

	<b>PERSONAL/CARER'S LEAVE</b>	<b>Document No:</b>	HR-PRO-023
		<b>Approval Date:</b>	25/05/20
		<b>Approved By:</b>	M. Willett
	<b>Responsible Officer:</b> Employment Relations Manager	<b>Review Date:</b>	4/05/22
		<b>Expiry Date:</b>	N/A
		<b>Issue No:</b>	25/05/20
<b>Authorising Officer:</b> Chief Operating Officer			

## 1. Purpose

The ACBC recognises that from time to time there will be situations where workers at ACBC agencies will have to deal with personal illness, caring responsibilities and family emergencies. The entitlement to personal/carer's leave allows ACBC workers to take time off to take care of themselves and their families during these times.

## 2. Scope

This procedure applies to all ongoing, part-time and casual workers in ACBC agencies.

## 3. Related Documents

Fair Work Act 2009  
[ACBC Conditions of Employment](#)  
[HR-PRO-011 Grievances](#)

## 4. Definitions

### Personal/Carer's Leave

Statutory entitlement to personal/carer's leave comes from the Fair Work Act, National Employment Standards (NES). Personal/carer's leave is available to all full-time, part-time and casual workers (including employees in Western Australia whose employer is unincorporated). Paid personal/ carer's leave is not available to casual workers

The ACBC bases the personal/carer's leave entitlement on a worker's ordinary hours of work.

Under the National Employment Standards (NES), all workers other than casual workers are entitled to 10 days of paid personal/carer's leave pro rata for every year of service.

The Australian Catholic Bishops Conference's Conditions of Employment details the entitlement to personal/carer's leave.

### Supervisor

The Supervisor is a Bishop, an Agency Head, Director, Manager, Coordinator or Team Leader, who is responsible for the day-to-day supervision of workers.

### Immediate family member

An immediate family member is a:

- spouse
- de facto partner
- child
- parent
- grandparent
- grandchild
- sibling, or
- child, parent, grandparent, grandchild or sibling of the worker's spouse or de facto partner

### Household member

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

## 5. Responsibilities

## **Worker**

The worker requesting personal/carer's leave must:

- Inform their Supervisor that they intend to take personal/carer's leave (e.g. for appointments with the doctor)
- Inform their Supervisor that they will be absent from work due to illness, injury or caring responsibilities
- Complete the "[Application for Leave of Absence](#)" and submit it to their Supervisor for approval. (In some cases the application for leave will be lodged after leave is taken)

## **Supervisor**

The Supervisor is responsible for:

- Approval of personal/carer's leave
- Checking that the employee has accrued sufficient personal leave
- Informing the payroll function of personal/carer's leave taken

## **6. When can a worker take personal/carer's leave**

A worker can take personal/carer's leave to:

- Take care of themselves when they are sick or injured (this includes psychological conditions such as stress or a pregnancy-related illness)
- Take care of an immediate family or household member who is sick or injured, or
- To help during a family emergency

## **7. Accrual of Personal/Carer's Leave**

A worker's personal/carer's leave under the NES accrues progressively during a year of service, starting from their first day of work according to their ordinary hours of work, and untaken leave is cumulative.

Refer to the ACBC Conditions of Employment for complete details of the entitlement.

## **8. Giving notice of personal/carer's leave**

A worker must let their supervisor know that they are going to take personal/carer's leave. This must be done as soon as possible, and can be after the leave has started. Worker's should also specify how long they will be off or expect to be off work. This will allow their supervisor to make arrangements to cover the period of personal/carer's leave, if required.

## **9. Evidence of reason for personal/carer's leave**

The ACBC accepts medical certificates or statutory declarations as acceptable forms of evidence.

Workers at ACBC agencies are required to submit medical certificates for any absence in excess of two consecutive days, or where the single day absences of a worker are greater than five days in any one year or at any other time as directed by management. If it is not practicable to provide a medical certificate, an employee may instead provide a statutory declaration.

A supervisor can ask a worker to give evidence to confirm why they have been away from work at any time, even if a worker has only been off sick for 1 day.

A worker who does not give their supervisor evidence when asked may not be entitled to be paid for their personal/carer's leave.

## **10. Pay during personal/carer's leave**

A worker will be paid at their base rate of pay for the ordinary hours they would have worked during the period of their personal/carer's leave.

During paid personal/carer's leave, the ACBC will not pay workers any of the following:

- incentive-based payments and bonuses
- loadings

- monetary allowances
- overtime or penalty rates

## 11. Unpaid Personal/Carer's Leave

All workers, including casual employees are entitled to two (2) days unpaid carer's leave. Workers are entitled to two days of unpaid carer's leave each time an immediate family member or household member of the worker needs care and support because of:

- illness
- injury or
- an unexpected emergency

Full-time and part-time workers can only get unpaid carer's leave if they have exhausted all their paid personal/carer's leave.

Unpaid carer's leave can be taken:

- in one continuous period (e.g. 2 working days in a row) or
- in separate periods as agreed between the worker and supervisor (e.g. 4 half days could be taken in a row).

## 12. Process for taking Personal/Carer's Leave

1. Workers may request personal/carer's at any time that they have a need for it. The worker must complete an "[Application for Leave of Absence](#)" stating the time that they wish to take off or have already taken off as personal/carer's leave. They must submit this form to their Supervisor as soon as possible and by the close of business on the first working day following the completion of the leave.
2. The Supervisor may either approve or refuse the request for leave. However, a Supervisor must not refuse personal/carer's leave without good reason (e.g. the reason for the leave does not fit the definition or eligibility for personal/carer's leave, or that the employee has not accrued sufficient personal leave).
3. The Supervisor must consider the request for personal/carer's leave as outlined in the ACBC Conditions of Employment and approve the leave if the employee is eligible, by signing the "Application for Leave of Absence".
4. If the Supervisor has approved the application for leave of absence, the worker must forward the approved "Application for Leave of Absence" form to the payroll function.
5. If the Supervisor has refused the application for leave of absence, he /she must give the worker the reason for refusal and give the worker an opportunity to discuss the situation with a view to resolving the matter.
6. If the worker is not satisfied with the response from the Supervisor, they may take action according to the ACBC process for resolving grievances ([HR-PRO-011 Grievances](#))

## 10. Personal/carer's leave granted in advance of accrual

In some circumstances, a Supervisor may grant personal/carer's leave to a worker before the worker has accrued sufficient personal/carer's leave. The agreement to grant personal/carer's leave in advance must be in writing and must be accompanied with a completed [Application for Leave of Absence](#) form which states:

- The amount of personal/carer's leave granted in advance
- The start and end date of the leave

The Application for Leave of Absence form must be signed by the Supervisor and the worker, and submitted to payroll for processing.

**11. Accrual of Entitlements while on Personal/Carer's Leave**

Leave entitlements continue to accumulate while workers are taking paid personal/carer's leave. However, leave does not accumulate during periods of unpaid leave, such as unpaid parental leave, or unpaid authorised absences.

**12. Personal/Carer's leave while on other paid leave**

If a worker is already on another type of leave (e.g. annual leave and paid parental leave) and needs to take personal/carer's leave, the worker can use their personal/carer's leave entitlement instead of the other leave.

**13. Personal/Carer's Leave at termination of employment**

Accumulated personal/carer's leave is not paid out at the termination of employment.

**14. Records**

[Application for Leave of Absence form](#)