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# LEAVE POLICY

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Human Resources  
YASC POL 09 – V6



2024

YARRABAH ABORIGINAL SHIRE COUNCIL  
56 Sawmill Rd Yarrabah, QLD 4871

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## **1. LEGISLATION AND AUTHORITY**

*The Local Government Act 2009 (Qld)*

*Local Government Regulation 2012 (Qld)*

*Industrial Relations Act 2016(Qld)*

*Queensland Local Government Industry (Stream A) Award – State 2017*

*Queensland Local Government Industry (Stream B) Award – State 2017*

*Queensland Local Government Industry (Stream C) Award – State 2017*

*YASC Code of Conduct*

## **2. COUNCIL’S STATEMENT**

Yarrabah Aboriginal Shire Council (‘YASC’) conducts its business with integrity, honesty and fairness. All employees are expected to work within the rules and actions of YASC will comply with all relevant laws, regulations, codes and corporate standards.

Everyone representing YASC must reflect the highest standards of behaviour. Our relationships are critical to the ongoing success of our organisation. Our leaders have responsibility for fostering a culture where ethical conduct is recognised, valued and applied at all levels.

This policy is to be read in conjunction with the Code of Conduct, which outlines our standards of behaviour and workplace culture are in accordance with YASC’s principles.

## **3. PURPOSE**

This Policy covers the following types of leave: annual, personal/sick, carer’s, bereavement, cultural, jury service and long service. It applies to all full-time, part-time and casual employees as detailed in the Policy.

## **4. COMMENCEMENT OF THE POLICY**

This Policy replaces all other employee leave policies of YASC in relation to the taking of annual, personal/sick, carer’s, bereavement, cultural, jury service and long service leave (whether written or not).

## **5. APPLICATION OF THE POLICY**

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, certified agreement or contract that applies to an employee.

This Policy reflects the provisions of the *Industrial Relations Act 2016 (QLD) (the Act)*, but does not override any more beneficial provision in an employee’s contract of employment.

## **6. DEFINITIONS**

“Immediate family” means:

- a spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the employee; or a child, parent, grandparent, grandchild or sibling of a spouse of the employee.
- Cultural Relationship, culturally adopted family means mother, father, siblings, grandparents and grandchild.

“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 YASC on a regular and systematic basis for several periods of employment during a period of at least 1 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, a de facto partner or a former de facto partner.

“Shift-worker” means an employee who is employed 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) and includes a former de facto partner of the employee.

“Child” includes an adopted child, stepchild, an ex-nuptial child and an adult child.

## **7. ANNUAL LEAVE**

YASC provides annual leave in accordance with the Act and the *Queensland Local Government Industry (Streams A,B & C) Award – State 2017 (the Awards)*

Annual leave accumulates from year to year unless an industrial instrument provides otherwise.

### Taking annual leave

Annual leave is to be taken for a period agreed between the employee and YASC.

If YASC and an employee cannot agree as to when an employee will take annual leave, YASC can decide when the employee is to take leave and will give the employee at least 14 days written or electronic notice of the start of the leave.

In addition to YASC 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.

Without limiting YASC’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 YASC is being shut down for a period such as Christmas or New Year.

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

YASC will pay an employee for their annual leave as normal each pay period, unless the employee and YASC agree otherwise as per authorisation on YASC Leave Form or electronic application.

Any annual leave taken will be paid at the employee’s ordinary rate of pay.

### Loading

The employee is entitled to receive annual leave loading at the rate of 17½% when taking annual leave.

### Payment of annual leave on termination

Subject to the terms of any other agreement, contract or award, 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

Casual employees and school-based apprentices and school-based trainees have no entitlement to annual leave.

## **8. PERSONAL / SICK / CARER'S LEAVE**

YASC provides personal/sick/carer's leave in accordance with the Act and relevant Award.

Such leave accrues each fortnight according to the employee's ordinary hours of work.

### Taking paid sick/carer's leave

An employee may use their accrued paid sick/carer's 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 an unexpected emergency affecting the immediate family/household member.

An employee can only use ten (10) days of sick leave as carer's leave per year of service, irrespective of the amount of sick leave the employee has accumulated.

### Paid sick/carer's leave - notice and documentation requirements

In order to access an entitlement to sick/carer's leave, an employee must:

- comply with any requirements in their award, agreement and contract;
- inform the Manager or Supervisor that the employee will be absent from work because of personal illness or injury or for carer's leave purposes before taking the leave;
- inform YASC of the period of the absence;
- if the absence is for 2 days or more, provide a medical certificate or other evidence that would satisfy a reasonable person that the leave is taken for sick /carer's reasons as specified in this policy, such as a statutory declaration;
- inform YASC of the person requiring care and that person's relationship to the employee; and
- if the reason for taking the leave is because an unexpected emergency has arisen, advise YASC of the nature of the emergency.

Where an employee takes leave from work the day immediately after or before a Rostered Day Off or Public Holiday, or immediately after Pay Day they will need to provide a medical certificate.

YASC can request a medical certificate for any Personal /Sick/ Carers Leave from any employee.

### Payment for sick/carer's leave

Paid sick/carer's 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. The payment will be processed at the usual pay time provided the employee has complied with the notice and documentation requirements.

### Payment for sick/carer's leave on termination

Subject to the terms of any other certified agreement, contract or award, any accrued but untaken sick/carer's leave will **not** be paid out on termination of employment.

## **9. UNPAID CARER'S LEAVE**

A long term casual employee is entitled to 10 days unpaid carer's leave for each year of service.

A long term casual employee may take further unpaid carer's leave if YASC agrees.

