

## Purpose

The policy objective is to clarify entitlements and to support HVTC employees undertaking leave; also to expand upon the leave provisions outlined in the National Employment Standards and the Fair Work Act 2009.

## Scope

All employees of HVTC, including HVTC Staff and Hosted employees, are covered by this policy.

## Responsibilities

Human Resources is responsible for the development, implementation and review of this policy. All Managers are responsible for discussing requests for leave with their staff as required. Managers are responsible for making recommendations to HR regarding leave requests that cover an extended period of time.

## Document Owner

Manager HR & Safety

## Policy

### Types of leave

This policy covers the following types of leave:

- Annual
- Personal
- Long service
- Compassionate and bereavement
- Parental
- Domestic Violence
- Leave Without Pay
- Community Services (including Jury Duty)

### Annual Leave

Employees should take Annual Leave regularly to support their Health and Wellbeing and to maintain a work life balance. Managers should not approve leave that will result in a negative Annual Leave balance when the leave is taken. Where possible, annual leave applications should be submitted to the approving manager at least four (4) weeks prior to the planned leave. Annual Leave accruals will be managed by HVTC in accordance with the Management of Annual Leave Procedure. All provisions for Annual Leave are as per the [National Employment Standards](#) and [Fair Work Act 2009](#) with the exception of provisions that are subject to current grandfathering or above award conditions as defined in an employee's individual contract of employment.

Employees are entitled to Leave Loading calculated at 17.5% with the exception of provisions that are subject to current grandfathering or above award conditions as defined in an employee's individual contract of employment.

### Personal Leave

Employees should take Personal Leave as required to manage their health and that of their immediate family. If a Personal Leave request cannot be submitted prior to the absence, a request is required to be submitted on the first working day of the employee's return. A medical certificate (or Statutory Declaration) may be required after more than 2 consecutive days of Personal Leave. All provisions for Personal Leave are as per the [National Employment Standards](#) and [Fair Work Act 2009](#).

### Long Service Leave

Employees are entitled to Long Service Leave in accordance to the NSW Long Service Leave Act 1955. Four weeks written notice is required for any period of Long Service Leave.

Overview of entitlement:

At Five years' Service	Pro rata entitlement upon resignation or termination ( <i>conditions apply</i> )
At Ten years' Service	Two months leave (8.67 weeks) paid leave
At Fifteen years' Service	One month (4.33 weeks) paid leave

Employees may not cash out Long Service Leave, payment for Long Service Leave entitlements is only made on termination of employment. When taking Long Service Leave an employee may elect to take one continuous period of leave or in two separate periods. If the leave owing is between 2 months and 19.5 weeks they may elect to take three separate periods of leave. Where the leave exceeds 19.5 weeks an employee may access this entitlement over 4 separate periods. If an employee ceases work for any reason with service between 10 and 15 years, a pro rata amount is paid based on 3 months LSL entitlement for 15 years' service. Any lengths of unpaid leave (including unpaid parental leave) will not be included in the calculation of LSL entitlements.

## Compassionate & Bereavement Leave

HVTC staff employees are entitled to three (3) days of Compassionate & Bereavement Leave per permissible occasion. An employee is eligible for Compassionate and Bereavement Leave when a member of their immediate family or household dies or suffers a life threatening illness or injury. The employee is required to notify HVTC as soon as practical. Where additional leave is required, employees are entitled to submit an application for further leave. Additional leave may be paid from Personal or Annual Leave accruals as determined on a case by case basis. HVTC reserves the right to request proof of illness, injury or death in the form of a funeral notice, letter from treating doctor or statutory declaration. All provisions for Compassionate & Bereavement Leave are as per the [National Employment Standards](#) and [Fair Work Act 2009](#), except where stated otherwise in this clause.

## Domestic Violence Leave

HVTC recognises that employees sometimes face situations of violence or abuse in their personal life that may affect their attendance and/ or performance at work. An employee experiencing domestic violence will have access to special unpaid leave of up to five (5) days to attend medical appointments, legal proceedings and other matters and activities arising from Domestic Violence. This leave will be in addition to HVTC's existing leave entitlements and may be taken as consecutive or single days and can be taken without prior approval. The leave entitlement will be made available in full at the commencement of each 12 month period as opposed to accruing progressively throughout the year. The entitlement is not pro-rated; casual and part time employees will receive the full 5 days per year. Access to personal leave and additional paid leave may be considered on a case by case basis with approval by the CEO. Evidence may be requested in the form of a document issued by the Police Service, a Court, a Doctor, Domestic Violence Support Service, Lawyer or a statutory declaration.

