



STAFF LEAVE POLICY AND PROCEDURES

Policy Number:		Version:	1
Drafted by:	Strategic Finance Executive	Board approval on:	September 2023
Responsible Person:	Strategic Finance Executive	Scheduled Review Date:	September 2024

INTRODUCTION

Regular attendance of staff is essential to the efficient workflow and productivity of Big Yellow Umbrella (BYU).

The Social, Community, Home Care and Disability Services Industry Award 2010 (SCHCADS Award) works alongside the National Employment Standards (NES) to determine the type of leave and how it is accrued for all staff employed by Big Yellow Umbrella.

This policy outlines the different types of leave, when it can be taken, and the procedures required for all staff if they are taking planned authorised leave or unplanned absences.

PURPOSE

This Policy sets out what is expected of Big Yellow Umbrella's employees in terms of their attendance at work, and what they are required to do if they are absent from work, and the type of leave they are entitled to.

This policy does not form part of any employee's contract of employment.

POLICIES

This policy applies to all staff of Big Yellow Umbrella and will come into effect from the date this document is approved.

Attendance:

An employee not attending for duty as required will not be paid for such time as they are absent from the workplace unless they are on authorised paid leave. Big Yellow Umbrella may require the employee to make up any time lost due to unauthorised non-attendance.

Absence:

All employees of Big Yellow Umbrella are employed and must comply with the SCHCADS Award, which deals with leave, attendance, and absence. Employees are also required to comply with any additional requirements set out in their contract of employment and in relevant policies and procedures.

If an employee is absent for any reason other than planned leave, they must notify their manager as soon as reasonably practicable, indicating the reason for the absence and the extent of the anticipated absence. The employee must regularly contact their manager if their absence extends beyond one day or that they cannot return to work as scheduled. It is important that management are kept up to date with the circumstances of the employee's continuing absence.

Depending on the circumstances, the leave may be approved, denied, paid or unpaid. Big Yellow Umbrella may require reasonable evidence (e.g., medical certificate or statutory declaration) to support the reason(s) for the absence and is to be supplied as soon as reasonably practicable.

The taking of leave, whether planned or unplanned, should not interfere with the operations of Big Yellow Umbrella wherever possible.

Disciplinary Action:

Repeated late attendance or absence from work without a valid reason, proper notification or a failure to provide requested evidence will be cause for disciplinary action, which may include termination of the employee's employment.

Shutdown Rules: SCHCADS Award:

(Effective 1 May 2023)

At certain times, such as Christmas, Big Yellow Umbrella closes for a defined period. During this time, employees take relevant leave. As of 1 May 2023, the following new rules now apply to shutdowns under the Award.

- employees can be required to take paid annual leave during a shutdown if it's reasonable.
- employers must provide written notice of the requirement prior to a shutdown.
- employees who don't have enough paid annual leave can choose to take leave without pay but they can't be required to do so.

Types of staff leave entitlements covered by this policy:

(hyperlinked to relevant leave box below)

- [Annual leave.](#)
- [Personal / Carer's Leave](#) (known as sick leave)
- [Compassionate Leave.](#)
- [Time in Lieu Leave](#)
- [Community Service Leave.](#)
- [Ceremonial Leave.](#)
- [Parental leave](#) (paid and unpaid).
- [Long Service Leave.](#)
- [Workers Compensation Leave.](#)
- [Family and Domestic Violence Leave](#) (paid).
- [Public Holidays.](#)
- [Ex-Gratis Days.](#)

Evidence:

An employee must provide evidence of leave that would satisfy a reasonable person that the leave is taken for the purpose specified.

Depending on the circumstances such evidence may include a document issued by the police, a court or a family violence support service, a statutory declaration, or a medical certificate.

Confidentiality:

- BYU will take steps to ensure that all information provided by an employee is treated confidentially, as per BYU's Confidentiality and Privacy Policies.
- Regarding the sensitive issues of Family and Domestic Violence, where if mishandled can have adverse consequences for the employee. BYU will consult with each employee regarding the handling of this information.
- Nothing prevents BYU from disclosing information provided by a staff member if the disclosure is required by Australian legislation or it is necessary to protect the life, health or safety of the staff member or another person.

ROLES AND RESPONSIBILITIES

The Chief Operations Manager and the Strategic Finance Executive are responsible for the implementation and monitoring of all aspects of this Policies and Procedures.

<https://hrfocus1.sharepoint.com/sites/SUPPORT/Shared Documents/CLIENT WIP/Coutts/Ourculture Site Updates/2023 Updates/25092023 Updates/Staff Leave Policy.docx>

All staff are responsible for reading and understanding this Policies and Procedures.

