Leave

(excluding Parental Leave)

Policy

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# Purpose

The purpose of this **Policy** is to —

express the various leave entitlements available to **Employees**;

support the physical and mental health and wellbeing of Employees; and

support Employee life balance.

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This Policy is to be read in conjunction with the relevant Service Directory entries, search for the name of the type of leave.

# Scope

## Institutional Scope

The scope of this Policy applies to the entire **University**.

## Individual Scope

The scope of this Policy applies to all Employees.

# How to Apply for Leave

Employees must refer to the Service Directory for information about how to apply for any of the types of leave referred to in this Policy.

# Annual Leave (including Annual Leave Loading)

## Eligibility and Entitlement

All Employees, excluding **Casual Employees**, will be entitled to annual leave per completed year of service to have a break from the workplace, on the following basis —

full-time: 4 weeks (150 hours) per completed year of service (accrued on a pro rata basis of 5.77 hours per completed fortnight of service); or

part-time: pro rata entitlement: **Full-time Equivalent** (FTE) x 150

Annual leave will be paid at the Employee’s ordinary rate of pay and accumulates from year to year.

Employees, excluding Casual Employees, accrue annual leave loading equal to 17.5% of the ordinary hourly rate for 4 weeks per calendar year or equal to the Australian Bureau of Statistics’ “average weekly earnings” for all males in the May published reference period preceding payment, whichever is lesser. Employees who commence on or after 1 January will receive pro rata leave loading for the number of completed months of continuous service.

Annual leave loading will be paid in November or the first pay period in December each year.

## Conditions of Annual Leave

Annual leave may be taken for a period agreed between an Employee and their **Supervisor** / **Manager**; No request for annual leave will be unreasonably refused.

Employees must give reasonable notice of their request to take leave.

Annual Leave must be taken in a period of at least one hour.

Under exceptional circumstances, the University may request Employees to cancel annual leave arrangements. If an Employee has already paid for accommodation and airfares (or alternative transportation), the Employee may request the University to reimburse any portion that could not be refunded, specific to those circumstances.

Where a public holiday (including the end of year closedown period) falls during a period of annual leave, these hours will not be deducted from the Employee’s leave balance.

An Employee may elect to access up to a full year’s leave entitlement in advance.

Where possible, all annual leave must be taken —

by the end of February in the year following commencement, in the case of the first full accrual; and

within the calendar year it accrues thereafter.

## Cashing Out Annual Leave

Subject to the terms of any applicable enterprise agreement, Employees may apply to cash out annual leave on reasonable grounds, which may include financial hardship. Fixed Annual Remuneration (FAR) Employees may agree with the University to cash out annual leave in accordance with the Fair Work Act 2009 (Cth)(the Act).

The minimum period of leave to be cashed out must be one week. A minimum balance of four weeks annual leave must be maintained for an application to be accepted.

Employees will be required to make a written application to the Director, Human Resources (DHR) to cash out annual leave.

Any annual leave cashed out by an Employee will be paid in the full amount that would have been payable to the Employee had the Employee taken the period of leave being cashed out. Superannuation must be paid on cashed out annual leave.

All periods of cashed out annual leave will not count as service.

## Clearance of Annual Leave

Where possible, Employees must clear their annual leave entitlement —

each year; and

prior to resignation or the expiry of their appointment.

Supervisors / Managers will be accountable for managing their Employees’ leave balance and are accountable for ensuring effective leave management processes are in place to limiting leave liability.

## Excess Annual Leave

**Excess Annual Leave** means an accrued annual leave entitlement that equals or exceeds 30 days leave or the equivalent hours (or the pro rata equivalent for Part-time Employees).

Employees with Excess Annual Leave may be required to clear their Excess Annual Leave to reduce their leave entitlement to a level no less than 4 weeks in accordance with the terms of an applicable enterprise agreement.

## Resignation or Termination

Employees, excluding Casual Employees, that cease employment with the University will be —

paid their unused accrued annual leave (calculated as at the date of termination of employment) in their final payment, at the ordinary rate of pay on that date;

required to repay any entitlement accessed in advance and not accrued, to be deducted from the Employee’s final payment.

**Academic Employees**, **ELICOS Employees** and **Professional and General Employees** will be paid any pro rata annual leave loading.

Employees who are paid leave loading and who cease employment with the University before 31 December on any year will not be required to repay the leave loading amount.

# Personal Leave (Sick or Carer’s)

## Eligibility and Entitlement

Employees, excluding Casual Employees, will be entitled to paid personal (sick and carer’s) leave in the case of personal illness or injury, to provide care or support to an **Immediate Family Member** who has a personal illness or injury or because of an unexpected emergency, or otherwise in accordance with an applicable enterprise agreement.

Full-time Employees will be entitled to 12.5 days (or 93.7 hours) personal leave per completed year of service with the University to be taken as sick leave or carer’s leave.

Personal leave will accumulate from year to year.

Part-time and fixed-term Employees will receive personal leave entitlements on a pro-rata basis based on their hours of work and length of contract —

part-time: FTE x 93.7 hours; or

fixed-term (less than 12 months): (Length of contract / 12 months) x FTE x 93.7 hours.

Personal leave for a full-time Employee will be calculated and credited on the following basis —

46.87 hours in advance on commencement of employment; and

accrues progressively and cumulatively according to the Employee’s ordinary hours of work thereafter on completion of six months service.