HVTC will consider all applications for Flexible Working Arrangements made by employees experiencing Domestic Violence. Personal information concerning domestic violence will be kept confidential by HVTC however HVTC may encourage the use of the Employee Assistance Program.

## Community Service Leave (including Jury Service)

HVTC support employees who choose to serve their community by participating in voluntary activities. All employees are eligible to apply for unpaid Community Service leave for such service, including voluntary Emergency Management activities.

An employee engages in Emergency Management when:

- The activity involves dealing with an emergency or natural disaster
- The employees engages in the activity on a voluntary basis
- The employees was either requested to engage in an activity, or it would be reasonable to expect that a request would have been made if circumstances permitted
- The employee is a member of, or has a member-like association with a recognised Emergency Management body.

HVTC will consider applications for Community Service Leave (excluding Jury Service) on a case by case basis. Consideration will be given to the length of leave requested and the business' operational requirements in deciding whether to accept or decline the application.

Employees required to attend Jury Service must advise HVTC of the period or expected period of leave as soon as possible, providing evidence showing that they are required to attend Jury Service.

Full time and part time employees are entitled to 'make up pay' for the first 10 days of Jury Service. 'Make up pay' is the difference between any jury duty payment the employee receives (excluding any expense related allowances) from the court and the employee's base rate of pay for the ordinary hours they would have worked. HVTC employees will be required to provide evidence that all necessary steps have been taken to obtain jury duty pay and the total amount of jury duty pay that has or will be payable to the employee for the period of leave; failure to provide this evidence makes an employee ineligible for 'make up pay'. All provisions for Community Service Leave are as per the [National Employment Standards](#) and [Fair Work Act 2009](#).

## Leave Without Pay

HVTC will consider applications for Leave Without Pay on a case by case basis. Consideration will be given to the length of leave requested, the purpose of the leave and the business' operational requirements in deciding whether to approve the application. Applications for Leave Without Pay will only be approved when annual leave entitlements, accrued Rostered Days Off and Time in Lieu have been exhausted.

## Parental Leave

HVTC provides comprehensive support for eligible employees undertaking parental leave. This support is consistent with, and supplementary to, provisions made by Fair Work Australia and the Commonwealth Government. Staff employees are entitled to the equivalent of 9 weeks paid parental leave, paid at the base weekly rate.

Any employee is entitled to parental leave if they satisfy the following criteria:

- They are a permanent employee; and
- They have had one single period of at least 12 months continuous service with HVTC immediately before the date or expected date of the birth of the child or date or expected date of placement of an adopted child; and
- They are responsible for providing primary care to a child upon the birth of their child or their partner's child; or upon adoption placement of a child who is not the birth child of the employee or the employee's partner, under the age of 16 and has not lived continuously with the employee for 6 months or longer.

Casual employees are eligible for leave if they have been employed with the company on a regular and systematic basis for a period or sequence of periods of at least 12 months duration and have a reasonable expectation of ongoing employment with the Company. No temporary fixed term staff member will have their contract of employment extended beyond the date when it would have otherwise expired by reason of the operation of parental leave conditions. All provisions for Parental Leave are as per the [National Employment Standards](#) and [Fair Work Act 2009](#), except where stated otherwise in this clause.

## Related Documents

- [Parental Leave Procedure](#)
- [Employee Assistance Program Procedure](#)
- [Management of Annual Leave Procedure](#)
- [Return to Work Program for HVTC](#)
- [Code of Conduct and Ethics](#)
- [Fair Work Ombudsman website](#)

Signed:



Sharon Smith  
CEO

**Approved by Board of Directors: 1<sup>st</sup> May 2020**

Due consideration has been given to legislation that may have been pertinent in the development of this policy. The relevant components have been incorporated and are again considered when conducting the policy review process