

# Leave Guidelines

## 1. PURPOSE

- 1.1. The purpose of these guidelines is to outline the forms of leave available to employees; to outline how employees should apply for leave; and to detail any special circumstances or considerations that may apply.

## 2. SCOPE

- 2.1. These guidelines apply to all continuing, contingent continuing and fixed-term employees. Where clauses apply to casual employees, the Guidelines will explicitly state relevant provisions. The guidelines support the *University of Canberra Enterprise Agreement 2023-2026* ('the Agreement') and the relevant legislative instruments. These are intended to be read in conjunction with the Agreement provisions. Where there are any inconsistencies, legislation and the Agreement will prevail, respectively.

## 3. PRINCIPLES

- 3.1. Managers and Employees have shared responsibilities in the taking, recording, and adherence to the leave provisions outlined in these guidelines:

EMPLOYEES WILL:	MANAGERS WILL:
<ul style="list-style-type: none"> <li>• monitor their leave balances and ensure they take regular recreation and long service leave;</li> <li>• use the appropriate process to apply for leave (via HR Online where possible);</li> <li>• submit applications for leave as per the requirements of each leave type.</li> </ul>	<ul style="list-style-type: none"> <li>• consider all leave requests in a fair and equitable manner;</li> <li>• ensure that leave approval does not adversely affect business performance;</li> <li>• consider applications promptly and inform employees of the status of a leave application in a timely manner;</li> <li>• monitor the leave balances of individual employees and manage leave liabilities;</li> <li>• ensure that fixed term employees take their accrued recreation leave balance before their contracts end;</li> <li>• speak with their P&amp;D Business Partner if there are any issues or queries about the application or interpretation of these guidelines.</li> </ul>

- 3.2. Part-time employees are entitled to pro-rata leave entitlements proportionate to their hours of employment. Where a time-based period applies to leave conditions, such as access to Long Service leave, the same qualifying period will apply to both part-time and ongoing employees.
- 3.3. Accrued Leave will not be deducted for gazetted public holidays, unless expressly stated in these guidelines (see Parental Leave section).



- 3.4. Unless otherwise approved by the University of Canberra, prior service will only be recognised in the following circumstances:
  - a) where the service is with other publicly funded Australian universities;
  - b) for the purposes of accrediting accruals – where the break between former employment and employment with the University is two (2) months or less;
  - c) for the purposes of recognising prior service – where an employee’s break in service is four (4) months or less.
- 3.5. Leave entitlements are accrued, and taken at rates which are consistent with the nominal weekly hours of 35 hours for Professional employees, and 37.5 hours for Academic employees.
- 3.6. All leave applications will be made through the HR Online system, unless otherwise stated.
- 3.7. All leave approvals must be consistent with the University’s *Delegations of Authority*.

## 4. PERSONAL LEAVE

- 4.1. The *Personal Leave* provisions are outlined in clause 29 of the Agreement and will be granted to employees (other than casuals) at their current rate of pay.
- 4.2. The University may grant additional personal leave in excess of entitlements in special circumstances, on a case-by-case basis.
- 4.3. Employees are to notify their manager of their absence from work as soon as practicable on the first day of the absence, indicating the reasons for the absence and the expected date of return to work. The accepted method of notification will depend on the needs and requirements of the faculty or business unit.
- 4.4. Where the employee has been absent for three (3) or more consecutive days, the manager may request medical evidence prior to the employee’s return.
- 4.5. For unplanned absences, employees will submit applications for personal leave on HR Online within one (1) working day of their return to work.
- 4.6. For planned absences, such as surgery, employees will submit applications for personal leave in advance where possible.

## 5. RECREATION LEAVE

- 5.1. Recreation leave is seen as an essential break from work and should not be excessively accumulated. Recreation leave provisions are outlined in clause 27 of the Agreement. It is expected that employees will access their Recreation leave within the year in which it is accrued.
- 5.2. The University encourages employees and managers to discuss leave plans for the year ahead during their PDP planning and workload discussions. Otherwise, applications will be submitted at least two (2) weeks prior to taking leave.
- 5.3. The employee will seek approval from their manager prior to submitting a leave application.
- 5.4. Applications for recreation leave at full pay will be submitted via HR Online, with requests for recreation Leave at half-pay requiring the submission of the *Leave Application Form*.