All Employees, including Casual Employees, will be entitled to unpaid carer’s leave of up to 2 days for each permissible occasion, unless they have access to paid personal leave. Unpaid carer’s leave may be taken as a single period of up to 2 days, or any separate periods to which the Employee and University agrees.

## Conditions of Personal Leave

Employees must —

notify their Supervisor / Manager or arrange for their Supervisor / Manager to be informed, as soon as is practicable; Failure to give reasonable notification may limit access to paid personal leave entitlements and may be treated as being absent without approval; and

submit a leave request, for all periods of paid personal leave as soon as practicable or on resumption to work.

Employees may utilise flexible working arrangements in accordance with the Mobility and Flexibility Policy instead of personal leave to cover an absence from work for matters such as routine appointments.

Employees who are absent from duty without sufficient cause will not be granted leave on account of illness or injury.

This entitlement must be used solely for the purpose of illness, injury, caring responsibilities or medical appointments and will not be cashed out under any circumstances.

## Evidence Requirements for Personal Leave

Medical evidence (a medical certificate) from a **Registered Health Practitioner** will be required for absences due to personal illness or injury of 3 or more consecutive working days.

An additional medical certificate will be required where the Employee is unable to return to work, following the initial approved period of personal leave.

The University may request an Employee to provide a medical certificate from a Registered Health Practitioner confirming they are fit to resume work.

Employees accessing personal leave to care for an Immediate Family Member must provide the University evidence to satisfy a reasonable person that they are entitled to access that leave, such as a medical certificate or statutory declaration.

Where there is reasonable doubt about an Employee’s absence, Human Resources will be available to support Supervisors / Managers seeking satisfactory medical evidence, or a statutory declaration, to confirm the Employee’s absence is due to personal illness or injury or care for an Immediate Family Member.

The DHR may be notified if there are reasonable grounds to doubt an Employee’s absence and may require the Employee to provide medical certificates for all future absences for a period of time not exceeding 12 months. The Employee may subsequently request, in writing that the DHR review this period.

## Illness, Injury or Caring During other Leave

The following leave will be re-credited and personal leave deducted if an Employee is ill, injured or caring for an Immediate Family Member and provides acceptable evidence such as a medical certificate from a Registered Health Practitioner —

days off in lieu (for public holidays worked) over the Christmas closedown period (which will be credited as annual leave); and/or

during a period of annual or long service leave.

Public holidays observed by the University which occur during a period of personal leave will not be deducted from the Employee’s personal leave balance.

Employees on leave without pay will not have access to personal leave during that period.

## Resignation, Expiry or Retirement

Unused personal leave will not be paid out on termination of employment.

Where an Employee resigns or their employment contract expires and is subsequently reappointed by the University within 8 weeks of their resignation or employment contract expiry, that Employee’s personal leave credits will be reinstated as at the date of the Employee’s cessation.

Where an Employee retires on medical grounds and subsequently returns to employment within 12 months of retirement, the Employee’s personal leave credits, at the date of the Employee’s retirement, will be re-instated.

## University Requested Medical Examination

The University may request an Employee to attend a medical examination, conducted by a Registered Health Practitioner, where —

there is reasonable doubt that an Employee can perform duties in relation to the safety and well-being of themselves and/or colleagues; or

there is reasonable doubt that the Employee is absent due to illness or injury, in accordance with the terms of any applicable enterprise agreement.

The cost of such a medical examination will be met by the University.

# Compassionate Leave

## Eligibility and Entitlement

Employees, including Casual Employees, are entitled to 3 days paid compassionate leave per occasion when —

an Employee’s Immediate Family Member —

contracts or develops a personal illness that poses a serious threat to their life;

sustains a personal injury that poses a serious threat to their life; or

dies;

a child is stillborn, where that child would have been an Immediate Family Member of the Employee if the child had been born alive; or

the Employee, or the Employee’s spouse or de facto partner, has a miscarriage.

Part-time Employees will receive paid leave based on the hours normally worked on the day(s) compassionate leave is taken.

If an Employee’s Immediate Family Member contracts a life-threatening illness and subsequently dies, the Employee is entitled to 3 separate periods of compassionate leave. However, the first entitlement to 3 days leave must be taken during the Immediate Family Member’s illness.

If additional paid compassionate leave is required, Employees may apply for additional days directly to their Supervisor/Manager.

Any additional paid compassionate leave requested by an Employee will be considered and granted on a case-by-case basis at the Employee’s Supervisor/Manager’s discretion. Factors to take into consideration include:

whether the Employee is required to travel to attend a funeral or family arrangement and the availability for that travel;

if the occasion involves trauma that includes or affects the Employee or Employee’s Immediate Family Member;

the relationship between the Employee’s Immediate Family Member and the Employee. For example, depending on the circumstances, more time may be required for occasions involving closer members of the Employee’s immediate family (e.g. parents, child, partner or spouse).

Compassionate leave will not accumulate from year to year.

## Conditions of Leave

When accessing compassionate leave, all Employees must —

give the University notice of the absence and expected period of the absence as soon as practicable (which may be after the leave has started); and

if requested, give the University information that would satisfy a reasonable person that the absence was taken for a permissible reason in the relevant circumstances.

Employees seeking leave on compassionate grounds will be connected with the University’s Employee Assistance Program.

