



CW012

Employee Leave Policy

Purpose

This policy sets out the leave entitlements for employees of CuriousWorks (the 'Association'). This policy also sets out the manner in which leave entitlements will accrue to employees covered by this policy, as well as the guidelines and procedures for the taking of leave.

This policy applies to all permanent full-time or part-time employees of CuriousWorks. This policy excludes casual employees (unless stated otherwise).

The purpose of this policy is to ensure:

- Employees of CuriousWorks are aware of their leave entitlements and responsibilities.
- CuriousWorks is committed to providing opportunities where employees work in a safe and healthy family friendly environment and balance their work and life commitments.

Definitions

'Immediate family' means an employee's:

- spouse, de facto partner, child, parent, grandparent, grandchild or sibling; or
- a child, parent, grandparent, grandchild or sibling of the employee's spouse or de facto partner.

'Continuous Service' means service under an unbroken contract of employment and includes any period of leave taken in accordance with this clause, any period of leave or absence authorised by the CuriousWorks and any period of part-time work.

Section 1 - Provisions

- Employees are provided with a variety of leave arrangements (paid and unpaid) that enable them to balance work with rest and recreation, family responsibilities and other specific purposes.



- A safe and healthy work place enables employees to take leave breaks and provides them with an opportunity to refresh, away from the work environment. It is in the interests of employees and CuriousWorks that annual leave entitlements are taken each year.
- Employees of CuriousWorks must disclose to the Association prior to undertaking any paid or unpaid outside work, residencies or scholarships while taking leave or time in lieu entitlements with CuriousWorks. This is to ensure that all employees are getting the rest and recovery as specified above.
- The CEO and employees are responsible for considering and balancing, operational and individual needs when applying for leave and/or approving leave.
- The CEO is responsible for monitoring annual leave and long service leave balances, and planning with employees to utilise these leave balances, which should form part of the annual planning process.
- Succession planning should be considered when approving extended leave, as it may provide professional development opportunities for other existing employees.
- Employees requesting unpaid leave are expected to first use their paid leave entitlements (annual and long service leave), where appropriate, and must put a request in writing to the CEO.
- Where employees have exhausted all paid leave CuriousWorks will cease paying the relevant employees salary for the duration of the absence.
- At the time of termination employees are entitled to be paid certain leave entitlements accrued in accordance with Awards, Contract and relevant legislation.

Section 2 – Annual Leave

- Full time employees accrue paid annual leave at a rate of 20 days per year of service, in accordance with the Fair Work Act 2009 (Cth).
- Part time employees are entitled to a pro-rata amount of paid annual leave depending on their ordinary hours of work.
- Employees' entitlement to paid annual leave accrues progressively during the year of service according to the employee's ordinary hours of work, and accumulates from year to year.
- Annual leave is to be taken at a mutually agreed time between the Association and the



Employee, having regard to the Association's operational requirements and the employee's wishes.

- Employees must request annual leave in writing and have it approved in writing by the CEO.
- Unless the employee has already extinguished all their annual leave, the employee must take two weeks leave each year, soon before or after Christmas. This is an Association wide policy.
- Where the Employee wishes to take greater than four weeks of annual leave at one time, the Employee must seek approval from the CEO.
- Annual leave accrued but not taken will be paid to an employee upon the termination of employment or to the employee's legal representation in the event of death.

Section 3 – Gazetted Public Holidays

- Employees are entitled to all Statutory or Gazetted Public Holidays observed generally throughout New South Wales (or the employee's state of residence), without loss of pay.

Section 4 – Personal/Carer's Leave

- Full time employees accrue paid personal/carers leave at a rate of 10 days per year of service, in accordance with the Fair Work Act 2009 (Cth).
- Part time employees are entitled to a pro-rata amount of paid personal/carers leave depending on their ordinary hours of work.
- Employees' entitlement to paid personal/carers leave accrues progressively during the year of service according to the employee's ordinary hours of work, and accumulates from year to year.
- Paid personal/carers leave may be taken:
 - ◇ because an employee is not fit for work because of a personal illness, or personal injury, affecting the employee; or
 - ◇ 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 personal injury, affecting the member; or
 - an unexpected emergency affecting the member.



