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Policy Approver: Deputy Vice-Chancellor (People And Community)

Policy Steward: Chief People Officer

Supporting Process:

[Employment Processes](#)

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, the University of Melbourne Enterprise Agreement 2024 ('the Agreement') and their particular terms and conditions of employment, as applicable.

2. Scope

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

2.2 This policy sets out the University's general employee leave benefits and conditions, including reference to those explicitly provided:

a) under legislation; and

b) within the employee's particular terms and conditions of employment (which may be the Agreement or an individual employment contract).

2.3 Sabbaticals (Special Studies Program) are not leave for the purposes of this policy. They are covered under the Academic Appointment, Performance and Promotion Policy ([MPF1299](#)).

2.4 Where there is inconsistency between this policy and either relevant legislation or the Agreement, the applicable legislation or Agreement will prevail.

3. Authority

3.1 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 2019 (Vic);

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

4. Policy

4.1 The University provides for its employees to access their entitlements to paid, and in some instances unpaid, leave as specified under the National Employment Standards (NES), relevant employment legislation (including the *Fair Work Act 2009* (Cth) and the *Long Service Leave Act 2018* (Vic)), the Agreement and individual employment contracts.

4.2 At its discretion, the University:

- a) elects to provide the leave benefits set out in the Agreement to all employees;
- b) may provide employees access to unpaid leave (in addition to any entitlements under legislation) where paid leave entitlements are exhausted or unavailable; and
- c) may provide the following additional types of leave to employees (in accordance with section 5.7 below):
 - i. Australian Defence Force Reserves leave;
 - ii. Study leave;
 - iii. Volunteering leave; and
 - iv. Quarantine leave.

5. Procedural Principles

5.1 General principles

5.1.1 It is a condition of employment that all absences are authorised by the University.

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

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

5.1.4 The University will maintain records of all leave taken by employees, in accordance with the law.

5.1.5 University employees are entitled to the types of paid leave listed in the Table below, regardless of whether their employment is covered under the Agreement or under individual employment contracts, while noting that:

- a) some types of paid leave are available to all employees while others are only available for continuing and fixed term employees (in which case casual employees may be able to take such leave without pay, depending on the type of leave); and
- b) if a leave type is available to an employee, it is provided according to the terms and conditions of the Agreement, the NES and any/or relevant legislation that applies in each case.

Type of paid leave (also available to non EA employees)	Continuing employee	Fixed-term employee	Casual employee	Notes	EA clause and other references
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Public Holidays (including Year-end Closure Period)	Yes	Yes	No	Available to part-time employees on the days they would normally work.	1.18 NES
Annual leave	Yes	Yes	No	<p>Note also that:</p> <ul style="list-style-type: none"> · Employees may apply for additional Purchased Annual Leave (see 1.19.13 -1.19.14) · For the purposes of the NES, an employee entitled to 5 weeks' annual leave means a 7 day shiftworker (see 1.19.15) 	1.19 NES

Long service leave	Yes	Yes	Yes		1.20 NES <i>Long Service Leave Act 2018 (Vic)</i>
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<p>Personal leave, which includes:</p> <ul style="list-style-type: none"> · sick leave · carer's leave 	<p>Yes</p>	<p>Yes</p>	<p>No</p>	<p>In addition to their entitlements under clause 1.21:</p> <ul style="list-style-type: none"> · Australian Aboriginal and/or Torres Strait Islander employees are entitled to three (3) days' non-cumulative Personal Leave per calendar year in the case of bereavement (pro-rated for part years of service) (1.28.5) · All employees may apply for unpaid Carer's leave (1.21.3) or unpaid Personal leave (1.21.4) 	<p>1.21 & 1.28.5</p> <p>NES</p>
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Special leave	Yes	Yes	No	<p>Available where the employee cannot reasonably perform work due to:</p> <ul style="list-style-type: none"> · significant menstruation, perimenopause or menopause symptoms, or · chronic ongoing health issues or medical treatment. 	1.22
Infectious diseases leave	Yes	Yes	No	Available where the employee cares for children in one of the University's Early Learning/Children's Centres (an Early Childhood Employee)	1.22.6

