

Leave Policy

1. Introduction

- 1.1. East Waste recognises the importance of leave and its role in promoting work life balance and ensuring the well-being of its employees.
- 1.2. This policy aims to ensure a fair and equitable approach to taking and management of leave entitlements, ensuring employees are supported, well, and fit for work.
- 1.3. Any breach of this policy may result in counselling, and/or disciplinary action. This may include provision of warnings, termination of employment, or both.

2. Scope

- 2.1. This policy applies to all casual, permanent and fixed term employees.
- 2.2. This policy operates in conjunction with other relevant East Waste policies and applicable Awards/Agreements and/or applicable legislation. Relevant Award/Agreement provisions will generally override this policy to the extent of any inconsistency.
- 2.3. This policy may be amended from time to time or withdrawn by East Waste at its discretion and does not form part of employment agreements.

3. Responsibilities

- 3.1. It is the responsibility of the General Manager to communicate the content of this policy to all employees.
- 3.2. It is the responsibility of all employees to abide by the conditions of the policy and seek assistance from their manager when required.

4. Annual Leave

4.1. Leave Entitlement

- 4.1.1. Full-time employees are entitled to four weeks (20 days equivalent) of paid annual leave per year, unless otherwise stated in their contract of employment or applicable Award/Agreement.
- 4.1.2. Annual leave entitlements accrue throughout the year of service and accumulate from year to year.
- 4.1.3. Part-time employees are entitled to the prorated equivalent, based on their contracted ordinary hours of work.

- 4.1.4. Casual employees are not entitled to paid annual leave, as they receive a casual loading in lieu of this entitlement.
- 4.1.5. Annual leave loading will be paid in accordance with the employee's Award/Agreement and/or contract of employment.

4.2. Taking Annual Leave

- 4.2.1. Employee's requests for annual leave should be made to their approving Manager via the UKG platform, as early as practical prior to the leave to ensure adequate staffing during periods of leave. Management will endeavour to respond to applications for annual leave as soon as reasonably practicable, or within five (5) business days.
- 4.2.2. Employees may take annual leave only at a time agreed between themselves and their approving Manager, or otherwise in accordance with the relevant Award/Agreement.
- 4.2.3. Annual leave may be taken as either the full accrued entitlement or as part of the accrued entitlement. Employees are encouraged to take annual leave in blocks of at least one week to ensure a sufficient break from work. Shorter periods of leave such as single or half-days, may be taken by agreement between the employee and their approving Manager.
- 4.2.4. Where possible it is advisable for employees to take accrued annual leave within twelve (12) months of it being accrued to ensure they have sufficient time away from work for rest and recreation.
- 4.2.5. Employees are encouraged to apply for annual leave considering the accrued hours they have available at that time, as opposed to future leave they intend to have accrued, immediately prior to taking the scheduled leave, to prevent leave accrual shortfall.
- 4.2.6. The employee has a responsibility to be aware of their annual leave balance and ensure that they have sufficient annual leave accrual available, immediately prior to the scheduled period leave.
- 4.2.7. Where an employee has a period of annual leave scheduled but does not have sufficient annual leave accrued at the time of taking the Leave, and an alternative Leave application is not submitted to account for the shortfall, this portion of leave may be deemed as unauthorised leave and subject to disciplinary action.
- 4.2.8. If a leave application is not approved, the approving Manager will explain the reasons for not authorising the leave and may explore alternative options with the employee.
- 4.2.9. Annual leave continues to accrue during any period of paid leave granted by East Waste. Other periods of leave taken without pay (unpaid leave) do not count as service for the purposes of accumulating annual leave unless specified in the relevant Award/Agreement.

4.3. Cancellation of Annual Leave

- 4.3.1. Employees wishing to request to cancel an application for annual leave not yet approved, must cancel their leave application via the UKG platform as soon as practical and should notify their direct line Manager.
- 4.3.2. Where an employee requests to cancel an approved request for annual leave, they must apply to their approving Manager either directly or by email as soon as practical advising of their circumstances. The approving Manager will assess the application for cancellation on a case by case basis and notify the employee of the outcome.

