



# Murweh Shire Council

## Leave Policy

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Responsible Officer:	HR Manager	Version No:	1.1

### 1. Purpose

This Policy covers the following types of leave: annual, 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.

### 2. Commencement of Policy

This Policy will commence on adoption. It replaces all other specific Leave policies of Council (whether written or not).

### 3. Application

This Policy applies to employees (including temporary employees) of Murweh Shire Council who apply for or take leave after adoption of this 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 (QLD) (the Act)* but does not override any more beneficial provision in an employee's contract of employment.

### 4. Process

#### I. Annual Leave

MSC provides annual leave in accordance with the Act.

##### *Amount of leave*

For each completed year of service, an employee who is not a shift-worker is, subject to their hours and employment status, entitled to accrue at least 5 weeks of paid annual leave.

For each completed year of service, an employee who is a shift-worker is, subject to their hours and employment status, entitled to accrue at least 5 weeks of paid annual leave.

In calculating whether an employee has completed a year of service, MSC will not take the following periods of time into account:

- A period of more than 3 months when the employee is absent without pay with MSC's approval; and
- A period when an employee is absent without pay without MSC's approval, unless the employee is absent for not more than 3 months because of illness or injury all of which is certified by a doctor.

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 MSC.

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

In addition to MSC 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 MSC'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 MSC 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.

MSC may agree to allow an employee to take annual leave in advance of accrual.

### ***Payment on annual leave***

Unless an employee and MSC agree otherwise, MSC will pay an employee for their annual leave in advance of the taking of the leave.

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.

### ***Loading***

Employees are also 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, piece workers and school-based apprentices and trainees have no entitlement to annual leave.

### **Cashing out of annual leave**

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

- The employee must at all times retain a balance of at least 4 weeks
- Each portion of 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.

### **Sick / Carer's Leave**

Murweh Shire Council provides sick/carer's leave in accordance with the Act and Queensland Local Government Industry Award 2015.

Subject to clause 6.3, for each completed year of service with MSC, an employee (other than a casual employee) will, subject to their hours and terms of employment, accrue 15 days of paid sick leave. Such leave accrues on the completion of each year of service according to the employee's ordinary hours of work and accumulates from year to year.

Transitional arrangements for higher sick leave entitlements apply to employees engaged in the Administrative, technical community service, supervisory and managerial group of the *Queensland Local Government Industry Award – 2015*.

#### *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:

- (a) comply with any requirements in their award, agreement and contract;
- (b) inform the immediate supervisor or Council Office that the employee will be absent from work because of personal illness or injury or for carer's leave purposes before taking the leave;
- (c) inform MSC of the period of the absence;
- (d) 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;
- (e) inform MSC 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 MSC of the nature of the emergency.

#### *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 or contract, any accrued but untaken sick/carer's leave will **not** be paid out on termination of employment.

#### **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 MSC 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:

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

A casual employee may take further unpaid carer's leave if MSC 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:

- (a) comply with any requirements in their award, agreement and contract;
- (b) inform the immediate supervisor or Council Office that the employee will be absent from work because of personal illness or injury or for carer's leave purposes before taking the leave;
- (c) inform MSC of the period of the absence;
- (d) 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;
- (e) inform MSC 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 MSC of the nature of the emergency.

### **Bereavement Leave**

MSC provides bereavement leave in accordance with the Act.

Employees (other than casual employees) are entitled to at least 2 days' paid bereavement Leave for each occasion when a member of the employee's Immediate 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 MSC agrees.

#### *Payment for Bereavement Leave*

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.

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 MSC agrees.

#### *Bereavement leave - notice and documentation requirements*

In order to access an entitlement to bereavement leave, employees must as soon as practicable, inform the immediate supervisor of the following:

- (a) that the employee will be absent from work because of the death of an Immediate family member or household member;
- (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 and that person's relationship to the employee.

An employee must also provide MSC with a copy of the funeral notice or such other evidence of the death that MSC 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.

#### **Long Service Leave**

Long service leave will be granted to all employees in accordance with the *Queensland Local Government Industry Award – 2015* and applicable long service leave legislation as varied from time to time.

#### **Jury Service Leave**

MSC 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 is required to attend for jury service, the employee:

- (a) is entitled to jury service leave;
- (b) must as soon as is practicable, inform MSC 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 MSC;
- (d) is entitled to receive payment from MSC 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;
- (e) will be paid for the jury service leave on or before the first pay day that is practicable after the employee gives MSC 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.

#### **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 MSC agrees, an eligible employee may take up to 5 days unpaid cultural leave per year of service.

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

- (a) before taking the leave, reasonable notice of the intention to take cultural leave;
- (b) details of the reason for taking the leave; and
- (c) details of the period that the employee estimates they will be absent.

#### **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, MSC 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.

If a public holiday is not appointed for an annual agricultural, horticultural or industrial show in the district where the employee works, then MSC and relevant employees should agree on an ordinary working day that is to be treated as an additional public holiday (i.e., a show holiday).

Employees are only entitled to 1 show day per calendar year. The Local Government Industry Award – 2015 also provides other arrangements for employees who do not ordinarily work Monday to Friday, whom are rostered off on a public holiday and for the substitution of public holidays.

### Applications for Leave

Any employee who requests leave of a type specified by this Policy should submit a Leave Application Form and comply with the other relevant notice and documentation requirements outlined in this Policy. All documents should be given to the Payroll Officer.

Immediate family	A spouse, child, ex-nuptial child, stepchild, adopted 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	A casual employee who is engaged by MSC 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	A casual employee other than a long-term casual employee.
Spouse	A former spouse, a de facto partner or a former de facto partner.
Shift worker	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	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.

## 5. Variations

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

## 6. Audit and Review

This policy shall be reviewed every ***three years*** or as required by changes to process of legislation, relevant Standards and industry best practice.

## 7. References

- HR Advance Smoke-free Policy
- MSC Code of Conduct and Ethics Policy
- *Work Health & Safety Act 2011*
- *Work Health & Safety Regulation 2011*
- *Tobacco and Other Smoking Products Act 1998 (Qld)*

**VERSION CONTROL**

<b>Version No.</b>	<b>Date</b>	<b>Approved</b>	<b>Amendment</b>
01	March 2017		
02	January 2022		

**APPROVAL**

Chief Executive Officer		Neil Polglase	
Date:		Signature:	