Gender affirmation leave	Yes	Yes	Yes	<p>Available where the employees is undergoing gender affirmation.</p> <p>Note also that:</p> <ul style="list-style-type: none"> . This leave can be accessed prior to accessing accrued Personal Leave . The employee can apply for additional unpaid Gender Affirmation Leave . Support is also provided by the University under the Gender Affirmation Policy <p>(MPF1364)</p>	1.23
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Compassionate leave	Yes	Yes	No (but entitled to unpaid Compassionate leave under NES)	Available where the employee is experiencing the circumstances listed in clause 1.24.1.	1.24 NES
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<p>Parental leave, comprising:</p> <ul style="list-style-type: none"> · Paid Maternity leave · Paid Partner Leave (Primary Carer) · Paid Adoption, Surrogacy, Permanent Care Leave, or · Paid Concurrent Partner Leave 	<p>Yes</p>	<p>Yes (subject to clause 1.25.10)</p>	<p>No (but entitled to unpaid parental leave under the NES)</p>	<p>Available where the employee has parental responsibilities.</p> <p>Note also that:</p> <ul style="list-style-type: none"> · The leave under clause 1.25 is available in conjunction with and supplementary to unpaid parental leave entitlements available under the NES. · Keeping in touch days under section 79A of the FWA Act are separate and paid in addition to paid Parental Leave under clause 1.25. 	<p>1.25 (paid) NES (unpaid)</p>
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Paid lactation breaks and suitable nursing facilities	Yes	Yes	Yes	Available where an employee is breastfeeding / chestfeeding on their return to work after parental leave.	1.26
Domestic/family violence support	Yes	Yes	Yes	<p>Available where the employee is experiencing domestic/family violence, which is adversely affecting their health, wellbeing, attendance or performance.</p> <p>NOTE: A range of supports are available (see 1.27 for details), including paid leave of absence per occasion (of at least ten (10) days per year in total).</p>	1.27 NES

<p>Indigenous Cultural Responsibilities Leave</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>In addition to the other entitlements listed in this Table, all Australian Aboriginal and Torres Strait Islander employees are entitled to ten (10) days of paid leave per calendar year where they are fulfilling Indigenous cultural responsibilities and are required to be absent from work for the purpose of attending NAIDOC, community, cultural or ceremonial activities (pro-rated for part years of service).</p> <p>NOTE: In addition to the entitlement under clause 1.28.4, additional leave for this purpose may also be applied for, which the University has the discretion to consider and, where warranted, approve.</p>	<p>1.28.4</p>
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Community service leave	Yes	Yes	Yes (subject to clause 1.29.7 in relation to jury service)	Available to employees who engage in an eligible community service activity, defined in the Fair Work Act 2009 (Cth) as a Voluntary Emergency Management Activity or jury service.	1.29 NES
Paid leave for blood donation	Yes	Yes	No		1.30
Paid leave of absence to attend course examinations	Yes	Yes	No	Available to employees undertaking studies approved by the University.	1.31

Leave without pay	Yes	No	No	All continuing employees may apply for leave without pay that is separate to unpaid Personal Leave, unpaid Carer's Leave, unpaid absence due to injury or illness or unpaid Parental Leave.	1.32
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5.2 Requesting and authorising leave

5.2.1 Employees requesting to access any type of leave under this policy must:

- a) provide the University with notice of their absence or intended absence, including the period or expected period of absence, as soon as is reasonably practicable. This includes completing and lodging any HR forms, or other online requests (THEMIS/Workday or other), as required; and
- b) provide evidence substantiating the reason for leave, where reasonably requested.

5.2.2 As required by the Vice-Chancellor's Instrument of Delegation (Schedule D), all absences must be authorised by the employee's supervisor, or other authorised delegate in the reporting line above the supervisor, on behalf of the University.

5.2.3 For the avoidance of doubt, in relation to section 5.2.2:

- a) in approving leave, the supervisor is only approving the employee's absence from the workplace;
- b) in the case of paid leave, the supervisor relies on the employee making a true and accurate application that they have sufficient entitlement to cover the intended absence.

5.3 When leave must be taken

5.3.1 To the extent permitted by law and the Enterprise Agreement, the University may direct an employee to take leave if required to reduce an Excessive Leave Balance.

5.3.2 Annual leave will be taken as required by clause 1.19.10 of the Enterprise Agreement, including where the employee has an Excessive Leave Balance (balances over six weeks (30 days)).

