# Leave policy

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| This is a template policy developed for general use by Baptist Churches in NSW and ACT and may not necessarily be suitable for you and your church's situation.  The information provided in this document is accurate and up-to-date as of the time of writing. However, due to the possibility of changes in circumstances or changes in legislative requirements and best practise, we cannot guarantee the continued accuracy or relevance of the content.  It is recommended that you consider whether the information is appropriate to your needs, and where appropriate, seek professional advice.  This document should be used and read in conjunction with the *Guide to the Template Policies* document. |

**Introduction**

Leave entitlements are outlined under the National Employment Standards in the Fair Work Act 2009 (Cth). In addition, workers may have entitlement to leave in accordance with relevant awards or agreements and statutory provisions. Where the entitlements or practices in this document conflict, the applicable award, workplace agreement, employment contract or employment law takes precedence.

All planned leave must be mutually agreed and consider operational, workload and worker needs. Leave should be approved in advance, except when the worker cannot anticipate the absence.

[It is recognised that for our pastors who have been spiritually appointed, there is no legal requirement for the provision of leave, however it is recognised that leave is essential to their health and wellbeing and as such **ABC Baptist Church** (the church) will provide leave in line with other employees.]

**Scope**

This policy applies to all permanent workers [and pastors] (workers) of the **ABC Baptist Church** (the church) and covers the following types of leave:

* Annual Leave
* Personal Leave (including Sick and Carers leave)
* Compassionate Leave
* Family and Domestic Violence Leave
* Long Service Leave
* Parental Leave
* Time in Lieu
* Leave without pay
* Community Service Leave (including Jury Duty)

**Definitions**

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| Permanent Workers | All workers employed permanently on a full time or part time basis |

**Annual Leave**

Each worker is entitled to a minimum of 20 days annual leave a year (on a pro rata basis) and annual leave counts towards continuous service (used when calculating long service leave). Applications for annual leave need to be lodged **4 weeks** in advance except when the worker cannot anticipate the absence.

If insufficient leave is accrued, the church may direct a worker to take unpaid leave.

To ensure that our workers are taking breaks and to prevent burn out, annual leave of more than **6 weeks** cannot be accrued except in exceptional circumstances.

In some circumstances, leave in advance of what leave has accrued may be approved. This is conditional on the worker agreeing to the organisation deducting any advance in the event of termination, or to the worker accepting leave without pay.

Casual workers are not entitled to paid annual leave.

**Personal Leave**

Personal leave refers to both sick and carer’s leave. A full-time worker is entitled to 10 days of personal leave every 12 months (at the Church’s rate of pay, as defined under the Fair Work Act). Part time workers are entitled to a pro rata amount of 10 days paid personal leave. A worker’s entitlement to personal leave accrues progressively throughout the year and is cumulative from year to year however accrued personal leave is not paid out to the worker on termination of their employment.

Casual workers are not eligible for paid personal/carers leave.

A worker may take paid personal leave:

* if they are unfit for work because of their own personal illness or injury (including pregnancy-related illness), or
* to provide care or support to a member of their immediate family or household, because of a personal illness, injury or emergency affecting the member. A member of the worker’s immediate family means a spouse, de facto partner, child, parent, grandparent, grandchild, or sibling of a worker; or a child, parent, grandparent, grandchild or sibling of the worker’s spouse or de facto partner. Immediate family also includes step relations (stepparent or stepchild) and adoptive relations

A worker should notify their direct Supervisor as soon as possible if they are unable to attend work due to illness or injury.

All absences of three (3) consecutive days will require evidence such as a medical certificate showing that the worker was entitled to take personal leave during the relevant period.

*Unpaid Carer's leave*  
Workers including casual workers are entitled to take up to two days unpaid carer’s leave for each occasion of family or household member illness or emergency. A worker cannot take unpaid carer’s leave if they could instead take paid carer’s leave.

**Compassionate leave**

Compassionate leave is paid leave taken by a permanent worker to spend time with an immediate family member or a member of the worker’s household, who develops an illness, or injury, that poses a serious threat to his/her life, or after the death of an immediate family member or member of their household. This includes a baby in their immediate family or household that is stillborn, or if they or their spouse or de facto partner has a miscarriage.

Each worker is entitled to a period of two days paid compassionate leave for each occasion as defined above.

Casual workers are not entitled to access paid compassionate leave.

**Family and Domestic Violence Leave**

The Church recognises that staff may face situations of violence or abuse in their personal lives that may affect their attendance or performance at work. The Church is committed to providing support to staff that experience family and domestic violence.

Understanding the traumatic nature of family and domestic violence the Church will support staff by providing 10 days paid family and domestic violence leave per year in line with Fair Work guidelines to deal with family and domestic violence. This leave may be taken in part-days, single days or consecutive days. This type of leave is available in full on commencement of employment and renews each year on the work anniversary of each worker i.e. does not accrue.