Employees may take compassionate leave as a single continuous 3 day period, or three separate periods of 1 day each, or any separate periods agreed by their Supervisor / Manager.

Paid compassionate leave will only be paid to Casual Employees for the shifts the Casual Employee was rostered to work had they not been required to take compassionate leave. Compassionate leave must be taken in a period of at least 1 hour.

# Family and Domestic Violence leave

#### The University will support Employees who experience **Family and Domestic Violence** to continue to participate in the workplace by creating a supportive and safe environment, where Employees are comfortable in requesting assistance for Family and Domestic Violence related concerns.

#### All Employees (including part-time Employees and Casual Employees) will be entitled to access up to 10 days paid Family and Domestic Violence leave in accordance with the Act.

#### Employees can use paid Family and Domestic Violence leave if they are experiencing Family and Domestic Violence, they need to do something to deal with the impact of the Family and Domestic Violence and it is impracticable for them to do so outside their work hours. For example, Family and Domestic Violence leave can be used to arrange the safety of the Employee or a close relative (including relocation), attend court hearings, access police services, or attend counselling, medical, financial or legal appointments.

#### An Employee’s entitlement to access up to 10 days paid Family and Domestic Violence leave is available in full every year and will reset on the anniversary of the Employee’s commencement with the University. The entitlement does not accumulate from year to year if it is not used.

#### Other supportive processes include but are not limited to —

in addition to accessing up to 10 days paid Family and Domestic Violence leave, access to leave without pay and all accrued leave at short notice, including annual leave, personal leave, long service leave and short leave;

flexible working arrangements in accordance with the Mobility and Flexibility Policy, including changes to working times consistent with the needs of the work unit; and/or

changing work location, access to a new University telephone number and/or a new email address.

#### To access paid Family and Domestic Violence leave, Employees will need to advise their Supervisor/Manager, if they are comfortable doing so, or a HR Business Partner of their application to access the leave.

#### Only the DHR may approve Family and Domestic Violence leave.

#### The University may require reasonable evidence as proof of Family and Domestic Violence. Such evidence might include an agreed document issued by a police service, court, Registered Health Practitioner, Family and Domestic Violence support service or lawyer, or counselling professional. The University will not use this information for any other purposes without the Employee’s consent, unless required to do so by law or where necessary to protect the Employee or another person’s life, health or safety.

#### Where Employees or members of the **University Community** are at risk of physical harm, their Supervisor / Manager must —

notify Injury Management and Wellbeing;

take reasonable measures to ensure their safety, including through liaising with Injury Management and Wellbeing; and

consult with UWA Security (where reasonably appropriate).

#### Where additional support is required, Employees may submit a written application to the DHR for consideration.

#### Supervisors / Managers will treat all reports of Family and Domestic Violence and/or request for Family and Domestic Violence leave seriously, promptly and with the appropriate confidentiality.

## Cultural Leave

## Entitlement and Eligibility

The University will provide cultural leave to Employees for legitimate ceremonial and cultural purposes to meet the Employee’s customs, traditional law and participation in ceremonial activities.

Employees and their approving Supervisor/Manager may refer to the Australian Department of Home Affairs Calendar of Cultural and Religious Dates as a guide to some of the many cultural and religious days of significance.

Leave will be approved provided it involves legitimate ceremonial, cultural or religious observances.

**FAR Employees**, Academic Employees, ELICOS Employees and Professional and General Employees, excluding Casual Employees, are entitled to paid cultural leave, as follows —

full-time: 22.5 hours (or 3 days) per calendar year;

part-time: pro rata entitlement: FTE x 22.5 hours;

fixed-term (less than 12 months): pro rata (length of contract/12 months) x FTE x 22.5 hours.

Aboriginal and Torres Strait Islander Employees are also entitled to an additional 4 days leave per year.

Cultural leave will not accumulate from year to year.

**Child Care Employees** will be entitled to up to 5 days, non-cumulative, of special leave per year of service (or pro rata for part time Employees), which can be accessed as cultural leave.

Cultural leave must be taken in a period of at least 1 hour.

When accessing cultural leave, all Employees must —

give the University notice of the absence and expected period of the absence as soon as practicable (which may be after the leave has started); and

if requested, give the University information that would satisfy a reasonable person that the absence was taken for a permissible reason in the relevant circumstances.

Any ceremonial obligation which falls on a non-working day does not require the support of the University for observance and a substituted leave day will not be granted.

# Gender Affirmation Leave

## Entitlement and Eligibility

Employees who wish to access paid gender affirmation leave may contact the Diversity, Equity and Inclusion (DEI) Team for assistance and support.

Employees, excluding Casual Employees, who have completed at least 12 months continuous service with the University will be entitled to 20 days of paid gender affirmation leave per annum.

Part-time Employees are entitled to paid gender affirmation leave on a pro-rata basis.

Employees may request to use paid gender affirmation leave for the purpose of any gender affirmation process or procedures provided that —

it requires the Employee to be absent from work for medical purposes (this includes surgery/or hormone therapy, attendance at medical/or counselling appointments, and rest and recovery from medical procedures); or

it requires the Employee to be absent from work for legal affirmation (specifically for changing the Employee’s gender marker on personal identification document such as the Employee’s passport, birth certificate and driver’s license); and

it is consistent with the Employee’s gender affirming care plan provided by the Employee’s general practitioner or medical specialist.