The Chief Operations Manager or Strategic Finance Executive, depending on who the employee reports to, are responsible for approving or declining all leave requests.

PROCEDURES

The following procedures apply to all employees and leave across BYU, informed by Fair Work.

Annual Leave			
Eligibility:	All permanent staff.	Amount per annum:	4 weeks pa. continuous pro rata. No max. or min. amount to be taken. Paid at employee's base rate.
Accrual:	Accrues from the first day of employment gradually over the year. Accumulates during paid leave but not unpaid leave.	Rollover agreement:	Yes – leave can be taken as soon as it is accrued. On termination, all untaken annual leave will be paid to employee.
Notice / Evidence:	Notice to be given as soon as possible, advising BYU of the leave period. Employer cannot refuse a reasonable request for leave.	Leave Loading:	17.5% on ordinary pay rates.
<p>Annual Leave in advance: BYU can agree to an employee taking paid annual leave in advance of it being accrued, but it must be a written, signed agreement stating the amount of leave and the leave dates. If the employee leaves BYU before the leave in advance is accumulated back, the amount can be deducted from their final pay.</p> <p>BYU's direction to employees to take leave: BYU can direct an employee to take annual leave but only if it is reasonable. Reasonable can include when the employee has excessive annual leave balance or when BYU has a complete shutdown. In assessing reasonableness, the needs of the employee and the business must be considered, whether an agreement exists with the employee, what the agency's customs and practices are and the timing, notice given and length of the leave.</p> <p>Excessive Leave Rules: Excessive annual leave is when an employee has more than 8 weeks annual leave. An agreement between the employee and employer about how this leave is to be taken should be set up.</p> <p>If the employer has genuinely tried and failed to reach an agreement, then the employer may direct the employee in writing to take one or more periods of paid annual leave, until the remaining accrued entitlement is less than 6 weeks. This direction must not be for a period of less than one week, must not require the employee to take leave beginning less than 8 weeks, or more than 12 months after the direction and must not be inconsistent to any other leave arrangements.</p> <p>Cashing out annual leave: An agreement with BYU can be made to cash out annual leave but the following must apply. The employee must retain at least 4 weeks annual leave, a signed written agreement must be set up and the cashed-out leave must be the same as what the employee would have been paid if they took the leave. It is unlawful for an employer to force an employee to cash out or not cash out annual leave.</p>			

Personal / Carers Leave (sick leave)			
Eligibility:	Permanent staff to care for self and their immediate family / household who are sick, injured, or emergency.	Amount per annum:	10 days pa. prorate
Accrual:	10 days every 12 months – accrues in days not hours, including when on paid leave.	Rollover agreement:	Yes – balance carries over.

Notice / Evidence:	Notice may not be possible. Shows why the employee could not work. E.g., Medical Certificate / Statutory Declaration. Can request for as little as 1 day.	Other comments:	Casuals not entitled. No limit to leave taken as long as the amount has accumulated.
<p>Reason for leave allows staff to take time off to help them deal with personal illness and injuries, caring responsibilities, and family emergencies. The Carers Leave comes out of the Personal / Carers Leave total.</p> <p>Immediate Family: spouse or former spouse, de facto partner or former de facto partner, child, parent, grandparent, grandchild, sibling or child, parent, grandparent, grandchild or sibling of the employee's spouse or de facto partner (or former spouse or de facto partner).</p>			

Compassionate Leave			
Eligibility:	Permanent staff to care of their immediate family / household who are sick, injured, or emergency.	Amount per annum:	2 days leave each time they meet the criteria. Can be taken as a 2-day period, 2 separate periods of 1 day or separate periods as agreed with employer.
Accrual:	Does not accrue. Not part of personal / carers leaves. Take anytime it is needed.	Rollover agreement:	No – not accrued leave.
Notice / Evidence:	Notice may not be possible. Shows why the employee could not work. E.g., Medical Certificate / Statutory Declaration. Can request for as little as 1 day.	Other comments:	<p>If not an immediate family member, leave needs to come from employee's carers leave.</p> <p>If already on another type of paid leave, can switch to compassionate leave.</p>
<p>Immediate Family: spouse or former spouse, de facto partner or former de facto partner, child, parent, grandparent, grandchild, sibling or child, parent, grandparent, grandchild or sibling of the employee's spouse or de facto partner (or former spouse or de facto partner).</p>			

