

## P 13 – Leave Management

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### 1 Objectives

The objectives of the Leave Management Policy are to:

- 1.1.1 Ensure lawful application of the leave provisions in accordance with the:
  - *Local Government Officer (WA) Award 2021;*
  - *Municipal Employees (WA) Award 2021;*
  - Western Australian State System;
  - Shire of Bridgetown-Greenbushes Enterprise Agreements 2023; and
  - *Work Health & Safety Act 2020.*
- 1.1.2 Manage significant financial implications of organisational leave liability.
- 1.1.3 Meet work health and safety obligations by ensuring employees take a minimum of four weeks' leave every year.
- 1.1.4 Provide management with direction on how to effectively manage leave entitlements for employees.
- 1.1.5 Encourage employees to take leave by reinforcing the positive benefits.

### 2 Scope

This Policy applies to all employees.

### 3 Definitions

#### 3.1 Councillor

means members of an elected body that make decisions on behalf of a local government through a formal meeting process. Generally, local government council members, who include the Mayor or President and Councillors, do not have any authority to act or make decisions as individuals.

#### 3.2 Employee

means a person that's hired to provide a service to a company either on a full-time, part- time or casual basis in exchange for payment. Also known as staff.

#### 3.3 Worker

means a worker is any person who carries out work for a Person Conducting a Business or Undertaking (PCBU), including work as an employee, outworker, apprentice or trainee, work experience student, placed with a 'host employer' and volunteers.

### 4 Policy and Procedure

#### 4.1 Industrial Relations Tools

Permanent employees are entitled to annual, personal and long service leave consistent with the:

- 4.1.1 Local Government Officer (WA) Award 2021;
- 4.1.2 Municipal Employees (WA) Award 2021;
- 4.1.3 Western Australian State System;
- 4.1.4 Shire of Bridgetown-Greenbushes Enterprise Agreements 2023; and
- 4.1.5 *Work Health & Safety Act 2020*.

The cumulative provisions within these industrial relations tools include (but are not limited to)

- 4.1.6 Full-time employees are entitled to four weeks annual leave and two weeks personal leave per annum.
- 4.1.7 Part-time employees accrue annual, personal and long service leave on a pro rata basis.
- 4.1.8 Annual leave accrues progressively from year to year, whilst personal leave is accrued on commencement and every year on the commencement anniversary as per the industry awards.
- 4.1.9 Full-time employees are entitled to 13 weeks of long service leave for every 10 years of continued service.
- 4.1.10 Part-time employees' and casual employees' long service leave is based on the hours of service in the 12 months prior to their anniversary date.

## 4.2 Requests and Approvals

- 4.2.1 Leave requests are required to be completed and submitted by an employee for approval by the relevant Executive Manager/Manager/Supervisor or CEO.
- 4.2.2 All leave requests must be submitted and approved prior to taking the leave. The only exception is personal or carers' leave where annual leave is taken due to insufficient accrual of personal leave and replaces personal or carers' leave.
- 4.2.3 Leave requests will be considered in the context of the respective industrial relations tools (4.1.1 to 4.1.5 above), the needs of the employee and the operational requirements of the organisation.
- 4.2.4 The Executive Managers/Managers/Supervisors or CEO will endeavor to approve leave applications to meet the convenience of the employee without
- 4.2.5 compromising the operational needs of the Shire (i.e. how the duties and responsibilities of the position are to be delivered in the absence of the employee on leave).

- 4.2.6 Where coverage is not possible to accommodate all leave applications submitted, it is the responsibility of the Executive Managers/Managers/Supervisors or CEO to consult with the affected employee regarding the situation to enable a resolution to be achieved.
- 4.2.7 If a leave application is rejected, the Executive Managers/Managers/Supervisors or CEO must provide sufficient reason for the rejection in writing.
- 4.2.8 Executive Managers/Managers/Supervisors and CEO must inform all employees of the absence of an employee on leave and what arrangements (if any) have been made for the leave period.