Gender affirmation leave does not accumulate from year to year.

The leave will be paid at the Employee’s ordinary hourly rate.

If an Employee has exhausted their entitlement to paid gender affirmation leave, they may apply for paid personal/carer’s leave or leave without pay.

All periods of paid gender affirmation leave will count towards service with the University.

## Conditions of Gender Affirmation Leave

To access the leave, Employees must —

provide a copy of a gender affirming care plan endorsed by the Employee’s general practitioner or medical specialist on or before the first occasion the Employee applies for the leave;

apply in writing to their Supervisor / Manager, or the DHR, or the DEI Team to take leave that is consistent with their gender affirming care plan; and

specify the period of leave proposed to be taken.

Gender affirmation leave may be taken for a period agreed between the Employee and the University, subject to the operational needs of the University. No requests for gender affirmation leave will be unreasonably refused.

## Evidence Requirements for Gender Affirmation Leave

Employees must provide a medical certificate or letter from their general practitioner or health/medical specialist for any periods of leave in relation to medical appointments and/or medical procedures, or in the case of non-medical appointments, provide evidence that would satisfy a reasonable person.

For non-medical appointments, types of evidence may include —

receipts related to the appointment;

booking confirmations; or

statutory declaration.

Any application for paid personal/carer’s leave must be accompanied with evidence requirements outlined in 9.3(A).

Any documentation provided by an Employee for the purpose of accessing paid gender affirmation leave will be treated sensitively and confidentially by the University.

# Jury Service

Employees will be entitled to paid jury service leave for the period necessary to carry out duties as a juror, including reasonable travel time and rest immediately following the jury service.

To access jury service leave, an Employee must as soon as practicable provide the University with notice of their absence, including the expected period of the absence.

Employees will not be entitled to receive any jurors’ fees, other than for travel. Payment for jury service leave will be reduced by any amount an Employee receives as jury service pay.

In addition to jury service leave, Employees may access any accrued annual and long service leave or leave without pay (at the Employee’s election).

# Emergency Services Leave

**Recognised Emergency Management Body** means a body that has a role or function under a plan to cope with emergencies/and or disasters and is prepared by the Commonwealth, a State or a Territory, such as the State Emergency Service, St John Ambulance Brigade or Bush Fire Brigade.

Employees who are voluntary members of a Recognised Emergency Management Body will be entitled to emergency services leave for attendance at a voluntary **Emergency Management Response** activity as follows —

full-time/part-time: paid leave at ordinary rate of pay for the period the Employee engages in a voluntary Emergency Management Response activity; or

Casual: unpaid leave for the period the Employee engages in a voluntary Emergency Management Response activity.

Emergency Management Response means an activity that involves responding to an emergency, is carried out on a voluntary basis, with a Recognised Emergency Management Body, but does not include activity undertaken to prevent an emergency/disaster or the recovery activity following an emergency/disaster.

Emergency services leave will include reasonable travel time and rest time immediately following the activity.

To access emergency service leave, an Employee must as soon as practicable provide the University with notice of their absence, including the expected period of the absence.

Employees may only be granted emergency services leave provided the Employee —

is absent from work as a result of their attendance at an emergency;

is not required for the University’s own essential operations and/or emergency services;

has a certificate from the voluntary organisation confirming the period and their attendance; and

engages in the emergency activity on a voluntary basis.

In addition to emergency service leave, eligible Employees may access any accrued annual and long service leave or leave without pay (at the Employee’s election).

# Defence Force Reserves Training Leave

Employees, excluding Casual Employees, who are a volunteer member of the Australian Defence Force Reserves (ADF Reserves) and/or the Cadet Force (Cadets) are entitled to non-cumulative paid leave, for the purpose of attending approved activities, as follows —

4 weeks paid leave per calendar year to attend a training camp, school, class or course of instruction;

a maximum of 4 extra days paid leave may be granted, if the Commanding Officer of a unit certifies that it is essential for an Employee to be at an annual training camp in an advance or rear party;

2 additional weeks paid leave for first year ADF Reserves for recruit and training purposes; and

the leave includes reasonable travel time and rest time immediately following the activity.

To access ADF Reserves training leave, an eligible Employee must as soon as practicable provide the University with notice of their absence, including the expected period of the absence.

In addition to ADF Reserves training leave, eligible Employees may access any accrued annual leave, long service leave or leave without pay (at the Employee’s election).

Any unpaid leave taken by an Employee for the purposes of attending ADF Reserves or Cadets activities is recognised as continuous or **Qualifying Service**.

Any period of continuous full-time duty with the ADF Reserves is recognised as continuous or Qualifying Service for the purposes of incremental progression and leave accruals (such as annual, long service and personal leave).

Subject to the provisions of an applicable enterprise agreement, an Employee who is a member of both the ADF Reserves and Cadets will only be granted leave for —

1 camp for continuous training (on full pay); and

1 additional special school or course of instruction (to be taken as annual, long service leave or leave without pay) in a 12 month period.

# Veteran’s Leave

Employees, excluding Casual Employees, who have a war caused illness as certified by the Department of Veteran’s Affairs and a Registered Health Practitioner, will be entitled to 112.5 hours paid leave per year.

With the approval of the Vice Chancellor or nominee, veteran’s leave may accrue up to 337.5 hours.

