

Human Resources Policy

Annual/recreation leave

Policy Number: C51 (QH-POL-100)

Publication date: June 2021

Purpose: To outline annual leave entitlements and arrangements in Queensland Health.

Application: This policy applies to all Queensland Health employees, except visiting medical officers.

This policy does not apply to employees of Queensland Ambulance Service. Instead, Queensland Ambulance Service employees are to refer to their local policy/procedures.

Delegation: The 'delegate' is as listed in the relevant Department of Health Human Resource (HR) Delegations Manual, or Hospital and Health Services Human Resource (HR) Delegations Manual, as amended from time to time.

Legislative or other authority:

- *Human Rights Act 2019*
- *Industrial Relations Act 2016*
- *Public Service Act 2008*
- *Public Service Regulation 2018*
- Building, Engineering and Maintenance Services Employees (Queensland Government) Award – State 2016
- Health Practitioners and Dental Officers Award – State 2015
- Hospital and Health Services General Employees (Queensland Health) Award – State 2015
- Medical Officers (Queensland Health) Award – State 2015
- Nurses and Midwives (Queensland Health) Award – State 2015
- Queensland Public Service Officers and Other Employees Award – State 2015
- Aboriginal and Torres Strait Islander Health Workforce (Queensland Health) Certified Agreement (No. 1) 2019
- Health Practitioners and Dental Officers (Queensland Health) Certified Agreement (No. 3) 2019 (HPDO3)
- Medical Officer (Queensland Health) Certified Agreement (No. 5) 2018 (MOCA5)
- Nurses and Midwives (Queensland Health and Department of Education) Certified Agreement (EB10) 2018 (NMEB10)
- Queensland Health Building, Engineering and Maintenance Services Certified Agreement (No.7) 2019 (BEMS7)
- Queensland Public Health Sector Certified Agreement (No. 10) 2019
- PSC (IR) Directive 04/17: Recreation Leave
- PSC (IR) Directive 06/20: Sick Leave
- PSC (IR) Directive 01/19: Leave without Salary Credited as Service

Related policy or documents:

- Higher Duties HR Policy B30 (QH-POL-260)
- Compulsory Christmas/New year closure HR Policy C32 (QH-POL-117)
- Sick Leave HR Policy C64 (QH-POL-230)
- Cashing out annual leave HR Policy C74 (QH-POL-196)
- Resident medical officers on secondment or rotation HR Policy D8 (QH-POL-448)



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1 Policy

The intent of annual leave is to provide employees with a period of absence from work for rest and recreation, to establish a balance between their working and personal lives. Queensland Health has a duty of care to encourage employees to access their annual leave on a regular basis.

Hospital and Health Services/Department are to implement practices for the effective management of annual leave entitlements. Managers are to actively engage in leave planning to encourage employees to access their annual leave on a regular basis and support leave applications whenever operationally convenient.

For the purposes of this policy, the terms annual leave and recreation leave are interchangeable.

2 Entitlement and accumulation of annual leave

2.1 Entitlement to annual leave

Annual leave is provided for in Division 5 of the Queensland Employment Standards (*Industrial Relations Act 2016*). Additional provisions contained within the relevant award and/or industrial agreement supplement the Queensland Employment Standards.

2.2 Accumulation of annual leave

Full-time and part-time employees, whether fixed term temporary or permanent, accumulate annual leave. It is encouraged that an employee's total accumulated annual leave does not exceed two years accrued entitlement. Refer section 2 in Attachment One.

Employees are to be given every reasonable opportunity to reduce excess accumulations when they convert from full-time to part-time employment.

2.3 Fellowship/scholarship holders

Fellowship/scholarship holders accrue annual leave at public service rates and conditions for the duration of their bonded period with Queensland Health. Portability of these entitlements is available dependent on circumstances.

Upon completion of the bonded period, continuing employment entitlements revert to Award provisions.

2.4 Registrars – vocational training programs

Registrars may be involved in vocational training programs that require rotation to regional centres and/or to facilities outside Queensland Health. Vocational training programs are programs which have been endorsed by the relevant College and supported by Queensland Health, or Queensland Health managed vocational training pathways (refer definitions).

The annual leave credits of registrars participating in vocational training programs:

- are carried forward from one hospital to another (when rotating between hospitals, including the Mater Misericordiae Public Hospital)
- are encouraged not to accumulate more than two years entitlement.

Reference is to be made to section 9 of Attachment One for procedural arrangements regarding registrar rotations.