4.4. Excessive Annual Leave

- 4.4.1. Employees who accrue in excess of six weeks (30 working days) of annual leave, but less than eight weeks (40 working days), will be encouraged by their direct line Manager to apply for a period of annual leave to reduce their balance to no more than six weeks (30 working days).
- 4.4.2. The East Waste General Manager may, subject to any applicable Award or Agreement provisions, direct an employee who has accrued in excess of eight weeks of annual leave (40 working days) to take a portion of the annual leave, by giving the employee no less than four (4) weeks' written notice beforehand.

4.5. Public Holidays and Annual Leave

Unless otherwise prescribed in the employees Award/Agreement, any statutory public holidays that fall during a period of authorised annual leave are recognised as a public holiday and not considered to be annual leave.

4.6. Personal/ Carer's Leave While on Annual Leave

If an employee suffers from a personal illness, personal injury or for the purposes of carer's leave, they may apply to take paid personal leave while on annual leave in accordance with the applicable Award/Agreement. Employee's must do so via the UKG platform.

4.7. Payment of Annual Leave

- 4.7.1. Unless otherwise stated within an applicable Award/Agreement, annual leave is generally paid at your ordinary rate of pay (base pay) received immediately prior to the time of taking leave. This doesn't include extra payments such as overtime rates, penalties, allowances and bonuses.
- 4.7.2. Any annual leave loading will be paid in accordance with the relevant Award/Agreement or Contract of Employment.

4.8. Payment of Annual Leave on Termination

- 4.8.1. On termination of employment, employees will receive payment for any accrued but untaken annual leave.

- 4.8.2. Where annual leave has been taken in advance of it accruing, resulting in a negative leave balance, then, to the extent permitted by law, this amount will be deducted from the employee's final pay.

5. Personal Leave (Carer's/Family Leave)

5.1. Leave Entitlements

- 5.1.1. Full-time employees are entitled to two weeks (10 days equivalent) of paid personal leave (including carer's/family leave) per year, unless otherwise stated in their contract of employment, or applicable Award/Agreement.
- 5.1.2. Personal Leave entitlements accrue throughout the year of service and accumulate from year to year.
- 5.1.3. Part-time employees are entitled to the prorated equivalent, based on their contracted ordinary hours of work.
- 5.1.4. Casual employees are not entitled to paid personal leave, as they receive a loading in lieu of this entitlement.

5.2. Taking Personal Leave

- 5.2.1. Personal leave may be taken when an employee is not fit for work because of a personal illness or personal injury; or in order for an employee to provide care or support to a member of their immediate family or a member of their household who requires care because of an illness or personal injury affecting that person or unexpected emergency affecting that person.
- 5.2.2. Where an employee has exhausted the accrued entitlement to paid personal leave, any further period of personal leave may be authorised as unpaid personal leave, subject to the authorisation by the employees approving Manager. In this instance, medical evidence is required in order to substantiate the reason for being away from the workplace. If medical evidence is not provided, the absence may be regarded as unauthorised leave and subject to disciplinary action.
- 5.2.3. Alternatively, rather than accessing unpaid leave, an employee may wish to apply to access their annual leave (or other relevant leave) via the UKG platform.
- 5.2.4. Personal leave may not be cashed out and is not payable on termination of employment.

5.3. Personal leave when you have family or carer's responsibilities (family/carers leave)

- 5.3.1. An employee is entitled to take paid personal leave to provide care or support of a member of their immediate family or household who is temporarily ill or injured, or if there is an unexpected emergency affecting an immediate family member.

