
HR - Leave Entitlements

SCOPE: This policy applies to all employees of Headway Gippsland.

POLICY STATEMENT:

Headway Gippsland Inc is committed to supporting employees balancing their personal and work demands.

Leave is provided for all employees for rest and relaxation purposes and to enable them to fulfil personal responsibilities.

Leave Entitlements

Headway Gippsland employees are employed under the Social, Community, Home Care and Disability Services Industry Award 2010, and also governed by the Fair Work Act inclusive of the National Employment Standards (NES).

Working additional hours

In exceptional circumstances the CEO or delegate may approve office staff working additional hours where circumstances are considered critical. Approval will not be granted retrospectively.

Employees who work less than full time may be paid out for the additional hours as long as this does not entail any overtime payment. This is to be approved by the CEO or General Manager.

Individual working arrangements: No new arrangements may be entered into without the express approval of the Your Manager. All such existing arrangements may be removed by your manager with appropriate notice to the employee, and in any case, all existing arrangements must be reviewed every 12 months to ensure there is no detrimental impact on services or consumers.

Flexible Working Arrangements: Full-time and part-time employees can request flexible work arrangements if they've worked with the same employer for at least 12 months and they:

- are the parent, or have responsibility for the care, of a child who is school aged or younger
- are a carer (under the [Carer Recognition Act 2010](#))
- are a person with disability
- are 55 or older
- are pregnant
- are experiencing [family and domestic violence](#), or
- provide care or support to an immediate family or household member who is experiencing [family and domestic violence](#).

Casual employees can request flexible work arrangements if:

- they meet one of the above criteria (such as being a person with disability, being a carer or pregnant)
- they've been working for the same employer regularly and systematically for at least 12 months

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- there's a reasonable expectation of continuing work with the employer on a regular and systematic basis.

Eligible employees must make their request in writing to their employer. They must set out the details of the change they are requesting and the reasons for the change.

Employers need to respond to a request for flexible working arrangements within 21 days of receiving a request. They must respond in writing to approve or refuse the request, or set out any alternative working arrangements that they have agreed with the employee.

An employer may only refuse a request on reasonable business grounds and have taken certain steps, including:

- discussing the request with the employee
- genuinely trying to reach an agreement with the employee for alternative arrangements, and
- considering the consequences for the employee of refusing the request.

Annual Leave

An employee (other than a casual employee) accumulates 4 weeks of paid annual leave for each year of service with the employer. An employee's entitlement to annual leave accumulates continuously based on the number of ordinary hours they work. Annual leave continues to accumulate when an employee is on:

- paid leave such as paid annual leave and paid sick/carer's leave
- long service leave
- unpaid leave that counts towards annual leave accrual, such as community service leave (including jury service)
- a stand down under section 524 of the Fair Work Act, an applicable enterprise agreement or the employee's contract of employment.

Annual leave will not accumulate in some circumstances, for example:

- on unpaid leave (unless it is provided for in an award or registered agreement)
- if an employee is taking unpaid leave from their employer while being paid by the Paid Parental Leave Scheme
- for a period of annual leave that has been cashed out.

An employee classified as a 'shiftworker' is entitled to 5 weeks of paid annual leave. This is the case if an award or registered agreement applies to the employee, and defines or describes the employee as a shiftworker for the purposes of the NES.

An award and agreement-free employee can also qualify for the shiftworker entitlement to 5 weeks of annual leave if all of the following apply:

- they are employed in an enterprise where shifts are continuously rostered 24 hours a day for 7 days a week
- they are regularly rostered to work those shifts
- they regularly work on Sundays and public holidays.

These conditions apply unless otherwise stated in your contract of employment.

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Approving and scheduling of leave

It is the Employer's policy to encourage you to take all your annual leave entitlement in the current year.

Employees may request to accumulate more than the year's accrual for purposes that are planned. This requires the employee to put a request in writing to the Headway Board for approval. This should occur no later than six weeks before the requested time.

Where the employee believes the circumstances of their leave are exceptional and warrant special consideration, they should approach their Manager and the Chief Executive Officer

If an employee has excessive leave, an agreement between you and your employer to reduce this balance

You must complete the annual leave request and have it approved by management before you make any firm holiday arrangements.

Annual leave dates will normally be approved in a fair and equitable for all process whilst ensuring that operational efficiency of the business and appropriate staffing levels is maintained throughout the year.

You should give at least four weeks' notice of your intention to take annual leave of a week or more and one week's notice is required for odd single days.

Your annual leave entitlement will be at your normal basic pay unless shown otherwise in your contract of employment, plus the applicable leave loading entitlement.

The Employer may choose to shut down over the Christmas/ New Year period. If we do, it is our preference for you to reserve sufficient days from your annual leave entitlement to cover the Christmas / New Year shutdown period. If you have not accrued sufficient annual leave entitlement to cover this period, you will be offered an unpaid leave of absence.

Annual leave accrual can be cashed out in accordance with the [Social, Home Care and Disability Services Industry Award 2010](#), unless otherwise stated in your contract of employment.

