

Human Resources Policy

Carer's leave

Policy Number: C9 (QH-POL-109)

Publication date: November 2020

Purpose: To outline employee entitlements for carer's leave.

Application: This policy applies to all Queensland Health employees.

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

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*

Related policy or documents:

- Parental Leave HR Policy C26 (QH-POL-187)
- Annual/Recreation Leave HR Policy C51 (QH-POL-100)
- Overtime HR Policy C60 (QH-POL-185)
- Sick Leave HR Policy C64 (QH-POL-230)
- Support for employees affected by domestic and family violence HR Policy C73 (QH-POL-391)

Policy subject:

1	Policy statement.....	2
2	Purpose of carer's leave.....	2
2.1	Use of sick leave.....	2
2.2	Unpaid leave for caring purposes.....	2
2.3	Recreation leave.....	3
2.4	Long service leave.....	3
2.5	Time off in lieu of payment for overtime.....	4
2.6	Make-up time.....	4
	Definitions:.....	4
	History:.....	4
Attachment One	Additional requirements	



1 Policy statement

Queensland Health recognises that achieving a balance between work and family responsibilities contributes to employee job satisfaction and effectiveness. Employees are therefore able to use carer's leave (i.e. paid or unpaid sick leave) or other types of leave to provide care and/or support to members of their immediate family or household.

The Parental Leave HR Policy C26 outlines entitlements to maternity, spousal (paternity), surrogacy and adoption leave consistent with Queensland Health's support for family friendly practices. The provisions of HR Policy C26 are either equal or superior to the provisions of the *Industrial Relations Act 2016*.

2 Purpose of carer's leave

Carer's leave is provided for in Division 6 of the Industrial Relations Act.

Carer's leave is a form of personal leave that enables an employee to take time off to provide care for or support to:

- a) members of the employee's immediate family or household
 - when they are ill
 - because an unexpected emergency arises,
 or
- b) a person who has experienced domestic and family violence.*

*As an alternative (and in addition) to carer's leave, employees are able to access specific entitlements, including leave for domestic and family violence. Refer to Support for employees affected by domestic and family violence HR Policy C73.

Carer's leave may be taken for part of a day.

2.1 Use of sick leave for carer's leave

An employee is entitled to use any accrued sick leave for absences to provide care and support for members of their immediate family or household.

The entitlement to use sick leave for this purpose is subject to:

- the employee being responsible for the care of the person concerned and
- the person concerned being either a member of the employee's immediate family or a member of the employee's household.

If the employee has exhausted their sick leave, the employee can access an additional two days unpaid carer's leave each time the employee needs to take the leave (refer section 42(3) of the Industrial Relations Act). Refer also to section 2.2 of this policy.

2.2 Unpaid leave for caring purposes

In accordance with section 42(4) of the Industrial Relations Act, an employee may elect, with the consent of Queensland Health, to take unpaid leave for the purpose of providing care and support for members of their immediate family or household.

Casual employees

Long term casual employees are entitled to 10 days unpaid carer's leave each year to care for or support:

- a) members of the employee's immediate family or household
 - when they are ill
 - because an unexpected emergency arises,
 or
- b) a person who has experienced domestic and family violence.

Short term casual employees may leave work or be unavailable to attend work for up to two days each time the employee needs to care for and support:

- a) members of the employee's immediate family or household
 - when they are ill
 - because an unexpected emergency arises,
- b) a person who has experienced domestic and family violence
or
- c) members of the employee's immediate family or household because of the birth of a child.

A long term or short term casual employee may leave work or be unavailable to attend work to take additional carer's leave if the employer agrees. Refer sections 43(3) and 44(3) of the Industrial Relations Act.

Managers must not fail to re-engage a casual employee only because they have taken carer's leave.

2.3 Recreation leave

An employee may elect, with the consent of Queensland Health, to take annual/recreation leave, in lieu of carer's leave at a time or times agreed between the parties for the purpose of providing care and support for members of their immediate family or household.

Access to recreation leave is exclusive of any shutdown period provided for under the employee's Award.

2.4 Long service leave

An employee may elect, with the consent of Queensland Health, to take long service leave, in lieu of carer's leave, at a time or times agreed between the parties for the purpose of providing care and support for members of their immediate family or household.

This access is subject to:

- the employee's eligibility for long service leave i.e. the minimum continuous service period of seven years
- the minimum period of long service leave which may be taken in lieu of carer's leave is one day, or one rostered shift.