- 5.5. It is preferable that recreation leave at half-pay is taken in an unbroken period of at least one (1) week. In such circumstances, superannuation contributions will be made at half pay.
- 5.6. Academic employees will normally avoid taking recreation leave during teaching periods. Professional employees will normally avoid taking recreation leave during peak work periods within their faculty or business unit.
- 5.7. Fixed-term employees are expected to take recreation leave during their period of employment.
- 5.8. Where employees are taking an unbroken period of leave equivalent to the year's accrued entitlement (20 days full-time), the employee may request to take leave at half-pay. In such circumstances, Superannuation contributions will be made at half pay.

### ***End of Year close-down and the University Break***

- 5.9. The University closes between 25 December and the first working day following 1 January. Employees will not be required to take recreation leave over this period (clause 26.2).
- 5.10. Further, consistent with clause 26.3, the University will observe a *university break* between 20 December and 20 January. All employees, Professional and Academic, who have accrued more than four (4) weeks' leave as at 20 December will be required to acquit their recreational leave between 20 December and 20 January, unless:
  - a) the staff member has been approved to take recreational leave of at least 10 days in the next 12 months; and/or
  - b) otherwise approved by the Manager in accordance with the instrument of delegation;
- 5.11. The University Break described in 5.10 above can be utilised to reduce excessive leave balances.

### ***Purchased Leave***

- 5.12. Employees are able to "purchase" up to 8 additional weeks of recreation leave per year, with a commensurate reduction in salary.
- 5.13. Employees are encouraged to purchase leave in blocks of 2 weeks and must confirm leave dates at the point of approval.
- 5.14. Purchased leave can only be accessed where other leave has been exhausted, or where taking outstanding leave forms a part of the leave plan which accompanies the application. Purchased leave will count as service for all purposes.
- 5.15. The University will consider all requests for purchased leave carefully, making a decision in consideration of both the University's needs, and the needs of the employee.
- 5.16. Should the employee wish to cease or otherwise alter the purchased leave arrangement, they may do so with the agreement of the manager and approval from the appropriate delegate. Altering purchased leave arrangements will require leave to be reconciled, and may result in an overpayment process, as outlined in clause 20 of the Agreement.
- 5.17. Purchased leave in excess of 8 weeks may be considered as part of an Individual Flexibility Arrangement (IFA), consistent with clause 4 of the Agreement.

- 5.18. Purchased leave cannot be taken in lieu of a part-time agreement. For example, purchased leave cannot be taken once a week every Friday. Either a change of hours form, or potentially an Individual Flexibility Arrangement (IFA) can be agreed to in such circumstances.

#### How Purchased Leave works

Purchased Leave is a pre-tax, percentage based calculation that is deducted from an employee's fortnightly pay for a period of twelve months. The deductions are calculated based on a daily rate of 0.38462% for each day of leave purchased. Employees are required to pay for the entire value of their leave, so half pay or unpaid leave may have an effect on the employee's ability to make these repayments within the required 12 month period. The employee must contact Payroll to discuss should this apply to them, as extra deductions may be required to cover the shortfall.

An example of how the percentage deductions are applied is as follows:

Purchased Leave Deduction Percentages	
Number of weeks Purchased	Pre-Tax Deduction Percentage
8 weeks	15.3846%
6 weeks	11.5385%
4 weeks	7.6923%
2 weeks	3.8462%

On termination, a reconciliation of Purchased Leave will be processed and any remaining deductions will be removed from the employee's final entitlement as per clause 20.3.

#### Cashing-out accrued recreation leave

- 5.19. To assist in reducing existing leave liabilities, employees who have accrued more than 30 days recreation leave may, by agreement, cash out recreation leave balances, leaving at least 10 days in accrued entitlement.
- 5.20. An employee will normally be required to take 20 working days in the preceding year before being eligible to cash out leave.
- 5.21. All cashed-out leave will be paid as a lump sum in next full pay period after the University receives an approved application.
- 5.22. To ensure that employee takes sufficient breaks from the workplace, the relevant delegate may request that an amount of leave be taken prior to the University agreeing to convert some accrued entitlements to cash.
- 5.23. As cashing out leave may have a tax implication, employees are encouraged to seek financial advice.

