

LEAVE POLICY 2021

The Vice-Principal (Operations) as delegate of the Senate of the University of Sydney, adopts the following policy.

Dated: 23 June 2021

Last Amended: 8 October 2021 (administrative amendment)

Signature:

Name: Mr Stephen Phillips

Current policy approver: Vice-Principal (Operations) and Provost and Deputy Vice-Chancellor

1	Name of policy	1
2	Commencement.....	2
3	Policy is binding	2
4	Statement of intent.....	2
5	Application	2
6	Definitions	2
7	General principles	5
8	Planning leave	6
9	Annual leave	7
10	Personal leave	8
11	Long service leave	9
12	Compassionate leave	10
13	Special leave.....	11
14	Aboriginal and Torres Strait Islander cultural leave	11
15	Research and professional development leave.....	12
16	Parental leave	12
17	Community service leave.....	15
18	Domestic and family violence leave.....	16
19	Leave without pay	16
20	Industrial relations training leave	17
21	Redundancy notice leave	17
22	Leave guidelines	17
23	Rescissions and replacements	17
	Notes	18
	Amendment history.....	18
	Schedule 1	19
	Schedule 2	21

1 Name of policy

This is the Leave Policy 2021.

2 Commencement

This policy commences on 23 June 2021.

3 Policy is binding

Except to the extent that a contrary intention is expressed, this policy binds the University and staff.

4 Statement of intent

This policy:

- (a) provides information on leave entitlements and related provisions to assist staff in balancing personal, professional and family needs;
- (b) encourages staff to access their leave entitlements to maintain their physical and mental health; and
- (c) supports the University's values of respect and integrity, inclusion and diversity to enable all staff, including LGBTIQ staff, of the University to thrive.

Note: See the [Strategic Plan 2016-2020](#).

5 Application

- (1) This policy applies to all staff covered by the [Enterprise Agreement](#), excluding casual staff unless otherwise specified.
 - (a) Staff not covered by the [Enterprise Agreement](#) should refer to their individual contract of employment, the Higher Education Industry Awards for [Academic staff](#) or [General staff](#) and relevant legislation (as applicable) for their leave entitlements.
- (2) This policy does not apply to study time or time spent on a special studies program, as these are not forms of leave.

Note: For further information see the [Study Time Policy](#) and [Special Studies Program Policy](#).

6 Definitions

acceptable documentation has the meaning given in clause 222 of the [Enterprise Agreement](#).
At the date of this policy, that is:

includes:

- a medical certificate;
- a statutory declaration in relation to unexpected emergencies or circumstances where it is not reasonably practicable for a staff member to obtain a medical certificate; and
- a letter from the staff member's lawyer, doctor or other relevant agency in the case of staff affected by domestic and family violence.

annual leave plan	means proposed dates when annual leave is planned to be taken.
child	<p>means, for the purposes of parental leave:</p> <ul style="list-style-type: none"> • a child (or children from a multiple birth) born to a staff member or a staff member's partner; or • a child placed with a staff member through an adoption or permanent placement order and who: <ul style="list-style-type: none"> - is less than five years of age (for the purposes of paid parental leave) or less than 16 years of age (for the purposes of unpaid parental leave); and - is not the birth child of the staff member; and - has not lived continuously with the staff member for six months or longer.
continuous service	<p>means a period of employment with the University under an unbroken contract of employment or an unbroken series of contiguous contracts, including periods of paid and unpaid leave. Except as otherwise specified in the Enterprise Agreement, periods of unpaid leave and periods of casual service do not count as service for any purpose.</p> <p>Note: For further information on breaks in service refer to the Enterprise Agreement.</p>
domestic and family violence	means any violence between family members, including current or former partners, whenever and wherever the violence occurs. It may include any of physical, sexual, emotional or financial abuse or threatening, coercive or dominating behaviours.
Delegated Officer (Staffing)	means the Chief Human Resources Officer and such other person or persons as may be appointed from time to time by the Vice-Chancellor to exercise the functions of the Delegated Officer (Staffing) under the Enterprise Agreement .
Enterprise Agreement	means the University of Sydney Enterprise Agreement 2018-2021 or its replacement.
gender transition	means the transition towards affirming a permanent and public adoption of the style and presentation of a gender different to that assigned to a person at birth. It may include social transition, medical transition or legal transition.

