



University of
South Australia

Personal, Family Responsibility, Carer's and Compassionate Leave Procedure

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APPLICATION

This procedure applies to senior, academic, professional, security and grounds staff members (excluding casual staff members) employed in accordance with:

1. The University of South Australia Senior Staff Collective Agreement 2006;
2. The University of South Australia Enterprise Agreement 2019;
3. An Australian Workplace Agreement (AWA) where a reference to this procedure is specifically referred to in the AWA.

OVERVIEW

This procedure reflects the preferred practice of the University and provides a guide to the application and management of personal, family responsibility, carer's and compassionate leave.

The University is committed to creating a family-friendly work environment where the breadth of employees' lives is acknowledged, and their personal and family responsibilities are supported to enable them to participate fully in the University.

Personal, family responsibility, carer's and compassionate leave is paid leave for full-time and part-time continuing and fixed-term employees for the purposes of meeting carer responsibilities, situations of compassion/bereavement and other special personal circumstances.

Casual staff are only eligible for unpaid carer's leave for the purposes of meeting their carer responsibilities as outlined by this procedure.

For the purposes of this procedure, the term "staff" or "staff member" refers to senior, academic, professional, security or grounds staff.

DEFINITIONS

Care or Support of Persons

For the purposes of this procedure, family responsibility and carer's leave is available where a staff member (other than a casual staff member) is unable to attend work because of responsibilities for one or more of the following:

- a) Child (including an adult child, adopted child or step-child);
- b) Spouse or partner (including a same sex partner, de facto spouse or a former spouse);
- c) Parent, parent-in-law, foster parent, or person standing in that place;
- d) Grandparent, grandchild;

- e) A relative;
- f) A member of the household;
- g) A member of a kinship group.

Personal/Carer's Leave

For the purposes of this procedure, personal/carer's leave is:

- (a) Paid leave (personal leave) taken by a staff member (other than a casual staff member) because of a personal illness or injury of the staff member; or
- (b) Paid or unpaid leave (carer's leave) taken by a staff member to provide care or support to a person as defined above. Casual staff members are not entitled to paid carer's leave.

Registered Health Practitioner

A registered health practitioner is a health practitioner who is registered or licensed as a health practitioner under a State or Territory law. A registered health practitioner can only issue a medical certificate in relation to the area of practice in which the practitioner is registered or licensed by that State or Territory law.

PROCEDURE

Personal Leave

1. Entitlement

- a) In the case of personal illness or injury, full-time continuing and fixed-term staff members will be entitled to a leave of absence with full pay at the rate of 12 working days per year and this leave will be cumulative without limit. Part-time staff are entitled to 12 working days per year paid on a pro-rata basis. Casual staff members are not entitled to paid personal leave.
- b) Personal leave will be credited at the rate of 1 working day for each completed month of service or the appropriate pro rata basis for part-time staff.

2. Medical Certificates

- a) For any single period of absence of 5 working days or more staff are required to provide an appropriate medical certificate from a registered health practitioner or a statutory declaration or other documentation that is acceptable to the University in respect to the period of personal leave.
- b) Where a supervisor is concerned regarding a staff member's personal leave pattern, where that pattern relates to the staff member's personal illness or injury, a medical certificate from a registered health practitioner may be required in lieu of a statutory declaration or other documentation for each day of personal leave taken by the staff member for personal illness or injury.

3. Application for Personal Leave

- a) Staff members must notify their supervisor as early as practicable on the first day of their absence (or as soon as practical thereafter where due to exceptional circumstances notification cannot be provided on the first day of the staff member's absence) including the expected duration of leave.
- b) Upon returning from personal leave the staff member is required to enter the leave on the myHR online leave system.
- c) If a staff member has used all of their personal leave entitlements, they may utilise any available recreation leave or long service leave credits to cover their time away.
- d) If a staff member intends to leave the workplace during the course of work due to personal illness or injury, they must notify their supervisor, or if that is not practicable, another senior member of staff prior to departing from the workplace.

4. Pre-emptive personal leave

- a) In cases where the personal leave requirement is identified prior to the event, for example in the case of certain surgical procedures, the staff member must enter their leave into the myHR system prior to the leave being taken and must provide appropriate documentation to their supervisor as soon as possible.
- b) When voluntary surgical or other medical procedures require the staff member to take 5 or more consecutive days personal leave, such leave shall be organised in consultation with their supervisor and where possible will be taken having regard for the operational requirements of the University.

5. Extended periods of illness

- a) In situations where the staff member's treating practitioner believes that it is likely that extended time away from work will be required, such that the staff member's personal, recreation or long service leave (where available) will be insufficient to cover the expected period of the illness, the staff member should contact the University's Superannuation Consultant in the People, Talent and Culture Unit to seek advice about any temporary disablement options that may be available under their superannuation scheme.
- b) After periods of significant illness and extended absence from work a staff member and/or their supervisor may contact the People, Talent and Culture Unit to seek advice and support to instigate an appropriate return to work program.

