

Leave Policy (MPF1343)

1. Objectives

The objective of this policy is to clearly state the University's commitment to providing all employees with leave of various types, as required by law and their particular terms and conditions of employment.

2. Scope

2.1. This policy applies to all employees of the University, except casual employees unless otherwise stated.

2.2. Sabbaticals (Special Studies Program) are not leave for the purposes of this policy. They are covered under the [Academic Appointment, Performance and Promotion Policy](#).

2.3. This policy sets out the University's general employee leave conditions other than those explicitly provided:

(a) under legislation; and

(b) as applicable, within the employee's particular terms and conditions of employment (which may be the prevailing enterprise agreement (EA) or an individual employment contract).

3. Authority

This policy is made under the [University of Melbourne Act 2009 \(Vic\)](#) and the [Vice-Chancellor Regulation](#) and supports compliance with the:

(a) *Carer Recognition Act 2010* (Cth);

(b) *Equal Opportunity Act 2010* (Vic);

(c) *Fair Work Act 2009* (Cth);

(d) *Juries Act 2000* (Vic);

(e) *Long Service Leave Act 2018* (Vic);

(f) *Occupational Health and Safety Act 2004* (Vic);

(g) *Public Health and Wellbeing Regulations 2009* (Vic);

(h) *Workplace Injury Rehabilitation and Compensation Act 2013* (Vic).

Policy

4. General Principles

4.1. The University recognises that, on occasion, employees may need to draw on paid or unpaid leave of absence.

4.2. It is a condition of employment that all absences are authorised appropriately.

4.3. The University provides for all employees to access paid, and in some instances unpaid, leave, as specified by law and in accordance with their particular terms and conditions of employment.

4.4. For the purposes of this policy and unless otherwise stated, leave accrues for and will be taken by employees in part-time and periodic employment on a pro rata basis.

4.5. An employee on leave (including unpaid leave) remains employed by the University.

4.6. The University maintains records of all leave taken by employees, in accordance with the law.

5. Leave Types

5.1. University employees are entitled to the following types of leave as provided under the National Employment Standards (NES), relevant employment legislation and their particular terms and conditions of employment (the prevailing EA or individual employment contracts). A summary of where leave entitlements can be found is as follows.

Leave Type	Minimum entitlement in legislation (all employees)	Entitlement in EA (for employees covered by the EA)	Entitlement in contract of employment (EA free employees)
Public holidays (available to part-time employees where the holiday falls on a normal day of work)	Yes - NES	Yes - clause 1.17	No
Additional University holidays and Year-end Closure Period	No	Yes - clause 1.17.3	Yes
Annual leave	Yes - NES	Yes - clause 1.18	No
Purchased leave	No	Yes - clauses 1.18.13 - 1.18.14	No (Policy)
Personal / Carer's leave (Casual employees may access unpaid leave as provided by law)	Yes - NES	Yes - clause 1.20	Yes
Long service leave (Casual employees may access paid long service leave as provided)	Yes - relevant state long service leave	Yes - clause 1.19	Yes (additional accrual to the prescribed)

by law)	legislation		Victorian legislation)
Parental leave (Casual employees may access unpaid leave as provided by law)	Yes - NES	Yes - clause 1.22	Yes
Compassionate leave	Yes - NES	Yes - clause 1.21	Yes
Aboriginal and Torres Strait Islander employee leave (as applicable)	No	Yes - clause 1.24	No (Policy)
Domestic and family violence leave (also available to casual employees)	Yes - NES	Yes - clause 1.23.2	No (Policy)
Blood donation leave	Yes - NES	Yes - clause 1.26	No (Policy)
Community service leave: (i) Jury service leave (ii) Volunteer emergency management activity leave	Yes - NES	Yes - clause 1.25	No (Policy)
Examination (study) leave	No	Yes - clause 1.27	No (Policy)
Trade Union training leave	No	Yes - clause 1.39.8.1	No

5.2. In addition to these leave entitlements, the University, at its discretion, also makes provision for other types of discretionary paid leave. These are:

- (a) Australian Defence Force Reserves leave;
- (b) Study leave;
- (c) Volunteering leave;
- (d) Infectious disease leave (childcare workers only); and
- (e) Quarantine leave.