- 5.3.2. In normal circumstances, an employee may not take carer's leave where another person has taken leave to care for the same person. If required, an employee may be asked to provide satisfactory evidence that the leave is taken for the reason stated above, by way of a medical certificate or statutory declaration
- 5.4. Notification of absence**
- 5.4.1. In all instances where an employee is absent from work due to illness, injury, or carer's responsibilities, they must contact their manager or designated contact directly and inform them prior to, or as soon as practical after, the employee's scheduled start time (including where you are leaving work due to illness, injury or carer's responsibilities).
- 5.4.2. All paid and unpaid personal leave should be applied for via the UKG platform.
- 5.5. Evidence of personal leave**
- 5.5.1. Employees may be required to provide evidence such as medical certificate or statutory declaration, supporting a request for personal/ carer's leave in accordance with their relevant Award/Agreement.
- 5.5.2. Failure to notify a manager of any absence, or failure to provide required medical certificate in the appropriate timeframe without reasonable explanation, may result in no payment being made for the day(s) of absence.
- 5.6. Work-related illness or injury**
- If you suffer a workplace injury or illness, you must report the injury or illness in line with the East Waste Incident & Investigation Procedure.
- 5.7. Monitoring long term or excessive absence**
- 5.7.1. East Waste recognises there are several workplace and personal factors that impact the use of personal leave and will take a proactive approach to monitoring excessive absences. Examples of concerning absences may include repeated patterns of absence, inadequate notice, unsupported (reasonable evidence not provided) and exhausted personal leave entitlements.
- 5.7.2. If a concerning absence is noticed, Managers will have an informal discussion to further understand the reasons for an employee's absence and determine the best course of action to support them.
- 5.7.3. Where a Manager suspects inappropriate use of personal leave or there is an ongoing concerning absence despite initial conversations, an employee may be subject to disciplinary action.

6. Compassionate (or Bereavement) Leave

- 6.1. Unless otherwise stated in the relevant Award/Agreement, employees are entitled to paid compassionate leave (generally up to 2 ordinary days per occasion) in the event that an immediate family member or household member contracts or develops a life-threatening illness or injury or dies.

- 6.2. Compassionate leave is separate from personal leave balances, it does not accrue.
- 6.3. Employees may be required to provide reasonable evidence when applying to take compassionate leave. supporting evidence may include (but is not limited to) a medical certificate, a death certificate, an obituary notice, an appropriate letter from the funeral home or, a statutory declaration including confirmation of the relationship to the deceased, ill or injured.

7. Long Service Leave

- 7.1. Employees are entitled to long service leave in accordance with the *Long Service Leave Act 1987*.
- 7.2. **Eligibility**
 - 7.2.1. Employees who have completed at least 10 years of continuous service are entitled to accrue and take long service leave.
 - 7.2.2. Pro-rata entitlements apply to employees who have completed at least 7 years of continuous service, except in cases of serious misconduct. Employees may apply to take long service leave after 7 years of continuous service only by mutual agreement of the employee and Manager.
 - 7.2.3. This long service leave clause applies to full-time, part-time, and eligible casual employees.
- 7.3. **Entitlement**
 - 7.3.1. Fulltime employees are entitled to 13 weeks of paid long service leave after 10 years of fulltime equivalent (FTE) continuous service.
 - 7.3.2. For each subsequent completed year of service beyond 10 years (FTE), employees accrue an additional 1.3 weeks of leave.
 - 7.3.3. Part-time and casual employees, are entitled to the prorated equivalent, calculated on hours worked over the last three years. This calculation also applies to fulltime employees that were employed on a part-time or casual basis during their period of continuous service.
- 7.4. **Taking long service leave**
 - 7.4.1. Employees must provide reasonable notice when requesting long service leave and apply via the UKG platform, as early as practical prior to the leave to ensure adequate staffing during periods of leave.
 - 7.4.2. Prior to authorising any long service leave, the approving manager will consult with payroll and human resources staff to ensure adequate long service leave entitlements available to fund the proposed leave.
 - 7.4.3. Employees are encouraged to apply for periods of long service leave in blocks of at least 4 weeks to allow sufficient time to rest and recuperate.

- 7.4.4. The timing of leave is subject to mutual agreement between the employee and the employer, considering operational requirements and the employee's personal circumstances.
- 7.5. **Payment of long service leave**
 - 7.5.1. Long service leave is generally paid at the employee's ordinary rate of pay immediately prior to the taking of long service leave.
 - 7.5.2. Payment of pro-rata entitlements will be made upon termination of employment, where applicable.
- 7.6. **Transfer of long service leave entitlements**
 - 7.6.1. If an employee leaves the service of East Waste and, within 13 weeks of having done so, enters the service of another council (or subsidiary) without having commenced other remunerated employment within that intervening period, the periods of service will, for the purpose of calculating present and accruing rights to long service leave and sick leave, be taken to be a single continuous period of service.
 - 7.6.2. If an employee engaged by a council, or subsidiary, is entitled to the benefit of clause 7.6.1 that council or subsidiary is entitled to receive from the other council or subsidiary a contribution of an amount as calculated in accordance with the Regulation 23 of the *Local Government (Financial Management) Regulations 2011*.