A worker will not be discriminated against or have adverse action taken against them because of their disclosure of, experience of, or perceived experience of, family violence.

The worker my take family and domestic violence leave if:

* The worker is experiencing family and domestic violence; and the worker needs to do something to deal with the impact of the family and domestic violence including relocating or making safety arrangements, attending legal proceedings, counselling, or other related appointments or to care for children.

Family and domestic violence is defined as violent, threatening, or other abusive behaviour by a member of the persons family or household. This includes behaviour that:

* is physically or sexually abusive; or
* is emotionally or psychologically abusive; or
* is economically abusive; or
* in any other way that seeks to coerce or control the household member and causes that person to feel fear for their safety or wellbeing; or
* causes a child to hear or witness, or otherwise be exposed to the effects of, such behaviour.

This leave is in addition to existing leave entitlements and the worker must give his or her direct Supervisor notice as soon as reasonably practical of their request to take leave under this policy.

This leave will be processed as personal leave and will be managed with absolute discretion and confidentiality.

Any staff member that discloses that they are experiencing family and domestic violence will be offered access to professionals trained specifically in family and domestic violence.

**Long Service Leave**  
Workers are entitled to long service leave in line with New South Wales Long Service Leave Legislation i.e. 13 weeks of long service leave in 15 years vesting at 10 years. In addition, workers may be entitled to take part in the Baptist Association’s Long Service Leave Scheme.

**Parental leave**

Parental leave is unpaid leave that can be taken after a:

* worker gives birth
* worker's spouse or [de facto partner](https://www.fairwork.gov.au/taxonomy/term/526) gives birth
* worker adopts a child under 16 years of age.

Workers are entitled to up to 12 months of unpaid parental leave. They can also request up to an additional 12 months of unpaid leave.

There are different types of unpaid parental leave available depending on whether the worker is pregnant or not.

Pregnant workers are entitled to:

* special parental leave
* compassionate leave
* a safe and no safe job leave.

Workers who aren't pregnant are entitled to:

* partner leave
* compassionate leave
* adoption leave

*Unpaid parental leave*

Workers who are expecting a child or adopting a child are eligible for 52 weeks of unpaid parental leave if they:

* are permanent full-time or part-time with at least 12 months service prior to the expected date of birth or adoption placement
* are casual with 12 months regular and systemic service who have a reasonable expectation of continuing regular and systematic work
* will have responsibility for the care of a child.

After birth or adoption, the parent with primary care responsibility for the child is entitled to unpaid parental leave. Workers who are pregnant may commence leave up to six weeks before the expected date.

Workers may request to extend their leave by a further 12 months (for a total of 24 months maximum), to be submitted in writing at least four weeks before the end of the original 12 months unpaid parental leave.

The Church will respond in writing within 21 days and may refuse only on reasonable work grounds. The written response will include details if the request is refused.

*Parental Leave types*

Available Parental Leave types at the Church include:

* Parental Leave (including maternity leave, adoption leave and paternity and partner leave)
* Concurrent Leave
* Special Maternity Leave (Safe job and no safe job leave)

Parental Leave

If you are the primary caregiver of your child, you can access up to 52 weeks of Parental Leave. Parental Leave is unpaid except in the instances where a worker is eligible for Parental Leave with Pay in line with legislation. Parental Leave with Pay is described in full in the following section.

Concurrent Leave

Concurrent Leave is where the parents of the child can take up to 3 weeks parental leave at the same time. This applies if both parents are workers who plan to take parental leave.

Concurrent Leave must start immediately after the date of birth or adoption of the child; and end a maximum of 3 weeks later.

Special Maternity Leave

Unpaid Special Maternity Leave is available to pregnant female workers in the case of pregnancy-related illness or if the pregnancy ends within 28 weeks of the expected date of birth. The duration of this leave should be agreed with the direct Supervisor as soon as is possible, and any unpaid Special Maternity leave will reduce the amount of Maternity leave you are entitled to take by the same amount.

*Parental leave pay*

For eligible workers, they are entitled up to 20 weeks of paid leave to be claimed through Services Australia.[[1]](#footnote-2)

This leave is not in addition to the 52 weeks parental leave mentioned above. Any periods of unpaid and paid Parental Leave must not exceed 52 weeks in total.

Workers may take subsequent periods of paid Parental Leave, however, to be eligible for this, you must return to work and complete a minimum of 12 months continuous service following your return from any previous paid Parental Leave.

Applying for leave

A worker wishing to take unpaid Parental Leave must provide written notice at least 10 weeks before starting the leave (or as soon as is practicable) including the intended leave start and end dates.

Leave dates or any changes of dates must be confirmed at least four weeks before the leave starts. The supervisor will confirm the leave and any affected entitlements such as continuous service in writing.

