

Personal / Sick Leave Policy

For Australian Small & Medium Enterprises

Template Version 1.0 | December 2024

Important Notice

This template reflects the National Employment Standards (NES) minimum entitlements. Your modern award or enterprise agreement may provide additional entitlements. Evidence requirements should be applied fairly and consistently.

1. Purpose

This policy outlines personal/carer's leave entitlements and procedures for [Company Name] employees in accordance with the National Employment Standards (NES) and the Fair Work Act 2009.

2. Scope

This policy applies to:

- All full-time and part-time employees
- Personal leave for own illness or injury (sick leave)
- Carer's leave to care for family or household members

Note: Casual employees are entitled to unpaid carer's leave only.

3. Entitlements

3.1 Personal/Carer's Leave Accrual

Under the NES, employees are entitled to:

- Full-time employees: 10 days per year
- Part-time employees: Pro-rata based on ordinary hours
- Accrues progressively during each year of service
- Accumulates from year to year (no cap)

3.2 Unpaid Carer's Leave

- 2 days per occasion when paid leave is exhausted
- Available to all employees including casuals

3.3 Compassionate Leave

- 2 days per occasion (paid for permanent employees)
- For death or life-threatening illness/injury of immediate family or household member

- Available to casuals as unpaid leave

4. When Personal/Carer's Leave Can Be Taken

4.1 Personal Leave (Sick Leave)

Personal leave can be taken when an employee is:

- Not fit for work due to personal illness or injury
- Dealing with unexpected personal circumstances affecting their attendance
- Attending medical appointments that cannot be scheduled outside work hours

4.2 Carer's Leave

Carer's leave can be taken to provide care or support to a member of the employee's immediate family or household who requires care or support because of:

- Personal illness or injury
- Unexpected emergency

Immediate family includes:

- Spouse or de facto partner
- Child, parent, grandparent, grandchild, or sibling
- Child, parent, grandparent, grandchild, or sibling of spouse/partner

5. Notification Requirements

5.1 Timing

Employees must notify [Company Name]:

- As soon as practicable (before the start of the shift if possible)
- No later than [insert time] hours after the start of the shift
- Each day of absence unless otherwise agreed

5.2 Information to Provide

- That leave is required
- Reason for leave (general category is sufficient)
- Expected duration of absence

5.3 Who to Contact

- Direct supervisor or manager
- [Insert alternative contact method]

6. Evidence Requirements

6.1 When Evidence is Required

[Company Name] may require evidence for personal/carers leave:

- For absences of more than [insert number, e.g., 2] consecutive days
- For single-day absences immediately before or after a weekend or public holiday
- Where there is a pattern of absences
- As reasonably required by [Company Name]

6.2 Acceptable Evidence

For personal leave:

- Medical certificate from a registered health practitioner
- Statutory declaration (if medical certificate not reasonably obtainable)

For carer's leave:

- Medical certificate for the person being cared for
- Statutory declaration
- Other evidence of illness, injury or emergency

6.3 Evidence Standards

- Evidence must be provided as soon as practicable
- Medical certificates should specify the period of unfitness for work
- Failure to provide evidence may result in leave being unpaid

7. Payment

7.1 Rate of Pay

- Personal/carers leave is paid at the base rate of pay
- Does not include overtime, penalties or allowances
- Paid for hours the employee would have worked

7.2 Leave Without Pay

If paid leave is exhausted, employees may take unpaid leave. Unpaid leave requires approval and may affect employment benefits.

8. Managing Sick Leave

8.1 Monitoring

[Company Name] monitors personal leave to:

- Identify patterns that may indicate issues
- Offer support where appropriate
- Ensure leave is being used appropriately

8.2 Addressing Concerns

Where patterns of absence are identified:

- Supervisors will discuss concerns with the employee

- Support options will be explored
- Medical assessment may be requested
- Attendance improvement plans may be developed

8.3 Support

[Company Name] will:

- Treat illness-related absences with confidentiality and respect
- Provide reasonable support for employees with health issues
- Consider reasonable adjustments where appropriate
- Provide access to Employee Assistance Program (if available)

9. Extended Illness or Injury

For extended absences due to illness or injury:

- Regular contact will be maintained with the employee
- Return to work planning will be discussed
- Medical clearance may be required before return
- Reasonable adjustments will be considered
- Workers compensation may apply for work-related illness/injury

10. Misuse of Personal Leave

Taking personal leave when not genuinely unwell or caring for someone is:

- A breach of this policy
- Potentially fraudulent
- Subject to disciplinary action up to and including termination

11. Record Keeping

[Company Name] maintains records of:

- Personal/carer's leave accrued
- Leave taken
- Leave balances
- Evidence provided

Leave balances are shown on payslips and available on request.

12. Termination

On termination of employment:

- Personal/carer's leave is not paid out
- Leave balance does not transfer to new employer

- Accrued leave is forfeited

13. Responsibilities

13.1 Employees

- Take leave only for genuine reasons
- Notify absences promptly
- Provide evidence as required
- Cooperate with return to work processes

13.2 Managers

- Apply policy consistently and fairly
- Maintain employee privacy
- Monitor patterns and address concerns
- Support employees with health issues

14. Review

This policy will be reviewed:

- At least annually
- When NES changes occur
- When business requirements change

Employee Acknowledgement

I acknowledge that I have read and understood [Company Name]'s Personal/Sick Leave Policy. I understand my entitlements and responsibilities and agree to follow the notification and evidence requirements.

Employee Name: _____

Signature: _____

Date: _____