8. Unpaid Leave

- 8.1. Employees may apply for periods of unpaid leave, only in circumstances where they do not have sufficient suitable accrued leave entitlements to fund the proposed time off.
- 8.2. Applications for unpaid leave must be made in writing, as soon as reasonably practical, to the General Manager, outlining the employee's circumstances and reasons for applying for the period of unpaid leave.
- 8.3. The General Manager will respond to the request for unpaid leave within five (5) business days.
- 8.4. The General Manager has the right to refuse requests for periods of unpaid leave, where it is deemed that the employees' circumstances do not substantiate the need for applying for the period of unpaid leave.
- 8.5. The General Manager will not unreasonably refuse requests for unpaid leave and will take into consideration the employee's personal circumstances, performance, history of absence, and East Waste's operational requirements.

9. Parental Leave

- 9.1. East Waste recognises the importance of assisting our employees with combining family life with the opportunity for continued career development.

9.2. Entitlement

- 9.2.1. Parental leave is an entitlement in line with the employees applicable Award/Agreement.
- 9.2.2. Parental leave (for the birth or adoption of a child) is available to permanent employees who have been continuously employed by East Waste for at least twelve months either prior to the expected date of birth, time of leave or placement of the child as prescribed in the relevant Award/Agreement.
- 9.2.3. If an employee is eligible for parental leave, in accordance with the relevant Award/Agreement, they will be entitled to up to 52 weeks unpaid leave in connection with the birth or adoption of a child.

9.3. Requesting parental leave

To apply for parental leave, an employee must:

- 9.3.1. provide written notice of at least 10 weeks before the start date of the intended leave together with medical or other relevant evidence as requested by East Waste (unless it is not possible to do so due to a premature birth or miscarriage for example); and
- 9.3.2. confirm the details provided with their Manager at least four (4) weeks before commencement of the leave.

9.4. Accruing and taking other types of leave

- 9.4.1. Parental leave does not break an employee's continuity of service. However, there is no accrual of leave (such as annual or long service leave) during the unpaid parental leave period.
- 9.4.2. During the period of parental leave, subject to the provisions in the relevant Award/Agreement, an employee may take any accrued annual or long service leave. Such leave does not mean the total period of 52 weeks parental leave is extended.

9.5. Return to work

- 9.5.1. Employees should confirm their return-to-work date, in writing at least 4 weeks prior to the end date of the period of leave.
- 9.5.2. After parental leave has been taken, employees are entitled to their pre-parental leave position (or the position held prior to any transfer to a safe job). If, for some reason, this position no longer exists, they are entitled to an available position for which they are qualified and suited, which is nearest in status and pay to their pre-parental leave position.
- 9.5.3. East Waste may temporarily replace the employee while they are absent on parental leave. The replacement employee will be advised of the temporary nature of the position and the period of employment

10. Family and Domestic Violence Leave

- 10.1. East Waste is committed to supporting employees who may face situations of violence or abuse in their personal life which may affect their attendance and/or performance at work.
- 10.2. Employees are encouraged to approach their Manager to discuss a range of support options available as set out in this Policy should they be experiencing difficulties performing tasks at work.
- 10.3. Employees experiencing family and domestic violence 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.

10.4. Entitlement

- 10.4.1. In accordance with the SA Fair Work Act 1994, if an employee is experiencing family and domestic violence they are entitled to 15 days per service year of paid family and domestic violence leave for the purpose of:
 - (a) attending legal proceedings, counselling, appointments with a medical, financial or legal practitioner
 - (b) relocation or making other safety arrangements; or
 - (c) other activities associated with the experience of family and domestic violence and as prescribed by the regulations.
- 10.4.2. This leave is in addition to existing leave entitlements and policies and may be taken as consecutive or single days or as a fraction of a day and can be taken without prior approval.
- 10.4.3. This leave is available immediately and does not need to be accumulated over time and renews each year on your work anniversary.
- 10.4.4. The 15 days leave will not be prorated for part time or casual employees.

