



## **Leave Policy**

**Version 1.0 (February 2021)**

## **Contents**

- 1.** Values Statement
- 2.** Purpose
- 3.** General
- 4.** Leave Approvals
- 5.** Annual leave
- 6.** Cashing Out Annual Leave
- 7.** Purchased Leave
- 8.** Personal Leave (Sick and Carer's)
- 9.** Family and Domestic Violence Leave
- 10.** Community Service Leave
- 11.** Compassionate Leave
- 12.** Blood Donation Leave
- 13.** Jury Service and Court Appearances
- 14.** Time off in Lieu (TOIL)
- 15.** Office Shutdown
- 16.** Public Holidays
- 17.** Leave Without Pay
- 18.** Leave of Absence
- 19.** Long Service Leave
- 20.** Parental Leave
- 21.** Parental Leave (Non-primary carer)
- 22.** Adoption Leave
- 23.** Paid Parental Leave Government Scheme
- 24.** Conference, Training and Study Leave

## 1. Values Statement

- 1.1 RedR Australia is committed to the welfare and well-being of staff and to the entitlements under relevant awards and Fairwork Australia.  
As an employer of choice, RedR supports staff leave to ensure staff are well, and fit for work. RedR adopts a fair and equitable approach to leave entitlements.

## 2. Purpose

- 2.1 The purpose of this policy is to ensure employees are provided with leave in accordance with the *Fair Work Act 2009* (Cth) (**FW Act**).

## 3. General

- 3.1 An employee's entitlement to leave under this policy is provided in satisfaction of entitlements under the FW Act. If a provision of any applicable law (including any modern award) is more favourable than the entitlements in this policy, the provision under the law or modern award applies.

## 4. Leave Approvals

- 4.1 RedR is a not-for-profit with limited resources, and therefore there is a need to ensure that when staff go on leave, there is adequate staff coverage for critical operations.
- 4.2 Applications for leave are to be lodged with the line supervisor, using the Leave Application process as early as possible, particularly in relation to peak periods for leave requests such as school holidays.
- 4.3 The timing of leave will usually be mutually agreed between the employee and their line supervisor.
- 4.4 RedR reserves the right to refuse leave in the case where the period of leave unreasonably impacts on operational needs and service delivery.
- 4.5 In the event approval is not granted and agreement cannot be reached on a mutually satisfactory alternative, the employee may refer the matter to Human Resources.

## 5. Annual leave

- 5.1 The purpose of annual leave is to allow employees to have an extended break from the daily pressures and demands of work for rest and rejuvenation. RedR will not unreasonably refuse a request by the employee to take annual leave.
- 5.2 Each non-casual employee is entitled to 4 weeks (20 days) annual leave a year (pro-rata for part-time employees). Leave entitlements are calculated from the date of commencement and accrue in accordance with the FW Act.
- 5.3 Written requests for annual leave must be submitted as follows, unless otherwise agreed between RedR and the employee:
- (a) For one day or more, one week in advance;
  - (b) For one week or more, no less than one month prior to the intended commencement of leave.

Generally, annual leave is approved on a 'first in first served' basis.

- 5.4 It is each employee's responsibility to manage their wellbeing by planning for and taking regular annual leave. To encourage employees to take regular annual leave, in circumstances where an employee has accrued an excessive amount of annual leave of more than 40 days, RedR may, in certain circumstances, direct the employee to take annual leave until the balance is not less than 30 days.
- 5.5 Any request for variation to approved annual leave must be referred by the employee's line supervisor to the relevant Manager and the Chief Executive Officer. The request should include:
- (a) reasons the employee is unable to take the approved leave;
  - (b) steps being taken to plan for the team's work program; and
  - (c) steps being taken to organise an alternative time for the employee to take leave.
- 5.6 Any public holidays or personal leave which falls during the annual leave period shall extend the annual leave by the same duration. An employee's request to extend annual leave due to sickness must be supported by a medical certificate.
- 5.7 RedR and the employee may agree to the employee taking a period of paid annual leave before the employee has accrued an entitlement to the leave. Whether a request is approved is at the sole discretion of RedR and is dependent on RedR's operational needs. Any agreement must be in writing (signed by both RedR and the employee), set out the amount of leave to be taken in advance and the date that leave will commence.