Adoption

Because the Church recognises that the timing of placement for an adopted child may be uncertain, workers should keep their supervisor informed of any changes to the placement date and commencement of leave.

*Other Paid leave*

Annual leave

If the worker has paid Annual Leave available, he or she may, in agreement with their Supervisor take some or all that leave at the same time as the unpaid parental leave.

Time off for antenatal appointments, adoption interviews or examinations

Personal leave may be used for attendance at medical appointments. Appointment times and the availability of leave should be discussed with their Supervisor.

A worker may take up to two days unpaid pre-adoption leave. Workers must provide notice of the leave including expected leave period as soon as practicable (which may be after the leave has started).

If a worker requires more than two days pre-adoption leave, they should discuss their requirements with their Supervisor.

Leave for pregnancy related illness

If a worker is ill during her pregnancy, she may access her ordinary sick leave entitlements, including any accrued leave.

If a worker experiences extended illness due to pregnancy, she can access unpaid ‘special maternity leave’ for the period her treating doctor certifies is necessary. Special maternity leave is included in the 52 weeks available unpaid parental leave period.

The worker must make a special maternity leave application as soon as practicable which details the period of leave required. The supervisor may request a medical certificate and if so, this must be provided by the worker.

Loss of a child while pregnant

If the pregnancy ends within 28 weeks before the due date without a live birth, the worker may take unpaid ‘special maternity leave’ for the period her treating doctor certifies is necessary. Unpaid parental leave is not available in this situation, instead special maternity leave applies.

The worker must make a special maternity leave application as soon as practicable, specifying the expected leave period and providing a medical certificate, if this is requested by the supervisor.

The Church will be sensitive to the personal issues associated with this type of leave.

*During parental leave*

Even though the worker is on leave, they will continue to be protected against discrimination as a worker.

The Church respects that some workers do not want any contact while on leave, and others do. The team leader should discuss with the worker what sort of communication the worker would like while on leave and record this agreement.

While a worker is on unpaid parental leave, the church will ensure that the worker is considered and kept informed of significant changes that may occur in the organisation.

Where a decision will have a significant effect on the status, pay or location of the pre-parental leave position, the Church will take all reasonable steps to inform the worker and discuss the effect of the decision. During any restructures, workers on parental leave will be treated no less favourably than other workers and will be kept informed of the process.

*Keeping in Touch Days*  
Keeping in touch days are days a worker who is still on unpaid parental leave can go to the Church to work for a single day, part day or multiple days (up to 10 days per 12 months of parental leave).

The Association and the worker must agree to the timing of keeping in touch days.

A Keeping in touch day can only be worked earlier than 42 days after the birth of a child or adoption if the worker requests this. A keeping in touch day cannot be worked earlier than 14 days after the birth or adoption.

A worker does not have to use keeping in touch days if they do not wish to. A worker gets their normal wage for each keeping in touch day or part day worked.

If a worker has applied for less than 52 weeks unpaid parental leave, they can extend the period of leave once to take the total leave up to a maximum of 52 weeks. The worker must give at least four weeks' notice prior to the end date of the original leave period. A period of unpaid parental leave may be reduced by agreement between the Church and the worker.

A worker can resign while on parental leave, but they must give the required notice of resignation as set out in their letter of offer or 4 weeks.

Workers should not undertake any activity during leave which is inconsistent with the employment contract, including other employment and they should remain responsible for the care of the child.

The worker’s position may be filled on a temporary basis while they are on leave. The Church will notify the replacement worker that their employment in this role is temporary, and that the pregnant worker has the right to return to the position.

**Time in lieu**

Time off in lieu will be granted only in exceptional cases where the worker works overtime for an extended period. All time off in lieu will need to be approved by the **[leadership/ management/ supervisors etc]**

Time in lieu is to be taken within 2 weeks of the extra days work for which it has been granted except in exceptional circumstances.

**Leave without pay**

**[Leadership/ management/ supervisors etc]** has the discretion to approve leave without pay that a worker is not otherwise entitled to.

**Community service leave**

Workers, including casual workers, can take community service leave for certain activities such as:

* voluntary emergency management activities (for example, as a volunteer dealing with an emergency or natural disaster as a member of SES (State Emergency Services), CFA or Army Reserve)
* Jury duty (including attendance for jury selection) as per legislation. The Church will pay the difference between what the court has paid the worker for attending jury duty and their salary for up to 10 days of service only. The worker is required to supply the Church with the official request to attend jury duty with the payment amount included.

A worker must request this leave as soon as possible after they become aware of the need to take the leave.

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

The Church will support such activities wherever possible, as an important community service.

The Church may require evidence of these activities at its discretion.

**Document Control Information**

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1. For further details on eligibility, refer to <https://www.servicesaustralia.gov.au/parental-leave-pay-for-child-born-or-adopted-from-1-july-2023> [↑](#footnote-ref-2)