- Personal/carer's leave may be taken as either full days or part days.
- If the period during which an employee takes personal/carer's leave includes a day or part day that is a public holiday, the employee is taken not to be on paid personal/carer's leave on that public holiday.
- Employees must inform the Association prior to commencing personal/carer's leave, or as soon as possible on the day on which the Employee wishes to take leave.
- Without affecting the Association's rights under applicable legislation, should the Employee take in excess of two consecutive days' personal/ carer's leave, employee's must provide the Association with a medical certificate from a registered health practitioner stating that the employee, or an immediate family member whom the employee was caring for, was or is unwell and the employee was unable to attend for work on those days.
- Employees are not entitled to personal leave for any period of time in respect of which they are entitled to workers' compensation payments.
- Where an employee is or expects to be absent from work due to illness for an extended period of time, arrangements may be made for the employee to take additional unpaid leave.
- Accrued but untaken personal/carer's leave will not be paid to employees upon termination of employment.

Section 5 - Compassionate Leave

- An employee is entitled to two days paid compassionate leave for each occasion when a member of the employee's family, or a member of the employee's household:
 - ◇ contracts or develops a personal illness that poses a serious threat to his or her life; or
 - ◇ sustains a personal injury that poses a serious threat to his or her life; or
 - ◇ dies.
- An employee may take compassionate leave for any one of the reasons set out above if the leave is taken to spend time with the member of the employee's immediate family or household who has contracted or developed the personal illness or sustained the personal injury, or after the death of the member of the employee's immediate family or household.



- An employee may also be entitled to unpaid personal/carer's leave in accordance with the Fair Work Act 2009.
- Compassionate leave may be taken for a permissible occasion as one single continuous two-day period, two separate periods of one day each, or any separate periods to which the employer and the employee agree.

Section 6 – Jury Duty

- If it is necessary for an employee to attend jury duty, they will be required to supply documentation demonstrating that necessity to the CEO.
- CuriousWorks will continue to pay salary as per the employees standard pay rate. There will be no compensation where jury duty occurs over a weekend or any other such day where the employee is not normally paid.
- If these responsibilities fall on a normal working day and result in payment to the employee through the court system, CuriousWorks reserves the right to deduct the amount of these payments from their salary.
- Any other benefits the employee is entitled to would continue during any such period of jury duty service.

Section 7 – Time in Lieu

- From time to time employees may be required to work longer hours to accommodate a pressing work issue, attend meetings or represent the Association outside of their usual working hours. Time in lieu will be offered to employees who are required to work hours beyond their normal contractually agreed weekly hours.
- Time in Lieu can only be accrued with the prior approval of the CEO.
- Time In Lieu can to be taken at mutually agreed upon times by the Association and the Employee. Time In Lieu shall be capped at 22.8 hours (three days) and must be taken within twelve (12) weeks of the accrual date. After 12 weeks any remaining accrued hours will be annulled.



- When extensive additional hours are expected due to short-term intensive projects/ productions, applications for a greater cap in Time in Lieu hours may be approved at the discretion of the CEO, and shall be capped to a maximum of 76 hours (ten days). These additional hours must also be taken within twelve (12) weeks of the accrual date. Any exceptions to this are on a case by case basis and must be agreed between employee and the CEO.
- This arrangement is designed to ensure that an employee is not working excessive hours and to ensure work/life balance. It is not expected that time in lieu will be a standard or regular occurrence.
- The CEO shall ensure that the use of time in lieu is not excessive and does not expose the organization to staff shortages. The CEO shall be responsible for authorising all instances of Time in Lieu.
- Time in lieu credits will not form part of any eligible termination payment.

Section 8 – Parental Leave

- Parental leave is only available to employees who have or will have responsibility for the care of a child. It includes Maternity leave, Special maternity leave, Paternity leave and Adoption leave.
- All employees are eligible for unpaid parental leave if they have completed at least 12 months of continuous service with CuriousWorks, in accordance with the *Fair Work Act 2009*. This includes casual employees, but only if:
 - ◇ they have been employed by CuriousWorks on a regular and systematic basis for a sequence of periods over at least 12 months;
 - ◇ had it not been for the birth (or expected birth) or adoption (or expected adoption) of a child, they would have a reasonable expectation of continuing employment by CuriousWorks on a regular and systematic basis.
- Each eligible employee may take up to 12 months (52 weeks) of unpaid parental leave. However, if an employee wishes to take more than 12 months unpaid leave, the employee may request a further period of up to 12 months (52 weeks), in accordance with the conditions set out in the *Fair Work Act 2009*.
- Leave must be taken in a single continuous period. Paid leave, such as annual leave or long service leave, may be taken at the same time, however the entitlement of 52 weeks of unpaid



Parental Leave will be reduced by the amount of any other form of authorised leave taken by the employee.

- In the case of a pregnant employee, leave can start up to six weeks before the expected date of birth. Leave may commence earlier or later at the request of the employee, provided that CuriousWorks

may request a medical certificate for an earlier or later commencement. If the employee is not giving birth to the child, leave starts on the date of birth or placement of the child.