3 Additional annual leave

Employees may receive additional annual leave entitlements due to the workplace/facility they work, for performing work on certain public holidays, locality, spread of hours of the facility, or shift work arrangements.

Reference should be made to sections 3.1 to 3.5 below and the industrial instruments regarding entitlement to additional week/s of annual leave.

3.1 Work performed on public holidays

Entitlement

In accordance with relevant industrial instruments, an additional week of annual leave may be received in lieu of extra payment for work performed on public holidays.

Employment conditions

The following applies to employees who receive an additional week of annual leave in lieu of extra payment for work done on public holidays:

Payment for ordinary time worked on 'ordinary' public holidays	The rate of time and a half is payable.
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Annual leave when an 'ordinary' public holiday occurs	An additional day is not granted for public holidays where an employee is absent on annual leave and one or more of the ordinary public holidays fall during the period of leave.
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3.2 Continuous shift workers

Continuous shift workers, as defined in the relevant industrial instruments, receive an additional week of annual leave for work performed on a continuous shift work basis.

3.3 Nurses and midwives

Nurses and midwives in public hospitals who work rosters providing three shifts per day over a period of seven days per week or two 12 hour shifts per day over a period of seven days per week, as required by the rostering arrangements in accordance with clause 19.2 of the Nurses and Midwives (Queensland Health) Award – State 2015, receive an additional one week of annual leave each year provided they work rostered shifts during a full year of employment.

A Nurse Grade 9 employee is also entitled to an additional one week's annual leave per annum in recognition of the extended spread of hours performed.

The principles for the accrual of an additional week of annual leave by nurses and midwives in public hospitals are outlined in Attachment One.

3.4 Radiation professionals

An additional one week annual leave to a total of five weeks annual leave each year, as prescribed under clause 46 of the Health Practitioner and Dental Officers (Queensland Health) Certified Agreement (No. 3) 2019, is provided to:

- radiographers
- radiation therapists
- medical imaging technologists
- nuclear medicine technologists
- breast imaging radiographers (including Breast Screen Queensland)
- radiographers/sonographers;
- physicists including radiation oncology medical physicists, nuclear medical physicists, radiology medical physicists, and health physicists
- radio chemists.

No leave loading is payable on the additional week of leave. Accordingly, four weeks leave loading is to be distributed over the five weeks of annual leave entitlement.

This applies to permanent, fixed term temporary and part-time employees.

3.5 Senior medical officers (SMOs) and resident medical officers (RMOs)

Where a SMO is ordinarily required to perform work on public holidays, the SMO will be allowed an additional one week annual leave.

All RMOs are entitled to five weeks annual leave, one week of which is to compensate for work performed on public holidays.

Where a RMO performs work on a continuous shift work basis and performs their duty in various shifts allocated in rotation they will be entitled to additional annual leave on a pro rata basis at the rate of one week for each year in respect of the period during which such shifts have been worked.

4 Leave loading

The rate of leave loading an employee receives is dependent on their Award provisions including for work undertaken on a continuous shift basis or on public holidays, etc.

Continuous shift workers

Annual leave loading for continuous shift workers covered by the following Awards is paid at 27.5% of the ordinary wage rate:

- Building, Engineering and Maintenance Services Employees (Queensland Government) Award – State 2016
- Health Practitioners and Dental Officers Award – State 2015
- Hospital and Health Services General Employees (Queensland Health) Award – State 2015
- Medical Officers (Queensland Health) Award – State 2015
- Nurses and Midwives (Queensland Health) Award – State 2015

Reference is also to be made to the clauses below regarding specific occupational streams.

Leave loading is paid at the rate of 27.5%:

- in lieu of calculating the employees projected shift roster entitlements for continuous shift workers during annual leave
- to compensate continuous shift workers for the loss of shift roster entitlements not paid while on annual leave.

The entitlement to the 27.5% loading only applies to leave taken while the employee is engaged as a continuous shift worker. This does not apply to any periods exceeding 190 hours for nurses and midwives, and 152 hours for caseload midwives (on an annualised salary).

4.1 Operational stream and relevant clinical assistant stream employees

Continuous shift workers engaged as operational stream and relevant clinical assistant stream employees under the Hospital and Health Services General Employees (Queensland Health) Award – State 2015 in roles covered by the Australian Workers' Union (AWU) are to refer to clause 19.1(d) of the Award for details regarding their annual leave entitlements.

5 Cashing out of annual leave

In certain circumstances, and subject to section 37 of the Industrial Relations Act, certain employees may apply to cash out a component of their annual leave (refer to the Cashing out annual leave HR Policy C74).