5.3. University employees may be able to access unpaid leave where paid leave entitlements are exhausted or unavailable. Unpaid leave will be granted at the University's discretion unless otherwise specified at law (eg parental leave).

Procedural Principles

6. General Provisions

6.1. Employees accessing any type of leave must provide the University with notice of their absence as soon as is reasonably practicable, and must provide any required documentation.

6.2. Employees, excluding periodic employees on leave without salary under the EA, who are on any form of leave, paid or unpaid, may only engage in external work with the written consent of the University and as permitted by law.

6.3. To the extent permitted by law, the University may direct an employee to take annual leave if required to reduce excessive leave balances.

6.4. Leave entitlements are accrued for the personal use of an employee during their employment with the University. Accordingly, unused leave entitlements are not transferrable between:

(a) employees; or

(b) the University and other employers.

6.5. For the purposes of long service leave, the University may, at its discretion, recognise an employee's service in another organisation for the purpose of determining the date of entitlement to long service leave accrued during employment with the University. The University does not transfer or set aside the equivalent value of long service leave accrued with another organisation.

6.6. The University will consider applications for recognition of prior service where:

(a) the previous employer is an Australian University or an organisation that has a reciprocal arrangement with the University to recognise service;

(b) the relevant previous employer is the employee's most recent employer prior to commencement with the University;

(c) a break in service between the previous employer and the University does not exceed four continuous weeks;

(d) the employee provides consent for the University to verify length of service with the previous employer; and

(e) the previous employer confirms in writing the length of service with their organisation (excluding any recognition of service they may have previously granted with another organisation).

7. Leave: Non-EA employees

7.1. The University makes provision for the following types of paid leave for employees not covered by the EA. Section 7 does not apply to employees covered by the EA.

7.2. **Purchased annual leave:** An employee may request to purchase additional annual leave. The University will, at its discretion, approve a request to purchase

annual leave where the arrangement will not adversely affect the operational and performance requirements of the applicant's position. Purchased annual leave:

- (a) is approved for one calendar year with requests and approvals not carrying over from a previous calendar year;
- (b) does not incur a leave loading;
- (c) may be purchased in units of 2 weeks up to a maximum 8 weeks in total; and
- (d) will be taken in its entirety at mutually agreed time throughout the approved calendar year.

7.3. Public holidays: Employees are provided leave without loss of pay on the following Public holidays:

- (a) the Tuesday immediately following Easter Monday; and
- (b) the period between Boxing Day, or substitute day, and New Year's Day, or substitute day, (the Year-end Closure) which includes the established practice of substituting the Labour Day and Melbourne Cup public holidays to days that are not public holidays in the Year-end closure. Accordingly, the University requires employees to perform their duties on Labour Day and Melbourne Cup Day public holidays.

7.4. Aboriginal and Torres Strait Islander employee leave: An Indigenous employee who is fulfilling Indigenous cultural responsibilities and is required to be absent from work for the purpose of attending NAIDOC, community, cultural or ceremonial activities:

- (a) will be provided up to five days of paid leave per calendar year (pro-rated for part years of service and non-cumulative); and
- (b) may request, and the University will at its discretion approve, additional paid leave in excess of the five paid days set out above as and where the need arises.

7.5. Domestic and family violence leave: An employee who is experiencing Domestic and Family Violence will be supported by the University through a range of measures that includes the provision of paid leave of absence per occasion or, where paid leave of absence is not approved, up to five days of unpaid leave of absence per annum.

7.6. Blood donation leave: An employee may be provided with paid leave of absence at a mutually agreed time during normal working hours to donate blood at a recognised clinic.

7.7. Community service leave: An employee who engages in an eligible community service activity is entitled to be absent from their employment, without loss of pay, for:

- (a) time when the employee engages in the activity;
- (b) reasonable travelling time associated with the activity;

