



ATTENDANCE, PUNCTUALITY AND LEAVE POLICY AND PROCEDURE

A.M.Y. Nominees Pty Ltd is committed to providing and maintaining a safe and healthy workplace for all workers (including contractors and volunteers) as well as clients, visitors and members of the public. All employees will require the benefits of taking leave from work at some stage. A leave policy and procedure will set a benchmark and provide guidance for employees and management as to how leave is taken and applied for.

PURPOSE

The purpose of this policy is to provide a standard or benchmark of behaviours and procedures around Attendance, Punctuality and the taking and utilisation of leave provisions for staff and workers employed by Antakarinja Matu-Yankunytjatjara (AMY) – AMY Nominees and related entities.

AMY Nominees Management require all staff to understand the expectations around attendance, punctuality and the taking of leave in order to provide a quality of service and transparent communication to our clients and business units, while allowing staff time to attend to personal and family matters when required.

POLICY

ATTENDANCE AND PUNCTUALITY

It is expected that all AMY Nominees staff and workers will comply with suggested attendance hours or rostered hours specified in their employment contracts and/or endeavour to meet other requests for attendance where possible.

Where attendance is not possible for particular reasons, it is anticipated that notification will be provided to an immediate supervisor and/or AMY Nominees Manager in a timely manner.

Regular non-attendance or non-compliance to required working hours without notification or reasonable justification may include disciplinary action including termination of employment.

This Policy reflects the National Employment Standards (NES) as set out in the Fair Work Act 2009 (Cth) (the **Fairwork Act**) but does not override the NES.

LEAVE

Annual Leave

Annual Leave, for full-time and part-time employees will require a **Leave Request Form** to be completed in order to notify Supervisors and Managers of intended time off. These requests should be completed in advance with as much notice as possible. All requests should be approved by the appropriate Manager and Supervisor in order to assist in planning for staff coverage.

Payment on annual leave

Annual leave will be paid as per the employee's leave entitlements under their employment contract. This will not include payment for any allowances, loadings, penalties or the like. The payment will be processed at the usual pay time unless the employee requests that annual leave is paid prior to their leave commencing.

Cashing out annual leave

Annual leave cannot be cashed out.

Payment of annual leave on termination

Accrued but untaken annual leave will be paid out on termination. Such payment will be the amount that would have been payable to the employee had the employee taken that period of leave.

Personal Leave (incorporating Sick Leave, Carers Leave)

Sick and carer's leave (also known as personal leave or personal / carer's leave) allows an employee time off to help them deal with personal illness, caring responsibilities and family emergencies.

Sick leave can be used when an employee is ill or injured.

An employee may have to take time off to care for an immediate family or household member who is sick or injured or help during a family emergency. This is known as carer's leave but it comes out of the employee's personal leave balance.

An immediate family member is a:

- 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).

This definition includes step-relations (eg: step-parents and step-children) as well as adoptive relations.

A household member is any person who lives with the employee

AMY Nominees, as a primarily indigenous employer may be seen more flexible on its definition of “immediate family” to reflect the wider reaching definitions of family used by many indigenous peoples. AMY Nominees Management will look at each case based on merit and frequency of use.

Paid personal/carer’s leave for employees other than casuals will be paid at the employee’s base rate of pay for all ordinary hours of work in the period. This will not include payment for any allowance, loadings, penalties or the like. The payment will be processed at the usual pay time provided the employee has complied with the notice and documentation requirements.

Compassionate or Bereavement Leave

All employees (including casual employees) are entitled to compassionate leave (also known as bereavement leave).

Compassionate leave can be taken when a member of an employee's immediate family or household:

- dies or
- contracts or develops a life-threatening illness or injury.

Immediate family is an employee's:

- spouse or former spouse
- de facto partner or former de facto partner
- child
- parent
- grandparent
- grandchild
- sibling, or a
- child, parent, grandparent, grandchild or sibling of the employee's spouse or de facto partner (or former spouse or de facto partner).

This definition includes step-relations (eg. step-parents and step-children) as well as adoptive relations.

Employees will be able to take compassionate leave for other relatives (eg. cousins, aunts and uncles) if they are a member of the employee's household, or if the employer agrees to this.

Amount of compassionate leave

All employees are entitled to 2 days compassionate leave for each occurrence of an immediate family or household member passing away or suffering a life-threatening illness or injury.

The compassionate leave can be taken as:

- a single continuous 2-day period, or
- 2 separate periods of 1 day each, or
- any separate periods the employee and the employer agree.

An employee does not accumulate compassionate leave and it does not come out of their sick and carer's leave (or annual leave) balance. It can be taken any time an employee needs it.

If an employee is already on another type of leave (eg. annual leave) and needs to take compassionate leave, the employee can use compassionate leave instead of the other leave.