6 Recall, cancellation or deferral of leave

A delegate may, if organisational circumstances that could not have reasonably been foreseen (such as periods of demand for hospital services) so require it, recall an employee, cancel the approval or defer the taking of annual leave.

An employee is to be allowed to take any annual leave from which they have been recalled or which was cancelled or deferred. This leave may be taken at the earliest time that is mutually convenient to both the employer and the employee, with the delegate having regard to the operational requirements of the work area.

Where an employee has incurred expenses, such as deposit payments, relating to payments for accommodation and/or travel for the employee and/or their immediate family, and those expenses are

lost due to a recall, cancellation or deferral of leave by the delegate, the expenses will be reimbursed by the relevant Hospital and Health Service/Department. Such reimbursement is conditional upon the employee producing evidence of losses incurred, in the form of receipts or other evidence to the satisfaction of the delegate.

Definitions:

Annual leave	Is an entitlement, under the <i>Industrial Relations Act 2016</i> and relevant industrial instrument, to paid leave accrued on a pro-rata basis during employment by employees engaged in a permanent or fixed term temporary full-time or part-time capacity.
Break in service	For the purposes of this policy, means any break greater than two days (e.g. a weekend) excluding Public Holidays, between ceasing as a permanent employee of Queensland Health and being re-engaged as a fixed term temporary employee of Queensland Health.
Continuous shift worker	The definition of continuous shift worker is contained in the relevant Award.
Day/afternoon/night shifts	Generally, refers to the time of the day the majority of hours of a shift are worked, i.e. morning, evening or overnight. The definition of day, afternoon and night shifts is contained in the relevant Award.
Full pay	The employee's ordinary rate of pay inclusive of any fixed allowances that are part of the regular fortnightly pay.
Half pay	Payment made as half the rate of full pay.
Ordinary public holiday	For the purposes of this policy, one of the following public holidays: <ul style="list-style-type: none"> • New Year's Day • Australia Day • Good Friday • Easter Monday • Anzac Day • Queen's Birthday • Christmas Eve (6pm to midnight) • Christmas Day • Boxing Day.
Ordinary rate	The rate that the relevant industrial instrument states is payable for ordinary time.
Recreation leave	Refer annual leave.
Termination payment	A payment made on termination of employment when the employee has not used their accrued annual service leave entitlements.
Vocational training scheme/pathway/network	In Queensland, vocational trainees can be allocated to a training position in a vocational training scheme/pathway/network via three different avenues: <ol style="list-style-type: none"> 1. a centrally managed Queensland Health pathway, network or training program 2. directly by a Queensland Health facility accredited for training; or an individual specialist medical college, which allocates trainees to a Queensland or interstate facility.

History:

June 2021	<ul style="list-style-type: none"> • Policy formatted as part of the HR Policy review • Policy amended to: <ul style="list-style-type: none"> – update references and naming conventions
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	<ul style="list-style-type: none"> - remove two year maximum annual leave accrual provisions - include reference to relevant clinical assistant stream employees regarding leave loading entitlements under clause 19.1(d) of the Hospital and Health Services General Employees (Queensland Health) Award – State 2015 (section 4.1) - remove dark room attendants (section 4.3) - clarify provisions for resident medical officers (section 3.5) - include reference to cashing out of annual leave provisions (section 5) - include recall, cancellation or deferral of leave provisions (section 6) - clarify process for cancellation of leave (section 1.3 Attachment One) - clarify half pay provisions during the taking of annual leave when a public holiday or concessional leave falls within that period (section 5.4 Attachment One) - clarify break in service (section 6.2 Attachment One) and inclusion of definition - definition included for vocational training programs.
February 2010	<ul style="list-style-type: none"> • Amendments to section 7.3 and section 9 regarding the definition of continuous shift worker.
December 2009	<ul style="list-style-type: none"> • Developed as a result of the HR policy consolidation project.
Previous	<ul style="list-style-type: none"> • IRM 11.2-1 Leave – Recreation – Entitlement, Accumulation, Calculation, Conversion, Part Time, Fellowship, Scholarship Holders • IRM 11.2-2 Leave – Recreation – Radiographers, Dark Room Attendants and Nuclear Medicine Technologists • IRM 11.2-3 Leave – Recreation – Nursing Staff – Public Hospitals • IRM 11.2-4 Leave – Recreation – Registrars – Rotational Schemes • IRM 11.2-5 Leave – Recreation – Leave Loading – Continuous Shift Workers • IRM 11.2-6 Leave – Recreation – Additional Week for Work Performed on Public Holidays • Circular ER 39/05 – Timeframes for Leave Approval

Attachment One – Application and additional conditions

The following information is provided as the minimum mandatory standard practice, procedure or process to enable satisfactory compliance with this Queensland Health HR policy.

