



Leave Policy and Procedure:

POLICY STATEMENT:

Grays Point Activity Centre (GPAC) aims to comply with a State Legislation and the Children Services Award 2010 relating to accrual and apportioning all leave entitlements. GPAC can use the Network of Community Services, the Management Committee, Fairwork, HR Companies and external consultants for developing processes in relation to staff leave entitlements.

The Children's Services Award 2010 (MA000120) outlines various leave entitlements for employees in the children's services sector in Australia, including paid annual leave, paid sick leave, and paid family and domestic violence leave, along with other types of leave such as long service leave and compassionate leave. The specifics of these entitlements depend on the employee's classification, experience, and full-time or part-time status. For detailed information on specific entitlements, it is best to refer to the full award document or consult with the [Fair Work Ombudsman](#).

Grays Point Activity Centre (“**the Company**”) will endeavour to, where possible, approve leave requests by employees in order to best accommodate personal, family, work and community commitments, without compromising the achievement of the Company’s business objectives.

Leave entitlements are outlined under the National Employment Standards in the Fair Work Act 2009 (Cth) (‘the Fair Work Act’), in addition employees may have entitlement to leave under a modern award, enterprise agreement or State Legislation (such as long service leave Legislation).

The purpose of this Policy is to set out employees’ entitlements to leave and the manner in which leave must be requested by employees. To the extent of any inconsistency between this Policy and the Legislation referred to above, the provisions of the Legislation shall prevail.

In so far as this Policy imposes any obligations on the Company (i.e., those in addition to those set out in Legislation), those obligations are not contractual and do not give rise to any contractual rights. To the extent that this Policy describes benefits and entitlements for employees (i.e., those in addition to those set out in Legislation), they are discretionary in nature and are also not intended to be contractual. The terms and conditions of employment that are intended to be contractual are set out in an employee’s written employment contract.

The Company may unilaterally introduce, vary, remove or replace this Policy at any time.

ANNUAL LEAVE

Eligibility & Entitlement

Permanent full-time employees are entitled to 4 weeks paid annual leave per year (pro rata for permanent part-time employees), which accrues progressively throughout the year according to an employee’s ordinary hours of work and is cumulative from year to year.

Casual employees are not eligible to paid annual leave.

Procedures for Requesting Annual Leave

All requests for annual leave must be approved in advance by the Company. The employee's relevant immediate Manager will consider the employee's request in conjunction with the business and operational needs of the workplace. Employees should complete a request for annual leave, via a "GPAC STAFF LEAVE APPLICATION FORM" providing, where possible, four weeks' notice of his/her leave. In cases where an employee is applying for more than 2 weeks leave, 8 weeks' notice is requested where possible.

An employee must have an accrued leave balance of at least the amount of leave the employee proposes to take.

Only one staff member in our team structure could be on leave at any given period for continued concise operations (not including Centre closure). e.g., This would happen in the case that two leaders or two permanent staff are away your leave application will most likely be denied.

Leave is visible as soon as approved for permanent staff on the planning calendar. If there is a permanent staff member scheduled on leave already approved, it would be suggested not to apply for the same leave period. If the leave is for one day or one shift the Centre Manager may be able to approve this request if we can roster and resource to make the Centre flow. If leave is disputed once denied a formal request can be made to the President of the Committee.

Simply making a request for annual leave does not automatically entitle an employee to take such leave. The Company may refuse to authorise a period of annual leave on the grounds of the operational requirements of the business or in the event that the employee has provided insufficient notice of his/her desire to take leave. If the Centre Manager declines the leave as too many staff have already been approved for leave or operational reason, the employee can request a review in writing to the Committee. The Company will not unreasonably refuse to approve a period of annual leave or deny an employee a period of annual leave which has already been authorised. However, please be reminded that you should not book any flights, accommodation etc until after your leave has been formally approved.

Annual leave will accrue at the rate of:

1. Fulltime equivalent employees are entitled to 20 days annual leave per year or 152 hours.
2. This is accrued at $152 / 52 \text{ weeks} = 2.923 \text{ hours per week FTE}$.
3. $2.923 / 38 \text{ hours per week} = 0.0769 \text{ hours per hour paid (accrual figure)}$.
4. The hourly accrual figure can determine both part-time and fulltime employees' accrual.
5. Example if an employee work 20 hours per week the formula will be $20 \times 0.0769 = 1.538 \text{ hours per week accrued leave}$.
6. If the employee works 52 weeks at 20 hours per week they will then accrue 80 hours annual leave.

