

	Leave Policy	Policy ID	MCOT-LVE
		Version Number	1
		Implementation Date	20 June 2019
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Policy Owner	BOARD	Approval	Board
Drafted by	Ron Franks	Next review date	April 2021

PURPOSE

This policy sets out Multicultural Council of Tasmania's employees' entitlement to personal/carer's leave and compassionate leave.

This policy sets out the way personal/carer's leave will accrue to employees covered by this policy, as well as guidelines and procedures for the taking of leave.

SCOPE

This policy applies to all employees of Multicultural Council of Tasmania, except casual employees, unless otherwise specified. (Refer to the Social, Community, Home-care and Disability Services (SCHADS) Award).

POLICY

Personal/carer's leave

- Full-time employees accrue paid personal/carer's leave at a rate of 10 days per year of service.
- Part-time employees are entitled to a pro-rata amount of paid personal/carer's leave depending on their ordinary hours of work. If an individual's contract of employment provides a more generous entitlement to leave than under this policy, the more generous entitlement will apply.
- Employees' entitlement to paid personal/carer's leave accrues progressively during a year of service according to the employee's ordinary hours of work and accumulates from year to year.
- Paid personal/carer's leave may be taken:
 - because an employee is not fit for work because of a personal illness, or personal injury, affecting the employee; or
 - to provide care or 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 emergency affecting the member.
- If the period during which an employee takes personal/carer's leave includes a day or part-day that is a public holiday in the place where the employee is based for work purposes, the employee is taken not to be on paid personal/carer's leave on that public holiday.
- Employees are not entitled to personal leave for any period of time in respect of which they are entitled to workers' compensation payments.

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- Accrued but untaken personal/carer's leave will not be paid to employees upon termination of employment.
- Where an employee is or expects to be absent from work due to illness for an extended period of time, arrangements may be made for the employee to take additional unpaid leave.

Compassionate leave

- An employee is entitled to two days paid compassionate leave for each occasion when a member of the employee's family, or a member of the employee's household:
 - contracts or develops a personal illness that poses a serious threat to his or her life; or
 - sustains a personal injury that poses a serious threat to his or her life; or
 - dies.

An employee may take compassionate leave for any one of the reasons set out above if the leave is taken to spend time with the member of the employee's immediate family or household who has contracted or developed the personal illness or sustained the personal injury, or after the death of the member of the employee's immediate family or household.

An employee may also be entitled to unpaid carer's leave in accordance with the *Fair Work Act 2009*, or other entitlement in an employee's contract of employment.

DEFINITIONS

'Immediate family' means an employee's:

- spouse, de facto partner, child, parent, grandparent, grandchild or sibling; or
- a child, parent, grandparent, grandchild or sibling of the employee's spouse or de facto partner.

RESPONSIBILITIES

The **CEO** is responsible for ensuring that:

- employees' leave entitlements are recorded; and
- the process for taking personal/carer's leave or compassionate leave below are observed across the organisation.

Supervisors/managers are responsible for ensuring that:

- employees are familiar with their entitlements and duties in relation to this policy; and
- where appropriate, employees submit documentation to support the taking of leave.

Employees are responsible for:

- notifying their immediate supervisor of any absences or expected absences in accordance with this policy; and

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- where relevant, providing the necessary documentation as evidence of the reason for the absence.

PROCESSES

- Personal/carer's leave may be taken as either full days or part days.
- Compassionate leave may be taken for a permissible occasion as one single continuous two-day period, two separate periods of one day each, or any separate periods to which the employer and the employee agree.
- Employees must notify their supervisor as soon as practicable with regards to the taking of any paid personal/carer's leave. If possible, employees should notify their manager prior to their rostered or normal time for beginning work. Employees must also advise:
 - the reason for taking the leave; and
 - the period, or expected period, of the leave.
- Where an employee's immediate supervisor/manager is not contactable, employees must try to leave a message with another supervisor/manager of comparable seniority, who will then be responsible for notifying the appropriate supervisor/manager of an employee's absence as soon as possible.
- If neither the immediate supervisor/manager nor an alternative supervisor/manager is available at the time of notification, a message may be left with another appropriate member of the employer's staff.
- Employees seeking to take paid personal/carer's leave may be requested to provide to the relevant supervisor/manager evidence that the employee has, or is seeking to, take the leave for a permissible reason. Generally, the following circumstances will require the employee to provide a valid medical certificate or other satisfactory evidence if the employee wishes to take paid personal/carer's leave:
 - absences in excess of one day; or
 - absences in excess of four single days per anniversary year; or
 - absences of one day or more either side of a public holiday, weekend or normal rostered day(s) off.
- The relevant supervisor/manager may also request that employees provide satisfactory evidence of the reason for taking personal/carer's leave or compassionate leave in some circumstances.
- A 'valid medical certificate' is deemed to be a certificate signed by a registered medical practitioner. Medical certificates must be signed and dated and must state the period of the absence and the reason for the absence. Certificates that have been post-dated

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may not be accepted in some circumstances.

- Upon notification of an employee taking personal/carer's leave (and, where relevant, on receipt of valid evidence for the reason for taking the leave), supervisors/managers must inform Payroll of the leave being taken.
- If a supervisor/manager is unsure as to the validity of any relevant documentation, they should contact the Human Resources Department for advice.

RELATED DOCUMENTS

- Code of Conduct policy
- Toil policy
- Workplace Health and Safety policy

LEGISLATION & INDUSTRIAL INSTRUMENTS

- *SCHADS Award*
- *Fair Work Act 2009 (Cth)*
- *Fair Work Regulations 2009 (Cth)*

AUTHORISATION

Signed by CEO:Date: 20 June 2019

Signed by Chair: Date: 20 June 2019