To receive veteran’s leave, an eligible Employee must provide certificates from —

the Department of Veteran’s Affairs stating that the illness is recognised as an illness caused by or related to war service; and

a Registered Health Practitioner, as to the nature of the illness.

Veteran’s leave may be granted irrespective of any entitlements existing under personal leave entitlements.

In addition to veteran’s leave, Employees may access any accrued annual and long service leave or leave without pay (at the Employee’s election).

# International Sporting Events Leave

Employees, excluding Casual Employees, who are chosen to represent Australia as a competitor or official at a recognised international sporting event are entitled to up to 10 consecutive days paid leave, for the period of the competition plus reasonable travel time.

In addition to international sporting events leave, eligible Employees may access any accrued annual leave, long service leave or leave without pay (at the Employee’s election).

# Short Leave

Professional and General Employees, ELICOS Employees and FAR Employees, excluding Casual Employees, may be eligible to paid leave, non-cumulative, for matters of a personal and pressing nature which arise without notice and require immediate attention, as follows —

full-time: 22.5 hours (or 3 days) per calendar year;

part-time: pro rata entitlement: FTE x 22.5 hours; or

fixed-term (less than 12 months): pro rata entitlement: (Length of contract / 12 months) x FTE x 22.5 hours.

To access short leave, an eligible Employee must —

provide the University notice of the absence and expected period of the absence as soon as practicable (which may be after the leave has started); and

if requested, provide information that would satisfy a reasonable person that the absence was taken for the reason the leave is available.

Short leave may be used for an emergency at home such as storm/flood damage.

Short leave must not be used for planned arrangements such as moving house or routine medical appointments.

Short leave must only be used in genuine circumstances of a personal and pressing nature which arise without notice and require immediate attention.

Short leave must be taken in a period of at least 1 hour and not more than 15 consecutive hours.

# Leave without Pay (including Personal Leave Without Pay)

## Eligibility and Entitlement

Employees, excluding Casual Employees, upon application, may be granted leave without pay (unpaid leave) in the following circumstances to —

proceed on extended holiday/travel;

take up a Secondment with another organisation to aid the Employee’s development and expertise;

settle personal matters where an extended period of leave is required (including personal leave); or

undertake a study programme.

During a period of unpaid leave —

an Employee is not eligible to be paid for public holidays which the University does not work;

an Employee is not eligible for any corresponding days off in lieu during the Christmas closedown, if unpaid leave falls on a public holiday worked by the University;

an Employee is not entitled to any other form of leave during a period of unpaid leave unless the Employee suffers an illness resulting from pregnancy while on unpaid parental leave;

no allowances will be paid; and

payment of the University’s superannuation contributions will cease for the period of unpaid leave.

## Conditions of Leave

To access unpaid leave, an eligible Employee must first exhaust all other accrued paid leave entitlements, except where the unpaid leave is taken —

to access unpaid parental leave subject to the provisions of the University’s Parental Leave Policy; or

to provide care and support to an Immediate Family Member; or

where personal illness or injury is supported by a medical certificate and the Employee has exhausted any paid personal leave entitlement; or

because the Employee is experiencing Family and Domestic Violence; or

because the Employee is accepting a Secondment opportunity with another employer for developmental purposes; or

because the Employee has received an appointment under an international scheme of assistance (such as United Nations Educational, Scientific and Cultural Organisation (UNESCO), World Health Organisation (WHO)).

The maximum period of unpaid leave that can be accessed is 12 months, in the first instance.

The minimum period of unpaid leave that may be granted is 1 day.

Approval will not be provided to fixed-term Employees where the period of unpaid leave requested exceeds the term of the Employee’s fixed-term appointment.

Unpaid leave exceeding 14 calendar days (or calendar 2 weeks) —

will delay annual salary increments and leave accrual eligibility dates, by that period of unpaid leave; and

will not constitute a break in service, however, will not count as service for any purpose. This will not apply to leave relating to international scheme of assistance.

## Appointment under an International Scheme of Assistance

If an Employee is granted unpaid leave to take up an appointment under an international scheme of assistance for developing countries (e.g. UNESCO, WHO) to which Australia is a party —

that period is counted as Qualifying Service for all leave purposes; and

the University will continue to pay superannuation contributions for the period involved, provided the Employee completes an equivalent period of service with the University, immediately following the period of leave.

# Long Service Leave

An Employee’s entitlement to long service leave will be in accordance with the applicable enterprise agreement or provided for in accordance with the Long Service Leave Act 1958 (WA).

# Conference, Fieldwork and Outside Studies Programme Leave

#### In special circumstances, Academic Employees and Professional and General Employees (excluding Casual Employees) may be granted leave from performing their day-to-day duties to attend **Conferences**, undertake **Fieldwork** or attend an **Outside Studies Programme** (OSP) (Conference, Fieldwork and OSP Leave).

#### Outside Studies Programme means a programme of study that cannot be completed effectively within the University.

#### Conference, Fieldwork and OSP Leave is not an entitlement. It will be approved at the University’s discretion by the Employee’s Head of School or Director (or equivalent) and only where:

the Employee is required to attend a Conference, undertake Fieldwork or attend an OSP as part of required University duties or during an academic sabbatical; and

the Employee has submitted and obtained approval of a written business case before commencing the requested leave.

