitlement to personal leave, the relevant employee must:

- (a) comply with any requirements in their Award, contract and any other relevant policies, including the Absenteeism and Attendance Policy
- (b) inform the Line Supervisor that the employee will be absent from work because of personal illness or injury or for caring purposes, prior to taking the leave or, in exceptional circumstances, as soon as practicable
  - (i) It is expected that this is done by contacting the Line Supervisor by telephone a minimum of one hour prior to commencement of ordinary hours, unless in the case of an exceptional circumstance,
- (c) inform Council of the anticipated period of the absence
- (d) if the absence is for two (2) days or more, provide evidence that would satisfy a reasonable person that the leave is taken for personal leave reasons.
- (e) inform Council of the person requiring care and that person's relationship to the employee and
- (f) if the reason for taking the leave is because an unexpected emergency has arisen, advise Council of the nature of the emergency.

### **3.6. Bereavement Leave**

3.6.1 Council provides bereavement leave in accordance with the Act and the Award/s.

3.6.2 Employees (other than casual employees) are entitled to at least two (2) days' paid bereavement leave for each occasion, when a member of the employee's immediate family or a member of their household dies; or the employee, or the employee's spouse, is pregnant and the pregnancy ends other than by the birth of a living child.

3.6.3 If an employee (other than a casual) reasonably requires extra time to travel to and from the funeral or other ceremony as a result of the death, that employee is entitled to an amount of unpaid bereavement leave equal to the time reasonably required for the travel.

3.6.4 Employees are entitled to two days compassionate leave on full pay on each occasion when a member of the employee's immediate family or household contracts or develops a personal illness that poses a serious threat to the person's life or sustains a personal injury that poses a serious threat to the person's life.

3.6.5 An employee (other than a casual employee) may take further unpaid bereavement leave if Council agrees.

#### **Payment for Bereavement Leave**

3.6.6 Bereavement leave for employees other than casual employees will be at the employee's full pay for the employee's ordinary hours of work in the period.

3.6.7 The payment will be processed at the usual pay time provided the employee has complied with the notice and documentation requirements.

## **Casual Employees**

- 3.6.8 Casual employees are entitled to be unavailable to attend work for up to two (2) days on unpaid bereavement leave for each occasion when a member of the employee's Immediate Family or a member of their household dies or the employee, or the employee's spouse, is pregnant and the pregnancy ends other than by the birth of a living child.
- 3.6.9 If a casual employee reasonably requires extra time to travel to and from the funeral or other ceremony as a result of the death, that casual employee is entitled to an amount of unpaid bereavement leave equal to the time reasonably required for the travel.
- 3.6.10 A casual employee is entitled to two (2) days unpaid compassionate leave on each occasion when a member of the employee's immediate family or household contracts or develops a personal illness that poses a serious threat to the person's life; or sustains a personal injury that poses a serious threat to the person's life.
- 3.6.11 A casual employee may take further unpaid bereavement leave if Council agrees.  
Bereavement leave- notice and documentation requirements
- 3.6.12 In order to access an entitlement to bereavement leave, employees must as soon as practicable, inform the Line Supervisor of the following:
- (a) that the employee will be absent from work because of a need to take bereavement or compassionate leave;
  - (b) the period of the absence including the requirement for additional time off for the purposes of travel; and
  - (c) the name of the person who has died, been injured or is ill, and that person's relationship to the employee.
- 3.6.13 An employee who takes bereavement leave must give Council a copy of the funeral notice or other evidence of the death Council reasonably requires.
- 3.6.14 An employee who takes compassionate leave must give Council sufficient evidence to satisfy a reasonable person that the employee was taking compassionate leave because a member of the employee's family or household's life was threatened by personal illness or personal injury.

## **No Accumulation**

- 3.6.15 As bereavement and compassionate leave are event based leave, it does not accrue and accordingly, will not be paid out on termination of employment.

## **3.7 Long Service Leave**

- 3.7.1 Long service leave will be granted to all employees in accordance with the Act, Award/s and any other applicable long service leave legislation, including the Local Government Act 2009, as varied from time to time.

## **3.8. Jury Service Leave**

- 3.8.1 Council provides Jury Service Leave in accordance with the Act.
- 3.8.2 Employees are entitled to be absent from work in order to perform jury service. Whether such leave will be with or without pay will depend on the industrial instruments that apply to the employee.