#### 4.3 Leave Rosters

- 4.3.1 Executive Managers are required to develop and maintain leave rosters that identify proposed relief/coverage arrangements for all employees in their department.
- 4.3.2 Where relief is required, this is to be negotiated by the relevant Executive Manager and the Chief Executive Officer (CEO).
- 4.3.3 To encourage effective workforce planning, teams are to monitor the leave roster to ensure that sufficient employees are available to cover peak workload periods and general holiday periods.
- 4.3.4 Executive Managers/Managers/Supervisors or CEO are to regularly monitor any leave taken by employees to ensure that the total accrued leave does not exceed this policy.

#### 4.4 Annual Leave

- 4.4.1 Employees must provide the Shire with a minimum of two weeks' notice when planning to take annual leave.
- 4.4.2 Annual leave is to be taken at a time mutually convenient to the employer and employee within twelve months of the date of accrual. This means that the maximum annual leave accrual at any time is eight weeks.
- 4.4.3 Unplanned annual leave will be considered on a case-by-case basis, considering the urgency of the leave request and operational requirements.
- 4.4.4 The Shire encourages all employees to take at least two periods of annual leave each year of no less than one continuous week's duration or one period of no less than two weeks' duration to aid in rest and recovery and prevent burnout.
- 4.4.5 An employee may request to have excess leave cashed out for up to two weeks in every 12- month period if a residual annual leave accrual of four weeks is

maintained. Approval of leave payout is at the discretion of the CEO with consideration given to the cost to the organisation in cashing out leave, and the organisation's work health and safety obligations.

- 4.4.6 All annual leave taken will incur a 17.5% leave loading paid out as part of the employees' ordinary pay during leave unless the employee is bound by other employment contract provisions.

#### 4.5 Excess Leave Accrual

- 4.5.1 Annual leave is not to accrue beyond eight weeks at any time except in cases in which extenuating circumstances preclude an employee from taking their leave, as approved by the CEO.
- 4.5.2 When it is proposed that an employee's annual leave accrual will exceed this eight-week limit, a written application for deferral will be submitted to the CEO for approval. This application must be submitted at least two months before the eight-week maximum accrual is reached.
- 4.5.3 If an agreement to take excessive leave accrual cannot be reached, the Shire may direct the employee to take leave in one or more periods of at least one-week periods within a leave plan agreed to by the Shire and the employee.

#### 4.6 Personal Leave

- 4.6.1 All personal leave must be requested as soon as practicable.
- 4.6.2 Evidence for personal leave eligibility must be submitted for personal leave requested exceeding two days duration. If a medical certificate in the case of personal leave is unable to be obtained, a statutory declaration may be made by the employee as a temporary measure. However, a medical certificate must be provided as soon as practicable thereafter.
- 4.6.3 Where an employee required a period of personal leave for injury or illness for any length of time whilst on annual or long service leave, the employee may apply to have leave reversed in line with notice and evidence as per 1 and 2 above.

#### 4.7 Long Service Leave

- 4.7.1 Employees must advise their Executive Manager/Manager/Supervisor or CEO of when they wish to take long service leave once accrued. Where the employee plans to take a continuous period of more than four weeks' long service leave, a notice period of no less than 12 weeks should be observed.
- 4.7.2 All employees are required to take long service leave within one year of the date on which it has become due, subject to any approval of deferred leave by the CEO.

- 4.7.3 Where the commencement of long service leave has been postponed to meet the convenience of the employee beyond a period of six months, the rate of payment in lieu of that leave is to be paid at the ordinary time rate payable to the employee (excluding any allowances) at the end of the six month period unless otherwise agreed in writing between the employee and the Shire.