Local guidelines/procedures may be developed to facilitate implementation of this policy. Any local guidelines/procedures must be consistent with this policy and standard practice and ensure employee entitlements continue to be met.

1 Taking annual leave

All leave is to be approved in advance by the employee's supervisor, taking into consideration the operational requirements of the work unit. The employee's supervisor must not unreasonably refuse to agree when the employee is to take the leave. Employees are to be advised of the outcome of their application within five working days, i.e. whether the leave applied for has been approved or not. When the supervisor considers this unachievable, the employee is to be advised as soon as possible within the 5 day period, in writing. The employee is to be kept informed as to the decision status and advised of the final decision in a timely manner.

Annual leave does not have to be taken during any specific time of year, except:

- when required during the Christmas closure (refer to the relevant compulsory Christmas/New Year closure HR circular issued each year)
or
- during restricted staffing levels, where restricted staffing levels are used.

Part-time employees

Part-time employees are to apply for the number of ordinary hours they would have been at work for any annual leave period.

Resident medical officers

Resident medical officers (RMOs) can take their annual leave entitlement (i.e. five weeks) with approval of their supervisor before the completion of 52 weeks continuous service. If a RMO has been approved to go on annual leave and the RMO resigns or is terminated before completing their 52 weeks of continuous service, they are to refund the value of the unearned pro rata portion, calculated at the date the leave was taken.

Queensland Health may deduct this money from any payments owed to the RMO at the time of termination. No refund is required in the event of the death of a RMO.

1.1 Non-agreement on when leave is to be taken

In accordance with section 33(3) of *Industrial Relations Act 2016*, when a manager/supervisor and employee cannot agree on when annual leave is to be taken, the manager/supervisor:

- may decide when the employee is to take leave
- is to give the employee at least eight weeks written notice of the starting date of the leave.

1.2 Public holidays during leave

If a public holiday occurs during a period of annual leave, the holiday is not to count as part of the annual leave, except when the employee is in receipt of an additional week annual leave as compensation for work performed on public holidays.

1.3 Employee cancellation of leave

When an employee intends to cancel a period of planned approved leave, the employee is to complete the cancellation of leave section on the leave application form in *myHR* for delegate approval, to enable processing of the cancellation in a timely manner.

This process for cancellation of leave will alleviate:

- incorrect leave balances to the employee's disadvantage
- overpayment of leave loading when leave is not taken
- inconsistency between payroll records and the timesheet.

2 Accumulation of annual leave

Queensland Health has a duty of care to encourage employees to access their annual leave on a regular basis. Lengthy periods of continuous employment:

- may be detrimental to employee well-being and productivity
- increases the financial and internal control measure liabilities of Queensland Health.

It is recommended that an employee's total accumulated annual leave not exceed two years accrued entitlement.

Hospital and Health Services/Department are to implement practices for the effective management of annual leave entitlements. Managers and employees are to actively and regularly engage in leave planning to ensure all team members have regular opportunity to access their accrued annual leave.

3 Illness during annual leave

If an employee falls ill during annual leave, they may convert annual leave to sick leave subject to the Sick Leave HR Policy C64 which includes the requirement for:

- a period of illness of more than three working days
- a written application for sick leave, supported by a medical certificate or other evidence of the illness acceptable to the delegate.

4 Rate of pay

Annual leave is paid at the employee's normal weekly rate, except when the Higher Duties HR Policy B30 applies.

5 Half pay annual leave

5.1 Approval of half pay annual leave

Half pay annual leave is subject to approval on the basis of:

- service delivery requirements
- financial considerations.

5.2 Accrual of leave entitlements

Half pay annual leave is recognised as normal service applying to the employee at the time of taking the leave. Accrual of sick leave, annual leave and long service leave during a period of half pay annual leave is at either the full-time or relevant proportional rate for a part-time employee.

5.3 Public holidays

The period of half pay annual leave is exclusive of any public holidays which fall during the period the annual leave is taken. The exception is where an employee is in receipt of the additional week of leave in lieu of extra payment for work performed on public holidays.

Any public holidays which occur during half pay annual leave are paid at the employee's normal full-time or part-time rate.

