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RELATED DOCUMENTS	<p> Catholic Schools Office Code of Conduct Counselling and Disciplinary Policy Diocese of Maitland Newcastle Code of Conduct Integrity in the Service of the Church Leave Guide National Catholic Education Commission Long Service Leave Interstate Portability Agreement </p> <p>Industrial Awards and Agreements:</p> <ul style="list-style-type: none"> Amusement, Events and Recreation Award 2020 Banking, Finance and Insurance Award 2020 Children's Services Award 2010 Clerks Private Sector Award 2020 Catholic Diocese of Maitland-Newcastle, Catholic Schools Office Staff Enterprise Agreement 2019-2021 Educational Services (Teachers) Award 2010 Miscellaneous Award 2020 New South Wales and Australian Capital Territory Catholic Systemic Schools Enterprise Agreement 2020 NSW and ACT Catholic Systemic Schools Principals Multi-Enterprise Agreement 2020 Social, Community, Home Care and Disability Services Industry Award 2010 (SCHADS Award) <p>Legislation:</p> <ul style="list-style-type: none"> Fair Work Act 2009 (Commonwealth) Long Service Leave Act 1955 No 38 (NSW) Public Holiday Act 2010 No 115 (NSW)

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Purpose

The Diocese of Maitland-Newcastle, will deliver services consistent with the principles and standards detailed in the resources [Integrity in the Service of the Church](#). This document, in accordance with legislative obligations, specify the expected behaviours of all Employees within the DoMN.

This documents in accordance with legislative obligations, support the overarching goal to create, encourage and foster a culture of attendance, commitment and engagement across all agencies. Absenteeism has an adverse impact on all Employees of an organisation and negatively affects the culture and delivery of organisational and strategic outcomes.

To actively endorse this culture the DoMN provides Employees with the provision of leave to:

- Support their overall health and wellbeing on occasions of personal illness, injury or unexpected emergency,
- Provide care for their immediate family or household members experiencing illness, injury or unexpected emergency,
- Promote and encourage a work life balance through the provision of approved leave and
- Provide employment security and financial assistance following the birth or adoption of a child.

On all other occasions, the DoMN expects timely and regular attendance where Employees are deemed fit to meet their contractual responsibilities and perform the inherent requirements of their role.

Policy Statement

The Catholic Diocese of Maitland-Newcastle and its agencies and parishes provide leave arrangements consistent with relevant legislation and applicable industrial instruments, enterprise agreements and awards.

The DoMN's leave policy is designed to:

- Provide a simple and transparent framework to ensure uniformity and equitable application of leave,
- Ensure flexibility, consideration and support is afforded to special individual circumstances,
- Provide managers and Employees with greater understanding of their entitlements and obligations for accessing leave,
- Establish attendance expectations and standards across the DoMN,
- Reinforce the potential and reasonable consequences to manage and address problematic absences, behaviour that does not meet these standards and proven non-conformance and substantiated misuse of leave,
- Identify short and long term strategies for addressing the underlying causes of absenteeism and where possible, implement contingency planning to reduce the effects that short and long term absenteeism has on other Employees,
- Clearly define the roles and responsibilities for Employees, managers, human resources and work health and safety professionals in taking a collaborative approach to create a culture of attendance and ensuring the effectiveness of this policy.

Scope

This policy applies to all Employees of the Diocese of Maitland-Newcastle.

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Definition

For the purpose of this Policy:

Diocese of Maitland-Newcastle

Diocese of Maitland-Newcastle means the Parishes within the Diocese and the following works:

- The Diocese of Maitland-Newcastle Catholic Schools Office;
- Catholic Schools within the Diocese of Maitland-Newcastle;
- Diocesan offices and shared services;
- St Nicholas Early Education;
- St Nicholas OOSH;
- Catholic Development Fund;
- CatholicCare Social Services Hunter Manning;
- Office of Safeguarding; and
- Development and Relief Agency

Employees

An Employee is considered any full time, part time or casual directly engaged by the DoMN but excludes clergy.

Immediate family or household members

Refers to spouse or former spouse, de facto partner or former de facto partner, child, parent, grandparent, grandchild, sibling or child, parent, grandparent, grandchild or sibling of the Employee's spouse or de facto partner (or former spouse or de facto partner), step parents, step children and adoptive relations. A household member is any person who lives with the Employee.

Leave provisions

Leave specified within the applicable Enterprise Agreement/Awards, the Fair Work Act/National Employment Standards (NES) and relevant organisational policies. A detailed overview of the leave provisions per agency is outlined in the Leave Guide.

