

# LEAVE POLICY

Updated: May 2025



**What are we talking about in this document?**

Expectations, obligations and guidelines regarding applying for leave including, Annual Leave, Personal/Carers Leave, Parental Leave, Dad and Partner Pay, Long Service Leave, Community Service Leave, Family and Domestic Violence Leave, Compassionate Leave, Rostered Days Off, Leave Without Pay, and Time in Lieu.



**Who is this for?**

This policy applies to staff, educators and managers of Keiki Early Learning.



**Why do we need this policy?**

Keiki Early Learning is committed to supporting a healthy and productive workplace, this policy provides guidelines for staff to request and apply for time off, to ensure everyone is maintaining a healthy work/life balance.

## Policy Contents

- Key Terms
- The Important Stuff
- Annual Leave
- Requesting Annual Leave
- Direction to Take Annual Leave
- Christmas Shut Down
- Personal/Carers Leave



## Key Terms

Term	Meaning	Source
Family Member	Fair Work Australia defines an immediate family member as a: <ul style="list-style-type: none"> <li>▪ Spouse or former spouse</li> <li>▪ de facto partner or former de facto partner</li> <li>▪ child</li> <li>▪ parent</li> <li>▪ grandparent</li> <li>▪ grandchild</li> <li>▪ Sibling, or</li> <li>▪ Child, parent, grandparent, grandchild or sibling of the employee’s spouse or de facto partner (or former spouse or de facto partner).</li> </ul>	<a href="http://www.safeworkaustralia.gov.au">www.safeworkaustralia.gov.au</a>
Types of Employment	<b>FULL TIME</b> A full-time employee is engaged to work an average of thirty-eight (38) ordinary hours per week.	
	<b>PART TIME</b> A part time employee is an employee who is engaged to work on a regular	

	basis for less than thirty-eight (38) hours per week.	
	<b>CASUAL</b> Casual employment means employment on a day-to-day basis. Casuals will be paid a minimum of two hours for each engagement.	
NATIONAL EMPLOYMENT STANDARDS (NES)	The NES sets minimum employment standards and conditions for employees within Australia including maximum weekly hours, requests for flexible working arrangements, offers and requests to convert from casual to permanent employment, parental leave and related entitlements, annual leave, persona/carers leave, compassionate leave and unpaid family and domestic violence leave, community service leave, long service leave, public holidays and notice of termination and redundancy pay.	



### Annual Leave

Annual leave will be accrued at the rate as stated in the relevant Award and NES. The NES, Childrens Services Award and The Educational Services (Teachers) Award 2020 state full time employees will be entitled to four (4) weeks of Annual Leave every twelve (12) months. Part time employees are entitled to Annual Leave on a pro-rata basis. For example, if an employee works nineteen (19) hours per week, they will be entitled to two (2) weeks of Annual Leave every twelve (12) months. Casuals are not entitled to Annual Leave.

Annual Leave begins to accumulate from the first day of employment. Annual Leave accumulates when employees are on leave including, paid leave, such as paid annual leave and paid sick leave and carers leave, community service leave including jury duty and long service leave. Annual Leave does not accumulate when an employee is on Parental Leave. The balance of Annual Leave at the end of each year carries over to the next year.

### Requesting Annual Leave

Annual Leave must be accumulated before it can be taken as paid leave. All leave will be subject to approval.

To request Annual Leave, employees must submit a leave request through their EMPLOYMENT HERO WORK app. The employees Centre Coordinator will approve or decline this request based on the operational and legal requirements of the service. Employees will receive notification of this approval or refusal via the EMPLOYMENT HERO WORK app. Employees are requested to give their Centre Coordinator / Manager as much notice as possible when planning time off, however a minimum of two (2) weeks is required when booking time off.

### Direction to Take Annual Leave

Employees may be directed to take Annual Leave if the employee has more than six (6) weeks of Annual Leave accrued. In circumstances, where an employee has accumulated over six (6) weeks of leave cashing out annual leave may be considered.

### **Christmas Shut Down**

If Keiki Early Learning is closed during the Christmas holiday period, being the 27<sup>th</sup> December – 1<sup>st</sup> January, employees may be directed to take Annual Leave at this time. If the employee does not have sufficient leave accrued, they will be required to take Leave Without Pay during this period.