5.4 Christmas/New Year compulsory closure concessional day

When the Christmas/New Year compulsory closure concessional day (or a day taken in lieu) falls during a period of half pay annual leave, eligible employees are to receive this payment at their normal full-time or part-time hours for the day.

6 Change of employment status

6.1 Permanent to casual

Permanent full-time and part-time employees who have accrued annual leave are not permitted to use accrued leave during periods of casual employment. Unused accrued leave is to be used prior to changing employment status. If it is not possible to use all accrued leave, the cash equivalent of accrued annual leave is to be paid to the employee, in accordance with section 38 of the Industrial Relations Act.

If the employee is re-engaged on a casual basis during the period of the cash equivalent, the employee is not required to refund the cash equivalent payment.

6.2 Permanent to fixed term temporary

When a permanent full-time or part-time employee of Queensland Health changes their employment status from permanent to fixed term temporary, without a break in service (refer Definitions), the employee is determined not to have terminated their employment with Queensland Health.

The employee is entitled to retain any accrued annual leave not taken prior to changing their employment status to fixed term temporary. No cash equivalent of accrued annual leave is to be paid to the employee.

When a permanent full-time or part-time employee of Queensland Health changes employment status from permanent to fixed term temporary, and there is a break in service, the employee is deemed to have terminated their employment.

If the employee is re-engaged on a fixed term temporary basis during the period of the cash equivalent, the employee is not required to refund the cash equivalent payment. Refer to section 10 of this Attachment for information relating to termination of employment.

6.3 From or to a continuous shift worker

An employee who changes from a continuous shift worker to a non-continuous shift worker is not entitled to continuous shift entitlements. The leave loading is paid at 17.5% instead of the 27.5% for continuous shift workers.

An employee who has worked as a non-continuous shift worker, and subsequently takes annual leave while employed as a continuous shift worker, is entitled to leave loading of 27.5%.

7 Continuous shift workers – principles for the accrual of an additional week of annual leave

An employee who is not a continuous shift worker, or was a continuous shift worker for less than 12 months, is entitled to additional annual leave for a period working as a continuous shift worker in the 12 months prior to taking annual leave. The additional annual leave is granted on a pro rata basis.

8 Continuous shift workers – payment of leave loading

Continuous shift workers receive 27.5% leave loading in lieu of projected rosters. No annual leave loading is paid for the extra week of annual leave received in lieu of working public holidays. The 27.5% leave loading is averaged over the entire entitlement of annual leave.

Nurses and midwives who are continuous shift workers receive the leave loading for the additional week of annual leave that is 190 hours.

The exception is operational stream employees engaged in roles covered by the Australian Workers' Union (AWU), Queensland Branch (refer section 6.1 of this policy), who are entitled to payment of penalties (i.e. weekend, afternoon and night shifts and public holidays) for projected rosters on the sixth week.

Operational stream employees who are continuous shift workers do not need to be a member of the AWU to receive this entitlement. The AWU has coverage of these particular positions industrially.

The projected roster is not paid for the fifth week, which would not normally attract leave loading.

Example of payment for six weeks of leave taken in one period (operational stream employee)

- Weeks one to four - projected roster
- Week five - ordinary weekly Award rate
- Week six - projected roster

Example of payment for six weeks of leave taken in two periods (operational stream employee)

First period

- Weeks one to four - projected roster

Second period

- Week one - ordinary weekly Award rate
- Week two - projected roster

9 Registrar vocational training program rotations

Cost

The cost of annual leave for a registrar participating in a vocational training program rotation is to be met by the hospital employing the registrar at the time leave commences.

Cash equivalent

Cash equivalent of annual leave is **not** to be paid when registrars move from one hospital to another under a vocational training program rotation.

10 Termination of employment

Employees are to be paid for all unused accrued annual leave and applicable leave loading on termination of employment.

The calculation of the payment for unused annual leave includes any public holiday to which they would have been entitled if they had still been an employee and had taken the leave. When the employee also has an entitlement to a cash equivalent of long service leave, the additional payment for public holidays is only to be made for one type of leave, i.e. annual leave or long service leave. The longer period of leave is to be used for the additional payment for public holidays.

If an employee resigns and is re-engaged during the period of the cash equivalent, the employee is not required to refund the cash equivalent payment.

Continuous shift workers

An employee who is a continuous shift worker who resigns before the completion of 12 months service is paid the pro rata cash equivalent for the additional week of annual leave accrued for the period they worked as a continuous shift worker.

Managing the risk of psychosocial hazards at work
Code of Practice 2022
applies 1 April 2023