**PERSONAL / CARERS LEAVE POLICY**

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## Contacting the Victorian Chamber of Commerce and Industry

The Victorian Chamber’s team of experienced workplace relations advisors can assist members with a range of employment, human resources and industrial relations issues.

Our experienced workplace relations consultants can also provide assistance to both members and non-members on a range of more complex matters for a fee-for-service. The consultants can, among other things, provide training to employees, conduct investigations and provide representation at proceedings at the Fair Work Commission.

For assistance or more information, please contact the Workplace Relations Advice Line on (03) 8662 5222.

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# PERSONAL / CARERS LEAVE POLICY

Date of issue:

Policy approved by:

Contact person:

## 1 PURPOSE

The purpose of this policy is to establish procedures and guidelines for employees who wish to take personal/carers leave.

## 2 APPLICATION

This policy applies to all employees of **[INSERT COMPANY NAME]**, except casual employees.

The Policy is not intended to override the terms of any award, enterprise agreement or contract that applies to an employee.

## 3 POLICY

An employee is entitled to paid personal leave when he/she is absent from work in the following circumstances:

* due to personal illness or injury (sick leave);
* 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 of the member; or
	+ an unexpected emergency affecting the member; (carer's leave).

Definitions of immediate family or household member are included below.

It is **[INSERT COMPANY NAME]**’s policy that:

For each year of service with his or her employer a permanent employee is entitled to 10 days of paid personal/carer’s leave. For a part-time employee this entitlement will be pro-rated based on their ordinary hours of work.

Personal leave accrues progressively during a year of service according to the employee’s ordinary hours of work, and accumulates from year to year. Personal leave accumulates each year without limit.

Personal/carer’s leave must not be cashed out except in accordance with permitted cashing out terms included in a modern award or enterprise agreement as specified in the National Employment Standards (s.101) of the *Fair Work Act 2009 (Cth).*

Upon the termination of employment for any reason, all unused personal leave entitlements become void and no payment will be made in lieu thereof.

### Personal Leave (Sick Leave)

Employees are entitled to use their accrued personal leave for the purposes of a personal illness or injury as set out in the National Employment Standards s.97 of the *Fair Work Act 2009 (Cth).*

The employee must notify their manager of a personal illness or injury that will cause the employee to be absent from work.

1. **Notice Requirements**

All employees must comply with the following notice requirements:

* Notice of the employee’s absence on account of a personal illness or injury must be given by the employee directly to his/her manager as soon as reasonably practicable.
* **Insert as relevant -** To enable the manager to make alternative arrangements in the employee’s absence, all attempts should be made to provide notice of the employee’s absence preferably no later than one hour prior to the employee’s commencement time unless there are circumstances beyond the employee’s control preventing him/her doing so. The employee should also indicate the expected period of his/her absence**.**
* **Insert as relevant -** All attempts must be made by the Employee to notify the manager of their absence by speaking directly with the manager. Employees should first call their manager on their mobile phone then their office phone before leaving a voice mail message for the manager. Such calls should preferably be made by no later than one hour prior to the employee’s commencement time.
* **Insert as relevant -** Notification of the employee’s absence must be made by the employee directly to his/her manager and not to another colleague or staff member.
* **Insert as relevant -** Notification of an absence on account of personal leave via text message or email message does not constitute valid notice.
* Employees who do not comply with the above notification requirements may be subject to disciplinary procedures.
1. **Documentary Evidence**

Employees are required to produce a medical certificate from a registered health practitioner or, if not reasonably practicable, a statutory declaration from the employee setting out the reasons for the absence in circumstances where the employee takes personal leave:

1. for each permissible occasion; or
2. for two or more consecutive days;
3. on a day prior to, or the day after, a Public Holiday (or approved Annual Leave);
4. **Insert as relevant -** on a single day where that single day is the fourth or more single day absence in a six month period; or
5. **Insert as relevant -** at any other time [INSERT COMPANY NAME], at its sole discretion, requests adequate proof of illness in respect of any period of sick leave claimed by the employee.

Where employees have no personal leave entitlements accrued, they will have the option of taking either annual leave or unpaid leave, at the discretion of management.

1. **PROCEDURES for the Notification of Leave:**

If the employee has prior knowledge that they will need to take personal leave (e.g. for an operation), a leave application form should be submitted by the employee to their manager. Otherwise, a leave form reflecting personal leave should be completed as soon as the employee has returned to work and the relevant medical certificate (if required – please refer above) should also be provided to the employee’s manager.