2.5 Time off in lieu of payment for overtime

An employee may elect, with the consent of Queensland Health, to take time off in lieu of payment for overtime at a time or times agreed with Queensland Health for the purpose of providing care and support for members of their immediate family or household.

Overtime taken as time off during ordinary time hours shall be taken at the ordinary time rate i.e. one hour of time off in lieu for each hour of overtime worked.

2.6 Make-up time

An employee may elect, with the consent of Queensland Health, to work 'make-up time'. Under this arrangement:

- the employee takes time off during ordinary hours for the purpose of caring for members of their immediate family or household and
- works those hours at a later time (during the spread of ordinary hours provided in the employee's Award) at ordinary rates.

Definitions:

Immediate family	For the purposes of this policy, "Immediate family" includes: <ul style="list-style-type: none"> • an employee's spouse including a former spouse* • a de facto spouse or former de facto spouse*, a child (including an adult child, an adopted child, a foster child, ex-foster child, a step-child or an ex-nuptial child), parent, grandparent, grandchild or sibling of the employee or spouse of the employee. * including a spouse of the same sex as the employee
Long term casual employee	In accordance with the definition provided in section 15 (Chapter 2) of the <i>Industrial Relations Act 2016</i> - a casual employee engaged by a particular employer, on a regular and systematic basis, for one or more periods of employment during the one year immediately before the employee seeks to access an entitlement under this chapter.
Short term casual employee	In accordance with the definition provided in section 14 of the <i>Industrial Relations Act</i> – means a casual employee, other than a long term casual employee.

History:

November 2020	<ul style="list-style-type: none"> • Policy: <ul style="list-style-type: none"> – updated as part of the HR Policy review – application excludes employees of Queensland Ambulance Service • Policy amended to: <ul style="list-style-type: none"> – update references and naming conventions – include provisions on carer's leave relating to domestic and family violence as provided in the <i>Industrial Relations Act 2016</i> and Support for employees affected by domestic and family violence HR Policy C73 (section 2) – clarify casual employee entitlements (section 2.2)
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	<ul style="list-style-type: none"> – include the ability to access long service leave in lieu of carer's leave (section 2.4) – include definition of long term and short term casual employee (Definitions) – clarify evidence to be provided by the employee (Attachment One).
June 2020	<ul style="list-style-type: none"> • Policy application amended as a result of changes outlined in the Hospital and Health Boards (Changes to Prescribed Services) Amendment Regulation 2019.
May 2014	<ul style="list-style-type: none"> • Policy formatted as part of the HR Policy Simplification project. • Policy amended to update references and naming conventions.
April 2008	<ul style="list-style-type: none"> • Developed as a result of the HR policy consolidation project.
Previous	<ul style="list-style-type: none"> • IRM 11.7-6 Leave – Carer's.

Attachment One – Additional requirements

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 Notification of absence

Managers are to ensure that employees are aware of the notification arrangements for unscheduled absences including:

- the person to be notified of the absence
- the timeframe for the notification of the absence
- the information to be provided by the employee i.e. the reason for the absence and the likely duration of the absence
- any other information required by the relevant award.

Employees are to notify Queensland Health of any unscheduled absence in accordance with the notification arrangements applying to their work unit.

2 Additional requirement for carer's leave

The employee is to, wherever practicable, provide notice prior to the absence:

- of the intention to take leave
- the name of the person requiring care and their relationship to the employee
- the reasons for taking such leave and the estimated length of absence.

3 Evidence to be provided by employee

An employee is, if required, to provide the following evidence:

- Carer's leave to support a person who is ill for more than three consecutive days – a doctor's certificate (or certificate acceptable under the Sick leave HR Policy C64, if applicable), or a statutory declaration evidencing that the person the employee is supporting is ill and requiring care/support.
- Carer's leave to support a member of the immediate family or household for unexpected emergencies – a statutory declaration if the absence is more than three days.
- Carer's leave to care for or support a person who has experienced domestic and family violence –
 - a statutory declaration evidencing the necessity of the leave
 - or
 - notice of intent to access carer's leave, the name of the person requiring care and relationship to the employee, the reason for taking the leave, and the period proposed to be absent.

Information disclosed by an employee in relation to domestic and family violence will be kept confidential, except to the extent that disclosure is required or permitted under an Act.

Alternatively, employees are able to access leave and other support options provided in the Support for employees affected by domestic and family violence HR Policy C73.

MOCA 5 Protected
Managing the risk of psychosocial hazards at work
Code of Practice 2022
applies 1 April 2023