#### 4.8 Other Leave

- 4.8.1 The accrual of time in lieu (TOIL) is only permitted where approved by the CEO in advance and must be taken within one month after the accrual. An exception to this timeframe is the Community Emergency Services Manager (CESM), who may accrue TOIL over the summer period, which is to be taken over the winter period provided the CESM does not accrue excessive annual leave.
- 4.8.2 Employees that accrue a monthly Rostered Day Off (RDO) must use the RDO one month after accrual. There is no exception to this timeframe.
- 4.8.3 Paid Parental Leave must be applied for through the relevant Government agencies (where a request can be made via the Shire) in the course of the fortnightly pay run. The Shire will only pay Parental Leave if advised to do so by the relevant agency.
- 4.8.4 Leave without pay can only be approved by the CEO.

#### 4.9 Annual Close Down

- 4.9.1 During an organisation-wide closedown (e.g. Christmas period) the Shire may require employees to take leave. In this case, notice of no less than four weeks will be given.

#### 4.10 Leave Management During a Pandemic

- 4.10.1 Under its general duty of care, the Shire is required to ensure all employees attending work are fit to undertake the duties and responsibilities of their
- 4.10.2 position. Executive Managers/Managers/Supervisors or the CEO may require an employee to:
- Leave the workplace if they believe the employee is not fit for duty; and/or
  - Request a medical certificate to confirm fitness to return to work following a period of absence for ill health or caring for a family member in order to avoid transmission of infection.
- 4.10.3 Employees who are absent due to illness or caring responsibilities for a sick family member will be paid in accordance with the relevant industrial instruments.

## 5 Accountability and Responsibilities

- 5.1 Council is accountable for:

- 5.1.1 Ensuring the organisation has in place a lawful, transparent, and accountable Work Health & Safety policy framework, supported by a suite of compliant and appropriate policies and procedures.
- 5.1.2 Endorsing (or not) each organisational policy document in a timely and effective manner.
- 5.1.3 Delegating implementation of each policy document to the CEO.

## 5.2 CEO is responsible for:

- 5.2.1 The CEO is accountable for ensuring the development, implementation, monitoring and review of this policy document, in accord with governing legislation and Council directives.

## 5.3 The Executive Management Team and Managers is responsible for:

- 5.3.1 Ensuring that all employees under their direction comply with this policy document.
- 5.3.2 Ensuring employees under their direction attend any or all health and wellbeing training sessions.

## 6 Risk Management

The risks of not having a Leave Management Policy in place are:

### 6.1 Non-compliance with the:

- *Local Government Officer (WA) Award 2021;*
- *Municipal Employees (WA) Award 2021;*
- Western Australian State System;
- Shire of Bridgetown-Greenbushes Enterprise Agreements 2023; and
- *Work Health & Safety Act 2020.*

### 6.2 Lack of management of the significant financial implications of organisational leave liability.

### 6.3 Breach of work health and safety obligations because employees do not take a minimum of four weeks' leave every year.

### 6.4 Management has no direction on how to manage leave entitlements for employees.

### 6.5 Employees do not understand the positive benefits of taking leave.

## 7 Legislation, Policy and Other Relevant Documents

Statutory Power	<ul style="list-style-type: none"> <li>• <i>Local Government Officer (WA) Award 2021</i></li> <li>• <i>Municipal Employees (WA) Award 2021</i></li> <li>• Western Australian State Industrial Relations System</li> <li>• <i>Shire of Bridgetown-Greenbushes Enterprise</i></li> </ul>
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(Acts, Regulations, Local Laws, Town Plan Scheme etc.)	<i>Agreement 2023</i> <ul style="list-style-type: none"> <li>• <i>Work Health &amp; Safety Act 2020</i></li> </ul>
Shire Policies	<ul style="list-style-type: none"> <li>• P 1 - Bullying, Harassment and Diversity Policy</li> <li>• P 3 - Grievance Policy</li> <li>• RM - Work Health &amp; Safety Policy</li> <li>• Employee Code of Conduct</li> </ul>
Related Documents	<ul style="list-style-type: none"> <li>• Community Strategic Plan</li> <li>• Business Plan</li> <li>• Work Health and Safety Management Plan</li> </ul>
Related Procedure	Nil

## 8 Administration

Draft Date	9 May 2024
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