## **6. Cashing Out Annual Leave**

- 6.1 RedR recognises the benefits of annual leave for refreshment and work / life balance and will only agree to 'cashing out' annual leave in exceptional circumstances.
- 6.2 Cashing out annual leave may be provided only under the following conditions:
- (a) RedR and the employee mutually agree to cash out annual leave, and this agreement is put in writing;
  - (b) the written agreement states the amount of leave to be cashed out and the payment to be made to the employee, and the date on which payment is to be made;
  - (c) an employee cannot cash out more than 2 weeks (10 days) in a 12 month period;
  - (d) an employee must retain at least 4 weeks (20 days) annual leave;
  - (e) a written agreement needs to be made each time annual leave is cashed out; and
  - (f) the payment for cashed out annual leave must be the same as what the employee would have been paid if they took the leave.
  - (g) applications must be submitted to the employee's direct manager for approval prior, which will then be forwarded to the CEO and Human Resources for final approval and implementation. In turn if the CEO wishes to cash out leave it must be approved by the Chair of the Board

6.3 Employees cannot cash out annual leave and be accessing Paid Purchase leave concurrently.

## 7. Purchased Leave

7.1 RedR and a non-casual employee may agree to enter into an arrangement where the employee can purchase up to four weeks additional leave pending operational needs.

7.2 RedR and the employee can agree to take a reduced salary spread over the 52 weeks of the year and receive the following amounts of additional leave:

Number of weeks salary spread over 52 weeks	Number of weeks additional leave purchased
48 weeks	4 weeks
49 weeks	3 weeks
50 weeks	2 weeks

7.3 Paid purchased leave cannot occur if the employee has more than 30 days of annual leave at the time of the application for paid purchased leave.

7.4 A request for paid purchase leave scheme can only be introduced at an employee's initiative. Whether a request is approved is at the sole discretion of RedR and is dependent on RedR's operational needs. The operational requirements for some roles can more effectively accommodate paid purchased leave arrangements than others. Employees are encouraged to provide as much notice as possible of their intention to access purchased leave.

7.5 Applications must be submitted to the employee's direct manager for approval prior, which will then be forwarded to the CEO and Human Resources for final approval and implementation. In turn if the CEO wishes to purchase leave it must be approved by the Chair of the Board.

## 8. Personal Leave (Sick and Carer's)

8.1 Personal leave provides leave for both the illness and injury of an employee, and for taking care of an immediate family or household member who is sick or injured or to help during a family emergency.

8.2 Personal leave accrues at a rate of 10 'days' in each year of continuous service from date of commencement for a non-casual employee. A 'day' is calculated according to an employee's ordinary hours of work, with the expression 10 'days' referring to the equivalent of an employee's ordinary hours of work in a 2-week period, or 1/26 of their ordinary hours of work in a year. For example, if an employee works 38 hours a week, they will accrue 76 hours of personal/carer's leave per year (the equivalent of 10 full days). If an employee works 30.4 hours per week, they will accrue 60.8 hours per year (the equivalent of 8 full days).

8.3 Personal leave is cumulative, but any unused leave will not be paid out on cessation of employment.

8.4 A non-casual employee is entitled to paid personal leave when he/she is absent from work in the following circumstances:

- (a) due to personal illness or injury; or

- (b) 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 injury affecting the member; or
  - an unexpected emergency affecting the member.

The definition of 'immediate family' in this clause 7.4 includes the employee's spouse, de facto partner, child, parent, grandparent, grandchild, or sibling. It also includes a child, parent, grandparent, grandchild, or sibling of the employee's spouse or de facto partner. This includes same sex spouse and de facto partnerships.