Public Holidays

Your entitlement to public holidays is in accordance with the Fair Work Act (NES), unless otherwise stated in your individual contract of employment. All employees have a right to be absent from work on a public holiday, however employers can request employees to work on a public holiday but the request has to be reasonable.

Employees (except casual employees) who normally work on the day a public holiday falls will be paid their base pay rate for the ordinary hours they would have worked if they had not been away because of the public holiday.

An employee required to work on a public holiday will be paid double time and a half of their ordinary rate of pay for all time worked. Payments under this clause are instead of any additional rate for shift or weekend work which would otherwise be payable had the shift not been a public holiday.

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Personal/Sick/Carer's Leave

Full-time and part-time employees can take paid sick leave if they can't work because of a personal illness or injury in accordance with the Fair Work Act, unless otherwise stated in your contract of employment.

Full-time employees are entitled to 10 sick days per year. The leave is pro-rata for part-time employees.

Unused sick and carer's leave is carried over to the next year.

Casual employees have no entitlement to paid personal leave.

You are entitled to take paid personal leave from your accrued balance;

- Because you are not fit for work due to a personal illness or personal injury affecting you; or
- To provide care or support to a member of your immediate family, or a member of your household who requires your care and support because of;
 - A sudden or unexpected personal illness or injury affecting the member; or
 - A sudden or unexpected emergency affecting the member.

If your entitlement to personal leave is exhausted, you may take two days unpaid carer's leave for each occasion when a member of your immediate family or a member of your household requires your care and support because of:

- A sudden or unexpected personal illness or personal injury affecting the member; or
- A sudden or unexpected emergency affecting the member.

You may also in this instance use your annual leave if approved by the Your Manager.

Casual employees may take two days unpaid carer's leave for each occasion when a member of your immediate family or a member of your household requires your care and support because of:

- A sudden or unexpected personal illness or personal injury affecting the member; or
- A sudden or unexpected emergency affecting the member.

An immediate family member is a:

- spouse or former spouse
- [de facto partner](#) or former de facto partner
- child
- parent
- grandparent
- grandchild
- sibling, or

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- child, parent, grandparent, grandchild or sibling of the employee's spouse or de facto partner (or former spouse or de facto partner).

This definition includes step-relations (for example, step-parents and step-children) as well as adoptive relations.

A household member is any person who lives with the employee.

Notification of Personal, Carers, Sick Leave

All employees must notify the Employer by telephone on the first day of incapacity or at the earliest possible opportunity and, in any case, by no later than 1 hour before your usual start time.

The preferred method of notification is by phone call. E-mails are not an acceptable method of notification to your manager.

If your incapacity extends to more than seven days you are required to notify us of your continued incapacity once a week thereafter, unless otherwise agreed.

Evidence of incapacity

In the event you become unfit for duty due to personal illness or injury you shall be entitled to take a single day absence without evidence on no more than 5 occasions in any anniversary year.

Any further absences due to illness or injury beyond the above provisions must be certified as such by a registered health practitioner, or production of a statutory declaration

For full time or part time employees payment or non-payment for the absence will be made based on accrued entitlement balance.

In the event you test positive to Covid19 then provision of your dated positive test will suffice as your evidence and we encourage you to utilise your entitlements to leave. You must report your positive result as per current guidelines and provide evidence you have done so.

Absences that fall either side of a public holiday must be supported by a medical certificate.

If you are unable to provide the appropriate documentation to claim Personal/Sick/Carer's leave then you will be considered to be in breach of your entitlement to take leave. Trends of absence will be monitored and addressed.

Return to work

You should notify your manager as soon as you know which day you will be returning to work, if this differs from a date of return previously notified.

If you have been suffering from an infectious, contagious or communicable disease or illness you must not report for work without clearance from your doctor.

General

Submission of a medical certificate may not always be regarded as sufficient justification for accepting your absence. Sickness is just one of a number of reasons for absence and although it is

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understandable that if you are sick, you may need time off, continual or repeated absence through sickness may not be acceptable to the Employer.

In deciding whether your absence is acceptable, the Your Manager will take into account the reasons for your absences and extent of them, including any absence caused by sickness/ injury.

We cannot operate with an excessive level of absence as all absence, for whatever reason, reduces the Employer's ability to operate successfully.

The Employer will not tolerate any non-genuine absences, and any such instances will result in disciplinary action being taken.

Compassionate/Bereavement Leave

Employees are entitled to 2 days compassionate leave each time they meet the criteria as listed in the NES.

An employee taking compassionate leave has to give their employer notice as soon as they can (this may be after the leave has started). The employee has to tell the employer how much leave they are taking, or expect to take, and when.

An employer can request evidence about the reason for compassionate leave (for example, a death or funeral notice or statutory declaration). This request for evidence has to be reasonable. If the employee doesn't provide the requested notice or evidence they may not get compassionate leave.

Employees can take compassionate leave as:

- A single continuous 2 day period
- 2 separate periods of 1 day each
- Any separate periods as agreed with their employer

Employees don't accumulate compassionate leave and its not part of their sick and carer's leave entitlement. Employees can take compassionate leave any time they need it.

