

### Context and Purpose

This Procedure guides 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 staff members' lives is acknowledged, and their personal and family responsibilities are supported to enable them to participate fully in the University.

### Scope

This Procedure applies to senior, academic, professional, security and grounds staff members employed in accordance with:

- > The University of South Australia Enterprise Agreement 2023;
- > Senior Staff Employment Conditions Policy.

Personal, family responsibility, carer's and compassionate leave is paid leave for full-time and part-time continuing and fixed-term staff for the purposes of meeting carer responsibilities, situations of compassion/bereavement and other special personal circumstances. Casual staff are eligible for carer's leave without pay and compassionate leave without pay as outlined in this Procedure.

### Responsibility

#### Line Manager

The line manager 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.

### Definitions

#### Care or Support of a Person

For the purposes of this Procedure, providing care or support of person(s) may include one or more of the following:

- > Child (including an adult child, adopted child or step-child);
- > Spouse or partner (including a same sex partner, de facto spouse or a former spouse);
- > Parent, parent-in-law, foster parent, or person standing in that place;
- > Grandparent, grandchild;
- > A relative;
- > A member of the household;
- > A member of a kinship group.

## Personal/Carer's Leave

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

- > 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
- > Paid or unpaid leave (carer's leave) taken by a staff member to provide care or support to a person as defined. Casual staff members are entitled to carer's leave without pay.
- > **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.

**Industrial Instrument** refers to the University of South Australia Enterprise Agreement 2023 (or any successor or replacement agreement) where applicable, and/or an applicable award under the Fair Work Act 2009 (Cth).

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## Procedure

### A. Personal Leave

#### Entitlement

1. 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 twelve (12) working days per year and this leave will be cumulative without limit. Part-time staff are entitled to twelve (12) working days per year paid on a pro-rata basis. Casual staff members are not entitled to paid personal leave.
2. Personal leave will accrue progressively during a year of service according to the staff member's ordinary hours of work, and accumulates from year to year.

#### Evidence Supporting Absence

3. For any single period of absence of five (5) working days or more staff are required to provide a 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.
4. Where a line manager 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.

#### Notification and Application for Personal Leave

5. A staff member must notify their line manager of their absence 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.
6. Upon returning from personal leave the staff member is required to enter the leave, and any required supporting evidence, on the [myHR online](#) leave system.
7. If a staff member has used all of their personal leave entitlements, they may utilise any available recreation leave or long service leave accrual to cover their period of approved personal leave.
8. If a staff member intends to leave the workplace during the course of work due to personal illness or injury, they must notify their line manager, or if that is not practicable, another relevant person, prior to departing the workplace.

#### Pre-emptive personal leave

9. In cases where the personal leave requirement is identified prior to the event, for example in the case of 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 line manager as soon as possible.
10. When voluntary surgical or other medical procedures require the staff member to take five (5) or more consecutive days personal leave, such leave will be organised in consultation with their line manager and where possible will be taken having regard for the operational requirements of the University.

#### **Extended periods of illness**

11. In situations where the staff member's treating practitioner believes that an 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 incapacity options that may be available under their superannuation scheme.
12. In the event the staff member does not enact a temporary incapacity benefit and they do have sufficient paid leave entitlements to cover their period of absence, special leave without pay will be applied for.
13. After periods of significant illness or injury and extended absence from work, a staff member and/or their line manager may contact [People Central](#) to seek advice and support to instigate an appropriate return to work approach.

#### **Illness during Recreation or Long Service Leave**

14. Staff members who experience personal illness or injury or require carer's leave while on recreation leave and can provide a medical certificate from a registered health practitioner covering this period of illness or injury, can have the period of their illness or injury or caring as paid personal leave provided there is a sufficient personal leave accrual available. The leave must be entered into the myHR online leave system supported by appropriate documentation for approval by the line manager and to ensure that the leave balances can be updated to reflect the changed circumstances.
15. The same entitlements and requirements as per part 14 above apply for a staff member with a personal illness, injury or carer's leave 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.