5.3.3 The University may request an employee to take Long Service Leave in accordance with section 19 of the Long Service Leave Act 2018 (Vic) ('the Act'), including where the employee has an Excessive Leave Balance (in excess of 19.5 weeks), by giving the employee at least 12 weeks' written notice.

5.4 Obligations of employees while on leave

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

5.4.2 Employees who are on any form of leave, paid or unpaid, may only engage in external work with the written consent of the University under the Outside Work Procedure (MPF1129), and as permitted by law.

5.5 Use of leave entitlements

5.5.1 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.

5.6 Recognition of prior service

5.6.1 For the purposes of long service leave:

- a) 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;
- b) The University does not transfer or set aside the equivalent value of long service leave accrued with another employer.

5.6.2 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).

5.6.3 An employee who wishes to request that their prior service is recognised under section 5.6.1 is required to make the request, by completing and lodging the form [HR 52](#), no later than 4 weeks before the final date of their employment with the University.

5.7 Discretionary leave

5.7.1 Paid leave of absence for the following purposes may be provided to employees at the discretion of the University:

- a) **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:
 - i. 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
 - ii. for attendance at one school, class or course of instruction annually, up to 16 days (including Saturdays and Sundays).

- b) 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.
- c) **Study leave:** The University may, at its discretion, and in addition to any paid leave provided under clause 1.31 of the Enterprise Agreement for attending course examinations (see section 5.5 above), provide paid study leave to employees who have completed their probationary period.
- d) Study leave is available for employees to undertake:
 - i. a recognised course of study acceptable to the University, including a special or bridging course, at a university or a TAFE college; or
 - ii. any other accredited course at a tertiary institution or a professional organisation, that leads to a recognised qualification.
- e) Study leave may only be approved if the employee can demonstrate that the course of study will:
 - i. assist the employee's professional or career development, even if the course or subject is not directly related to their current work;
 - ii. meet the skill development needs of the employee's work area;
 - iii. develop the employee's skills relevant to the University; and
 - iv. for fixed-term employees, be completed 12 months prior to the end of their fixed-term contract.
- f) Study leave is available in accordance with process set out in the [Leave: Applying for Study Leave process](#) .
- g) The University may exercise its discretion at any time 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.
- h) **Volunteering leave** : In addition to an employee's entitlement to Community Service Leave under clause 1.29 of the Enterprise agreement (see section 5.5 above), 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).
 - i) A written request by an employee for volunteer leave must include:
 - i. 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
 - ii. 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.
- j) **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.

6. Roles and Responsibilities

Role	Responsibilities
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Employees	To submit a true and accurate application for eligible paid leave where they have sufficient accrued unused entitlement to cover the absence.
	Comply with this policy in relation to their obligations while on leave.
	Take leave when requested by the University or otherwise agreed with the University, in accordance with this policy, the Enterprise Agreement and applicable legislation.
Supervisor or anyone in the reporting line above the supervisor (as a delegate)	Approve leave of all types listed in this policy which require approval (after assessing whether the individual is entitled to take the leave at the time of their application) for all employees who report directly to them (or who report to their own direct report), unless otherwise specified in legislation or under the prevailing Enterprise Agreement.
	Monitor the employee's leave and request the employee to take leave where required, in accordance with this policy, the Enterprise Agreement and applicable legislation.

7. Definitions

Australian Aboriginal and/or Torres Strait Islander employee (also referred to as Indigenous employees) 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 in which they live and work and with which they are associated.

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 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.

Enterprise Agreement means the University of Melbourne Enterprise Agreement 2024.

Excessive leave balances means:

- a) balances over six weeks (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 Aboriginal and Torres Strait Islander employees, "immediate family" extends to Kinship for the purpose of Carer's Leave or Compassionate Leave.

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 2019* (Vic) 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

Chief People Officer

REVIEW

This policy is to be reviewed by 2 September 2027.

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
2	Vice-President (Strategy & Culture)	22 July 2020	24 July 2020	Typographical amendment to section 7.3 Addition of section 7.8
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.
5	Chief People Officer	23 August 2024	2 September 2024	Updated to align with the University of Melbourne Enterprise Agreement 2024
6	Chief People Officer	23 August 2024	2 September 2024	Updated to align with the University of Melbourne Enterprise Agreement 2024