A short term casual employee is entitled to leave work or be unavailable to attend work for up to 2 days (unpaid) for each occasion the employee needs to care for and support Immediate family members or members of the employee's household:

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

A casual employee may take further unpaid carer's leave if YASC agrees.

### Unpaid sick/carer's leave - notice and documentation requirements

In order to access an entitlement to unpaid sick /carer's leave, the relevant casual employee must:

- comply with any requirements in their award, agreement and contract;
- inform the Manager or Supervisor that the employee will be absent from work because of personal illness or injury or for carer's leave purposes before taking the leave;
- inform YASC of the period of the absence;
- if the absence is for 2 days or more, provide a medical certificate or other evidence that would satisfy a reasonable person that the leave is taken for sick /carer's reasons as specified in this policy, such as a statutory declaration;
- inform YASC of the person requiring care and that person's relationship to the employee; and
- if the reason for taking the leave is because an unexpected emergency has arisen, advise YASC of the nature of the emergency.

## **10. BEREAVEMENT LEAVE**

YASC provides bereavement leave in accordance with the Act.

Employees (other than casual employees) are entitled to 2 days' paid Bereavement Leave for each occasion when a member of the employee's Immediate Family, Cultural Family or a member of their household dies.

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.

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

### Payment for Bereavement Leave

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

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

### Cashing out bereavement leave

Bereavement leave cannot be cashed out.

### Casual Employees

Casual employees are entitled to be unavailable to attend work for up to 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.

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.

A casual employee may take further unpaid bereavement leave if YASC agrees.

### Bereavement leave - notice and documentation requirements

In order to access an entitlement to bereavement leave, employees must as soon as practicable, inform the Manager or Supervisor of the following:

- that the employee will be absent from work because of the death of an Immediate family member or household member;
- the period of the absence including the requirement for additional time off for the purposes of travel; and
- the name of the person who has died and that person's relationship to the employee.

An employee may be required to also provide YASC with a copy of the funeral notice or such other evidence of the death that YASC requires to substantiate the fact that the leave is related to the death of an immediate family member or household member.

### No accumulation

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

### Closure of Council operations for Sorry Business

Notwithstanding the previous, as a sign of respect, all YASC service operations (e.g. Post Office, banks etc) will close for a period of 2 hours for any funerals conducted in the Yarrabah community during YASC's normal hours of operation.

Employees who are working on this day and attending the funeral will be paid for this period of time at their normal rate of pay. All other employees will be required to remain at work and continue to work.

## **11. DOMESTIC AND FAMILY VIOLENCE LEAVE**

YASC provides Domestic Violence Leave in accordance with the Act.

## **12. LONG SERVICE LEAVE**

Long service leave will be granted to all employees in accordance with the Act.

## **13. JURY SERVICE LEAVE**

YASC provides Jury Service Leave in accordance with the Act.

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

If an employee (other than a casual employee) who is covered by an industrial instrument that contains jury service leave provisions, is required to attend for jury service, the employee:

- is entitled to jury service leave;
- must as soon as is practicable, inform YASC about the requirement to attend for jury service and the period the employee is required to perform jury service;
- must give a copy of any document they have received regarding jury service to YASC;
- is entitled to receive payment from YASC for the difference between the amount received as remuneration and allowances for the jury service and the ordinary rate of pay for ordinary hours of work the employee would have been paid for if they had not taken jury service leave;
- will be paid for the jury service leave on or before the first pay day that is practicable after the employee gives YASC the documentation relating to their requirement to attend for jury service;
- must return to work for any hours in the day that they are not required for jury service.

#### **14. CULTURAL LEAVE**

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.

If YASC agrees, an eligible employee may take up to 5 days unpaid cultural leave per year.

If an eligible employee wishes to apply for cultural leave, they should give YASC:

- 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.

#### **15. PUBLIC HOLIDAYS**

An employee who would ordinarily be required to work on a day on which a public holiday falls is entitled to be absent from work on full pay.

If an employee who is bound by an instrument works on a public holiday, YASC will pay the employee for the greater of hours worked on the public holiday or 4 hours.

The paid leave provisions of this section do not apply to casual employees, piece workers or employees who are rostered off on a public holiday.

#### **16. LEAVE WITHOUT PAY**

Please see YASC's Leave Without Pay Policy POL 10.

#### **17. PARENTAL LEAVE**

Please see YASC's Parental Leave Policy POL 11.

#### **18. APPLICATIONS FOR LEAVE**

Any employee who requests leave of a type specified by this Policy should submit a Leave Application utilising YASC's kiosk system, or any other system that may be in place at the time, and comply with

the other relevant notice and documentation requirements outlined in this Policy. All documents should be submitted to the immediate Manager.

## 19. VARIATIONS

*Council reserves the right to vary, replace or terminate this policy from time to time.*

## 20. DOCUMENT CONTROL

Adoption Date:	15-Dec-2015	Resolution No.	Version No. 1
Amended Date:	30-Jan-2020	Resolution No. 03:30/01/2020	Version No. 2
Amended Date:	17-Feb-2021	Resolution No. 05:17/02/2021	Version No. 3
Amended Date:	18-May-2022	Resolution No. 09:18/05/2022	Version No. 4
Amended Date:	29-Jun-2023	Resolution No. 11:29/06/2023	Version No. 5
Reviewed date:	26-Jul-2024	Resolution No. 12:26/07/2024	Version No. 6
Next Review Date:	2025		
Responsible Officer:	Chief Executive Officer (CEO)		



Richard Wright  
Chief Executive Officer