head of administrative area (HOA)	<p>has the meaning given in the University of Sydney Delegations of Authority Rule 2020 which at the date of this policy is:</p> <p>means a senior staff member:</p> <ul style="list-style-type: none"> • outside a faculty or University school; • whose position is declared as an HOA by the Senior Deputy Vice-Chancellor in writing; and • who is recorded as an HOA in the relevant human resources recordkeeping systems. <p>Where appropriate, a reference to HOA includes a reference to The Director, Law Extension Committee.</p>
head of school	<p>means:</p> <ul style="list-style-type: none"> • for schools within a faculty, the Head of School; • for faculties which do not have a school structure, the Deputy Dean; • for clinical schools within the Faculty of Medicine and Health, the Head of Clinical School; • for University schools, the Head of School and Dean.
individual flexibility arrangement	<p>means an agreement between the University and a staff member which permits a staff member to purchase additional leave as provided in clauses 7-11 of the Enterprise Agreement and subclause 9(5) of this policy.</p>
immediate family	<p>means any of:</p> <ul style="list-style-type: none"> • a partner or former partner; • a child or step-child; • a grandchild or step-grandchild; • a parent or step-parent; • a grandparent or step-grandparent; or • a sibling (including half sibling) or step sibling; <p>of the staff member, or their partner or former partner.</p>
keeping in touch days	<p>means a day on which an employee performs work for the University during the period of parental leave, as provided in section 79A of the Fair Work Act 2009 (Cth),</p>
kinship group	<p>means:</p> <ul style="list-style-type: none"> • direct blood lines through family such as grandparents, parents and child(ren); or • a traditional kinship system which includes nations and clan groups who have ties across extended families, such as grandparents (and their siblings), aunties, uncles, cousins, parents (and their siblings) and siblings' child(ren).
LGBTIQ	<p>means lesbian, gay, bisexual, trans, intersex and queer.</p>

manager	means the person nominated by the University from time to time as the staff member's immediate supervisor or a person nominated by the University to act as the manager for a particular matter.
maternity leave	means a form of parental leave which is available to a pregnant staff member who gives birth to a child.
medical certificate	means a certificate issued by a person registered or licensed as a practising health practitioner, within the practitioner's registered area of practice or licence.
organisational unit	<p>has the meaning given in the Recruitment and Appointment Policy 2021 which at the date of this policy:</p> <p style="padding-left: 40px;">means a University organisational unit:</p> <ul style="list-style-type: none"> • with a specific purpose or function; • that has a director or head of the function; and • a separate budget. <p style="padding-left: 80px;">An organisational unit may include team structures but the teams are not themselves organisational units.</p>
paid "no safe job" leave	means leave provided to a pregnant employee for whom there is no appropriate safe job available, as provided in section 81A of the Fair Work Act 2009 (Cth) .
parental leave	means adoption leave, maternity leave, partner leave, primary care giver leave or special maternity leave.
permanent placement	means a situation where a child is placed with a staff member through a permanent placement order, including a guardianship order.
primary care giver	means a staff member who has principal responsibility for providing care and attention for the staff member's child.
risk period	means a stated period when it is inadvisable for a pregnant or breastfeeding staff member to continue in their present position due to illness or risks connected with that position.
union	means either or both of the Community and Public Sector Union (CPSU) and the National Tertiary Education Union (NTEU).

7 General principles

- (1) The University seeks to manage leave in a way that:
 - (a) assists staff in managing their work and personal responsibilities;
 - (b) integrates leave planning into workload planning;
 - (c) meets the needs of the University's strategic and operational objectives; and
 - (d) complies with relevant legislative and regulatory obligations.
- (2) A staff member on leave, including leave without pay, remains employed by the University.

- (3) All leave entitlements apply to part-time staff on a pro-rata basis.
- (4) All leave must be approved by a staff member's manager except for a parental leave plan which must be approved by a head of school or head of administrative area as appropriate.
- (5) A manager with the appropriate delegation of authority may approve a replacement staff member where the substantive occupant is on a lengthy period of leave such as parental leave, long service leave or leave without pay.

Note: See the [University of Sydney Delegations of Authority Rule 2020](#).

- (6) A teaching academic who wishes to apply for leave which will impact on their teaching commitments must obtain exemption from teaching during the proposed period of absence, from the relevant head of school.
- (7) A staff member who is on approved leave overseas may only commence work remotely overseas with the approval of the Vice-Chancellor or Vice-Principal (Operations), as appropriate.

Note: Contact your [HR Partner](#) for advice on the approval process. See the [Flexible Working Arrangements Policy](#) in regards to working remotely from interstate on a regular basis.

- (8) A staff member who takes leave in association with travel on approved University business is responsible for it being recorded in the HR Management System.

Note: Annual leave or long service leave taken in association with travel will be processed automatically from a staff member's Digital Travel Diary. See the [Travel Policy](#) and [Procedures](#).

- (9) **Schedules 1 and 2** to this policy summarise leave entitlements provided by the [Enterprise Agreement](#).

(a) If there is any inconsistency between these schedules and the [Enterprise Agreement](#), the [Enterprise Agreement](#) prevails.

- (10) Staff also have access to a range of flexible working arrangements to balance work, personal, family, community or other responsibilities. These provisions are set out in the [Flexible Working Arrangements Policy](#).
- (11) In exceptional circumstances the Vice-Chancellor, in consultation with the Chief Human Resources Officer, may approve additional leave arrangements.

8 Planning leave

- (1) Staff members and their managers are jointly responsible for planning leave.
- (2) Managers are responsible for:
 - (a) discussing leave applications with their staff and, as far as practicable, considering a staff member's preference in the timing of the leave;
 - (b) assessing the impact of the leave on the organisational unit's workload and operational requirements before agreeing to leave plans;
 - (c) approving and monitoring the leave through the HR Management System;
 - (d) confirming that a staff member has submitted a leave request for leave taken, including any leave taken in conjunction with travel on University business, so that leave records are accurate; and
 - (e) consulting with the manager who has the delegation of authority to appoint staff in their organisational unit where a replacement staff member is required.

- (3) Staff members are responsible for:
 - (a) discussing the proposed timing of the leave with their manager; and
 - (b) applying for the leave through the HR Management System with as much notice as is practicable.
- (4) To support workforce planning, the HR Management system allows staff to view leave booked by members of their organisational unit.
 - (a) managers can view the period of leave and the leave type.
 - (a) staff may view the period of leave only.
- (5) HR Services are responsible for:
 - (a) maintaining leave records; and
 - (b) assisting with leave enquiries.

Note: See the staff intranet for further information on [applying for and approving leave](#).

9 Annual leave

- (1) Managers and staff should discuss annual leave plans as part of workload planning at the beginning of each year.
- (2) Managers and staff must plan for a staff member to take annual leave regularly, to support their health and wellbeing and to maintain a work life balance.
- (3) Staff are encouraged to take their entitlement to annual leave in the year that the leave accrues. If their manager approves a longer-term annual leave plan, this should be included in longer-term workload planning.
- (4) If a staff member applies to reverse approved annual leave, their manager will work with the staff member to formalise an alternative annual leave plan.
- (5) A staff member may purchase additional annual leave by entering into an individual flexibility arrangement.
 - (a) This arrangement enables a staff member to work reduced weeks over a 12 month period and take additional leave, with a proportionate reduction in their salary and any loadings.
 - (b) A staff member must take the additional annual leave prior to the end of the 12 month period and their application must identify when they are planning to take this leave.

Note: See [clauses 7-11 of the Enterprise Agreement](#) for the requirements that must be met to enter into an Individual Flexibility Arrangement.
- (6) The University may direct staff who have accrued more than 40 days of annual leave to take leave from the first working day after 1 January the following year, (pro-rata for part-time staff) in accordance with the [Enterprise Agreement](#).
 - (a) A staff member may apply to their Dean, Vice-Principal, or Deputy Vice-Chancellor, as appropriate, to take their excess annual leave over a longer period, up to a maximum of twelve months.
 - (i) subject to endorsement, applications must be submitted to the Delegated Officer (Staffing) for final approval.

- (7) Managers should not approve leave that will result in a negative annual leave balance when the leave is taken; but may use discretion for staff on fixed term contracts to accommodate using all annual leave by their contract end date.

Note: See Schedule 1 for details of annual leave entitlements. For further information see [clauses 191-206](#) of the *Enterprise Agreement* and the [staff intranet](#).

10 Personal leave

- (1) Sick and carer's leave form part of a staff member's personal leave entitlements and allow a staff member to take leave:

- (a) when they are not fit for work due to personal illness or injury; or
- (b) to provide care or support to a member of their immediate family, household or kinship group due to a personal illness or injury or an unexpected emergency.

Note: A staff member may also apply for other forms of leave, time in lieu or for flexible working arrangements to support their caring responsibilities. See the [staff intranet](#) and the [Flexible Working Arrangements Policy](#).

- (2) A casual staff member may be unavailable to attend work for up to two days per occasion when a member of their immediate family, household or kinship group requires care or support because of a personal illness, injury or an unexpected emergency.

Note: See clause 216 of the [Enterprise Agreement](#).

- (3) A staff member undergoing a gender transition or affirmation may access their personal leave entitlement to support their transition.

Note: See the [Workplace Gender Transition Guidelines](#) on the staff intranet.

- (4) A staff member's personal leave balance will be adjusted on the anniversary of their employment if they:

- (a) take leave without pay; or
- (b) change the number of hours worked per week.

- (5) Where practicable, staff should schedule medical appointments when there is the least impact on their organisational unit. If it is not possible to arrange an appointment outside of work hours, a staff member may access personal leave to cover the time needed to attend the appointment.

- (6) A staff member must provide acceptable documentation for sighting by their manager:

- (a) for a period of absence of five working days or more; or
- (b) when their manager notifies them that they have taken five separate periods of personal leave in the previous 12-month period without providing acceptable documentation; and
- (c) they may be required to provide acceptable documentation for absences for up to six months from notification.

Note: See Schedule 1 for personal leave entitlements. For further information on personal leave see [clauses 207-215](#) and [clauses 221-222](#) of the *Enterprise Agreement* and the [staff intranet](#).

11 Long service leave

- (1) Long service leave recognises a staff member's length of continuous service at the University. Staff are encouraged to take their entitlement to long service leave soon after it accrues, and this should be included in longer term workload planning.
- (2) A staff member is entitled to paid long service leave after 10 years' continuous paid service in accordance with the [Enterprise Agreement](#).
- (3) A casual staff member is entitled to long service leave in accordance with the [Long Service Leave Act 1995 \(NSW\)](#) for service performed from 1 January 2010.
- (4) A staff member and their manager must agree on appropriate timing for the leave, otherwise the matter will be referred to the Delegated Officer (Staffing) for a decision.
- (5) A manager must seek approval from the manager with the delegated authority to appoint staff where a replacement staff member is required.

Note: See Schedule 1 for long service leave entitlements. For further information on long service leave, see clauses 223-234 of the [Enterprise Agreement](#) and the [staff intranet](#).

(6) Prior service at another Australian university

- (a) The University will recognise prior service at another Australian university as eligible service for long service leave accrual if the staff member:
 - (i) commenced employment with the University of Sydney on or after 1 January 1974;
 - (ii) has prior continuous paid service with another New South Wales university; or
 - (iii) has prior continuous paid service with a university outside New South Wales but elsewhere in Australia which provides reciprocal recognition of service;and
 - (iv) has no more than two months' break in service between the end of employment with their releasing university and their commencement date at the University of Sydney.

Note: The period of the break will not count as service.

- (b) The University of Sydney will only recognise:
 - (i) continuous service after 1 January 1969; and
 - (ii) service that is recognised for long service purposes by the releasing university.
- (c) A staff member should apply to have their prior service recognised at the time of appointment but must do so no later than three months after commencement.

Note: For further information on applying to have prior service recognised, see the [staff intranet](#).

- (7) A staff member with recognised eligible service from another Australian university will not accrue any further entitlement to long service leave:
 - (a) which has already been taken; or
 - (b) for which they are eligible to be, or have been, paid out;but

- (c) such periods will count as service for the purpose of calculating a staff member's long service leave accrual rate in accordance with the long service leave entitlement provisions in the [Enterprise Agreement](#).

Note: See [clauses 223-224](#) in the [Enterprise Agreement](#).

- (8) A staff member with recognised prior service from another Australian university must complete a minimum of five years' continuous service at the University of Sydney before they become eligible to take long service leave or receive payment in lieu of such leave. However, payment in lieu will be made if a staff member:
 - (a) retires after the age allowable for retirement by their superannuation fund;
 - (b) receives a disability pension from their superannuation fund; or
 - (c) dies.

(9) Prior service at the University of Sydney

- (a) A staff member who re-commenced employment at the University prior to 16 January 2014 will have prior service at the University recognised for the purpose of accruing long service leave.
 - (b) A staff member who re-commenced employment at the University on or after 16 January 2014 will only have prior service at the University recognised for the purpose of accruing long service leave if the break in service was:
 - (i) no more than six months, for externally funded fixed term employment; or
 - (ii) no more than two months, for other staff.
 - (c) The period of any break in service will not count as service.
- (10) In exceptional circumstances the Vice-Chancellor or Vice-Principal (Operations), in consultation with the Chief Human Resources Officer, may approve recognition of prior service towards long service leave accrual, and the taking of long service leave, without meeting the requirements of this clause 11.

Note: For further information on prior service see the [staff intranet](#).

12 Compassionate leave

- (1) A staff member is entitled to paid compassionate leave:
 - (a) in the event of the death or serious illness of a member of their immediate family, household or kinship group;
 - (b) following the stillbirth or death of their infant; or
 - (c) as approved by a manager on a case by case basis for the death or serious illness of any individual.

- (2) Up to two days' leave will be granted on each occasion that leave is required.

Note: See [clause 217](#) of the [Enterprise Agreement](#).

- (3) Casual staff are entitled to be unavailable to attend work upon the death of a member of their immediate family, household or kinship group. There is no payment for any period of non-attendance.

Note: See clause 216 of the [Enterprise Agreement](#).

13 Special leave

- (1) Special leave applies to atypical circumstances beyond a staff member's control in which their involvement is deemed appropriate for personal, cultural or religious reasons.
- (2) A staff member may be granted up to three days paid special leave per year for absences from work for which other leave types are not suitable.
- (3) Staff who apply for and take leave for cultural or religious reasons must not be disadvantaged or victimised.
- (4) A staff member may apply to the Delegated Officer (Staffing) for additional special leave where they can demonstrate exceptional circumstances.
- (5) Special leave:
 - (a) must be taken on the day of the cultural or religious event to which it relates;
 - (b) does not accrue or accumulate;
 - (c) cannot be taken during any other period of leave; and
 - (d) must not be approved for everyday family responsibilities where:
 - (i) there is no element of urgency; or
 - (ii) other leave may be more appropriate, such as annual leave, or flexible working hours.
- (6) Circumstances which may qualify for special leave include:
 - (a) emergencies, such as house fire or hail damage;

Note Participation in emergency services is more appropriately covered by emergency services leave.
 - (b) receiving Australian citizenship, which includes attendance for an interview with the Department of Home Affairs and the citizenship ceremony;
 - (c) for cultural or religious reasons, noting that:
 - (i) normally only one day per year of cultural or religious leave may be taken as paid special leave;
 - (ii) casual staff, within the terms of their employment and without prejudicing future employment offers, can reject an offer of casual work and consequently salary, on a day that is culturally or religiously significant to them;
 - (iii) special leave will not be approved merely because a day is declared a public holiday in a country outside Australia.
 - (d) moving house (a maximum of one day paid special leave per year).

Note: For further information on special leave see the [staff intranet](#).

14 Aboriginal and Torres Strait Islander cultural leave

Aboriginal and Torres Strait Islander staff are entitled to up to five days paid special leave to attend to cultural and ceremonial obligations. This is in addition to the special leave entitlements under clause 13.

Note: See [clause 19](#) of the [Enterprise Agreement](#).

15 Research and professional development leave

- (1) A staff member is entitled to up to three days' research or professional development leave per year after 12 months' continuous paid service in accordance with the [Enterprise Agreement](#).

Note: See [clauses 286-291](#) of the [Enterprise Agreement](#) and the [staff intranet](#).

- (2) In addition, professional staff may be entitled to convert up to five days of their personal leave each year to career development leave, for purposes not necessarily related to their current duties or employment.
 - (a) A staff member must have completed probation to be eligible to apply for career development leave.

Note: See [clause 287](#) of the [Enterprise Agreement](#) and the [staff intranet](#)

16 Parental leave

- (1) A staff member is entitled to paid and unpaid parental leave in accordance with the [Enterprise Agreement](#).

- (2) Eligibility for paid parental leave depends on the staff member's type of employment and length of service.

Note: See [clauses 246 – 269](#) in the Enterprise Agreement and the [parental leave toolkit for staff](#).

- (3) Paid parental leave under [clauses 246 \(a\), \(b\) and \(c\)](#) of the [Enterprise Agreement](#) includes leave and benefits for eligible:

- (a) pregnant staff;
- (b) partners;
- (c) adopting parents (including permanent placement);
- (d) same sex parents; and
- (e) primary care givers of a child born in a legal surrogacy arrangement.

- (4) Primary care giver leave:

- (a) must be taken in multiples of one day, rather than by the hour;
- (b) must be taken within 52 weeks (or 104 weeks, if approved) of the expected date of birth or adoption; and
- (c) for a staff member who gives birth to a child, may be taken as a return to work program or other return to work assistance which may be funded in the form of an allowance.

- (5) **Commencement of maternity and adoption leave (including permanent placement)**

- (a) A staff member may commence maternity or adoption leave:
 - (i) up to six weeks prior to the expected date of birth or placement of the child; or
 - (ii) at an earlier date for health reasons or if approved by the Delegated Officer (Staffing).

- (b) Maternity or adoption leave must commence no later than the date of birth or placement of the child, unless there is a premature birth in which case the commencement of maternity leave may be delayed until the baby is discharged from hospital.

(6) Approval for a parental leave plan

- (a) A staff member's head of school or head of administrative area, as appropriate:
 - (i) is responsible for approving their parental leave application;
 - (ii) may approve an application to take primary care giver leave in more than one period where this meets operational requirements as part of an agreed return to work plan; and
 - (iii) must approve the appointment of a replacement staff member where required,

Note: See the [parental leave toolkit for managers](#) on the staff intranet for further information on approving parental leave.

(7) Stillbirth and infant death

- (a) A staff member is entitled to access up to 12 months unpaid parental leave if their child is stillborn or their child dies during the first 24 months of life;
- (b) A staff member may access a period of paid parental leave if they are eligible under [clause 249](#) of the Enterprise Agreement.

Note: See parental leave Knowledge Articles on [stillbirth or infant death](#) and on [premature birth](#).

(8) Flexible unpaid leave

- (a) A staff member may take up to 30 days of their 12 month unpaid parental leave period on a flexible basis;
- (b) A staff member must provide notice of their intention to take flexible unpaid leave:
 - (i) at the same time as they apply for continuous parental leave; or
 - (ii) at least 10 weeks before the start of their flexible parental leave, if they are only taking flexible parental leave

Note: See the [Fair Work Ombudsman website](#) for further guidance on flexible unpaid leave.

(9) Other paid leave during parental leave

- (a) Staff are encouraged to take any accrued annual leave or long service leave to extend the paid component of their parental leave plan.
- (b) Any paid annual leave or long service leave taken within a period of parental leave will count as part of the 52 week parental leave period, or of the 104 week period, if approval has been given for extended parental leave.
- (c) A staff member who has excess annual leave on their return from parental leave is required to submit a plan to reduce their annual leave balance as part of their return to work arrangements.

- (10) Staff are encouraged to stay in touch with their organisational unit while on parental leave to help support their transition back to work, and may:
- (a) access up to 10 full or part paid keeping in touch days during 12 months of parental leave; and
 - (b) apply for professional development and job opportunities.
- Note:** See [clauses 283-285](#) in the [Enterprise Agreement](#).
- (11) **Parental leave during the University's annual closedown**
- (a) The required annual leave days, concessional leave and public holidays over the annual closedown count as part of parental leave and no additional payment or adjustments to the period of parental leave are made.
- (12) **Special Studies Program**
- (a) A staff member on a Special Studies Program (SSP) will commence parental leave no later than the time of the birth, adoption or placement of their child.
 - (b) SSP is deferred until parental leave ceases.
- (13) **Replacement staff members**
- (a) If a replacement staff member is employed temporarily to fill a position due to parental leave, the replacement staff member must be informed that their employment is:
 - (i) due to another staff member's absence on parental leave; and
 - (ii) subject to termination or variation by the University according to the parental leave arrangements of the staff member being replaced.
- (14) **Performance planning and development**
- (a) If a performance planning and development review has not been completed in the previous six month period, a staff member and their manager must complete the staff member's review before parental leave commences.
Note: See clause 15 of the [Performance Planning and Development Policy](#).
- (15) **Work health and safety**
- (a) If a pregnant or breastfeeding staff member is:
 - (i) having difficulty in performing their normal duties; or
 - (ii) exposed to a health risk,their manager must take reasonable measures to accommodate the staff member's requirements. This may include arranging alternative duties. The manager may consult with [Staff Health Support](#) or [HR Partner](#).
Note: See [clauses 279-282](#) of the [Enterprise Agreement](#).
 - (b) Where there is no safe job or duties available for a pregnant staff member:
 - (i) continuing and fixed term staff are entitled to paid "no safe job" leave for the risk period that they would otherwise have worked;
 - (ii) casual staff who are covered by [clause 242](#) of the [Enterprise Agreement](#) are entitled to paid "no safe job leave" for the risk period that they would otherwise have worked.

- (c) This entitlement ceases on the first to occur of:
- (i) when a safe job is provided;
 - (ii) when the risk period ends; or
 - (iii) when maternity leave commences.

Note: See Schedule 2 for parental leave entitlements. For further information on parental leave see the [staff intranet](#).

17 Community service leave

- (1) A staff member may be absent from duty on authorised leave if they are engaging in an eligible community service activity.

(2) Jury service

- (a) A staff member will be granted leave to serve as a juror for the period of attendance required.

Note: See [clauses 292-294](#) of the [Enterprise Agreement](#) and the [staff intranet](#).

- (b) Casual staff are entitled to be absent from work for the purpose of serving as a juror. There is no payment from the University for any period of non-attendance while on jury service.

(3) Defence leave

- (a) A staff member who serves on a part-time basis in the Australian Defence Force Reserve may apply for paid leave to attend training and operational duty.

Note: See [clauses 295-298](#) of the [Enterprise Agreement](#) and the [staff intranet](#).

(4) Emergency services leave

- (a) A staff member may apply for emergency services leave to participate in a voluntary emergency management service which is dealing with an emergency or natural disaster.

Note: See [clauses 299-301](#) of the [Enterprise Agreement](#) and the [staff intranet](#).

- (b) Casual staff are entitled to be absent from work if required to participate in a voluntary emergency service. There is no payment for any period of non-attendance.

(5) Witness leave

- (a) A staff member who is required to attend a court or tribunal hearing as a witness, will be entitled to leave as specified in [clause 304](#) of the [Enterprise Agreement](#).

(6) Casual staff

- (a) Where a casual staff member is required to:
- (i) attend jury service;
 - (ii) serve in the Australian defence force; or
 - (iii) participate in emergency services

these absences will not be taken into account in determining regular employment.

18 Domestic and family violence leave

- (1) A staff member is entitled to paid domestic and family violence leave in accordance with the [Enterprise Agreement](#).

Note: See [clauses 218-222](#) of the [Enterprise Agreement](#).

- (2) The University provides a range of workplace support measures as provided in the [Domestic and Family Violence Support Procedures 2014](#).
- (3) Casual staff are not eligible for paid domestic violence leave, but are entitled to:
 - (a) be unavailable to attend work for up to 5 days per year; and
 - (b) access workplace support measures provided by the [Domestic and Family Violence Support Procedures 2014](#).

19 Leave without pay

- (1) A staff member may be granted leave without pay upon request:
 - (a) in appropriate circumstances; and
 - (b) where it does not unreasonably affect the organisational unit's ability to meet its operational requirements.
- (2) A period of leave without pay may be approved by a staff member's manager and, where a replacement staff member is required, the manager must seek approval from the manager with the delegated authority to appoint staff.

(3) Circumstances which may qualify for leave without pay

- (a) Personal leave without pay may be approved when all paid sick leave is exhausted and the absence is supported with acceptable documentation.
 - (b) Parental leave without pay may be approved in accordance with the parental leave provisions, set out in clause 16.
 - (c) A staff member may apply for leave without pay for up to one year to take a career break.
 - (d) Leave without pay for private purposes may be approved when a staff member has:
 - (i) had two years continuous service with the University; and
 - (ii) exhausted their annual leave, long service leave and any accrued flexible time off.
 - (e) Leave without pay for professional purposes may be approved when a staff member has:
 - (i) had two years continuous service with the University; and
 - (ii) taken any excess annual leave.
 - (f) Requests for leave without pay which do not meet the criteria specified in this clause may, in exceptional circumstances, be approved by a staff member's manager after consultation with the Chief Human Resources Officer.
- (4) The maximum period of leave without pay that may be approved is normally one year, except when a staff member takes leave without pay for professional purposes where it may be extended to two years.

- (5) Staff who wish to engage in paid employment elsewhere while on leave without pay must seek approval through the [declaration of external interest form](#).

Note: See the [Code of Conduct – Staff and Affiliates](#), [External Interests Policy 2010](#) and to the staff intranet for [information on external interests](#).

20 Industrial relations training leave

A staff member who is a member of a union is entitled to attend industrial relations training in accordance with [clause 478](#) of the [Enterprise Agreement](#).

21 Redundancy notice leave

A staff member may access up to one day's leave per week (pro rata) during the redundancy notice period for the purposes of seeking other work, outplacement service or financial advice.

Note: See [clauses 405 – 407](#) in the [Enterprise Agreement](#).

22 Leave guidelines

- (1) The Chief Human Resources Officer may approve guidelines relating to this policy, after consulting with appropriate stakeholders.
- (2) Guidelines must be published on the [staff intranet](#).
- (3) The Chief Human Resources Officer is responsible for maintaining the currency of the guidelines.

23 Rescissions and replacements

- (1) This document replaces the following, which are rescinded as from the date of commencement of this document:
 - (a) *Leave Policy 2016*, which commenced on 7 September 2016.
 - (b) *Career Development Leave – General staff Policy & Procedures*, which commenced on 30 November 2005.

NOTES

Leave Policy 2021

Date adopted: 19 May 2021

Date commenced: 23 June 2021

Date amended: 8 October 2021

Original administrator: Chief Human Resources Officer

Current policy owner: Chief Human Resources Officer

Review date: 23 June 2026

Rescinded documents: *Leave Policy 2016*

Career Development Leave – General staff policy & procedures 2005

Related documents: [Fair Work Act 2009](#)

[Fair Work Amendment \(Improving Unpaid Parental Leave for Parents of Stillborn Babies and Other Measures\) Act 2020](#)

[National Employment Standards](#)

[Enterprise Agreement 2018-2021](#)

[University of Sydney \(Delegations of Authority – Administrative Functions\) Rule 2016](#)

[Staff and Affiliates Code of Conduct](#)

[Domestic Violence Support Procedures](#)

[Flexible Working Arrangements Policy](#)

[Special Studies Program Policy](#)

[Study Time Policy](#)

[Travel Policy](#)

[Work Health and Safety Policy](#)

AMENDMENT HISTORY

SCHEDULE 1

Summary of leave entitlements

Leave type	Paid entitlement ¹		Staff category ²	Entitlement on anniversary, per calendar year or as specified	Governance: Enterprise Agreement 2018-2021
Annual leave	4 weeks per year of employment ³		All staff	anniversary	clauses 191-206
Personal leave – sick leave	<1 year service	*2 weeks	All staff <i>Casual staff may be eligible for unpaid sick leave.</i>	anniversary	clauses 207-216
	>=1 year service	*10 weeks credited annually			
	<i>*Leave untaken in year of accrual is added to staff member's entitlement on anniversary of their appointment and remains a credit for 12 months</i>				
Personal leave – carer's leave	10 days per year of employment - accrues progressively under the National Employment Standards of the <i>Fair Work Act 2009</i> and accumulates from year to year.		All staff <i>Casual staff may be eligible for unpaid carer's leave.</i>	anniversary	clauses 207-216
Gender Transition (Affirmation) leave	accrued personal leave		All staff	anniversary	Not applicable
Compassionate leave	up to 2 days per occasion		All staff <i>Casual staff may be eligible for unpaid compassionate leave.</i>	per occasion	clause 217
Domestic and family violence leave	up to 20 days per year		All staff	calendar year	clauses 218-220
Long service leave	(a) 3 months leave on full pay (or 6 months on half pay) after 10 years' continuous service; (b) a further 9 calendar days' leave on full pay or 18 calendar days' leave on half pay, accruing proportionately, for each subsequent year of full-time service up to 15 years' service; and (c) a further 2 months and 15 calendar days on full pay or 5 months leave on half pay, accruing proportionately, for		All staff <i>Casual staff are entitled to long service leave in accordance with the Long Service Leave Act 1955 (NSW) for service from 1 January 2010.</i>	anniversary	clauses 223-234

¹ All entitlements apply to part-time staff on a pro rata basis

² Casual staff are not eligible for leave except where specifically stated

³ Seven day continuous shift-workers are entitled to 5 weeks' paid annual leave for each 12 months of continuous paid service

Leave type	Paid entitlement ¹	Staff category ²	Entitlement on anniversary, per calendar year or as specified	Governance: Enterprise Agreement 2018-2021
	each subsequent period of 5 years continuous full-time service in excess of 15 years' service.			
Parental leave	Refer to schedule 2 in this policy	Refer to schedule 2 in this policy	anniversary	clauses 235-285
Research and professional development leave	up to 3 days per year after 12 months continuous paid service	Academic and Professional staff	anniversary	clauses 286-291
Career development leave	up to 5 days of accrued personal leave per year	Professional staff	anniversary	clause 287
Jury service	Paid leave for period of jury service	All staff	per occasion	clauses 292-294
Defence leave	4 weeks per year plus 2 weeks in the first year of defence service ⁴	All staff	calendar year	clauses 295-298
Emergency services leave	up to 3 days per year	All staff	calendar year	clauses 299-301
Witness leave	see clause 304 of the Enterprise Agreement	All staff	see clause 304 of the Enterprise Agreement	clause 304
Special leave	up to 3 days per year	All staff	calendar year	clause 302
Aboriginal and Torres Strait Islander Cultural leave	up to 5 days per year to attend cultural or ceremonial obligations	Aboriginal and Torres Strait Islander staff	calendar year	clause 19
Leave without pay	not applicable	All staff	not applicable	clause 303
Industrial relations training leave	up to 6 days in a calendar year	Union members	calendar year	clause 478

⁴ With the exception of the additional 2 weeks in the first year of service, leave can be accumulated and taken over a period of 2 years.

SCHEDULE 2

Summary of parental leave entitlements

Entitlement	Parental Leave	Pro-rata Paid Maternity Leave	Paid Maternity / Adoption Leave / Permanent Care	Primary Care Giver Leave*	Paid Short Partner Leave	Personal Leave	Unpaid Short Partner Leave	Extended parental Leave
	52 weeks Leave Without Pay	1 week per month of service at full pay (or 2 weeks per month of service at half pay)	14 weeks at full pay (or 28 weeks at half pay)	equivalent to 22 weeks salary	5 days full pay	Up to 10 days full pay	20 days	over 52 weeks up to 104 weeks
Casual	NO	NO	NO	NO	NO	NO	NO	NO
Casual regular & systematic	YES	NO	NO	NO	NO	NO	NO	YES
Partner	YES	NO	NO#	YES*	YES	YES	YES	YES
Birth / adopting parent: < 12 months continuous paid service	YES	YES	NO	NO	NO	NO	NO	YES
Birth / adopting parent: 12 months – less than 2 years continuous paid service	YES	N/A	YES	NO	NO	NO	NO	YES
Birth / adopting parent: 2 years or more continuous paid service	YES	N/A	YES	YES*	NO	NO	NO	YES

If both partners work for the University some maternity leave entitlements may be shared (see [clause 246 \(b\), Enterprise Agreement](#)).

*To be eligible for primary care giver leave a staff member must have two years continuous paid service at the expected date of birth, be the primary care giver and return to work for six months on an approved return to work arrangement (see [clause 246 \(c\) and clause 247, Enterprise Agreement](#)).

*Staff on fixed term contracts should refer to [clauses 262-269](#) of the [Enterprise Agreement](#), for arrangements specific to fixed term contracts.