

Personal Leave / Carer's Leave - Unpaid Leave Policy

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Applicable Department

- Leasing / Property Management
- Accounts & Administration
- Sales / Project Marketing

OBJECTIVE / AIM

The objective of this policy is to inform all Staff members of the Company's expectations when it comes to sick leave / personal leave / carer's leave or leave without pay. There are National Awards that set out the guidelines as to what constitutes an Employee's legitimate entitlement; however there is also the Company guideline that must also be followed by each Employee

Employee Acknowledgment

The Employee is responsible to ensure that their absence does not negatively impact the operation of the business, and that they only take a sick day when it is absolutely necessary. The provision of paid leave is for legitimate instances when the Employee is unable to perform their duties at work; it ought not to be abused

The Company sets out in each Employment Contract that the Employee **MUST** contact the Director of the Company each instance when they will not be attending work due to illness. The Company guideline states that the Employee will personally 'telephone' the Director – either at home or on mobile as soon as practicable

Terms of Reference

Personal / Carer's Leave is the current legal term for 'sick leave' and forms part of the National Employment Standards (NES). The NES applies to all Employees covered by the national workplace relations system. The current 'ins & outs' of managing sick leave are:

The Employee minimum entitlements

A full time Employee, except casuals are entitled to a minimum of 10 days paid personal leave (which includes sick leave & carer's leave) based on their ordinary hours of work. This is accrued progressively for a full-time Employee and pro-rata for a part-timer during a year

Full-time and part-time Employees can use this paid leave if they're sick or if they need to provide care for an immediate family or household member

Casual Employees aren't entitled to paid sick leave. However, casual Employees can take 2 days of unpaid carer's leave per occasion

When can an Employee take personal leave?

An Employee can take personal leave if he / she or an immediate family or household member is sick, injured or has an unexpected emergency. An Employee's immediate family member includes spouse or de facto partner and their child, parent, grandparent, grandchild and sibling

How much notice is required?

An Employee must give as much notice as soon as practicable. They must also advise of the period or expected period of leave

How to inform your Employer of your intent to take leave

The Company has strict guidelines as to the manner in which an Employee is required to provide notice of their intention to take personal / carer's leave

Acceptable Example

- The Employee MUST personally telephone _____ prior to the start of business – either on mobile number _____ or at home on _____. If _____ is not 'Directly' informed of the absence, then it may be considered as the Employee taking a 'leave without pay' day
- The Employee must also inform their direct Supervisor / Manager and any subordinate Staff that they directly manage

NOT Acceptable Example

- X Texting is not acceptable
- X Emailing is not acceptable
- X Leaving a message on a Company Answering Machine / Voicemail (after hours message bank) is not acceptable
- X Telephoning another Staff member, without also calling Evan is not acceptable
- X Having family, friends, parents or spouses call is not acceptable, unless the Employee is incapacitated to the extent that they are unable to telephone

The provision of a Doctor's certificate

An Employee is required to provide a medical certificate for each period of personal leave. For sick leave, the certificate must state the Employee was, is or will be unfit for work because of personal illness or injury. For carer's leave, the certificate must state the name and relationship of the person that they cared for, has had, or will have, a personal illness or injury. The Employee may supply a statutory declaration instead if it's impractical for them to provide a medical certificate

Should you have to take a 'personal day' directly prior to; or directly after, taking annual leave, then you must provide a Doctor's certificate noting the reason of the absence from work

Should you have to take a 'personal day' directly prior to; or directly after, a public holiday, then you must provide a Doctor's certificate noting the reason of the absence from work

The unused component of leave is not accumulative

Personal / carer's leave is not an additional entitlement for an Employee to accrue and use as holiday leave. The purpose of this leave is to assist Employees when they are 'legitimately' unwell and are unable to perform their employment duties

Personal / carer's leave does not accumulate, year to year

Leave entitlement whilst on probation

A new Employee may find that during the probation period, that they may not have accrued enough sick / carer's leave to cover more than a maximum of 2 ½ days. If the need for more that the accrued days arises, then the Employee may elect to use accrued annual leave, or take the days as leave without pay

Leave without pay

The Company reserves the right to apportion annual leave entitlement (either in full or part) to an Employee that has taken a sick / carer's day, however does not have enough accrued leave entitlement. The other alternative would be to apportion the day as 'Leave without Pay'

Sick leave for Medical appointments & elective surgery

An Employee is not entitled to sick leave when they have scheduled a doctor or specialist appointment (surgery) during business hours. Should an Employee wish to take time off for an appointment, then they are to coordinate this with their Manager (Director) and either make up the time, take it as leave without pay or annual leave. This includes but not limited to; Dentists, Optometrists, Chiropractors, Osteopaths, Physiotherapists, Obstetricians, Gynaecologists, X-Rays, CAT scans etc.

Frequency of absence

Where an Employee is ill so frequently as to raise the question of fitness to carry out the duties of the position or is absent frequently on sick leave, arrangements may be made to have the Employee examined by a Company appointed Medical Practitioner to ascertain the Employee's fitness to continue their duty

Definitions

Sick leave is paid leave of absence which may be granted to protect the health of the Employee concerned, other Employees, and/or the public, and is designed to cover those absences where the Director is satisfied that an Employee was unable to perform duty on account of illness

For the purposes of this policy illness shall mean:

- a virus, disease or infection
- an injury
- a recognised psychological illness which may not be manifested as a physical illness, or
- incapacity to attend work as a result of treatment administered under an In Vitro Fertilisation (IVF) Program

Frequency of absence

When taking a sick day or for periods more than a day, the Employee is responsible to:

- Ensure that any appointments / meetings etc. that they were to carry out have been reallocated to another Staff member, or rescheduled for another time. They should also ensure that the person that they were meeting is made aware that they will not be attending due to illness and that another Staff member is attending on their behalf
- That any work deadlines due on that day or that period have been allocated to another staff member or rescheduled.
- The Employee should also make themselves available by telephone or email (in the event of non urgent illnesses) so that other Staff can contact them for guidance as to tasks that they would ordinarily have been responsible for

It is certainly **NOT Acceptable**, to simply inform the Director or another Manager, and then expect that the Director or other Managers will tend to the desired appointments, workload and to cover the position. The Employee is also responsible to ensure that the impact to the business is minimised as much as possible

Accessing unpaid carer's leave

Employees get 2 days unpaid carer's leave each time an immediate family member or household member of the Employee needs care and support because of:

- illness
- injury, or
- an unexpected emergency

Full-time and part-time Employees can only get unpaid carer's leave if they don't have any paid sick / carer's leave left

Taking unpaid carer's leave

Unpaid carer's leave can be taken:

- in 1 continuous period (for example, 2 working days in a row), or
- in separate periods as agreed between the the Employee and Employer (for example, 4 half days could be taken in a row)

An Employer can't take negative action against an Employee for taking unpaid carer's leave