Time in Lieu Leave			
Eligibility:	All employee with prior approval from management.	Amount per annum:	Varied depending on program needs and approval from management.
Accrual:	TIL capped not to exceed hours worked each week. To be recorded on timesheets fortnightly.	Rollover agreement:	TIL must be taken within 3 months of accrual.
Notice / Evidence:	Use of TIL is flexible but must be approved by management in advance.	Other comments:	Employee TIL totals to be managed by accounts.
<p>Use of TIL: TIL enables employees to take time off instead of being paid overtime to allow programs and activities to run effectively. It is important that TIL is managed.</p>			

Community Service Leave			
Eligibility:	All employees taking leave for activities such as voluntary emergency management or jury duties.	Amount per annum:	No limit to leave. Able to take enough leave for the activity, travel, and rest time.
Accrual:	Not required.	Rollover agreement:	Not accrued.
Notice / Evidence:	Provide notice of absence as soon as possible, with the period of expected absence. BYU may request evidence of the community service requirement.	Other comments:	Rules behind eligible voluntary emergency management below.
<p>Definition of Voluntary Emergency Management Activity: Dealing with an emergency or natural disaster. Volunteer role. Requested to engage. Member of recognised emergency management body.</p> <p>Recognised emergency management body: Has a role in coping with emergencies / natural disasters. Is a fire fighter, in civil defence or a rescue body.</p>			

Ceremonial Leave			
Eligibility:	Aboriginal & Torres Strait Islander employees for ceremonial purposes.	Amount per annum:	10 days unpaid leave pa.
Accrual:	Immediately available.	Rollover agreement:	No.
Notice / Evidence:	Approval of BYU.	Other comments:	Non-Aboriginal workers can be eligible if legitimately required by Indigenous tradition.

Parental Leave (unpaid)			
Eligibility:	<p>Employees (permanent & casual) who have worked for BYU for at least 12 months before the birth, adoption or leave and are responsible for the care of a child.</p> <p>Employees who have given birth, employee's spouse / de facto gives birth or adopts a child under 16.</p> <p>No longer prevented from taking more than 8 weeks of unpaid leave at the same time as spouse / de facto.</p>	Amount per annum:	<p>Up to 100 days over 12 to 24 months after birth.</p> <p>Pregnant employees able to access the 100 days 6 weeks before birth.</p> <p>Can apply for an extension of up to 12 months beyond the initial 12 month leave amount.</p> <p>2 days unpaid pre-adoption leave if approved by management.</p>
Accrual:	Set amounts for all eligible employees.	Rollover agreement:	Only as stated above.
Notice / Evidence:	Plans developed throughout pregnancy.	Other comments:	1 July 2023 increased flexibility. Does not need to work another 12 months to be eligible for further leave.

Types of Unpaid Parental Leave: Pregnant employees – special parental leave, compassionate leave and a safe and no safe job leave. Non-pregnant employees – partner leave, compassionate leave and adoption leave.

Paid Parental Leave options. BYU is not an employee funded paid parental leave provider. The Australian Government now provides a paid parental leave scheme (from 1 July 2023), where employees who are the carer of a newborn or newly adopted child can get up to 20 weeks paid leave, paid under the National Minimum Wage. Go to Services Australia for further information and how to make a claim.

BYU's record keeping responsibility under the Australian Paid Parental Leave Scheme: the amount of Parental Leave Pay funding received and the period it covers. When the employee received payment and the gross amount of the payments. The net amount paid and the amount of income tax withheld. A statement identifying the payment from the scheme and the number of deductions made from each payment. Provide a pay slip for each payment.

Long Service Leave

Eligibility:	All employees including casuals.	Amount per annum:	8.67 weeks / 2 months paid leave (normal gross wage) after 10 years of service. Pro rata entitlement after 5 years if employee resigns due to illness, incapacity, or other pressing needs or if BYU terminate the employment (not misconduct).
Accrual:	Based on the employee's ordinary pay just before taking leave or the average weekly pay over the past 5 years.	Rollover agreement:	Yes – rollover annually.
Notice / Evidence:	Employee to give at least one month's notice for extended LSL.	Other comments:	No LSL entitlements before 5 years. Unpaid leave impacts calculations. Public Holiday to be added on if occurs whilst on LSL.
Taking LSL: LSL cannot be cashed out. It can only be taken as leave or paid on termination. LSL can be taken in one continuous period or split periods, depending on the needs of BYU and the employee. It cannot be taken in less than 1 day.			

