


The Paraplegic and Quadriplegic Association of SA Inc



Leave – Compassionate Policy and Procedure

STATEMENT

The Paraplegic and Quadriplegic Association of South Australia Incorporated (PQSA) is committed to maintaining the well-being of all of its workers and will provide workers with leave entitlements for compassionate reasons during a time of loss or grief of a family member.

Approved by: 	Date: 21/7/2015
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The Paraplegic and Quadriplegic Association of SA Inc.(PQSA) is incorporated under the *Association Incorporation Act 1985 (SA)* and conducts its business through operating Divisions, namely Support Services and HomeCare+.

SCOPE

Compliance with this policy is a condition of appointment for all persons engaged to provide services on behalf of PQSA.

DEFINITIONS

Casual Worker – A worker for the purpose of this policy is a person who works irregular and informal hours.

De facto partner – means:

- a) a person who, although not legally married to the worker, lives with the worker in a relationship as a couple on a genuine domestic basis (whether the worker and the person are of the same sex or different sexes); and
- b) Includes a former de facto partner of the worker.

Immediate family –

- a) a spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the worker; or
- b) a child, parent, grandparent, grandchild or sibling of a spouse or de facto partner of the worker.

Manager – A person who is charged with the management or direction of PQSA and its Divisions and other divisions as determined from time to time.

Spouse – Including a former spouse, a current or former de facto partner and a current or former same sex partner.

Worker – A person who carries out work in any capacity as an employee, contractor or subcontractor, an employee of a contractor or sub-contractor, an employee of a labour hire company, an outworker, apprentice or trainee, or a student gaining work experience, or a volunteer.

RESPONSIBILITIES

It is the responsibility of PQSA to communicate the contents of this policy to all workers on a regular basis.

Managers/Supervisors to ensure that:

- ◆ Workers are familiar with their obligations and entitlements in accordance with this Policy.

Workers to ensure they:

- ◆ Notify their immediate Manager/Supervisor of any absence in accordance with this policy;
- ◆ Initiate leave applications for compassionate leave by completing the appropriate documentation for approval (if practicable).

POLICY

Full/Part Time Workers

PQSA is sympathetic to the circumstances where a member of a worker's immediate family may be seriously ill or where there is a death in the family. All full and part time workers are entitled to two (2) days of paid compassionate leave for each occasion that a member of the worker's immediate family or household has an illness or injury that poses a serious threat to his or her life, or there is a death in the household or immediate family. If there is a death in the immediate family or household, a maximum of one (1) day additional compassionate leave will be granted to attend the funeral. A maximum of one (1) days leave can be taken to attend the funeral of any other person (at their Manager's discretion).

A worker may take compassionate leave for a particular occasion when the leave is taken:

- a) To spend time with the member of the worker's immediate family or household who has contracted or developed a personal illness or sustained a serious personal injury that poses a threat to their life.
- b) After the death of the member of the worker's immediate family or household.
- c) To attend the funeral of any other person where the Manager/Supervisor accepts that the worker has suffered bereavement.
- d) Workers will be able to take compassionate leave for other relatives (e.g. cousins, aunts and uncles) if they are a member of the worker's household, at the discretion of PQSA.

Workers who take compassionate leave maybe required to produce documentary evidence of the associated death, serious illness or injury of the immediate family member or member of the workers household.

Examples of supporting documents include:

- ◆ Letter from a Registered Health Practitioner
- ◆ Published Funeral Notice
- ◆ Copy of a Death Certificate
- ◆ Certificate of statutory declaration attesting to the nature of the circumstance warranting compassionate leave.

When determining whether a worker is entitled to compassionate leave, the following will be considered:

- ◆ The relationship between the worker and the deceased person i.e. whether they were a member of the immediate family or household;
- ◆ whether the worker has to take significant responsibility for the funeral or similar ceremonies;
- ◆ Any cultural responsibilities the worker may have in relation to a death.

Workers become entitled to compassionate bereavement leave when:

- ◆ They have completed six (6) months' continuous service; or
- ◆ In any six (6) month period of service they have worked on average either ten (10) hours a week and at least one (1) hour in every week or forty (40) hours in every month during the six (6) month period.

If a worker experiences more than one (1) bereavement at the same time, they may take the appropriate amount of paid bereavement leave in respect of each bereavement.

Compassionate leave is not usually granted beyond the date of the funeral. Any subsequent request for compassionate leave on account of grief after the funeral will be granted as personal leave to be supported by a medical certificate.

Compassionate Leave during Period of Annual Leave

If a worker is on annual leave and requires compassionate leave and they have an existing entitlement; the worker is entitled to take those days as compassionate leave rather than annual leave, provided documentary evidence is produce and satisfied.

Full and part-time workers will be paid at their base pay rate for the ordinary hours they would have worked during the compassionate leave. This does not include separate entitlements such as loadings, overtime or penalty rates.

Casual Workers

Casual workers will not be entitled to paid compassionate leave; however, they will have access to unpaid leave arrangements. If a casual worker requires leave from their duties on compassionate grounds, the worker must notify their Manager/Supervisor of their intention to take leave as soon as practicable; and the estimated length of absence.

PROCEDURES

Where a worker will be absent due to compassionate leave requirements, the following procedures must be followed:

1. The worker will inform their Manager/Supervisor, as soon as practicable, stating the nature of the leave requested and the estimated duration of the absence.
2. If the worker needs to leave work on compassionate grounds, the worker will inform their Manager/Supervisor before doing so.
3. The worker must keep PQSA fully informed about the time off required during compassionate leave.
4. Workers must complete the Application for Leave Form, as soon as practicable before their period of compassionate leave (if applicable) or upon their return to work duties, attaching appropriate evidentiary documents.
5. Manager/Supervisor to sign and approve the Leave Form and sight appropriate evidence of the requirement for compassionate leave (if applicable).
6. Application for Leave form and evidentiary documentation is to be attached to the corresponding timesheet for the applicable fortnightly pay period.
7. All documentation will be forwarded to the Payroll Department during the applicable pay period.
8. All documentation received regarding compassionate leave is to be retained on the workers personnel file.

RELATED LEGISLATION

- ◆ National Employment Standards
- ◆ Fair Work Act 2009
- ◆ Holidays Act 2003

AWARDS

- ◆ Nurses (SA) Award 2010
- ◆ Social, Community, Home Care and Disability Services Industry Award 2010

SUPPORTING PQSA DOCUMENTATION

- ◆ CHG Employee Assistance Services
- ◆ Enterprise Agreement 2011
- ◆ Form – Application for Leave
- ◆ Leave – Annual Policy and Procedures
- ◆ Leave – Unpaid Policy and Procedures

BREACHES OF THIS POLICY

A **breach** of this policy is grounds for disciplinary action, up to and including termination of employment. Ignorance of these procedures will not generally be accepted as an excuse for non-compliance. Only in extreme circumstances and where such ignorance can be demonstrated to have occurred through no fault of the individual concerned will PQSA accept such an argument.

DISTRIBUTION AND REVIEW

PQSA will ensure all persons engaged to provide services either paid or unpaid will be aware of this policy and will have easy access to it in an appropriate format. All policies are to be reviewed on a periodic basis or when legislation or government policy determines.