### **B. Carer's Leave**

#### **Entitlement**

##### Paid Carer's Leave

16. 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.

##### Unpaid Carer's Leave

17. 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, they are entitled to a period of up to two (2) days unpaid carer's leave per occasion for absences to provide care or support to persons as defined.
18. Casual staff members are entitled to a period of up to two (2) days unpaid carer's leave per occasion for absences to provide care and support to persons as defined.

#### **Procedure**

19. For carer's leave in excess of five (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.
20. Where a line manager 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.
21. Unpaid carer's leave may be taken as:

- 21.1.a single continuous period of up to two (2) days; or
- 21.2.any separate periods to which the staff member and the line manager agree.

## **C. Family Responsibility Leave**

### **Entitlement**

- 22. A staff member (excluding a casual staff member) will be entitled to nine (9) days paid family responsibility leave for each completed year of service for the mixed purpose of providing for:
  - 22.1.carer responsibilities; and/or
  - 22.2.compassionate/bereavement; and/or
  - 22.3.other special personal circumstances.
- 23. 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.
- 24. 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.
- 25. Family responsibility leave is not intended to be used for the care of children during planned school holidays (unless there are extenuating circumstances).

### **Procedure for Compassionate Leave**

- 26. Compassionate leave **with pay** is available to continuing and fixed term staff (and not casual staff) after they exhaust their entitlement in part 23 above.
- 27. Compassionate leave **without pay** is available to casual staff.
- 28. Staff are eligible for two (2) days of compassionate leave on each occasion when a person as defined :
  - 28.1.Contracts or develops a personal illness that poses a serious threat to their life; or
  - 28.2.Sustains a personal injury that poses a serious threat to their life; or
  - 28.3.Dies.
- 29. Compassionate leave for the reasons outlined in part 28 may be taken as:
  - 29.1.A single continuous two (2) day period; or
  - 29.2.Two (2) separate periods of one (1) day each; or
  - 29.3.Any separate periods to which the staff member and the line manager agree.
- 30. A staff member who is unable to attend work due to the need to take compassionate leave will inform their line manager as soon as practicable, stating the nature of the leave requested and the estimated duration of the absence.
- 31. If the staff member intends to leave the workplace due to the need to take compassionate leave, they must immediately inform their line manager, or other relevant person, before doing so, unless there are extenuating circumstances.

### **Procedure for Family Responsibility Leave**

- 32. Family responsibility leave may be taken for periods of one (1) hour or greater.
- 33. Absences for family responsibilities must be supported by the following evidence:
  - 33.1.In the case of carer responsibilities, apart from five (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.

33.2. All other absences must be supported by evidence that is reasonable with respect to the type of leave taken.

- 34. A staff member who is unable to attend work due to the need to take family responsibility leave will inform the line manager, or other relevant person, as soon as practicable, stating the nature of the leave requested and the estimated duration of the absence.
- 35. If the staff member intends to leave the workplace due to the need to take family responsibility leave, they must immediately inform their line manager, or other relevant person, before doing so, unless there are extenuating circumstances.

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### **Aboriginal and Torres Strait Islander Staff**

- 36. For Aboriginal and Torres Strait Islander Peoples, family and kinship are especially important and staff can have family and kinship responsibilities that extend outside the immediate family.
- 37. Line managers are expected to demonstrate flexibility and afford respect, sensitivity, and cultural understanding when:
  - 37.1. Considering applications for family responsibility leave for Aboriginal and Torres Strait Islander staff; and/or
  - 37.2. Requesting documentation to support applications for family responsibility leave, while also having regard to the Aboriginal and Torres Strait Islander staff member's particular circumstances.
- 38. The University acknowledges Aboriginal and Torres Strait Islander staff may have additional family responsibility obligations and any resulting impact on their workload must be appropriately recognised during these times.

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**Officer Responsible for Update and Review:** Executive Director: People, Talent & Culture

**Approved by:** Vice Chancellor

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**Review Date:** TBD

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