- (c) reasonable rest time immediately following the activity; and
- (d) unless the activity is jury service—the employee’s absence is reasonable in all of the circumstances.
- (e) An eligible community service activity is defined in the *Fair Work Act 2009* (Cth) as a:
- (i) Voluntary Emergency Management Activity; or
 - (ii) Jury service.
- (f) A Voluntary Emergency Management Activity is defined in the *Fair Work Act 2009* (Cth).
- (g) An employee seeking to take community service leave must give the University notice of their absence. The notice must:
- (i) be given to the University as soon as practicable (which may be a time after the absence has started); and
 - (ii) advise the University of the period, or expected period, of the absence.
- (h) An employee who has given the University notice of an absence must, if required by the University, provide evidence that would satisfy a reasonable person that the absence is because the employee has been or will be engaging in an eligible community service activity.
- (i) Employees (excluding those in casual employment) required to attend for jury service during their ordinary working hours will be reimbursed by the University of an amount equal to the difference between the amount paid by the State in respect of their attendance for such jury service and the amount they would have received for working ordinary hours had they not been on jury service.
- (j) An employee will notify the University as soon as possible of the date upon which he or she is required to attend for jury service.
- (k) An employee must provide the University proof of attendance, the duration of such attendance and the amount received from the State in respect of jury service.
- 7.8. Paid parental leave shall be paid and administered under the same terms and arrangements as set out in the prevailing enterprise agreement.

8. Discretionary Leave: All Employees

8.1. Paid leave of absence for the following purposes is provided to employees at the discretion of the University.

8.2. **Australian Defence Services leave:** A continuing or fixed-term employee who is an Australian Defence Services Defence Reservist may apply for an amount of paid special leave for the purpose of defence training:

(a) for the annual training camp, up to 14 days (including Saturdays and Sundays) plus a further four days on the certification of the Commanding Officer of the particular unit that the additional days are necessary; and

(b) for attendance at one school, class or course of instruction annually, up to 16 days (including Saturdays and Sundays).

8.3. A continuing employee who is a Defence Reservist may also request unpaid leave for the full period of any deployment with the Australian Defence Services.

8.4. **Study leave:** The University may, at its discretion, provide paid study leave to employees who have completed their probationary period.

8.5. Study leave is available for employees to undertake:

(a) a recognised course of study acceptable to the University, including a special or bridging course, at a university or a TAFE college; or

(b) any other accredited course at a tertiary institution or a professional organisation, that leads to a recognised qualification.

8.6. Study leave may only be approved if the employee can demonstrate that the course of study will:

(a) assist the employee's professional or career development, even if the course or subject is not directly related to their current work;

(b) meet the skill development needs of the employee's work area;

(c) develop the employee's skills relevant to the University; and

(d) for fixed-term employees, be completed 12 months prior to the end of their fixed-term contract.

8.7. Study leave is available in accordance with the time allocations specified in the [Leave: Applying for Study Leave process](#).

8.8. Study leave includes paid leave of absence to attend examinations for the approved course.

8.9. From time to time the University may exercise its discretion to revoke approval for study leave or part thereof (with the exception of attendance at examinations) if the employee is required to attend work to support operational requirements.

8.10. **Volunteering leave:** An employee may apply for up to two days per annum (non-cumulative) to engage in Volunteer Service either as two full days or as an aggregate of 14.5 hours over the course of a year (pro-rata for part-time employees). Volunteering leave is distinct from community service leave (including volunteer emergency management service), which is an entitlement.

8.11. A written request by an employee for volunteer leave must include:

(a) written confirmation from the Volunteer Organisation that the employee is (or will be) engaging in Volunteer Service, and details of the nature of the volunteer work to be undertaken; and

(b) acknowledgement that it is the employee's responsibility to satisfy themselves that the Volunteer Organisation has adequate insurance coverage for any claim that may be made against the employee or for injury resulting to the employee from participation in the Volunteer Service.

8.12. Infectious disease leave (childcare workers):

(a) The University recognises that, due to the nature of their work, employees who care for children as part of their work more frequently come into contact with Infectious Diseases than other employees.

(b) Accordingly, the University provides additional paid leave to Child Care Employees who contract Infectious Diseases through contact at the workplace for the specified Infectious Disease Exclusion Period. (see [Schedule 7 of the Public Health and Wellbeing Regulations 2009](#)).

8.13. **Quarantine leave:** A continuing or fixed-term employee may apply for an amount of paid special leave in the case of quarantine, for the duration of the period of compulsory isolation.