If an employee is already on another type of leave and needs to take compassionate leave they can do so.

Full time or permanent part time employees receive paid compassionate leave. They are paid at their base pay rate for the ordinary hours they would have worked during the leave. This doesn't include separate entitlements such as incentive-based payments and bonuses, loadings, monetary allowances, overtime or penalty rates.

Casual employees receive unpaid compassionate leave.

Community Service Leave/Jury Duty Leave

You are entitled to community service leave in certain circumstances.

Community service leave is for eligible community service activities such as **SES, jury service and volunteer fire fighting**.

Community service leave is unpaid.

An employee who takes community service leave must give their employer:

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- notice of the absence as soon as possible (this may be after the leave starts)
- the period or expected period of absence.

An employee is entitled to take community service leave while they are engaged in the activity and for reasonable travel and rest time.

There is no limit on the amount of community service leave an employee can take.

An employer may request an employee who has given notice, to provide evidence that they're entitled to community service leave.

Full time and permanent part time employees may be entitled to payments from their employer, the court, or their employer and the court. Casual employees do not get paid for jury services unless they meet the requirements listed on the Juries Victoria website.

<https://www.juriesvictoria.vic.gov.au/individuals/work-and-payment>

Ceremonial Leave

An employee who is legitimately required by indigenous tradition to be absent from work for Aboriginal or Torres Strait Islander ceremonial purposes will be entitled to up to 10 working days unpaid leave in any one year, with the approval of the employer.

Family and Domestic Violence Leave

All employees are entitled to 10 days of paid family and domestic violence leave each year. This includes full-time, part-time and casual employees as provided for in the NES.

An employee's paid leave entitlement is available in full immediately and resets on their work anniversary. It doesn't accumulate from year to year.

Paid family and domestic violence leave is a standalone leave entitlement. This means employees get it separately from other types of leave, such as annual leave or paid sick and carer's leave.

Long Service Leave

You are entitled to long service leave in accordance with the relevant laws of the state in which you are employed. Long service leave should be taken as soon as reasonably practicable after you become entitled to it.

Headway Gippsland Inc will pay to its employees their entitlement long service leave in accordance with the Victorian Long Service Leave Act 2018 (link below).

<https://www.vic.gov.au/long-service-leave#victorias-long-service-leave-laws>

Headway Gippsland is a member of the Portable Long Service Benefits Scheme which provides portable long service benefits to Victorian workers in the community services, contract cleaning and security industries.

Procedure;

Employees should provide at least six weeks' notice of their leave. the employee submits the request to their manager for approval, via Xero or Brevity.

The Manager assesses the request for leave taking into account;

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- Service delivery needs during the period requested.
- Balance in opportunities for all staff for taking leave during high demand periods e.g., Christmas, Easter and school holidays.
- Where the Manager approves the leave, the form is submitted to the Finance Manager for processing. The Manager notifies the Employee.

Where the Manager does not approve the leave, a discussion occurs with the employee on reaching an agreed period of leave and time frame.

Frequently asked questions Annual leave	
How do I apply for annual leave?	Leave is applied for through the Brevity App or Xero
What happens to accrued leave if I cease work?	When an employee ceases work, they will be paid any outstanding accrued annual leave to which they are entitled.
Can I take annual leave when I want?	There are no specific restrictions as to when you may take leave except as indicated below
How soon can a new employee take leave?	You must have completed your probation period before taking any leave unless prior agreement has been reached with your manager and the General Manager.
What is the smallest amount of leave I can take?	The minimum period of leave is half a day.
Is leave loading payable?	Yes. Leave loading of 17 ½ % is payable, unless your contract states otherwise
What happens if I get sick while on annual leave?	Sick leave for periods of five days or more is able to be approved while on annual leave. A medical certificate is required to substantiate this. Your annual leave will then be credited for the days of sick leave.
What happens if my annual leave falls during a public holiday?	Public holidays occurring during annual leave do not count as leave.
Sick leave	
Do I need a medical certificate when I am sick?	<p>Employees are eligible for up to 5 days of sick leave in an anniversary year without a medical certificate. The five days are single days not consecutive and they are per anniversary year.</p> <p>All other sick leave taken must be supported by a medical certificate or stat dec</p> <p>If sick leave is taken either side of a public holiday or weekend, a medical certificate is required.</p> <p>Payment is made from your accrued entitlement if you are a permanent employee. All other instances will be unpaid.</p>

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Does sick leave accrue?	Yes.
What happens if I cease work?	Sick leave accruals do not get paid out.
Can I use my sick leave to attend a medical appointment during working hours?	Yes, however, normally the minimum amount of sick leave granted is ½ a day, with only two exceptions. One of these is that the leave is for a medical appointment which is already on notice and approved by the Manager, or in the instance where you are sent home ill by your manager, or in their absence, the General Manager. In these latter instances sick leave may be granted by the hour.
What happens if I don't have any sick leave left and I am sick?	You are able to use other leave credits or where these have been exhausted, employees may be provided with leave without pay. You will only be paid for any sick leave if you have an available entitlement balance.
How do I apply for sick leave?	Leave is applied for through the Brevity App or Xero