### **Personal/Carers Leave**

Personal Leave will be accrued at the rate as stated in the relevant Award and NES. The NES, Childrens Services Award and Educational Services (Teachers) Award 2020 state Personal Leave will be accrued at the rate as stated in the relevant Award. All permanent full-time employees are entitled to ten (10) days of Personal Leave each year, and pro-rata for part time employees. Casual staff are not entitled to Personal Leave.

Personal Leave provides provisions for an employee to take time off to help them deal with personal illness, caring responsibilities and family emergencies. Personal Leave can be used when an employee is ill or injured. An employee may have to take time off to care for an immediate family or household member who is sick or injured or help during a family emergency. This is known as Carers Leave, but it comes out of the employee's Personal Leave balance.

Personal Leave begins to accumulate from the first day of employment. Personal Leave must be accumulated before it can be taken as paid leave. Personal Leave accumulates when employees are on leave including Annual Leave, Personal / Carers Leave, Community Services Leave, Jury Duty and Long Service Leave.

Personal Leave does not accumulate when the employee is on unpaid leave, including unpaid annual leave, unpaid personal/carers leave, unpaid parental leave etc.

### **Notification of Absence**

If you are unwell and cannot attend your rostered shift you must phone your Centre Coordinator no less than two (2) hours prior to the start of your shift. Under no circumstances, are messages to be left with a colleague. Text messages / email/ Facebook messages are not an acceptable form of communication.

If you do not contact your Centre Coordinator and do not attend your rostered shift, it will be considered that you have abandoned your responsibilities, and your employment may be terminated.

### **Requesting Personal/Carers Leave**

Personal Leave should not be requested in advance. We encourage all medical appointments to be arranged outside of work hours. If a medical appointment or elective surgery is pre-arranged and it is advised employee is unfit for work, then this will need to be discussed with your Centre Coordinator prior to the leave being approved.

### **Medical certificate Request**

For those employees in permanent positions, Personal Leave will only be paid when a doctor's certificate is provided. Only in extenuating circumstances will a statutory declaration be accepted in place of a medical certificate. The employee will need to upload the medical certificate with their leave application.

### **Employee Health and Wellbeing**

Employees may be requested to take Personal Leave or Personal Leave Without Pay if their Centre Coordinator or the HR Manager is concerned that the employee may have an injury or

illness that provides a risk to their own health and wellbeing or the health and wellbeing of the children within the service or their colleagues health and wellbeing.

In this circumstance, a medical clearance, will be required to ensure the employee is fit to return to work in a childcare environment.

## Parental Leave

Parental Leave lets employees take time away from work for the birth or adoption of a child. The term “parental leave” can include:

- Unpaid parental leave
- Government funded payments
  - Paid Parental Leave

Dad and Partner Leave

## Unpaid Parental Leave

Under the NES in the Fair Work Act 2009, an employee employed with the same employer for twelve (12) months or more before they or their partner gives birth or adopts a child, may be entitled to up to twelve (12) months of unpaid parental leave. An employee can also request an additional twelve (12) months of unpaid parental leave.

## Paid Parental Leave

The Paid Parental Leave scheme is an entitlement for working parents of children born or adopted on or after 1 January 2011. Eligible working parents can claim up to eighteen (18) weeks of government funded Parental Leave Pay at the National Minimum Wage.

If the child’s birth or adoption is on or after 1 July 2020, thirty (30) of these days will be flexible – twelve (12) weeks, (sixty (60) days of payable days) and 30 Flexible Paid Parental Leave days. Flexible days may be taken within 2 years of the child’s birth or adoption.

An employee on unpaid parental leave is entitled to return to the position they had before going on leave. An employee, on unpaid parental leave can shorten their leave, if Keiki Early Learning agree. Keiki Early Learning requires a minimum of four (4) weeks’ notice for any changes to the planned return to work date.

## Requesting Parental Leave

Keiki Early Learning requires a minimum of 8 weeks written notice if an employee plans to take parental leave.