## 6. LONG SERVICE LEAVE

- 6.1. The Long Service Leave provisions in clause 30 of the Agreement enhance the provisions of the *Long Service Leave Act 1976* (ACT). The Act prevails over the Agreement where there are any inconsistencies, except where the Agreement contains more beneficial terms.
- 6.2. Applications for long service leave at full-pay can be applied through *HR Online*. Applications for long service leave at half-pay require the submission of an approved *Leave Application form*. Where leave is taken at half-pay, superannuation will be paid at half-pay unless otherwise approved.

- 6.3. It is preferable that long service leave at half-pay is taken in blocks of 1 week.
- 6.4. Where Employees, with a Primary Work Location being the University’s Bruce campus have completed 7 years of continuous service, or 7 years of combined continuous employment and recognised employment (as defined by Agreement clause 30.4), they are entitled to access accrued long service leave (‘the qualifying period’). Employees with a Primary Work Location outside of the ACT are subject to the timeframes in accordance with the relevant State or Territory Long Service Leave legislation.
- 6.5. Where an employee ceases to be employed by the University, and has not yet completed the above qualifying period, they will receive pro-rata payment of entitlements in the following circumstances:

REASON FOR CEASING EMPLOYMENT	RELEVANT QUALIFYING PERIOD (AUTHORITY SOURCE)
Redundancy, retirement* or death	1 year or more continuous employment (Clause 30.9 of the Agreement)
Illness, incapacity or a domestic or other pressing necessity of such a nature to justify termination Where the employer initiates termination for a reason other than serious and wilful misconduct	5 years or more continuous employment (s.11C <i>Long Service Leave Act 1976</i> )
All other cessations	in accordance with the relevant <i>Long Service Leave Act 1976</i> .

\* Minimum retiring age under the *Long Service Leave Act 1976* is 65 years.

- 6.6. The University encourages employees and managers to plan leave ahead during PDP goal-setting, or workload setting, for the year ahead. In all other circumstances, approved leave applications should be submitted at least 4 weeks before the proposed date of commencement of the leave.
- 6.7. Where an employee is eligible to access their Long Service Leave, the University can direct an employee to take leave with 60 days’ notice, consistent with the *Long Service Leave Act 1976*.
- 6.8. The accrual of Long Service Leave is affected by periods of Leave Without Pay.
- 6.9. Consistent with the Agreement, eligible employees accrue Long Service Leave at 6.5 days per year, calculated on a daily basis, and will be granted in multiples of whole days only, normally for a minimum of a week. Part-time employees are entitled to Long Service Leave on a pro-rata basis. Accessing Long Service Leave for shorter periods than a week may be granted in some circumstances, requiring manager approval.
- 6.10. Where a casual employee is eligible for Long Service Leave, accruals will be consistent with the *Long Service Leave Act 1976*.
- 6.11. Long Service leave is not eligible to be cashed out, in accordance with the *Long Service Leave Act 1976*.

## 7. ABORIGINAL & TORRES STRAIT ISLANDER CULTURAL LEAVE

- 7.1. The University acknowledges the first peoples of Australia, and the significance of cultural and ceremonial events and activities in the lives of Aboriginal and Torres Strait Islander employees.

- 7.2. Comprehensive Aboriginal & Torres Strait Islander Cultural Leave provisions are outlined in Clause 34 of the Agreement.
- 7.3. All applications require an approved *Leave Application form*, and the provision of evidence relevant to the reason for the leave.