Manager

A manager is an Employee with additional responsibilities including supervising Employees and/or administering a service area. This includes, but is not limited to, managers, team leaders, directors, principals, assistant principals, heads of services, parish administrators and business managers.

Policy Context

The National Employment Standards (NES) are the 10 minimum standards of employment which apply to all Employees covered by the national workplace relations system, however only certain entitlements apply to casual Employees.

Terms in awards, registered agreements and employment contracts cannot exclude or provide for an entitlement less than the NES, and those that do have no effect. However, they can affect the operation of the NES in certain ways. For example, they may specify terms that deal with:

- the cashing out and taking of paid annual leave
- the cashing out of paid personal/carer's leave
- extra personal/carer's leave or annual leave in exchange for foregoing an equivalent amount of pay.
- the substitution of public holidays

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They may also supplement the NES by providing additional entitlements

This policy should be read in conjunction with the relevant [Enterprise Agreement](#), [Award](#), Legislation or employment contract.

A summary of additional entitlements for DoMN Employees is contained in the Leave Guide.

Together these provide a complete view of leave entitlements for Employees of DoMN.

The NES provides the following base leave provisions:

Parental leave and related entitlements – up to 12 months unpaid leave and the right to ask for an extra 12 months unpaid leave. Also includes adoption-related leave. Casual Employees who have been employed for at least 12 months by an employer on a regular and systematic basis and with an expectation of ongoing employment are entitled to unpaid parental leave and related entitlements.

Annual leave – four weeks paid leave per year, plus an extra week for some shift workers.

Personal/carer's leave, compassionate leave, and family and domestic violence leave – Permanent Employees are entitled to 10 days paid personal/carer's leave, two days unpaid carer's leave as required, two days compassionate leave as required and five days unpaid family and domestic violence leave (in a 12-month period). Casuals are entitled to two days unpaid carer's leave and two days unpaid compassionate leave per occasion and five days unpaid family and domestic violence leave (in a 12-month period)

Community service leave – unpaid leave for voluntary emergency activities and leave for jury service, with an entitlement to be paid for up to 10 days for jury service for permanent Employees.

Long service leave – paid leave for Employees who have 10 years' service with the same employer as per the Long Service Leave Act 1955 (NSW)

Public holidays – a paid day off on a public holiday (unpaid for casuals), except where reasonably requested to work. The Public Holidays Act 2010 (NSW) provides public holidays for the state of NSW. Standard public holidays are:

- New Year's Day

Public holiday on 1 January.

When 1 January is a Saturday or Sunday, there is to be an additional public holiday on the following Monday.

- Australia Day

Public holiday on 26 January.

When 26 January is a Saturday or Sunday, there is to be no public holiday on that day and instead the following Monday is to be a public holiday.

- Good Friday

Public holiday on the Friday publicly observed as Good Friday.

- Easter Saturday

Public holiday on the day after Good Friday.

- Easter Sunday

Public holiday on the Sunday following Good Friday.

- Easter Monday

Public holiday on the Monday following Good Friday.

- Anzac Day

Public holiday on 25 April.

- Queen's Birthday

Public holiday on the second Monday in June.

- Labour Day

Public holiday on the first Monday in October.

- Christmas Day

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Public holiday on 25 December.

When 25 December is a Saturday, there is to be an additional public holiday on the following Monday.

When 25 December is a Sunday, there is to be an additional public holiday on the following Tuesday.

- Boxing Day

Public holiday on 26 December.

When 26 December is a Saturday, there is to be an additional public holiday on the following Monday.

When 26 December is a Sunday, there is to be an additional public holiday on the following Tuesday.

Types of Absences, Notification and Evidence

Planned or Scheduled Leave

Planned or scheduled leave is an entitlement that provides full time and part time Employees with regular paid breaks from work for the purposes of rest and recreation and the opportunity to pursue personal life commitments. This leave is typically approved in advance and the Employee must provide reasonable notice that they wish to access this leave entitlement.

Unplanned or Unscheduled Leave

Unplanned absence refers to a temporary absence from work in recognition of circumstances that can generally arise irregularly or unexpectedly and are inclusive of planned medical procedures. Absences of this nature can be:

- involuntary and unavoidable—caused by sickness or injury sufficiently severe to render the Employee unfit for normal work duties,
- voluntary and avoidable—when Employees take time off work although they are not medically unfit for normal work duties.

Notification of Absence

As soon as practicable, an Employee is required to contact their manager notifying them of their intention to take leave. Under special circumstances, this may be after the leave has started. An Employee is required to advise their manager of the expected duration of their absence.