Payment for compassionate leave

Full-time and part-time employees receive paid compassionate leave and casual employees receive unpaid compassionate leave.

Full-time and part-time employees are paid at their base pay rate for the ordinary hours they would have worked during the leave.

This does not include separate entitlements such as incentive-based payments and bonuses, loadings, monetary allowances, overtime or penalty rates.

Compassionate leave cannot be cashed out.

Family & domestic violence leave

All employees (including part-time and casual employees) are entitled to 5 days unpaid family and domestic violence leave each year.

The entitlement to unpaid family and domestic violence leave comes from the [National Employment Standards \(NES\)](#).

What is family and domestic violence?

Family and domestic violence means violent, threatening or other abusive behaviour by an employee's close relative that:

- seeks to coerce or control the employee
- causes them harm or fear.

A close relative is:

- an employee's:
 - spouse or former spouse
 - [de facto partner](#) or former de facto partner
 - child
 - parent
 - grandparent
 - grandchild
 - sibling
- an employee's current or former spouse or de facto partner's child, parent, grandparent, grandchild or sibling, or
- a person related to the employee according to Aboriginal or Torres Strait Islander kinship rules.

Maternity & parental leave

Employees can get parental leave when a child is born or adopted. Parental leave entitlements include:

- maternity leave
- paternity and partner leave
- adoption leave
- special maternity leave

- a safe job and no safe job leave
- a right to return to old job.

What is parental leave?

Parental leave is leave that can be taken when:

- an employee gives birth
- an employee's spouse or [de facto partner](#) gives birth
- an employee adopts a child under 16 years of age.

Employees are entitled to 12 months of unpaid parental leave. They can also request an additional 12 months of leave.

Pre-adoption leave

Employees who are taking parental leave to care for an adopted child are also entitled to 2 days unpaid pre-adoption leave to attend relevant interviews or examinations.

This leave can't be used if an employer tells an employee to take another type of leave (eg. paid annual leave).

Who is eligible for parental leave?

All employees in Australia are entitled to parental leave.

Employees are able to take parental leave if they:

- have worked for their employer for at least 12 months:
 - before the date or expected date of birth if the employee is pregnant
 - before the date of the adoption, or
 - when the leave starts (if the leave is taken after another person cares for the child or takes parental leave)
- have or will have responsibility for the care of a child.

Community Service Leave

Employees, including casual employees, can take community service leave for certain activities such as:

- voluntary emergency management activities
- jury duty (including attendance for jury selection).

With the exception of jury duty, community service leave is unpaid.

Voluntary emergency management activity

An employee engages in a voluntary emergency management activity if:

- the activity involves dealing with an emergency or natural disaster
- the employee engages in the activity on a voluntary basis
- the employee was either requested to engage in an activity, or it would be reasonable to expect that such a request would have been made if circumstances had permitted, and
- the employee is a member of, or has a member-like association with a recognised emergency management body.

Recognised emergency management body

A recognised emergency management body is:

- a body that has a role or function under a plan that is for coping with emergencies / natural disasters (prepared by the Commonwealth or a state or territory)
- a fire-fighting, civil defence or rescue body
- any other body which is mainly involved in responding to an emergency or natural disaster.

This includes bodies such as:

- the State Emergency Service (SES)
- Country Fire Authority (CFA)
- the RSPCA (in respect of animal rescue during emergencies or natural disasters)

Long service leave

An employee is eligible for long service leave after a long period of working for the same employer.

For AMY Nominees - South Australian workers receive 13 weeks long service leave after 10 years' service with an employer, or related employers, with pro rata entitlement after 7 years.

Cultural Leave

A maximum of three days paid and five days unpaid cultural leave is available to permanent staff to undertake specific cultural activities with the approval of their Manager. This may include leave to attend funerals not covered by compassionate leave. It may also include leave to attend cultural events or ceremonies. (Details of cultural events or ceremonies must be provided to the manager when seeking approval from the Manager)

Payment of Cultural Leave

Cultural leave for employees other than casuals will be paid at the employee's base rate of pay for the days approved. This will not include payment for any allowance, loadings, penalties or the like. The payment will be processed at the usual pay time provided the employee has complied with the notice and documentation requirements.

Cultural Leave will not be cumulative and will be set at 3 days per calendar year (paid) and 5 days (unpaid). Leave can also be used in conjunction with other leave such as Annual Leave, providing documentation and approvals are appropriate.

Notice and documentation requirements

All forms of leave will require the following forms of documentation to be submitted and approved by the employee's Supervisor and Manager.

Annual Leave

- Leave request form completed at least two weeks prior
- If in a rostered position, leave is preferably taken over a complete swing or roster cycle.

Personal Leave – (Incorporating; Sick leave and Carers Leave)