#### Fieldwork, Conference and OSP leave may be approved in addition to an Employee’s existing leave entitlements under The University of Western Australia Academic Employees Agreement 2023, as amended or replaced from time to time (the Academic Agreement) or The University of Western Australia Professional and General Employees Agreement 2023, as amended or replaced from time to time (the Professional and General Agreement) and this Policy.

#### Each application for conference, fieldwork and OSP leave will be treated on its merits and determined taking into account:

for applications to attend a Conference: the purpose and duration of the Employee’s proposed attendance at the Conference, which may include, but is not limited to, presenting a paper or chairing a session at the Conference;

for applications to undertake Fieldwork: the location, subject and duration of the intended Fieldwork and any identified safety and health considerations;

for applications to attend an OSP: the benefits for the University and the Employee, the relevance of the OSP to the Employee’s field of expertise and whether or not similar studies can be conducted within the University.

#### Professional and General Employees may be granted conference, fieldwork and OSP leave if they are invited to attend or present at a Conference, where the Conference —

is relevant to the eligible Employee’s position or normal duties; or

is required to be undertaken or attended by the eligible Employee as an official representative of the University; and

relates to the business of the University.

#### Unless special circumstances exist, applications by Academic Employees to undertake fieldwork or attend an OSP during a teaching period will not normally be approved.

Travel time to attend conferences or OSPs and undertake fieldwork will be in accordance with the Travel Policy.

# Employee Funded Extra Leave

Accessing Employee funded extra leave will affect an Employee’s superannuation contributions. Employees who wish to continue superannuation contributions based on 100% of their applicable rate of pay will be responsible for arranging and paying the difference.

An Employee that is on a period of Employee funded extra leave will continue to accrue annual leave, long service leave and personal leave entitlements. If this leave is accessed after the expiry of the Employee’s Employee funded extra leave scheme, the leave entitlements will be paid at 100% of the Employee’s salary rate. All forms of leave taken during the period of an Employee funded leave scheme will be paid at the Employee’s reduced salary rate in accordance with the terms of the purchased leave arrangement or **Deferred Salary Scheme**.

## Purchased Leave

Employees, excluding Casual Employees and Child Care Employees, can apply to purchase up to 8 weeks additional leave per year at a reduced salary over a 52-week period.

Full-time Child Care Employees can apply to purchase 2 weeks additional leave per year at a reduced salary over a 52-week period, in accordance with the provisions of the Child Care Agreement. A maximum of two full-time Child Care Employees may be approved to purchase additional leave in any one year.

The reduction in salary or wage will be equal in value to the additional leave purchased.

A purchased leave arrangement will apply for 12 months. If the Employee wishes to continue the purchased leave arrangement for a further period, a new application must be submitted before the end of the 12 month period.

Additional leave purchased under a purchased leave arrangement can only be purchased in weeks, not days.

All purchased leave should be taken at a period mutually agreed by the Employee and their Supervisor / Manager during the 12-month period. Purchased leave must be exhausted in full before accessing an annual leave entitlement.

Where an Employee has been unable to exhaust all of their purchased leave entitlement at the end of the 12 month period, the Employee’s salary will be adjusted and the unexhausted portion of the purchased leave will be paid to the Employee.

Employees who withdraw from a purchased leave arrangement or resign from the University before the end of the purchased leave arrangement period will either —

have the pro rata amount of unused purchased leave reimbursed as a lump sum payment; or

be required to repay any overdrawn purchased leave.

Purchased leave will be considered as service for all purposes.

Where an Employee is required to work overtime during the period of a purchased leave arrangement, they will be paid overtime based on 100% of their applicable rate of pay.

## Deferred Salary Scheme

Deferred Salary Scheme means the agreed period the Employee chooses to defer receipt of a percentage of their salary, in exchange for an extended period of leave.

Participation in a deferred salary scheme is subject to approval by the DHR.

Professional and General Employees, Academic Employees and ELICOS Employees, excluding Casual Employees, can apply for a Deferred Salary Schemeby electing to take a reduced salary to obtain additional leave as follows —

after 4 years in scheme, 1 year leave at 80% of salary;

after 4.5 years in scheme, 6 months leave at 90% of salary; or

after 2 years in scheme, 6 months leave at 80% salary.

Employees who withdraw from the Deferred Salary Scheme or resign from the University before accessing/clearing the deferred leave will be paid —

a one off lump sum payment equivalent to the percentage of salary foregone during the period already worked; and

a one off lump sum superannuation payment based on the salary forgone;

into the Employee’s superannuation contribution scheme account and will be paid in accordance with the Employee’s current rate.

**Non-participatory Period** means **Secondments** (where the outside organisation pays the Employee for work performed), leave without pay, personal leave without pay (greater than 3 months) and unpaid parental leave.

Non-participatory Periods will not be deemed as withdrawal from a Deferred Salary Scheme and will delay the commencement of the leave by the length of Non-participation Period.

Employees will be paid their normal salary during Non-participatory Periods.

Employees are expected to clear their annual leave entitlement annually during the term of the Deferred Salary Scheme.

Deferred leave must be taken immediately following the completion of the Deferred Salary Scheme period.

Deferred leave will not constitute a break in service and will count as service for all purposes, except salary increments.

Employees cannot work for the University when taking their deferred leave.

# English Language Training Leave

Employees (excluding Casual Employees) from non-English speaking backgrounds are entitled to paid leave during normal working hours to attend English language training with a training provider approved by the University.