6. Illness during Recreation or Long Service Leave

- a) Staff members who become sick while on recreation leave and can produce a medical certificate from a registered health practitioner covering this period of illness, can have the period of their illness or caring as paid personal leave provided there are sufficient personal leave credits available. The leave must be entered into the myHR online leave system supported by appropriate documentation for approval by the supervisor and to ensure that the leave balances can be updated to reflect the changed circumstances.
- b) The same entitlements and requirements as per 6a) above apply for a staff member with a personal illness, injury or carer responsibility while on long service leave, however they must have evidence of illness, injury or carer responsibilities for a period of more than 3 consecutive days.

7. On Termination of Employment

If personal leave has been taken in advance of entitlement and the staff member ceases to be employed by the University, then the monetary equivalent of the excess leave may be deducted from any monies owing to the staff member on termination.

Carer's Leave

1. Entitlement

a) Paid Carer's Leave

A staff member (excluding a casual staff member) is entitled to access their accrued personal leave entitlement for absences to provide care or support to persons as defined in the Industrial Instrument.

b) Unpaid Carer's Leave

In the event that a continuing or fixed-term staff member has exhausted their paid entitlement to family responsibility leave and paid carer's leave as outlined above, staff members are entitled to a period of up to 2 days unpaid carer's leave per occasion for absences to provide care or support to persons as defined in the Industrial Instrument and this procedure.

Casual staff members are entitled to a period of up to 2 days unpaid carer's leave per occasion for absences to provide care and support to persons as defined in the Industrial Instrument.

2. Procedure

- a) For carer's leave in excess of 5 consecutive working days, an appropriate medical certificate from a registered health practitioner or a statutory declaration or other documentation that is acceptable to the University is required in respect to any period of such leave.
- b) Where a supervisor is concerned regarding the pattern that a staff member is taking carer's leave, appropriate medical certificates from a registered health practitioner or a statutory declaration or other documentation that is acceptable to the University may be required for each day of carer's leave.
- c) Unpaid carer's leave may be taken as:
 - i) a single continuous period of up to 2 days; or
 - ii) any separate periods to which the staff member and the supervisor agree.

Family Responsibility Leave

1. Entitlement

- a) A staff member (excluding a casual staff member) will be entitled to 9 days family responsibility leave with pay for each completed year of service for the mixed purpose of providing for:
 - i) carer responsibilities; and/or
 - ii) compassionate/bereavement; and/or
 - iii) other special personal circumstances.
- b) Family Responsibility Leave is non-cumulative and available where a staff member (other than a casual staff member) is unable to attend work because of the above responsibilities to provide care or support to persons as defined in the Industrial Instrument.
- c) The staff member will not be entitled to take family responsibility leave where another person has family responsibility leave to care for the same person.
- d) Family responsibility leave is not intended to be used for the care of children during planned school holidays (unless there are extenuating circumstances).
- e) Where a staff member (other than a casual staff member) exhausts their entitlement in 1a) above, the staff member is entitled to a period of 2 days of compassionate leave with pay for each occasion when a person as defined in the Industrial Instrument:
 - i) Contracts or develops a personal illness that poses a serious threat to his or her life; or
 - ii) Sustains a personal injury that poses a serious threat to his or her life; or
 - iii) Dies.

2. Procedure for Compassionate Leave

- a) Compassionate leave may be taken for periods of 1 hour or greater.
- b) A staff member who is unable to attend work due to the need to take compassionate leave will inform the supervisor, or other relevant person, as soon as practicable, stating the nature of the leave requested and the estimated duration of the absence.
- c) Compassionate leave in 1e) above may be taken as:
 - i) A single continuous 2-day period; or
 - ii) 2 separate periods of 1 day each; or
 - iii) Any separate periods to which the staff member and the supervisor agree.
- d) If the staff member intends to leave the workplace due to the need to take compassionate leave, they must immediately inform their supervisor, or other relevant person, before doing so, unless there are extenuating circumstances.

3. Procedure for Family Responsibility Leave

- a) Family responsibility leave may be taken for periods of 1 hour or greater.

- b) Absences for family responsibilities must be supported by the following evidence:
- i) In the case of carer responsibilities, apart from 5 single day absences per year, all absences must be supported by a medical certificate from a registered health practitioner, or a statutory declaration or other documentation that is acceptable to the University, stating the illness of the person concerned and that the illness is such as to require care by another.
 - ii) All other absences must be supported by evidence that is reasonable with respect to the type of leave taken.
- c) A staff member who is unable to attend work due to the need to take family responsibility leave will inform the supervisor, or other relevant person, as soon as practicable, stating the nature of the leave requested and the estimated duration of the absence.
- d) If the staff member intends to leave the workplace due to the need to take family responsibility leave, they must immediately inform their supervisor, or other relevant person, before doing so, unless there are extenuating circumstances.

RESPONSIBILITIES AND/OR AUTHORITIES

Immediate Supervisor

The immediate supervisor is responsible for facilitating the management of personal, family responsibility, carer's and compassionate leave in accordance with this procedure.

Staff Member

All staff are expected to manage their personal, family responsibility and carer's leave in accordance with this procedure.

People, Talent and Culture (PTC)

People, Talent and Culture is responsible for the development and continuous improvement of this procedure.

FURTHER ASSISTANCE

Management and staff may seek further advice from:

- Their immediate supervisor
- The designated PTC Business Partner for their area
- People, Talent and Culture Unit
- People, Talent and Culture website.

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