## 8. PARENTAL LEAVE

- 8.1. Comprehensive parental leave provisions are outlined in clause 28 of the Agreement.
- 8.2. Primary Carer Leave applies to expectant parents, who can access up to 30 weeks continuous leave on full pay or 60 weeks on 50% of salary, provided a medical certificate is presented.
- 8.3. Eligible staff (continuing, contingent continuing, fixed-term, casual professional and casual academic staff) are entitled to various forms of Parental Leave if they have been employed for *at least 12 months*, before the expected date of birth or date of placement (in the case of adoption). In circumstances where employment with the University is less than 12 months the employee will be able to access a pro-rata entitlement.
- 8.4. Casual professional and casual academic employees will receive pro-rata paid parental leave based on the average weekly hours worked in the preceding 12 months.
- 8.5. All applications for Parental Leave require an approved *Leave Application form*, and the provision of medical or adoption evidence as outlined in clause 28 of the Agreement. Paid primary care giver leave entitlements can be taken at half-pay in accordance with the Agreement provisions.
- 8.6. Where parental leave entitlements are expressed in the Agreement in terms of weeks, the entitlement will be read as inclusive of gazetted public holidays.
- 8.7. Fixed-term employees are entitled to parental leave during the period covered by their contract providing they meet notice and supporting documentation requirements.
- 8.8. An employee must commence their parental leave within the period between 6 weeks prior to the expected date of birth, and 6 weeks after birth (or from the date of placement for paid adoption leave).
- 8.9. Where an employee seeks to continue working within the six (6) week period prior to the expected birth date, the employee may be required to provide a “fit for work” medical certificate.
- 8.10. Where circumstances change, the employee will notify the University at the earliest convenience.
- 8.11. Primary care-givers are entitled to 24 months parental leave, inclusive of paid and unpaid provisions of the Agreement.
- 8.12. Employees accessing leave in the event of a miscarriage/stillbirth are eligible to access up to 12 weeks from the date of the miscarriage/stillbirth.
- 8.13. Employees have a right to request flexible working arrangements on their return from parental leave. The University’s *Flexible Work Policy* contains further information regarding such arrangements.

**REQUIREMENTS**

Category	Evidence and Conditions
<b>Birth Parent</b> For the purpose of: <ul style="list-style-type: none"> <li>Primary Carer Leave; or</li> <li>Surrogate Paid Leave (where the Employee is acting as surrogate for the parent/s).</li> </ul>	<i>Evidence:</i> <ul style="list-style-type: none"> <li>Medical Certificate</li> </ul> <i>Conditions:</i> <ul style="list-style-type: none"> <li>University may direct Employee to take leave within six (6) weeks of expected birth.</li> </ul>
<b>Non-Birthing Parent</b> For the purpose of: <ul style="list-style-type: none"> <li>Primary Carer Leave (where the non-birthing parent agrees to take on primary carer responsibilities).</li> </ul>	<i>Evidence:</i> <ul style="list-style-type: none"> <li>Medical certificate confirming birth; AND</li> <li>Statutory Declaration, confirming primary carer responsibilities; OR</li> <li>Medical certificate confirming primary carer responsibilities.</li> </ul> <i>Conditions:</i> <ul style="list-style-type: none"> <li>In this circumstance, the non-birthing parent (employee) may commence leave up to six weeks prior to birth.</li> </ul>
<b>Adoption</b> For the purpose of: <ul style="list-style-type: none"> <li>Paid Adoption/Intended Parent Leave (where the employee is becoming a parent via adoption or a surrogacy arrangement).</li> </ul>	<i>Evidence:</i> <ul style="list-style-type: none"> <li>Placement confirmation/statement from the relevant state/territory authority.</li> </ul> <i>Conditions:</i> <ul style="list-style-type: none"> <li>The child is under five (5) years of age at time of placement. Parent is employed by the University. Employee has statement from appropriate government authority about the adoption and/or surrogacy.</li> </ul>
<b>Both Parents are UC Employees</b> For the purpose of: <ul style="list-style-type: none"> <li>Primary Carer Leave.</li> </ul>	<i>Evidence:</i> <ul style="list-style-type: none"> <li>Medical Certificate</li> </ul> <i>Conditions:</i> <ul style="list-style-type: none"> <li>University may direct Employee to take leave within six (6) weeks of expected birth.</li> <li>Where the parents are both employees of UC, and wish to share the primary carer role, Primary Carer Leave will be granted for the first 22 weeks of birth to the birthing parent. The second parent will be granted primary carer leave status for the remaining 8 weeks.</li> <li>Combined paid leave may not exceed 30 weeks.</li> </ul>

**Keeping in touch days**

**8.14.** To assist in the transition back to work from Parental Leave, the University encourages employees to familiarise themselves and remain involved in the workplace through accessing up to ten (10) "Keeping in Touch" Days.



- 8.15. Keeping in touch days can be taken during unpaid parental leave, where employees will be paid at their ordinary rate of pay. Keeping in touch days are required to be taken in full days, however the employee is not required to work or be available for the full day.
- 8.16. If a keeping in touch day is requested by the employee or by an employer during a period of unpaid parental leave, it is not required to be advised to Services Australia and will not affect the Parental Leave entitlement.
- 8.17. Keeping in touch days can be used for:
- a) taking part in staff training;
  - b) taking part in a planning meeting;
  - c) attendance at team social events; and
  - d) becoming familiar with the workplace or the role before returning to work.
- 8.18. Keeping in touch days cannot be used:
- a) for resuming regular work activities;
  - b) within the first two weeks after the birth/adoption of the child.