- Leave may start at any time within 12 months after the birth or placement of the child if:
 - ◇ the employee has a spouse or de facto partner who is not an employee, and
 - ◇ the spouse or de facto partner has responsibility for the care of the child.
- Annual leave and sick leave shall not accrue during periods of parental leave.

Special Maternity Leave

- Special maternity leave can be taken by a female employee for a pregnancy-related illness, or to recover from a miscarriage that occurs within 28 weeks before the expected date of birth or in the event of a stillbirth.
- An employee is entitled to take unpaid special maternity leave for the period stated in a medical certificate provided to CuriousWorks.

Adoption Leave

- An employee seeking to adopt a child may take up to two (2) days of unpaid pre-adoption leave to attend any interviews or examinations required to obtain approval for the adoption, unless the employee can take other authorised leave for such purposes.
- Parents adopting a child under the age of five years are entitled to take up to 52 weeks of unpaid adoption leave to be the child's primary care-giver. This leave is only available when the adopted child has not previously lived continuously with either parent for at least six (6) months and is not a child or step-child of either parent.
- The entitlement to 52 weeks' unpaid adoption leave is reduced by any other type of authorised leave taken for the adoption of the child by the employee, including annual leave or long service



leave.

Conditions of Parental Leave

- An employee must inform CuriousWorks of their intention to take unpaid parental leave by giving at least 10 weeks written notice (unless it is not possible to do so).
- An employee may take annual and long service leave during parental leave, provided the total period of leave, including unpaid leave, does not exceed 52 weeks.
- Approved parental leave shall not break continuity of employment. The portion of any leave taken as unpaid leave, however, shall not count as service for the purposes of calculating leave entitlements.
- When returning to work from parental leave an employee is entitled to return to the position they held before taking leave or to a new position if they have been promoted or have agreed to accept a new position.
- If the employee's former position no longer exists and the employee is qualified and able to work for CuriousWorks in another position, then the employee is entitled to work in another position for CuriousWorks. When there is more than one appropriate position available, the employee is entitled to the position nearest in status and remuneration to their former position.
- An employee planning to return to work from a period of Parental Leave longer than four weeks, is required to give CuriousWorks at least four weeks written notice of the date the employee proposes to return to work.
- No additional leave is credited for public holidays, which fall during an employee's absence on parental leave.

Section 8 – Long Service Leave

- Employees who have been continuously employed by CuriousWorks for a period of 10 years are entitled to receive two (2) months paid long service leave, in accordance with the *NSW Long Service Leave Act 1955*. Further long service leave of one month accrues after each five (5) years continuous service. A month is defined in the Act as equal to 4.33 weeks.
- Long service leave applies to all employees. To qualify for long service leave, employees must



work continuously with CuriousWorks, whether on a permanent, part-time, or casual basis under one or more contracts of employment. Generally, all absences count towards the accrual of long service leave. However, certain interruptions are not to be taken into account when calculating the period of long service. These are:

- ◇ parental leave;
 - ◇ leave without pay;
 - ◇ the period which the employee was not employed, where the employee is terminated and re- employed within 2 months;
 - ◇ the period during which the employee was not employed, where the employee was terminated by the employer due to slackness of trade, and subsequently re-employed at a later date; or
 - ◇ any absence arising directly or indirectly from an industrial dispute.
- An employee is unable to 'cash out' their long service leave. If an employee with an accrued entitlement to long service leave wishes to take some or all of that leave during their employment with CuriousWorks they may apply to do so in accordance with this policy;
 - Employees must provide a reasonable amount of notice to the Association before the intended commencement of long service leave; and take their leave at a time convenient to the Association, taking account of its operational requirements and reasonable business needs;
 - Subject to any other entitlement under the *Fair Work Act 2009*, employees will receive their current ordinary rate of pay while on long service leave;
 - Long service leave is paid out to eligible employees upon termination of their employment (minus any amount already taken), or to the employee's legal representation in the event of death.

Section 9 – Leave Without Pay

- Generally, leave without pay (LWOP) will only be considered where an employee's circumstances are exceptional.
- Where available, an employee's accrued annual and long service leave will be utilised before unpaid leave will be considered.
- Where an employee takes unpaid leave, other leave entitlements will cease to accrue for the



period of that unpaid leave.

- Employees must submit applications for leave without pay to the CEO for review.
- Applications for unpaid leave should be made as soon as the employee knows that they intend to take leave.
- Upon receiving an application for unpaid leave, the CEO should consider all of the circumstances surrounding the request, and make a decision in consultation with applicable program staff/ supervisors.

If you have any questions relating to this Policy, please contact the CEO.