10.5. How to apply for Family and Domestic Violence Leave

- 10.5.1. Employees should provide their Manager with notice as soon as reasonably practicable of any request to take leave under this policy, this could be after the leave has started. Where possible this notice should also include how long they expect the leave to last.
- 10.5.2. Employees may be asked to provide evidence that would satisfy a reasonable person that leave is for the purpose as set out in clause 9. This evidence may, for example, include a document issued by the police, a court, a health professional, a family violence support service, a lawyer, a financial institution, an accountant, or a statutory declaration.
- 10.5.3. East Waste will ensure any personal information provided by employees concerning any experience of family and domestic violence is kept confidentially and lawfully and will not be kept on an employee's personal file.

10.6. Other support available measures

Should an employee be experiencing family and domestic violence, East Waste will work with the employee to provide necessary workplace support. Primary areas of support which can be provided are:

- 10.6.1. Flexible working arrangements, such as changes to the employee's span of hours, pattern of work or, location of work.
- 10.6.2. Workplace adjustments, such adjustments may include changes to the employee's work contact details i.e. phone number, email address, internal 'intranet' contact details.
- 10.6.3. Employees can also access 1800RESPECT (1800 737 732) which is the national domestic, family and sexual violence counselling, information and support service. This is a confidential service available 24 hours a day, 7 days a week. Further information can be found at www.1800respect.org.au.

11. Other Leave

- 11.1. Subject to the provisions within the relevant Award/Agreement employees may be entitled to other leave such as jury service, trade union training leave and study leave. Employees should refer to their Award/Agreement for further details.

12. Definitions

- 12.1. **Act** means the Fair Work Act 1994 (SA).
- 12.2. **Adoption** means the adoption of a child who is not the natural child of the employee or the employee's spouse or domestic partner, who is less than five years of age, and who has not lived continuously with the employee for six months or longer.
- 12.3. **Award/Agreement** means an industrial agreement, such as an award, enterprise bargaining agreement, or workplace agreement.
- 12.4. **Compassionate leave** also includes bereavement leave.
- 12.5. **Continuous service** means continuous service under a contract of employment and includes a period of paid leave or absence taken under the Award/Agreement or *Fair Work Act 1994 (SA)*.
- 12.6. **Immediate family means:**
 - (a) spouse or former spouse;
 - (b) de facto partner or former de facto partner;
 - (c) child;
 - (d) parent;
 - (e) grandparent;
 - (f) grandchild;
 - (g) sibling, or a
 - (h) child, parent, grandparent, grandchild or sibling of the employee's spouse or de facto partner (or former spouse or de facto partner).

This definition includes step-relations (for example, step-parents and step-children) as well as adoptive relations.

- 12.7. **A de facto partner or relationship** is a relationship in which a couple lives together on a genuine domestic basis.
- 12.8. **Placement** means the date the expected date the child will come into the employee's care by means of adoption, surrogacy, guardianship, kinship, or foster care.
- 12.9. **Surrogacy** means a legally recognised arrangement under the relevant state law where a woman agrees to carry and give birth to a child on behalf of another person or couple who will become the intended parent(s) of the child.
- 12.10. **A member of an employee's household** includes anyone that lives with in their house or other accommodation.
- 12.11. **Personal leave** incorporates both sick leave and carer's leave.

13. Legislation

- 13.1. *Fair Work Act 1994 (SA)*
- 13.2. *Long Service Leave Act 1987 (SA)*
- 13.3. *Return to Work Act 2014*
- 13.4. *Work Health Safety Act 2012 (SA).*
- 13.5. *Fair Work (Family and Domestic Violence Leave) Amendment Act 2023.*

14. Related Documents

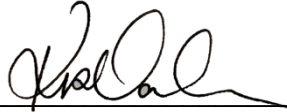
- 14.1. Local Government Employees Award
- 14.2. South Australian Municipal Salaried Officers Award
- 14.3. Eastern Waste Management Authority (East Waste) Enterprise Agreement.

15. Review

This policy will be reviewed once in every four years unless necessitated earlier by legislative change.

Signed DN Maywald
Acting General Manager

Date 1/5/2025

Signed 
Manager Human Resources & Financial Services

Date 1/5/2025

16. Document History

| Version No: | Issue Date: | Description of Change: |
|-------------|-------------|------------------------|
| 1.0 | May 2025 | New Document, May 2025 |
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