9. Roles and Responsibilities

Role	Responsibilities
Employees	To only submit a true and accurate application for eligible paid leave where they have sufficient accrued unused entitlement to cover the absence.
Managers	Approve leave of all types listed at section 5 which require approval for all employees who report directly to them, unless otherwise specified in legislation or under the prevailing Enterprise Agreement. For the avoidance of doubt, the manager is only approving the employee's absence from the workplace. In the case of paid leave, the manager relies on the employee making a true and accurate application that they have sufficient entitlement to cover the eligible absence as set in the responsibility above.

10. Supporting Processes

This Policy, the EA and individual contracts of employment are supported by a group of processes provided via the University's Process library.

They can be accessed at [Leave Processes](#).

11. Glossary

Carer, in the context of Carer's Leave, means a person who has temporary or permanent care obligations for a member of their immediate family or household who requires care.

Child means, for the purposes of this Policy, a child of the employee or the employee's partner or child born through surrogacy or child placed through adoption or permanent care arrangement (reference to "child" in the singular is inclusive of multiple births).

Domestic / family violence means behaviour by a person towards another person with whom they are or have been in a domestic or family relationship that:

- (a) is physically or sexually abusive; or
- (b) is emotionally or psychologically abusive; or
- (c) is economically abusive; or
- (d) is threatening; or
- (e) is coercive; or
- (f) in any other way controls or dominates the second person and causes the second person to fear for the second person's safety or wellbeing or that of someone else.

Excessive leave balances means:

- (a) balances over 30 days for annual leave; and
- (b) balances over 19.5 weeks for long service leave.

Immediate family means, for the purpose of this policy, (without assigning gender) a spouse, former spouse, de facto partner, former de facto partner, child, parent, grandparent, grandchild or sibling of an employee; or a child, parent, grandparent, grandchild or sibling of the employee's spouse, former spouse or de facto partner. For Indigenous employees, "immediate family" extends to Kinship for the purpose of Carer's Leave or Compassionate Leave.

Indigenous Australian employee means an employee of Aboriginal or Torres Strait Islander descent who identifies as such and whose identity as an Indigenous Australian is accepted by the community with which he or she is associated.

Infectious Diseases means, for the purposes of this policy, a specified viral, bacterial or other disease as per the list provided in Schedule 7 of the Public Health and Wellbeing Regulations 2009 that can be spread, directly or indirectly, from one person to another, via casual contact or proximity.

NES means the National Employment Standards in the *Fair Work Act 2009* (Cth).

Partner means a person of the opposite or same sex who lives with an employee on a bona fide domestic basis although they may not be legally married to that person (including a former spouse, a de facto spouse and a former de facto spouse).

Permanent Care means an arrangement where a child is placed through a Permanent Care Program by the Department of Human Services.

Primary caregiver in the context of parental leave means a person who assumes the principal role of providing care and attention to a child.

University means the University of Melbourne, which is a national system employer within the meaning of the *Fair Work Act 2009* (Cth). In this Policy, University has the same meaning as employer or organisation.

Volunteer Organisation means a not for profit organisation, non-governmental organisation, charity or social enterprise.

Volunteer Service means work performed for a Volunteer Organisation that:

(a) does not involve any payment in cash or kind for work performed; and

(b) does not create a conflict of interest with the employee's employment with the University.

POLICY APPROVER

Deputy Vice-Chancellor (People & Community)

POLICY STEWARD

Executive Director, Human Resources and OH&S

REVIEW

This policy is to be reviewed by 20 September 2024.

VERSION HISTORY

Version	Approved by	Approval Date	Effective Date	Sections modified
1	Vice-President (Strategy & Culture)	20 September 2019	10 October 2019	New Leave Policy arising from the Policy Consolidation Project (replaces Leave Policy MPF1135, Annual Leave Procedure MPF1136, Family (Carer's) Leave Procedure MPF1127, Infectious Disease and Quarantine Leave Procedure MPF1128, Leave Without Salary Procedure MPF1134, Long Service Leave Procedure MPF1138, Parental Leave Procedure MPF1139, Reduced Working Week Leave Scheme Procedure MPF1210, Sick Leave Procedure MPF1140, Special Leave Procedure MPF1141).
2	Vice-President (Strategy & Culture)	22 July 2020	24 July 2020	Typographical amendment to section 7.3 Addition of section 7.8

	Culture)			
3	Policy Officer	31 May 2022	31 May 2022	Changed Policy Approver.
4	Policy Officer	31 May 2022	31 May 2022	Added missing change for policy approver change.