

## **Personal Leave Policy for Skilled Health Professionals Pty Ltd T/A Advance Nursing**

### **1. Purpose**

- (a) Skilled Health Professionals Pty Ltd T/A Advance Nursing provides paid personal leave to assist employees who may be unable to attend work due to personal or family related illness or injury. This policy is designed to ensure that employees are treated fairly and sympathetically.
- (b) For the purpose of this policy, personal leave includes sick leave and carer's leave.

### **2. Eligibility**

This policy applies to the following persons:

- (a) permanent employees (including full time and part time);
- (b) fixed-term employees; and
- (c) casual employees (but only in the case of unpaid personal/carers leave).

### **3. Entitlement**

- (a) Employees are entitled to personal or carer's leave, in accordance with National Employment Standards under the Fair Work Act 2009 (Cth) (NES).
- (b) Employees receive 10 days of personal/carers leave per year with an additional 2 days of unpaid leave if this is exhausted. The personal/carers leave may be taken because of a personal illness or injury, or to provide care or support to a member of an employee's immediate family or household because of an illness, injury or unexpected emergency affecting the member.
- (c) Employees receive personal/carers leave that has accrued but has not been taken will accumulate from year to year. No payment will be made with respect to any accrued but untaken personal/carers leave upon termination of employment.
- (d) Employees are also entitled to a period of up to 2 days of unpaid carer's leave for each occasion when a member of an employee's immediate family or household requires care or support because of an illness, injury or unexpected emergency affecting the member.
- (e) Casual employees are not entitled to any paid personal/carers leave. However, casuals are entitled to unpaid personal/carers leave.

### **4. Sick leave**

#### **4.1. Paid leave**

Employees are entitled to take paid personal leave (sick leave) when they are ill or injured and unable to attend work.

#### **4.2. Unpaid leave**

- (a) Where an employee has used the accrued entitlement to paid personal leave, any further period of personal leave is to be approved as leave without pay, and a medical certificate must be provided in order to substantiate the reason for being away from the workplace. If medical evidence is not provided, an employee's absence may be regarded as absence without authority and subject to disciplinary action.
- (b) If an employee has no personal leave available but has accrued paid annual leave, the manager may ask the employee to consider applying for annual leave rather than leave without pay. The manager cannot, however, force an employee to take annual leave.

## **5. Carer's leave**

### **5.1. Paid leave**

Each employee is entitled to take paid or unpaid carer's leave to provide care or support of a member of the employee's immediate family or household who is temporarily ill or injured, or if there is an unexpected emergency affecting an immediate family member.

### **5.2. Unpaid leave**

- (a) Where an employee has used the accrued entitlement to paid personal leave, the employee may take up to 2 days of unpaid carer's leave on each occasion, subject to providing appropriate supporting documentation.
- (b) If an employee has no personal leave available but has paid annual leave, the manager can ask an employee to consider applying for annual leave rather than leave without pay. The manager cannot, however, force an employee to take annual leave.

### **5.3. Unpaid leave for casual employees**

A casual employee is entitled to a period of up to 2 days of unpaid carer's leave for each occasion when a member of the employee's immediate family or household requires care or support due to personal illness or injury, or for an unexpected emergency.

## **6. Using leave**

### **6.1. Evidence of need for leave**

In normal circumstances, employees must not take carer's leave where another person has taken leave to care for the same person. The employee must, if required by the manager, provide satisfactory evidence that the leave is taken for the reason stated above, which may include:

- (a) a medical certificate, if the leave is taken because of an illness, stating the illness of the person concerned and the period of the illness; and

- (b) a statutory declaration, if the leave is taken due to an unexpected emergency, stating that the employee requires leave to care or support the immediate family or household member.

#### **6.2. Notification of absence**

- (a) In all instances where an employee is absent from work due to illness, injury or carer's responsibilities, the employee must contact the manager or designated contact directly and inform them of such absence, including:
  - (i) the reason for the absence; and
  - (ii) when the employee expects to return to work.
- (b) This discussion is to take place prior to, or as soon as practical after, the employee's scheduled commencement time.
- (c) If contact cannot be made directly with the immediate manager, or if the immediate manager is not available, employees are required to make contact with the next level manager.
- (d) If an employee is unable to return to work on the day originally notified to the manager, then the employee must again notify the manager using the same process above.

#### **6.3. Leaving work due to illness, injury or carer's responsibilities**

- (a) An employee may leave work because of personal illness or injury, or carer's responsibilities, with the consent of the employee's manager (where reasonably practicable).
- (b) Skilled Health Professionals Pty Ltd T/A Advance Nursing is required to ensure the safety of an ill employee while at work, travelling to or from work, and when the employee reaches home. In cases when an employee is not well enough to remain at work, consideration must be given to whether the employee will be able to travel home safely either on public transport or by taxi. Depending upon the severity of the illness, consideration should also be given to having a family member collect the ill employee or ensuring that care can be provided upon reaching the home.
- (c) When an employee leaves work on personal leave during the day, a leave application is to be submitted for the hours not worked.

#### **6.4. Unused personal/carer's leave**

Unused personal/carer's leave accumulates from year to year. There is no maximum to the amount of personal/carer's leave that may accrue. Personal/carer's leave may not be cashed out and is not payable on termination of employment.

### **7. Medical certificates**

- (a) If an employee is absent for more than 2 consecutive days, the employee is required to provide a medical certificate from a registered health practitioner in order to qualify for payment of the period of leave. If it is not reasonable to do so, a statutory declaration made by the employee is required.
- (b) Failure by an employee to notify the manager of any absence, or failure to provide a required medical certificate in the appropriate timeframe, may result in disciplinary action including written warnings or termination of employment.

## **8. Work-related illness or injury**

- (a) If an employee suffers a workplace injury or illness, the employee or the employee's manager must complete the relevant occupational health and safety injury log or illness or injury log.
- (b) Employees are not entitled to personal leave if they are receiving workers' compensation payments.

## **9. Monitoring long term or excessive absences**

- (a) Managers will take a proactive approach to addressing situations of excessive or long-term absences.
- (b) Long-term absences include those greater than 1 month. Excessive absences include total leave taken in broken periods in excess of 15 days within a 12 month period.

## **10. A breach of the personal leave policy**

Any breach of this policy may result in Skilled Health Professionals Pty Ltd T/A Advance Nursing counseling, or taking disciplinary action against, an employee. This may include provision of warnings or termination of employment or both.

## **11. Definition of immediate family**

For the purposes of this policy, "immediate family" includes:

- (a) an employee's spouse, former spouse, defacto spouse, former defacto spouse;
- (b) child (including adopted children, stepchildren and ex-nuptial children);
- (c) parent (including spouse's and defacto spouse's parents);
- (d) grandparent (including spouse's and defacto spouse's grandparents);
- (e) grandchild (including spouse's and defacto spouse's grandchildren); and
- (f) sibling (including spouse's and defacto spouse's siblings).

## **12. Further information**

If you require further information, please speak with your manager.