- 8.5 Up to 5 single days of personal leave may be taken without a medical certificate per year. Thereafter, a medical certificate or other satisfactory evidence is required to support an employee's application for personal leave.
- 8.6 Where an absence exceeds two consecutive days or falls the day before or after a public holiday, a medical certificate or other satisfactory evidence shall be required.
- 8.7 Where a non-casual employee has exhausted all of his/her paid personal leave entitlements, the employee will be entitled to 2 days of unpaid carer's leave for each permissible occasion.
- 8.8 Casual employees are entitled to not be available for work or to leave work to care for a person who is sick or injured and requires care and support or who requires care due to an unexpected emergency. Such leave is unpaid. A maximum of 2 days' absence is allowed for each occasion with additional absence by agreement.
- 8.9 Notice of the employee's absence on account of personal leave must be given by the employee directly to his/her line supervisor as soon as reasonably practicable.

## **9. Family and Domestic Violence Leave**

- 9.1 All employees are entitled to 5 days unpaid family and domestic violence leave each year. The leave is available in full at the start of each 12 month period of the employee's employment. The leave does not accumulate from year to year. Time on unpaid leave to deal with family and domestic violence does not count as service but does not break continuity of service.
- 9.2 Family and domestic violence means violent, threatening or other abusive behaviour by an employee's close relative that:
  - (a) seeks to coerce or control the employee; and
  - (b) causes them harm or fear.
- 9.3 If an employee will not be at work due to family or domestic violence, please contact your Manager as soon as reasonably practicable.
- 9.4 The employee may be requested to provide evidence that would satisfy a reasonable person that the employee needs to do something to deal with the impact of the family and domestic violence and it is impractical for the employee to do that thing outside the employee's ordinary hours of work.
- 9.5 RedR will take all necessary steps to ensure that information about domestic violence or any evidence will be treated confidentially.

## **10. Community Service Leave**

- 10.1 All employees are entitled to be temporarily absent from work because of voluntary emergency management activities (for example, as a volunteer dealing with an emergency or natural disaster as a member of SES, FRV or Army Reserve). The employee should request unpaid leave as soon as possible after they become aware of the need to take leave.
- 10.2 RedR will support such activities wherever possible, as an important community service. RedR may require evidence of these activities at its discretion.

## **11. Compassionate Leave**

- 11.1 A non-casual employee will be entitled to take 3 days paid compassionate leave on each occasion that an immediate family member or a member of the employee's household:
- (a) contracts or develops a personal illness that poses a serious threat to his or her life;
  - (b) sustains a personal injury that poses a serious threat to his or her life; or
  - (c) dies.

The term 'immediate family' has the same meaning as described in clause 7.4.

- 11.2 For any other person with whom the non-casual employee can show there is a particularly important relationship, 3 days of paid compassionate leave can be taken with approval from the Chief Executive Officer. Additional time beyond the three days may be granted and taken as accrued annual leave, personal leave, time off in lieu (TOIL), or leave without pay.
- 11.3 A casual employee is entitled to 2 days of unpaid compassionate leave for each permissible occasion set out at clause 10.1.
- 11.4 The employee must advise their direct supervisor of their need to take compassionate leave as soon as reasonably practical. If requested by RedR, the employee must provide evidence for such leave.
- 11.5 In individual cases, RedR may, at its sole discretion, extend the period of paid compassionate leave.
- 11.6 For serious illness or funeral attendance for other relatives or close friends, time off with pay may be granted at the discretion of the Chief Executive Officer.

## **12. Blood Donation Leave**

- 12.1 Non-casual employees taking leave for off-premises blood donation shall be permitted at least one leave period per calendar year of three (3) hours duration during the employee's regular work schedule.
- 12.2 Any additional leave time taken by employees in connection with off-premises blood donation shall be subject to all other rules and guidelines governing leave.
- 12.3 An employee who donates blood during non-working hours shall not be credited with leave.
- 12.4 Employees may wish to make their blood donation to Australia Red Cross Blood Service under the group name RedR Australia.

### **13. Jury Service and Court Appearances**

- 13.1 An employee required to attend court for jury duty or who is subpoenaed as a witness during their working hours will continue to be paid their ordinary salary (less any jury service pay) for a period of up to 10 days.
- 13.2 The employee shall notify RedR as soon as possible of the date upon which they are required to attend for jury service or as a witness.
- 13.3 An employee must provide evidence to substantiate attendance and the amount received in respect of such jury service in order to calculate makeup pay.