Workers Compensation Leave

Eligibility:	All employees including casuals who are injured or become sick as a result of their work. Annual Workers Comp. assessment submitted.	Amount per annum:	Not set. Insurance payment to cover wages, medical expenses, and rehab.
Accrual:	No – determined by injury. Other leave / super entitlements accruals continue whilst on workers comp.	Rollover agreement:	N/A – amount agreed as part of original claim.
Notice / Evidence:	Certificate of Capacity and other relevant forms required by Icare.	Other comments:	Employee can be paid by the insurer, through BYU or through the regulator.

Family & Domestic Violence Leave (paid)			
Eligibility:	All employees experiencing FDV inc. casuals. Abuser must be a close relative , member of the household or a current / former intimate partner.	Amount per annum:	10 days FDV leave pa. The same for part time, full time & casual employees. (replaces all previous unpaid entitlements).
Accrual:	Available in full immediately & resets on their anniversary.	Rollover agreement:	No – does not accumulate from year to year.
Notice / Evidence:		Other comments:	Stand alone leave entitlement.
<p>Definitions relevant to this leave:</p> <p>Family & domestic violence means violent, threatening, or other abusive behaviour by a family member of an employee that seeks to coerce or control the employee, causes them harm or to be fearful.</p> <p>Close relatives mean a spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the employee or the employee's spouse. Also includes a person related to the employee according to the Aboriginal and Torres Strait Islander kinship rules.</p> <p>Support Services: 1800RESPECT is the national domestic, family, and sexual violence counselling, information, and support service. Employees should be referred here if experiencing or at risk of domestic, family, or sexual violence. Ph: 1800737732. Website: 1800RESPECT.org.au</p>			

Unpaid Leave			
Eligibility:	Under exceptional circumstances when all paid leave alternatives have been used.	Amount per annum:	As agreed with management. An agreement stating the reasons and the dates must be completed prior to leave
Accrual:	Does not count as service for annual / personal leave accrual & Super payments.	Rollover agreement:	No
Notice / Evidence:	As soon as the employee knows they need to take leave.	Other comments:	Does not break employee's continuity of service.

Public Holidays			
Eligibility:	All employees that normally work on the day. Can request substitute day (or part day) for a different day if approved by employer.	Amount per annum:	Varied depending on public holiday calendar. Substitute day to be treated as a public holiday & paid accordingly.
Accrual:	None – set by calendar.	Rollover agreement:	To be taken on the day.
Notice / Evidence:	Record on timesheet. Effective 11 September 23	Other comments:	Public holiday pay rates are double time and a half of the employee's ordinary rate. Casual employees will be paid the casual loading in addition to the public holiday penalty rate (275% of ordinary rate). Approved

			substitute day paid at normal rate.
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Ex Gratis Leave			
Eligibility:	All employees	Amount per annum:	Varied depending on hrs
Accrual:	Board approval only as gift to staff.	Rollover agreement:	To be taken at the time of approved
Notice / Evidence:	None required – record on timesheet.	Other comments:	

Requesting leave:

All employees of BYU must follow the process below when requesting leave:

- Complete a [Request for Leave Form](#), noting the type of leave and the relevant dates.
- Submit the Request for Leave Form to relevant line manager for approval.
- Submit approved Request for Leave Form to BYU's finance department to ensure the correct pay and leave accrual processes occur.
- All leave request (where possible) must be submitted well in advance of the requested leave commencement.
- In the case of personal or carers sickness, injury, and emergencies, where an advance request is not possible, the staff member is to submit a form as soon as they return from leave.
- The decision for this leave request rests with either the Chief Operations Manager or the Strategic Finance Executive, depending on the employee involved.

RELATED DOCUMENTS
Anti-Discrimination Policy
BYU Leave Form
Code of Conduct Policy
Confidentiality and Declaration Policy
Delegation Policy
Fair Work Act / Regulation 2009
Fair Work Commission: www.fairwork.gov.au
Finance Management Policy
NSW Long Service Leave Act 1985
NSW State Insurance Regulatory Authority
Privacy Act 1988
Risk Management Policy
SCHADS Award 2010
Staff Induction Policy
Working Additional Hours Policy

AUTHORISATION

The Board of Big Yellow Umbrella has reviewed and approved this policy.

Signature of Board Secretary: _____

Date of approval by the Board: _____

On behalf of the Big Yellow Umbrella

<https://hrfocus1.sharepoint.com/sites/SUPPORT/Shared Documents/CLIENT WIP/Coutts/Ourculture Site Updates/2023 Updates/25092023 Updates/Staff Leave Policy.docx>