## 9. GENDER AFFIRMATION LEAVE

- 9.1. Gender affirmation leave provisions are outlined in clause 32 of the Agreement and can be used to support social, legal and medical affirmation.
- 9.2. All applications for gender affirmation leave require an approval via *HR Online*, and the provision of evidence relevant to the reason for the leave. Evidence requirements may include:
- a) a medical certificate or letter from the Employee's registered health practitioner (required when leave is to be taken for medical affirmation purposes); or
  - b) a document issued by a lawyer; or
  - c) a relevant document issued by a State, Territory or Federal government organisation; or
  - d) a statutory declaration.
- 9.3. The intent is that the evidence should be such that it satisfies a reasonable person (consistent with general leave principles) and does not go beyond the normal evidentiary requirements of any other form of equivalent leave.
- 9.4. Employees should provide notice as soon as reasonably practicable to their Manager when seeking to access gender affirmation leave. While the University does not specify notice periods, the Employee should consider what is reasonable or commensurate given the length of leave seeking to be accessed at any one time. For example, where an individual seeks to access medical leave for a period of several weeks, sufficient notice that allows the Manager to identify support arrangements should ideally be provided, where it is practical to do so. We encourage open and continuing conversations between an Employee and their Manager to ensure leave arrangements are effectively managed and supported.
- 9.5. Where an Employee seeks to access gender affirmation leave, their Manager should send a request to [payroll@canberra.edu.au](mailto:payroll@canberra.edu.au) to have the leave type added into the Employees HR Online on the first occasion.
- 9.6. All leave submissions must use a minimum of 2 hours on any occasion gender affirmation leave is being accessed.



## 10. LEAVE WITHOUT PAY

**10.1.** Leave without pay provisions are outlined in Clause 31 of the Agreement.

**10.2.** All applications for leave without pay require an approved *Leave Application form*, and the provision of evidence relevant to the reason for the leave. Applications will normally be considered only in circumstances where other forms of paid leave are expended.

**10.3.** The accruals of other forms of leave are suspended during periods of leave without pay, in accordance with Agreement clause 31.2.

**10.4.** The granting of Leave without pay is solely at the discretion of the University, and may be approved on a case-by-case basis, in the following circumstances:

- a) Educational or related training activities;
- b) Observing religious days or attending essential duties associated with a religious faith;
- c) Accompanying a partner in relation to employment outside ACT;
- d) Employment with another organisation, which is in the interests of the University and consistent with the *Secondary Employment Policy*;
- e) Military service and training;
- f) To contest parliamentary or local government elections;
- g) Parental and family responsibilities;
- h) Illness or injury where personal leave credits are exhausted;
- i) For other purposes where other types of leave have been exhausted;
- j) Other circumstances as deemed appropriate by the University.

**10.5.** Where periods of leave without pay of three (3) months or longer are taken (except where taken in accordance with approved unpaid parental leave) an Employee who is eligible for Incremental Step Progression (clause 22) will have their eligibility date extended by the equivalent period.

## 11. MISCELLANEOUS LEAVE

**11.1.** Comprehensive provisions for miscellaneous leave are outlined in Clause 33 of the Agreement.

**11.2.** All applications for miscellaneous leave require the submission of an approved *Leave Application form*, and evidence relevant to the reason for the leave. Leave applications should be submitted as early as possible, with the exception of leave taken in emergency situations which will be submitted within 1 working day of the employee's return to work.

**11.3.** Where miscellaneous leave pertains to domestic/family violence and/or abuse, managers and People and Diversity employees will adhere to the *Domestic Violence Protocols* to ensure that privacy and confidentiality is maintained and the employee is supported.



## 12. SUPPORTING INFORMATION

- *University of Canberra Enterprise Agreement 2023 - 2026;*
- *Fair Work Act 2009 (Cth);*
- *Long Service Leave Act 1976 (ACT), or other State or Territory legislation as appropriate;*
- *Paid Parental Leave Act 2010 (Cth).*