An application for English language training leave may be approved where it can be demonstrated that the eligible Employee —

may benefit from English language training to enable them to meet the standards of communication to advance career prospects;

constitutes a safety hazard or risk to themselves and/or fellow workers; and/or

is not able to meet the accepted productivity requirements of that particular occupation.

The leave granted will be dependent upon the individual Employee's requirements and a needs assessment by an approved training provider.

The agreed desired level of vocational English proficiency will take into account the current and future vocational needs of an Employee in respect of communication, safety, welfare and productivity. Consideration will include the Employee's current position, together with any future positions to which the Employee may be considered for either promotion or redeployment. Vocational needs will also take into account issues relating to training, retraining and multi-skilling, equal employment opportunity legislation, industrial relations and safety provisions.

# Time Off for Study or Study Leave

**Time Off for Study** (Study Leave) means paid leave provided to eligible Employees to meet the requirements for approved university or Professionally Prescribed Studies.

## Eligibility

Academic Employees, Professional and General Employees and FAR Employees (excluding Casual Employees) may be eligible for Time Off for Study in accordance with this clause.

Child Care Employees and ELICOS Employees are not entitled to Time Off for Study in accordance with this clause. However, Child Care Employees and ELICOS Employees may be entitled to receive Study Leave in accordance with the provisions of The University of Western Australia Child Care Employees’ Collective Agreement 2015, as amended or replaced from time to time (the Child Care Agreement) and The University of Western Australia ELICOS Teachers Agreement 2018, as amended or replaced from time to time (ELICOS Agreement), respectively. Child Care Employees and ELICOS Employees should refer to those enterprise agreements for further information regarding access to Study Leave.

Time Off for Study may be granted to eligible Employees for undertaking Professionally Prescribed Study, external courses, and all undergraduate and postgraduate (by coursework) study. Time Off for Study will not be available for Employees to obtain a doctorate or participate in courses which require research. Unless specified otherwise, access to Time Off for Study will not be limited to undergraduate or post-graduate studies undertaken at this University.

**Professionally Prescribed Study** may include vocational tertiary education, diploma or certificate courses (through providers such as TAFE or professional affiliations), internships or articles.

Academic Employees will be able to access Time Off for Study for postgraduate (by coursework) qualifications (such as a Master of Business Administration) and/or a teaching qualification.

Academic Employees seeking to conduct research will be required to apply for academic sabbatical and must refer to the Academic Sabbatical Policy.

Employees that are holders of scholarships or other grants will be ineligible for Time Off for Study.

Employees who believe their particular circumstances would cause them to be seriously disadvantaged by the limits imposed above may make a written application to the Senior Deputy Vice Chancellor (for Academic Employees) or the DHR (for Professional and General Employees and FAR Employees) for consideration.

Time Off for Study may be granted to eligible Employees to complete formal study when —

the course undertaken is on a part-time basis;

the application is made before starting the course of study;

the course is relevant to their current employment;

the course is of value to the University; and

the Time Off for Study purposes is authorised by the approved **Delegate**.

Employees will not be eligible for Time Off for Study if the course is not aligned with their current role.

## Entitlement

Eligible full-time Employees will be entitled to a maximum of 75 hours of non-cumulative Time Off for Study per teaching period (inclusive of travelling time).

Part-time Employees will be eligible for pro rata Time Off for Study.

Time Off for Study will count as continuous service for all purposes.

Periods of Time Off for Study will be negotiated between the Employee and their Supervisor / Manager and should take into consideration —

the business requirements of the work area; and

that it does not adversely impact the Employee's ability to meet their course requirements.

In addition to weekly course attendance, Employees may be granted time off with pay for examination attendance, to a maximum of 3 hours per unit with approval from their Supervisor / Manager.

Where an Employee is required to re-sit an examination, they must do so in their own time.

All cases of will be subject to —

continued satisfactory performance in the work area;

the business needs of the work area;

the Employee making satisfactory progress with their studies; and

prior approval from their approved Delegate.

Time Off for Study may be combined with any other accrued annual and long service leave or leave without pay.

Employees must immediately notify their Supervisor / Manager and Human Resources of any changes to the amount of time off granted or if their studies are discontinued.

Employees must provide a copy of their qualification to their Supervisor / Manager and Human Resources on completion of the course.

## Senior Study Leave

Senior Professional and General Employees may be eligible for senior study leave, where —

leave is for the purpose of undertaking an investigation related to official duties; or

leave is for a program of study and travel considered by the Executive or Director to be of value to the University;

the study leave will not ordinarily exceed 3 months in any period of 7 years and is not cumulative; and

extensions may be approved where the Executive or Director decides that a longer period is necessary to satisfactorily complete the particular investigation or program of study approved.

This leave requires a written submission to the Vice-Chancellor (or approved nominee) for consideration and approval decision.

# Recognition of Prior Service

**Recognition of Prior Service** means the recognition of an Employee’s continuous service at a **Reciprocal Institution** for the purposes of the Employee’s long service leave and personal leave entitlements at the University.

Reciprocal Institutionmeans other public universities or other public institutions which have reciprocal arrangements with the University for the purposes of recognising long service leave and personal leave.

Recognition of Prior Service is only available to Employees excluding Casual Employees.

Employees who were employed by a Reciprocal Institution immediately before commencing employment at the University may be entitled to Recognition of Prior Service.