GPAC pays permanent GPAC staff taking annual leave are entitled to 17.5% leave loading per hour above their base rate of pay.

Company requiring employees to take annual leave

The Company may direct an employee to take annual leave in certain circumstances, which will be determined by the applicable industrial instrument (if any) covering the employee.



Termination of Employment

An employee is entitled to receive payment for the balance of his/her accrued but un-taken annual leave when he/she ceases employment.

Public Holidays

The Company recognises all Public Holidays as gazetted by the NSW State Government without loss of pay. Permanent part-time employees are entitled to NSW gazetted Public Holidays that fall on their normal rostered days without loss of pay.

LEAVE WITHOUT PAY (LWOP)

Centre Manager approval is required to authorise all requests for Leave Without Pay (LWOP). Approval is at the sole discretion of GPAC Management and Committee as there is no entitlement to LWOP. Only permanent staff may apply for LWOP. Permanent staff are obliged to plan when they cannot attend work, and to apply for annual leave, or in the case of part time staff you may be able to negotiate rostered shift exchanges via the roster in consultation with the Team Leader and the Centre requirements.

Grays Point Activity Centre Management Committee request that all Annual Leave accrued must be taken prior to taking Leave Without Pay.

PERSONAL/CARER'S LEAVE

Eligibility & Entitlement

Personal/carer's leave refers to both sick and carer's leave. The entitlement to receive personal/carer's leave arises as follows:

- Where an employee is unfit to work because of personal illness or injury; or
- An employee is required to provide care or support to a member of his/her immediate family or household due personal illness, an injury or an unexpected emergency.

For the purposes of this Policy, 'immediate family' means a spouse, former spouse, de facto partner, former de-factor partner, child, parent, grandparent, grandchild or sibling of the employee; or a child, parent, grandparent, grandchild or sibling of the spouse, de facto partner or former de facto partner of the employee.

Full-time employees are entitled to 10 days paid personal/carer's leave per year (at the base rate of pay, as defined under the Fair Work Act 2009 (Cth)). This entitlement is accrued for each hour you work and accrued over a 12-month period not 10 days a year per calendar or fiscal year. Part-time employees are entitled to paid personal/carer's leave on a pro rata basis. An employee's entitlement to personal/carer's leave accrues progressively throughout the year according to the number of ordinary hours that the employee works and is cumulative from year to year. Casual employees are not eligible for paid personal/carer's leave.

Procedural Requirements for Personal/Carer's Leave

The following procedures apply:

- Notification should be conveyed as soon as possible to their Manager by phone call (not text message). In cases when replacement staff must be organised, at least 24 hours' notice is preferred. If 24 hours is not possible, an absolute minimum of one hour before a morning shift and four hours notice before an afternoon shift. In all other cases, notification must occur by the normal commencement time of the sick employee. The employee should also indicate, if possible, the expected length of the absence, and;
- An employee shall produce a medical certificate or other satisfactory evidence to prove his/her inability to attend for duty on the days in respect of which personal/carer's leave is claimed where they have 2 consecutive days off or are absent the day before or after a Public Holiday. Failure to produce a medical certificate or other satisfactory evidence may result in the employee's leave not being approved or paid. On return to work after a period of personal/carer's leave an employee will be required to complete the appropriate leave form on the day of his/her return.
- If you have received a medical certificate or letter from the hospital, this indicates that you are too ill to work. Unless stipulated from a medical practitioner there may be duties (or 'light duties' around your illness or injury not to exacerbate the illness) you could perform, you are classed as being on sick leave over this period of the medical certificate. The Centre may provide alternative duties/light duties in line with the advice of a medical practitioner. If you are a permanent staff member and have a sick leave balance you could claim sick leave on your timesheet.

Personal/Carer's Leave will accrue at the rate of:

1. Fulltime equivalent employees are entitled to 10 days sick leave per year or 76 hours.
2. This is accrued at $76 / 52 \text{ weeks} = 1.461 \text{ hours per week FTE}$.
3. $1.461 / 38 \text{ hours per week} = 0.0384 \text{ hours per hour paid (accrual figure)}$.
4. The hourly accrual figure can determine both part-time and fulltime employees' accrual.
5. Example if an employee works 20 hours per week the formula will be $20 \times 0.0384 = 0.768 \text{ hours per week accrued leave}$.
6. If the employee works 52 weeks at 20 hours per week, they will then accrue 39.936 hours sick leave.