### **14. Time Off In Lieu (TOIL)**

- 14.1 RedR permits employees to accrue reasonable TOIL for approved additional hours, including approved travel time for RedR business.
- 14.2 All TOIL will be calculated at the employee's ordinary rate of pay.
- 14.3 The accrual and taking of TOIL must be agreed in advance with the line supervisor.
- 14.4 TOIL must be used at the earliest convenient opportunity as mutually agreed between the employee and their line supervisor and accrued TOIL must be used before any other planned leave type can be accessed.
- 14.5 Where an employee is away due to business travel and there is no work performed on the weekend or public holiday, no TOIL is redeemable.
- 14.6 A maximum of 10 days of TOIL can be accumulated at any given time. TOIL balances in excess of the 10 days may result in the employee being directed to take TOIL until the balance is within the maximum accumulation.
- 14.7 The maximum accrual of TOIL is 7.6 hours per day.
- 14.8 Any amount of TOIL owing upon termination of employment will be paid to the employee in their final pay.
- 14.9 Employees will not accrue TOIL for attendance at training or conferences outside ordinary work hours which meet the following criteria:
- (a) it does not relate to the employee's ability to perform their substantive job;
  - (b) attendance is voluntary;
  - (c) it would not adversely affect the employee's performance if he or she did not attend; or
  - (d) the employee does not perform any productive work at the training or conference.

### **15. Office Shutdown**

- 15.1 In recognition of RedR employees' commitment to the organisation, RedR will grant all non-casual employees time off with normal salary between Christmas Day and New Year's Day when the RedR office is normally closed, and will not deduct this period from the employee's annual leave balance.

15.2 RedR may request certain roles to service some operations during this time. In circumstances where the employee has been requested to work, the employee will be awarded TOIL which must be taken in accordance with TOIL provisions.

## **16. Public Holidays**

16.1 All non-casual employees are entitled, without loss of pay, to be absent on a day that is a public holiday. To avoid doubt, the following are public holidays:

- (a) *National Public Holidays*: New Year's Day, Australia Day, Good Friday, Easter Monday, Anzac Day (25 April), Queen's Birthday, Christmas Day and Boxing Day.
- (b) *Victorian Public Holidays*: Labour Day, Easter Saturday, Easter Sunday, Melbourne Cup Day, AFL Grand Final.

16.2 Part-time employees are eligible for payment for any public holidays which occur on their usual day of work.

16.3 Where the public holidays fall on a Saturday or Sunday, any substitute days will accord with the decisions of the State Government. For example, there is no replacement public holiday if Anzac Day falls on a weekend.

16.4 RedR may request an employee to work on a public holiday. However the employee may refuse to work on a public holiday if RedR's request is not reasonable, or the employee's refusal is reasonable.

## **17. Leave Without Pay**

17.1 In circumstances where employees have exhausted all annual and long service leave entitlements and require additional time off, leave without pay may be granted at the discretion of their manager.

17.2 Approvals for leave without pay longer than 4 weeks from work will be at the discretion of the Chief Executive Officer.

17.3 Requests for leave without pay for periods longer than 4 weeks must be made three months in advance except in an unexpected emergency.

17.4 Whilst on a period of approved leave without pay employees will not accrue any leave entitlements, other than long service leave to the extent provided by the *Long Service Leave Act 2018* (Vic).

## **18. Leave of Absence**

18.1 Any employee wishing to explore the option of taking a period of extended absence from their role should, in the first instance, discuss this with their respective Manager in consultation with the Chief Executive Officer.

18.2 Any request for leave of absence of up to a maximum of 12 months will be considered on a case by case basis.

18.3 Approval is at RedR's sole discretion and approval in one situation will not constitute a precedent for another situation or general approval.