## Dad and Partner Pay

Fathers and other eligible partners can apply for a two-week Dad and Partner Pay to help them take time off work to support new mothers in their caring role and to be involved in the care of their new baby right from the start. Dad and Partner Pay is income tested.

## Request for Flexible Working Arrangements

Employees can request in writing, to change standard working arrangements. The employee must have completed twelve (12) months of employment with Keiki Early Learning and fit into one of the following categories:

- A parent of, or have responsibility for the care of, a child who is school age or younger
- A carer (within the meaning of the Carer Recognition Act 202)
- A person with disability
- Aged 55 or older
- Experiencing family violence

- Providing care, or support to a family member, or someone they live with, who is experiencing family violence

Keiki Early Learning must consider and discuss the request with the employee and provide a written response within 21 days.

### **Long Service Leave**

Long Service Leave applies to employees who are full time, part time and casual employees. If an employee has been working for the same employer for over ten (10) years, they are entitled to two (2) months (8.67 weeks) paid leave under the Long Service Leave Act 1955.

Employees are entitled to Long Service Leave as per state or territory for further information.

#### **Requesting Long Service Leave**

On the successful completion of ten (10) years of service you will receive a formal letter from Keiki Early Learning congratulating you on this milestone achievement. At this point you will be able to access your Long Service Leave via the EMPLOYMENT HERO WORK APP.

### **Leave Without Pay**

Leave Without Pay will not be approved unless all existing Annual Leave and Personal Leave has been exhausted

#### **Requesting Leave Without Pay**

To request Leave Without Pay, employees must submit a leave request through their EMPLOYMENT HERO WORK app. The employees Centre Coordinator will approve or decline this request based on the operational and legal requirements of the service. Employees will receive notification of this approval or refusal via the ELMO portal.

### **Community Service Leave**

Community Service Leave covers voluntary emergency management activities such as SES. Community Service leave is unpaid, except for Jury Duty.

An employee engages in voluntary emergency management activity if:

- The activity involves dealing with a natural disaster.
- The employee engages in the activity on a voluntary basis.
- The employee is a member of or has a member like association with a recognised emergency body

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.

### **Jury Duty**

Employees must advise their Centre Coordinator 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.

Employees are paid by the court a portion of their base pay rate per day. Keiki Early Learning may be required to provide make-up payment for the ordinary hours worked, for up to ten (10) days.

## Family and Domestic Violence Leave

The NES provides conditions for all employees to request 10 days paid Family and domestic violence leave each year. This provision is not accumulative and resets each year. Keiki Early Learning can request evidence to support this request.

## Compassionate Leave

All employees are entitled to compassionate leave. Compassionate leave can be taken when a member of an employee’s immediate family or household :

- Dies
- Develops a life-threatening injury or illness
- Have a miscarriage or a stillborn baby

Fulltime and part time employees are paid at their base rate for the ordinary hours they would have worked during the leave.

Casual employees are entitled to unpaid compassionate leave.

## Time In Lieu and Overtime

Overtime may be paid in the circumstances where an employee works over 38 hours per week or where the employee is required to work or attend meetings outside the ordinary hours of 6.30am – 6.00pm

Overtime rates will be paid as per award. Overtime must be approved by the Nominated Supervisor prior to the employee working additional hours.

Time in Lieu must be used within two weeks of working the time and will be managed by the Centre Coordinator.

## Absence from Employment Without Notification

An employee may be taken to have abandoned their employment if they do not provide notification of absence. The Centre Coordinator will make reasonable attempts contact the employee, if the employee does not respond to these attempts the termination of employment procedure will be instructed.



### Supporting Documents

#### Policies

Code of Conduct



### Resources / Sources

<https://www.fairwork.gov.au/>

<https://www.fairwork.gov.au/employment-conditions/awards/awards-summary/ma000120-summary>



### Review & Document Control

Policy Reviewed	Modifications
May 2024	Policy Development.
May 2025	Changed to new format. Swag app changed to Employment Hero Work App.

### Disclaimer

It is each employee, family and visitor to the service's responsibility to read, understand, follow and address any concerns with management about this policy.

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You can find it at: <https://keikiearlylearning.com.au/policies-and-procedures/>

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