UNPAID CARER'S LEAVE

In addition to the paid entitlements outlined above, casual employees and permanent employees (who have utilised all of their paid personal/carer's leave) can access unpaid carer's leave entitlements for the purposes of providing care or support to a member of his/her immediate family or household due personal illness, an injury or an unexpected emergency.

Employees are entitled to a period of up to 2 days unpaid carer's leave for each permissible occasion. Permanent employees who have used their paid entitlement require a medical certificate for each occurrence thereafter.

Procedural Requirements for Taking Unpaid Carer's Leave

The procedural requirements for accessing these benefits are as per personal/carer's leave (see above).

UNPAID FAMILY & DOMESTIC VIOLENCE LEAVE

All employees (including casual employees) are entitled to unpaid family and domestic violence leave per year to deal with family and domestic violence. It may be taken in a continuous 5 day period or separate periods of one or more days.

This type of leave is available in full on commencement of employment with the Company, but does not accumulate from year to year.

Further information can be found via : [Family and domestic violence leave - Fair Work Ombudsman](#)

Family and domestic violence means violent, threatening or other abusive behaviour by a close relative of the employee that seeks to coerce or control the employee and causes them harm or fear.

A "close relative" for the purposes of this entitlement is a member of the employee's "immediate family" (as defined above) and those related to the employee according to Aboriginal or Torres Strait Islander kinship rules.

The Company will treat requests for unpaid family and domestic violence leave with confidentiality, as far as it is practicable to do so.

Procedural Requirements for Taking Unpaid Family & Domestic Violence Leave

To be eligible for these benefits, an employee must comply with the following conditions:

- An employee shall, where practicable, advise their Manager by phone call (not text message) of his/her inability to attend for work prior to the commencement of his/her shift and as far as possible, state the reason for the absence and the estimated period of absence; and
- An employee may be required to produce evidence to prove his/her inability to attend for duty on the days to support the purpose of the unpaid family and domestic violence leave that is claimed. Such evidence may include a document issued by the police, a court or a family violence support service or statutory declaration.

COMPASSIONATE LEAVE

Eligibility & Entitlement

The purpose of taking compassionate leave is for an employee to either spend time with an immediate family member who has sustained a life-threatening illness or injury, or to take the compassionate leave as a result of the death of an immediate family or household member. Compassionate leave is also available in the event of a still-birth or miscarriage, in certain circumstances.

1. Paid Compassionate Leave.

Permanent employees are eligible to access 2 days paid compassionate leave per occasion if a member of his/her immediate family or household:

- Contracts a personal illness that poses a serious threat to his/her life; or
- Sustains a personal injury that poses a serious threat to his/her life; or
- Dies.

Employees are also able to take compassionate leave if they or their current spouse/de facto partner has a miscarriage. In addition, employees can take compassionate leave if they experience a stillbirth. They can also take compassionate leave if there is a stillbirth within their family and the child would have been an immediate family or household member of the employee had the child been born alive.

Permanent employees are entitled to payment at his/her base rate of pay for the employee's ordinary hours of work (as defined under the Fair Work Act 2009 (Cth)) when taking compassionate leave.

Casual employees are not eligible to access paid compassionate leave.

2. Unpaid Compassionate Leave.

Casual employees are eligible to access 2 days compassionate leave per occasion; however, this is unpaid.

Procedural requirements for taking compassionate leave

To be eligible for these benefits, an employee must comply with the following conditions:

- An employee shall, where practicable, advise their Manager by phone call (not text message) of his/her inability to attend for work prior to the commencement of his/her shift and as far as possible, state the reason for the absence and the estimated period of absence; and
- An employee shall produce appropriate written documentation as evidence to prove his/her inability to attend for duty on the days in respect of which compassionate leave is claimed.

On return to work after a period of compassionate leave the employee will be required to complete the appropriate leave form.

COMMUNITY SERVICE LEAVE

Employees, including casual employees, can take community service leave for certain activities such as:

- Voluntary emergency management activities;
- Jury duty (including attendance for jury selection);

With the exception of jury duty, community service leave is unpaid.