## Requirements for Jury Service Leave

- 3.8.3 If an employee is required to attend for jury service, the employee:
- (a) is entitled to jury service leave;
  - (b) must as soon as is practicable, inform Council about the requirement to attend for jury service and the period the employee is required to perform jury service;
  - (c) must give a copy of any document they have received regarding jury service to Council;
  - (d) is entitled to receive payment from Council for the difference between the amount received as remuneration and allowances, other than meal allowances, for the jury service and the ordinary rate of pay for all ordinary hours the employee would have worked, had they not taken jury service leave;
  - (e) will be paid for the jury service leave on or before the first pay day that is practicable after the employee gives Council the documentation relating to their requirement to attend for jury service;
  - (f) must return to work for any hours in the day that they are not required for jury service.

## 3.9. Emergency Service Leave.

- 3.9.1 Council provides emergency service leave in accordance with the Act.
- 3.9.2 The employee must advise Council as soon as possible in writing, if the employee intends to, or is taking emergency service leave and the likely duration of the leave.
- 3.9.3 An employee is entitled to unpaid emergency leave if:
- (a) the employee engages in an activity (a voluntary emergency management activity) that involves dealing with an emergency or natural disaster for a recognised management entity; and
  - (b) the employee is a member of the recognised emergency management entity.
- 3.9.4 The employee is entitled to unpaid emergency leave if asked by the emergency management body to engage in the emergency management activity.
- 3.9.5 The employee is entitled to unpaid emergency service leave if the body does not request the employee to engage in the emergency management activity, but would have if the circumstances had allowed the request to be made.
- 3.9.6 The period of emergency service leave must be reasonable to the voluntary emergency management activity and in the circumstances, including travelling to and from the voluntary emergency management activity
- 3.9.7 The employee is entitled to rest immediately after engaging in the voluntary emergency management activity.
- 3.9.8 The employee must provide sufficient and reasonable evidence to satisfy Council that the leave was or is a result of the employee been engaged in a voluntary emergency management activity.
- 3.9.9 At the Chief Executive Officer or delegates sole discretion, approval may be granted for paid special leave, where an employee is performing emergency services in accordance with 8.3.
- 3.9.10 A recognised emergency management entity means:
- (a) an entity recognised under Commonwealth and the State with the role or function of planning and conducting activities for coping with emergency or natural disaster, such as firefighting, civil defence or rescues.
  - (b) an entity who has a substantial role or purpose in securing the safety of persons or animals and protecting property in emergency or natural disaster situations and is deemed by the Chief Executive Officer as recognised emergency management entity.

### 3.10 Cultural Leave

- 3.10.1 Only employees who are required by Aboriginal tradition or Island custom to attend Aboriginal or Torres Strait Islander ceremonies are entitled to apply for cultural leave.
- 3.10.2 If Council agrees, an eligible employee may take up to five (5) days unpaid cultural leave per year of service.
- 3.10.3 If an eligible employee wishes to apply for cultural leave, they should give Council:
- before taking the leave, reasonable notice of the intention to take cultural leave
  - details of the reason for taking the leave and
  - details of the period that the employee estimates they will be absent.

### 3.11. Applications for Leave

Any employee who requests leave of a type specified by this Policy, or provided under the Act or Award/s, should submit a Leave Application Form and comply with the other relevant notice and evidence requirements outlined in this Policy. All documents should be given to the Immediate Supervisor.

## 4. Application and Commencement of this Policy

- This policy applies to all full-time and part-time employees (including maximum term employees) of Council who apply for or take leave after 19 January 2023. Some provisions apply to casual employees as detailed in the Policy and/or, the Act and the Award/s.
- This Policy does not form part of any employee's contract of employment. The Policy is not intended to override the terms of any Award or contract that applies to an employee.
- This Policy is compliant with the Act and the Award/s but does not override any more beneficial provision in an employee's contract of employment.
- Council undertakes to regularly review this policy to take account of changes in legislation, activities, services and products. As a result of this review, changes may be made to this policy from time to time and all employees and contractors are required to comply with those changes.
- This Policy will commence from 19 January 2023. It replaces all other leave policies of Council which deal with the taking of annual, personal, bereavement, long service, cultural, jury service and emergency services leave.

## 5. Associated Policies

- Leave Policy
- Code of Conduct for Employees

## 6. Relevant Legislation

- Industrial Relations Act 2016
- Local Government Act 2009
- Work Health and Safety Act 2011
- Local Government Regulations 2012

## 7. Review

Council will formally review this policy every two years.



Kiley Hanslow  
Chief executive Officer  
Wujal Wujal Aboriginal Shire Council