18.4 RedR's ability to provide leave of absence arrangements will be dependent on RedR's operational needs and capacity to accommodate each request. The following, although not an exhaustive list, will be taken into consideration:

- Business objectives;
- Operational requirements;
- Inherent requirements of the role;
- Length of absence;
- Impact on team;
- Minimum length of service (the employee must have been employed at RedR for at least 1 year); and
- Reason why leave of absence is requested.

18.5 Where a leave of absence is approved, the leave without pay provision at clause 16 applies.

18.6 Any TOIL balances will be cleared upon commencing leave of absence.

## **19. Long Service Leave**

19.1 An employee shall be entitled to long service leave (**LSL**) in accordance with the *Long Service Leave Act 2018 (Vic)* (**LSL Act**). Provisions for LSL entitlements include the following:

- (a) At any time after completing 7 years of continuous employment with RedR, an employee is entitled to take long service leave.
- (b) Long service leave accrues at a rate of 1/60<sup>th</sup> of the employee's total period of continuous service less any period of long service leave taken during that period on a pro-rata basis. For example, a full-time employee will be entitled to take approximately 6 weeks of long service leave after 7 years of continuous employment.
- (c) LSL for part time employees will be calculated based on the percentage of ordinary hours worked.
- (d) When applying for LSL, employees must apply for periods of ten days or more.
- (e) LSL is extended by one day for each public holiday that falls within the LSL period.

19.2 Due to a change in RedR's LSL provisions effective 1 July 2010, LSL entitlement rates for any service prior to this date will be calculated at the entitlement rate of 13 weeks at seven years. Any service post 1 July 2010 will be calculated at 13 weeks after ten continuous years of service. For this reason, employees with a commencement date prior to 1 July 2010 will have two rates of LSL entitlements.

19.3 An employee can request that they be allowed to take double their amount of LSL at half the ordinary rate of pay. RedR may grant an employee's request if it is reasonable to do so having regard to the needs of both the employee and RedR's business.

19.4 On the ending of their employment, employees with at least 7 years of continuous service shall receive payment for the leave accruals calculated pro rata at the employee's ordinary rate of pay.

## **20. Parental Leave**

- 20.1 A non-casual employee has an entitlement to paid and unpaid parental leave if the employee:
- (a) has at least 12 months' continuous service with RedR (excluding any unpaid leave of absence) at the date of taking leave; and
  - (b) has, or will have, responsibility for the care of the child.
- 20.2 A casual employee has an entitlement to paid and unpaid parental leave if the employee:
- (a) has been employed by RedR on a regular and systematic basis for a period or sequence of periods of at least 12 months at the date of taking leave and has a reasonable expectation of continuing employment; and
  - (b) has, or will have, responsibility for the care of the child.
- 20.3 Parental leave is available to both parents including de-facto and same sex couples.
- 20.4 An employee who meets the eligibility requirements in paragraph 19.1 or 19.2 and who is the primary carer of the child is entitled to 8 weeks' paid parental leave taken in a single period following the birth of the child. The remaining period of parental leave shall be unpaid parental leave of up to 44 weeks. Any other paid leave taken in conjunction or during this time will not extend the period of unpaid parental leave.
- 20.5 To qualify for parental leave, an employee must provide:
- (a) a medical certificate regarding the expected date of the birth;
  - (b) RedR with at least 10 weeks written notice of the employee's intention to take parental leave. The notice must specify the start and end dates of the leave; and
  - (c) RedR with at least 4 weeks' notice of when parental leave is to be commenced and the period involved.
- 20.6 Prior to the commencement of parental leave, if it is deemed not safe (due to illness, risks or hazards) for a pregnant employee who is entitled to parental leave to continue in her usual position, the employee may request to be transferred to a 'safe job' with no change to the terms and conditions of employment. RedR may ask the employee to provide evidence that they are fit for work but cannot continue in their current position, including a medical certificate.
- 20.7 In circumstances where the employee continues to work during the six week period before the expected date of birth of the child, RedR may ask the employee to provide a medical certificate containing the following statements:
- (a) a statement of whether the employee is fit for work;
  - (b) if the employee is fit for work—a statement of whether it is inadvisable for the employee to continue in her present position during a stated period because of:
    - (i) illness, or risks, arising out of the employee's pregnancy; or
    - (ii) hazards connected with the position.