Voluntary emergency management activity leave

An employee engages in a voluntary emergency management activity if:

- the activity involves dealing with an emergency or natural disaster
- the employee engages in the activity on a voluntary basis
- the employee was either requested to engage in an activity, or it would be reasonable to expect that such a request would have been made if circumstances had permitted
- the employee is a member of, or has a member-like association with a recognised emergency management body.

A recognised emergency management body is:

- a body that has a role or function under a plan that is for coping with emergencies / natural disasters (prepared by the Commonwealth or a state or territory)
- a firefighting, civil defence or rescue body
- any other body which is mainly involved in responding to an emergency or natural disaster.

This includes bodies such as:

- the State Emergency Service (SES)
- Country Fire Authority (CFA)
- the RSPCA (in respect of animal rescue during emergencies or natural disasters).

How much leave is an employee entitled to?

An employee is entitled to take community service leave while they are engaged in the activity and for reasonable travel and rest time. There is no limit on the amount of community service leave an employee can take.

Are there notice and evidence requirements?

An employee who takes community service leave must give their employer:

- notice of the absence as soon as possible (this may be after the leave starts)
- the period or expected period of absence

An employer may request an employee who has given notice, to provide evidence that they're entitled to community service leave.

Closure of GPAC due to circumstances out of its control

Where a business cannot operate due to circumstances out of its control (such as a bushfire or other natural disaster) the Fair Work Act 2009 (FW Act) allows employers to “stand down” permanent employees, i.e. require them to not attend work. There is no obligation to pay employees during a period of stand down under the Fair Work Act. The GPAC Committee may use their discretion and may choose to pay employees if they wish. This may also include casuals if they were rostered on that shift however again is discretionary and there is no obligation.

Stand downs can only be used where there is no useful work that an employee can be given to do.



For casual employees, given the casual nature of their employment, they do not need to be stood down: they can just be told that they are not required to work on a particular day if the employer cannot operate due to the circumstances of a bushfire or other natural disaster.

Jury duty leave

Jury duty, also known as jury service, is a type of community service leave.

Employees, including casual employees, can take leave to attend jury selection and jury duty.

Notice and evidence

Employees must advise their employers of the period or expected period of leave as soon as possible. If an employee requests leave they need to provide evidence showing they attended jury selection or jury duty.

Payment for jury duty

Full-time and part-time employees have to be paid 'make-up pay' for the first 10 days of jury selection and jury duty. Make-up pay is the difference between any jury duty payment the employee receives (excluding any expense-related allowances) from the court and the employee's base pay rate for the ordinary hours they would have worked.

Before paying make-up pay, an employer may request evidence from the employee to show:

- that the employee has taken all necessary steps to obtain jury duty pay
- the total amount of jury duty pay that has been paid or will be payable to the employee for the period.

If the employee can't provide evidence, they won't be entitled to make-up pay.

LONG SERVICE LEAVE

An employee gets long service leave after a long period of working for the same employer.

Most employees' entitlement to long service leave comes from long service leave Laws in each state or territory. These Laws set out:

- How long an employee has to be working to get long service leave
- How much long service leave the employee gets

In some states and territories long serving casuals are eligible for long service leave.

Procedures for Requesting Long Service Leave

See procedure for annual leave.



PARENTAL LEAVE

See GPAC Parental Leave Policy

UNAUTHORISED LEAVE

Employees who take leave without authority and who do not advise the GPAC Team Leader or Centre Manager within the appropriate time of the commencement of their shift that they are unable to attend, may be considered to have abandoned their employment.

Every leave type requires a “GPAC STAFF LEAVE APPLICATION FORM”.

Should you have any questions about this Policy please speak to the Centre Manager.

ENDORSEMENT BY THE SERVICE:

Approval date: _____ September 2025 _____

Date for review: _____ April 2027 _____

See also: Parental Leave Policy

*Revised 9/10/2019 External JW – EmplIn KG
Revised 25/11/2019 closure clause JW – EmplIn KG, approved JW, KF
Revised 23/08/2021 KG – EmplIn Sophie McCartney 9/8/2021
Revised 5/05/2022 KG – EmplIn Rhiannon Cosgrove Committee TG & TD Committee
Amended 6/02/2024 KG TG JA – include accrued AL inter LWOP heading
Amended 3/09/2025 KG - removed Covid leave requirements*