The University will generally not approve Recognition of Prior Service where there has been a break of more than 2 weeks since termination of the Employee’s former employment at the Reciprocal Institution and the commencement of the Employee’s employment at the University. However, at the Supervisor’s discretion, the Supervisor may recommend Recognition of Prior Service where there is a break of more than 2 weeks, with the DHR as decision-maker.

Recognition of Prior Service does not occur automatically. Employees must request the Recognition of Prior Service. Employees are encouraged to request the Recognition of Prior Service prior to commencement at the University or as soon as possible following commencement at the University.

An Employee’s continuous service with a Reciprocal Institution will be recognised according to the number of years of continuous service the Employee has performed with the Reciprocal Institution up to the termination of the Employee’s employment at the Reciprocal Institution. The University will recognise any continuous service which was previously recognised by the Reciprocal Institution under its own recognition of prior service arrangements.

Continuous service with Commonwealth or State or Territory (other than Western Australia) public services, instrumentalities, authorities, institutions or organisations (e.g. CSIRO or the Australian Vice-Chancellor’s Council) may be approved as recognised prior service by agreement between the University and the Employee only at the time of the Employee’s appointment.

Recognition of Prior Service will not count for the calculation of an Employee’s continuous service for any other entitlements other than for long service leave and personal leave as expressly set out in this Policy. For the avoidance of doubt, this means that Recognised Prior Service is not taken into account for the purposes of an Employee’s entitlements to notice of termination, redundancy or severance pay.

## Recognition of prior service and long service leave

Continuous service credited to an Employee through Recognition of Prior Service will be recognised by the University as counting towards the period of service required to qualify to access the Employee’s long service leave entitlement under the enterprise agreement that applies to the Employee’s employment or otherwise applicable legislation.

Regardless of the rate an Employee’s entitlement to long service leave accrued during their former employment at the Reciprocal Institution, an Employee’s entitlement to long service leave in their employment at the University will accrue in accordance with the applicable enterprise agreement, applicable legislation or University Policy, based on the Employee’s continuous service as adjusted by any Recognition of Prior Service.

Employees are required to work at the University for a minimum period of three years prior to relying on Recognition of Prior Service to access long service leave. Access to accrued long service leave prior to three years service is at the discretion of the Head of School or Director (or equivalent) in consultation with the DHR.

In the event of retirement, retirement due to ill-health or death within the first three years of appointment to the University, transferred long service leave entitlements based on Recognition of Prior Service will be included in the calculation of payments for uncleared long service leave credits.

Long service leave otherwise accrues and may be taken or paid out on termination in accordance with any applicable enterprise agreement, appliable legislation or University Policy.

## Recognition of prior service and personal leave

The maximum amount of personal leave which will be credited to an Employee as part of Recognition of Prior Service is 300 hours for full time Employees and pro-rata for part-time Employees.

Personal leave otherwise accrues and may be taken in accordance with the applicable enterprise agreement and this Policy. For the avoidance of doubt, personal leave is not paid out on termination of employment, even where it has been credited due to the Recognition of Prior Service.

## Recognition of prior service and annual leave

The University will not recognise an Employee’s annual leave entitlements accrued with a Reciprocal Institution unless —

an Employee was, immediately before being employed by the University, employed in the Western Australian Public Service; and

at the Employee’s request and at the discretion of the Chief Finance Officer, the University agrees to accept funds equivalent to the Employee’s accrued annual leave paid out on termination of their previous employment in the Western Australian Public Service.

Where such funds are accepted by the University, but do not cover the same period of leave with the University, the period of leave will be proportionately reduced.

Definitions

**Academic Employee** is defined in the Policy Framework Policy.

**Casual Employee** is defined in the Policy Framework Policy.

**Child Care Employee** is defined in the Policy Framework Policy.

**Conference** is defined in the Policy Framework Policy.

**Deferred Salary Scheme** is defined in section 19.2

**Delegate** is defined in the Delegations Framework Policy.

**ELICOS Employee** is defined in the Policy Framework Policy.

**Emergency Management Response** is defined in section 11

**Employee** is defined in the Policy Framework Policy.

**Excess Annual Leave** is defined in section 4.5

**Family and Domestic Violence** is defined in the Policy Framework Policy.

**FAR Employee** is defined in the Policy Framework Policy.

**Fieldwork** is defined in the Policy Framework Policy.

**Full-time Equivalent** (FTE) is defined in the Policy Framework Policy.

**Immediate Family Member** is defined in the Policy Framework Policy.

**Manager** is defined in the Policy Framework Policy.

**Non-participatory Period** is defined in section 19.2

**Outside Studies Programme** is defined in section 18

**Policy** is defined in the Policy Framework Policy.

**Professional and General Employee** is defined in the Policy Framework Policy.

**Professionally Prescribed Study** is defined in the Organisational Development Policy.

**Qualifying Service** is defined in the Policy Framework Policy.

**Reciprocal Institution** is defined in section 22

**Recognised Emergency Management Body** is defined in section 11

**Recognition of Prior Service** is defined in section 22

**Registered Health Practitioner** is defined in the Policy Framework Policy.

**Secondment** is defined in the Organisational Development Policy.

**Supervisor** is defined in the Policy Framework Policy.

**Time Off for Study** (Study Leave) is defined in section 21

**University** is defined in the Policy Framework Policy.

**University Community** is defined in the Policy Framework Policy.

End