- 20.8 The employee will have a right to resume the position held prior to taking parental leave upon returning to work. Should there be a substantial change to the role, the employee will be notified as soon as reasonably possible.
- 20.9 Any requests to change or extend unpaid parental leave must be made in writing four weeks before the end of the agreed parental leave period.
- 20.10 Upon returning from parental leave, the employee may request a flexible work arrangement. The request must be made in writing to the appropriate Manager for approval, in which:
- (a) the employee will be notified of RedR's response to the employee's request within 21 days of receiving the application form;
  - (b) if the employee's request is granted, RedR will prepare an agreement for the employee to sign, varying their existing employment terms; and
  - (c) if the employee's request is refused, the response will include details of the reasons for the refusal.
- 20.11 Paid parental leave must be taken within 24 months of the date of birth.
- 20.12 In addition, the employee may access up to 50 weeks of continuous unpaid leave.

## **21. Parental Leave (non-primary carer)**

- 21.1 An employee who meets the eligibility requirements in paragraphs 19.1 and 19.2 is entitled to two weeks paid parental leave, if the employee has responsibility for the care of the child during that period, but is not the primary carer. This means an employee who is:
- (a) a parent of the child; or
  - (b) the spouse or de facto partner of the primary carer of the child; or
  - (c) otherwise permitted by the CEO to take leave under this policy.

## **22. Adoption Leave**

- 22.1 Adoption leave is available to the primary care giver for the purposes of adopting a child under the age of 16 years. Adoption leave does not apply when the employee takes custody of a child or stepchild of the employee, or a child who has previously lived with the employee for a period of more than six months.
- 22.2 Paid adoption leave is available to employees who meets the eligibility requirements in paragraphs 19.1 and 19.2. The maximum entitlement to paid adoption leave is 8 weeks, available from the date of placement. A further 49 weeks is available as unpaid adoption leave following the period of paid leave.
- 22.3 An employee must give their Manager at least 10 weeks' written notice of the employee's intention to take adoption leave. The notice must specify the start and end dates of the leave.
- 22.4 Paid adoption leave must be taken within 12 months of the day of placement of the adopted child.
- 22.5 If requested, an employee must provide a statutory declaration regarding the expected date of placement of the child.

22.6 In addition, a period of unpaid pre-adoption leave not exceeding two days will be granted to employees to attend compulsory interviews and examinations in relation to adoption applications, except where the employee could take some other form of leave.

### **23. Paid Parental Leave Government Scheme**

23.1 Under the Paid Parental Leave (**PPL**) scheme, working parents can get government-funded pay when they take time off from work to care for a newborn or recently adopted child. Employees can access more information about the PPL scheme and check their eligibility by contacting Services Australia (**SA**), formerly the Department of Human Services.

23.2 The PPL scheme is not a further entitlement to leave, but provides a payment to complement an employee's entitlement to parental leave under this policy.

23.3 RedR is responsible for making PPL payments to all eligible employees who have claimed PPL through SA, in circumstances where those employees are not paid directly by the Government.

23.4 In order to claim this benefit, employees need to complete and lodge the appropriate forms through SA. Please see <http://www.humanservices.gov.au/customer/themes/families>.

### **24. Conference, Training and Study Leave**

24.1 RedR is committed to employee training and development to enable employees to become more proficient at carrying out their present and likely future responsibilities at RedR. Training needs will be discussed during performance appraisals and decisions made on the basis of the employee's current position and skill sets aligned with organisational needs.

24.2 A non-casual employee may, with written prior approval of the line supervisor, attend work-related conferences, training courses and seminars during normal working hours without loss of pay.

24.3 An employee may apply for flexible work arrangements to accommodate attendance to classes. Three days of study leave per year is provided to full-time employees and scaled accordingly to part-time employees on a pro-rata basis.

24.4 Decisions on the timing of the training program will be made by mutual agreement between the employee and their line supervisor.

**Document control**

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