### Carer’s Leave

**[INSERT COMPANY NAME]** recognises that employees may, from time to time, experience difficulty with their work and family responsibilities because of family illness or emergencies, and this policy serves to establish procedures and guidelines for employees who wish to take carer’s leave.

Paid Carer’s Leave

An employee is entitled to paid carer’s leave when he/she is absent from work in the following circumstances:

* 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;
* employees are entitled to use their accrued personal leave for the purposes of carer’s leave as set out in the National Employment Standards, section 97 of the *Fair Work Act 2009 (Cth).*
1. **Unpaid Carer’s Leave**

Where an employee has exhausted all of their paid personal/carer’s leave entitlements; the employee will be entitled to two days of unpaid carer’s leave for each occasion a member of the employee’s immediate family or household requires care or support in circumstances affecting the member as outlined above in Paid Carer’s Leave.

An employee may take unpaid carer’s leave for a particular permissible occasion as:

1. a single continuous period of up to two days; or
2. any separate periods to which the employee and his/her employer agree.

Unpaid carer’s leave also extends to casual employees.

1. **Notice Requirements**

Employees must notify their manager that they require leave during the period to provide care or support to a member of the employee’s family, or a member of the employee’s household, who requires care or support because of a personal illness, injury, or an unexpected emergency affecting the member.

Employees must comply with the following notice requirements:

* Notice of the employee’s absence on account of carer’s leave must be given by the employee directly to his/her manager as soon as reasonably practicable.
* **Insert as relevant -** To enable the manager to make alternative arrangements in the employee’s absence, all attempts should be made to provide notice of the employee’s absence preferably no later than one hour prior to the employee’s commencement time unless there are circumstances beyond the employee’s control preventing him/her doing so. The employee should also indicate the expected period of his/her absence.
* **Insert as relevant-** All attempts must be made by the employee to notify the manager of their absence by speaking directly with the manager (and not to another colleague or staff member). Employees should first call their manager on their mobile phone then their office phone before leaving a voice mail message for the manager. Such calls should preferably be made by no later than one hour prior to the employee’s commencement time.
* **Insert as relevant -** Notification of an absence on account of carer’s leave via text message or email message does not constitute valid notice.
* Employees who do not comply with the above notification requirements may be subject to disciplinary procedures.
1. **Documentary Evidence**

Employees must give their manager, as soon as reasonably practicable, documentary evidence of their carer’s leave for the period of absence as follows:

* if the care or support is required because of a personal illness, or injury, of the member – a medical certificate from a registered health practitioner, or a statutory declaration made by the employee; or
* if the care or support is required because of an unexpected emergency affecting the member – a statutory declaration made by the employee.

The above notification and documentation requirements set out for paid carer’s leave also apply to unpaid carer’s leave.

The employee will be entitled to unpaid carer's leave only if the employee cannot take any paid personal/carer's leave.

**Insert if relevant and desired - [INSERT COMPANY NAME]** encourages employees to discuss such carer’s leave requirements openly with their managers. Wherever reasonably possible, employees are expected to make prior arrangement for such leave so that disruptions caused by their absence may be minimised. Employees are also expected to co-operatively support fellow employees’ Carer’s Leave, and to assume additional responsibilities if required.

Personal leave is otherwise provided in accordance with the *Fair Work Act 2009 (Cth).*

### Definitions

For the purposes of this Policy, the following definitions will apply:

* "immediate family" means:
	+ a spouse, child, parent, grandparent, grandchild, or sibling of the employee; and
	+ a child, parent, grandparent, grandchild, or sibling of the employee's spouse.
* "child" includes an adopted child, a stepchild, and ex-nuptial child and an adult child.
* "spouse" includes a former spouse, a de facto spouse and a former de facto spouse.
* "de facto spouse" means a person who, although not legally married to the employee, lives with theemployee 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.

## 4 POLICY REVIEW

**[INSERT COMPANY NAME]** may make changes to this policy from time to time to improve the effectiveness of its operation.

WORKPLACE PARTICIPANT ACKNOWLEDGEMENT

## I acknowledge:

##  I have received, read and understood the policy

##  I am required to comply with the policy; and

## There may be disciplinary consequences if I fail to comply, up to and including the termination of my employment.

Name: Signature:

Date: