



Our Vision

Nambucca Valley ~ Living at its best

Our Mission Statement

'The Nambucca Valley will value and protect its natural environment, maintain its assets and infrastructure and develop opportunities for its people.'

1.0 Policy objective

The aim of this policy is to explain employees' entitlements and obligations in relation to Carer's Leave.

2.0 Related legislation

Local Government (State) Award (2020)
Industrial Relations Act 1996 (NSW)

3.0 Related Council documents

Statutory Declaration for Carer's Leave (12477/2012)

4.0 Definitions

"Eligible class of person" is defined in the Award as:

- A spouse of the employee; or
- A de-factor spouse who, in relation to a person, is a person of the opposite sex to the first mentioned person who lives with the first mentioned person as the husband or wife of that person on a bona fide domestic basis although not legally married to that person, or
- A child or an adult child (including an adopted child, a step child, foster child or ex-nuptial child), parent (including a foster parent, step parent and legal guardian), parents of a spouse, grandparent, grandchild or sibling (including half, foster and step sibling) of the employee or spouse or de facto spouse of the employee; or
- A same sex partner who lives with the employee as the de facto partner of that employee on a bona fide domestic basis; or
- A relative of the employee who is a member of the same household where:
 - Relative means a person related by blood, marriage or affinity
 - Affinity means a relationship that one spouse because of marriage has to blood relatives of another
 - Household means a family group living in the same domestic dwelling

“*Assistance Animal*” is defined in a manner consistent with Section 9 of the *Disability Discrimination Act 1992* (Cth) to be guide dogs, hearing assistance dogs and trained animals (excluding working dogs) that are trained:

- To assist a person with a disability to alleviate the effect of the disability; and
- To meet standards of hygiene and behaviour that are appropriate for an animal in a public place.

5.0 Policy statement

5.1 Applicability

This policy applies to all employees except casuals.

5.2 Taking paid sick leave as carer’s leave

Council provides carer’s leave in accordance with the Award.

An employee may use any current or accrued sick leave entitlement:

- to provide care and support to an ‘eligible class of person’ as defined in the Award when they are ill, or who require care due to an unexpected emergency.
- for absences where an assistance animal they are responsible is ill or injured and requires veterinary care.

Such leave may be taken for part of a single day.

Where more than two (2) weeks of sick leave in any year is to be used for caring purposes, Council and the employee shall discuss appropriate arrangements which, as far as practicable, take account of the Council’s and the employee’s requirements.

5.3 Discretion to grant other forms of leave

Council has the discretion to grant access to other forms of leave for the care and support of an ill person as defined by the Award. Other forms of leave granted may include rostered days off, annual leave, long service leave, time off in lieu of payment for overtime, and leave without pay (after other leave is exhausted).

In exercising such discretion, Council will give consideration to operational requirements.

5.4 Ongoing caring responsibilities

Carer’s leave is not intended to be used for long term, ongoing care. In such cases, the employee is obligated to investigate appropriate care arrangements where these are reasonably available.

Employees with ongoing caring responsibilities may request flexible working arrangements in accordance with Clause 23 (Flexibility for Work and Family Responsibilities) of the Award.

5.5 When is carer’s leave not applicable

Circumstances in which carer’s leave does not apply include:

- the primary carer of the person or child is not available (except in the case of an unexpected emergency);

- planned closure of school or caring facility, including “pupil-free days”

5.6 Taking carer’s leave - notification

In order to access an entitlement to carer’s leave, the employee:

- is required to notify Council as soon as practicable of their inability to attend for duty, prior to taking sick leave;
- should inform Council of the type of absence, the estimated duration and, as far as practicable, details of the reasons for the absence; and
- shall notify Council by phoning their Supervisor and, if unsuccessful in making direct contact, leave a suitable message. Wherever possible this should occur prior to shift commencement.
- shall inform Council of the person requiring care and that person’s relationship to the employee or the details of the assistance animal they are responsible for.

5.7 Taking paid carer’s leave - proof

Council requires the employee to provide proof of the need for carer’s leave as follows:

- where an employee seeks to use **less than two (2) weeks carer’s leave in any year of service**, Council requires the production of either a medical certificate or statutory declaration establishing the illness of the person requiring care and that the illness warrants the care of another person;
- where an employee seeks to use **more than two (2) weeks carer’s leave in any year of service**, Council requires the production of a medical certificate establishing the nature of the illness of the person requiring care and that no other appropriate care arrangements are reasonably available; and
- where an employee seeks to take carer’s leave in an **unexpected emergency**, the Council requires the employee to establish through the production of documentation acceptable to the Council or a statutory declaration the nature of the emergency and that such emergency resulted in the person concerned requiring care by the employee.
- Where an employee seeks to take carer’s leave in relation to an **assistance animal** they are responsible for who is ill or injured and requires veterinary care, Council requires proof that they are responsible for the animal (eg copy of registration) as well as production of a certificate from the veterinarian establishing the nature of the illness or injury of the animal requiring care and that the illness or injury warrants the care of the employee.

5.8 Payment for carer’s leave

Paid carer’s leave for employees (other than casuals) will be paid at the employee’s ordinary rate of pay. The payment will be processed at the usual pay time provided the employee has complied with the notice and documentation requirements.

5.9 Applications for leave

Any employee who requests leave of a type specified by this Policy should submit a Leave Application and comply with the other relevant notice and documentation requirements outlined in this Policy.

5.10 Inappropriate and/or excessive usage

Council may discuss issues of excessive absenteeism with employees where the employee has misused the entitlement.

For the purposes of managing absenteeism, Council may also monitor patterned behaviour, for example repeatedly taking carer's leave before or after a rostered day off, or before or after a period of planned leave. In the circumstances identified, it may be reasonable for Council to request a medical certificate in support of the employee's request for leave.

5.11 Addressing absenteeism

Council may review employee attendance records on a regular basis, to determine those employees whose attendance record is approaching an unacceptable level.

Where an employee's attendance record is identified as approaching unacceptable, the employee will be notified.

5.12 Approval by General Manager and Assistant General Managers

The General Manager and Assistant General Managers may approve applications for Carer's Leave at their discretion.

6.0 Variations

Council reserves the right to vary, replace or terminate this policy from time to time.

7.0 History

Department:	Governance	Last Reviewed	Resolution Number
Policy Category	Organisation	29/04/2009 MANEX	
Endorsed By:	MANEX A	29/07/2020 MANEX A	
Approval Authority	General Manager		
Policy Owner	MHR		
Contact Officer	MHR		
Document No.	23264/2007		
First Adopted	02/03/2000		
Resolution No:			
Review Date:	29/07/2022		