Evidence

Depending on the specific circumstances such evidence may include a medical certificate, a statutory declaration, a document issued by the police service, a court or a family violence support service.

Absenteeism and Unauthorised Absences

Absenteeism is a habitual pattern of absence from duty, generally in the form of unplanned or unmanaged absences. Absenteeism can be viewed as an indicator of poor individual performance and is deemed a breach of an implicit contract between Employee and employer.

An unauthorised absence is an absence from work, regardless of duration and whether it was paid or unpaid and is not supported or approved by management. This includes where an Employee fails to show up for a shift without notifying management.

An unsatisfactory pattern of absence may include:

- A history of poor attendance
- Excessive use of personal leave without justification,
- Frequent use of single days or extended leave,
- An emerging pattern such as Fridays, Monday, adjacent to a long weekend, public holidays or pupil free days,

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- Failure to comply with the proper notification or evidence requirements
- Repeated tardiness without a valid reason
- Taking excessively long breaks
- Conditions outlined in performance improvement plans/disciplinary letters

Behaviour such as this by an Employee will be managed using the DoMN [Counselling and Disciplinary Policy](#).

In the case of a performance improvement plan or performance management process where specific evidence may be requested, an Employee is required to provide evidence where applicable that would satisfy a reasonable person that the Employee was genuinely entitled to take the leave applied for.

Service

Service is a period during which an Employee is employed by an employer, but does not include certain excluded periods such as unpaid personal leave or unpaid parental leave, any period of unauthorised absence or unpaid leave.

Continuous service is a period of unbroken service with an employer by an Employee. An excluded period does not break an Employee's continuous service with their employer. However, it does not count towards the length of the Employee's continuous service.

Responsibilities

Head of Human Resources

The Head of Human Resources is responsible for:

- Ensuring the consistent implementation and application of the attendance standards as outlined in this policy, through:
 - provision of appropriate training and coaching and
 - regular reviews of the policy for continuous improvement purposes
- Reporting the leave statistics to the Diocese Leadership Group ('DLG').

HR Business Partners

The HRBPs are responsible for:

- Providing coaching and training to management and Employees on matters related to absenteeism,
- Monitoring quality of application of the policy and procedure,
- Investigating any grievances regarding attendance,
- Dealing with third party representatives (including union representatives and return to work advisors),
- Maintaining confidentiality at all times,
- Reviewing an Employee's attendance record in conjunction with the manager,
- Preparing formal documentation for managers and support managers in having conversations with their Employees and
- Managing completed disciplinary documentation on the Employee's personnel file.

Managers, Supervisors and Principals

Managers, Supervisors and Principals are responsible for:

- Understanding and managing leave entitlements and conditions in line with this policy,

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- Addressing each individual Employee's circumstance on a standalone and transparent basis and treating personal and sensitive matters with empathy, respect and privacy.
- Provide Employees with the appropriate level of support and accessibility to support eg. Employee Assistance Program
- Establishing attendance expectations and holding timely and constructive conversations with Employees regarding their ability and obligation to meet their contractual responsibilities. This includes satisfying notification and evidence requirements,
- Identifying, tracking and analysing an Employee's pattern of absences and document any non-conformance by satisfactorily demonstrating where informal and formal discussions have taken place,
- Confidently reinforce potential consequences of non-compliance and in consultation with Human Resource Business Partners initiate the required action including informal and formal management where an Employee's behaviour does not meet the agreed standards,
- Initiating informal conversations with an Employees on their return to work to check on their wellbeing and appropriately use their discretion to approve or reject applications of leave where the appropriate documentation is not supplied or the notification requirements are not met.
- Consult with Human Resources and the return to work team to develop a work plan or flexible workplace agreement where applicable.

Employees

Employees are responsible for:

- Meeting their contractual responsibility to attend work in the absence of an authentic medical reason and satisfactorily meeting the requirements of their role,
- Viewing personal/carers leave as a contingent benefit rather than an automatic entitlement of employment that enables recovery from genuine illness/injury or unexpected emergency, acts as an insurance against future illness and extends to the care of their immediate family or household members under such circumstances and provides financial security following the birth of a child or adoption,
- Complying with the notification and evidence requirements to warrant approval of leave applications and ensure payment is not withheld,
- Actively manage their health and seek appropriate medical advice if they are concerned about their health affecting their capacity to work,
- Ensuring they maintain open communication with their leaders by seeking positive outcomes in cases where health and/or attendance becomes a concern and allowing ongoing touchpoints during periods of absence and
- Ensuring that they can attend personal commitments using the appropriate leave in cases where commitments cannot be schedule outside of business hours.

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