



## 1. Purpose

The purpose of this Leave Policy (**Policy**) is to provide clarity and guidelines on the various types of leave available to Wolters Kluwer workplace participants in Australia except Parental Leave and Purchase Leave which are covered in their own individual policies. The intention of this policy is to provide alignment and compliance with the Fair Work Act 2009 (*Cth*) (**FWA**). This policy utilises terminology and definitions from the FWA.

## 2. Application

This policy applies to all Australian permanent employees, whether full-time or part-time, casual or temporary of Wolters Kluwer Asia Pacific (**Wolters Kluwer**). Eligibility for each type of leave in this policy will be further elaborated in the relevant leave sub-sections. In this Policy, all people to whom the Policy applies are referred to as “workplace participants”.

### 2.1. Definitions

**Compassionate Leave** is paid leave taken when a member of a workplace participant’s Immediate Family or household contacts or develops a personal illness that poses a serious threat to his or her life; or sustains a personal injury that poses a serious threat to his or her life; or passes away.

**Community Service Leave** means Jury Service leave, or Voluntary Emergency Management Activity leave or Defence Force Reserves Leave;

**De-facto partner** of a workplace participant:

- means a person who, although not legally married to the workplace participant, lives with the workplace participant in a relationship as a couple on a genuine domestic basis (whether the workplace participant and the person are of the same or different sex); and
- Includes a former de facto partner of the workplace participant.

**Immediate Family** means:

- A spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the workplace participant;
- A child, parent, grandparent, grandchild or sibling of a spouse of the workplace participant.

**Spouse** includes a former spouse;

**Medical Certificate** means a certificate signed by a medical practitioner;

**Medical Practitioner** means a person registered, or licensed, as a medical practitioner under a law of a State or Territory that provides for the registration or licensing of medical practitioners;

**Notice** means a reasonable period of time from when a workplace participant requests leave and the intended leave dates to allow for the workplace participant and the manager to accommodate both business and personal needs;

**Notice Period** means the set period of time (as contractually agreed) between the date of resignation by a workplace participant and termination of the contract of employment;

**Personal/Carer’s Leave** is leave taken if a workplace participant is not fit for work or needs to provide care for a member of the workplace participant’s Immediate Family because of a personal illness, or injury or an unexpected emergency affecting the family member.

**Recognised Emergency Management Body** is a body, or part of a body, that has a role or function under a plan that:

- is for coping with emergencies and/or disasters; and is prepared by the Commonwealth, a State or a Territory; or
- a fire-fighting, civil defence or rescue body, or part of such a body; or
- Any other body, or part of a body, a substantial purpose of which involves:

- securing the safety of persons or animals in an emergency or natural disaster; or
- protecting property in an emergency or natural disaster;
- or otherwise responding to an emergency or natural disaster.

For example: State Emergency Services or NSW Rural Fire Service.

**Voluntary Emergency Management Activity** is where:

- the workplace participant engages in an activity that involves dealing with an emergency or a natural disaster; and
- the workplace participant engages in the activity on a voluntary basis (whether or not the workplace participant directly or indirectly takes or agrees to take an honorarium, gratuity or similar payment wholly or partly for engaging in the activity); and
- the workplace participant is a member of, or has a member-like association with, a Recognised Emergency Management Body; and either:
  - the workplace participant was requested by or on behalf of the body to engage in the activity; or
  - no such request was made, but it would be reasonable to expect that, if the circumstances had permitted the making of such a request, it is likely that such a request would have been made.

### 3. Policy & Procedure

#### 3.1. Annual leave

Annual leave is paid leave, usually for the purposes of holidays.

##### 3.1.1. Entitlement

All full-time workplace participants are entitled to a minimum of 20 working days paid annual leave. Part-time workplace participants are entitled to paid Annual Leave, paid on a pro-rata basis of full time workplace participants. Casual workplace participants in New South Wales are also entitled to Annual Leave, which is incorporated in their hourly rate (a pay benefit rather than a leave benefit).

Reasonable notice must be given when applying for annual leave.

##### 3.1.2. Accrual of Annual Leave

Annual leave accrues progressively during a year of service according to the workplace participant's ordinary hours of work.

Wolters Kluwer encourages workplace participants to take annual leave to assist in maintaining a healthy and safe work environment.

Untaken accrued Annual Leave is payable on termination of employment.

##### 3.1.3. Accessing the leave

Annual leave requests can be made through [Connx](#). Approval will be at the discretion of your manager based on your needs, an assessment of business needs and the availability of team members to cover the absence and whether there are other team members on planned leave at the same time.

##### 3.1.4. Requirement to Take Paid Annual Leave

Any accrual of annual leave in excess of 30 days is considered excessive. A workplace participant with an accrual in excess of 30 days may be directed by their manager to take a period of leave.

##### 3.1.5. Interaction with Other Leave/Public Holidays

For illness during annual leave please see [Sick Leave](#).

If the period during which a workplace participant takes paid Annual leave includes a day or part-day that is a public holiday in the place where the workplace participant is based for work purposes, the workplace participant is taken not to be on paid Annual leave on that public holiday.

##### 3.1.6. Cashing out Annual Leave

Full-time and Part-time workplace participants may be eligible to cash out their Annual Leave entitlement as per current legislation if the workplace participant's remaining accrued Annual Leave amounts to more than 20 days Annual Leave. Please contact your HR Manager for eligibility.

If eligible:

- The workplace participant must request cashing out in writing and each agreement to cash out must be a separate agreement;
- The amount payable in lieu of leave is equal to the workplace participant's base rate of pay payable had the workplace participant taken annual leave.

#### **3.1.7. Leave loading**

Annual leave loading of 17.5% applies to all Annual Leave and will be paid at the time leave is taken.

#### **3.1.8. Leave in Advance of Accrual**

New hires who may have not sufficient accruals to take Annual Leave and had pre-arranged commitments may request Leave in Advance of Accrual. Any request for 'Leave in Advance' by a new hire which is agreed to by the line manager must be included in the employment offer. Any workplace participant who requests Annual Leave in Advance will initially have to take this as Leave Without Pay.

#### **3.1.9. Leave During Notice Period**

Wolters Kluwer reserves the right to withdraw any agreement to approve Annual Leave where a workplace participant has resigned and had obtained prior approval for annual leave that falls within their notice period. Taking of this approved annual leave would in effect reduce the agreed notice period in their employment contract.

Various options which could be considered by Wolters Kluwer:

- Allow the person to take the leave and then extend the notice period by a suitable period to meet the business needs for a planned handover; or
- Withdraw approval for all or part of the leave.

### **3.2. Compassionate leave**

Compassionate leave is paid leave for Full-time and Part-time permanent workplace participants, for each occasion when a member of the workplace participant's immediate family or household sustains a serious and life threatening illness or injury, or passes away.

Notice must be given to your manager as soon as practicable and must advise of the period, or expected period of leave required. The workplace participant should update their manager on any changes whenever possible.

#### **3.2.1. Entitlement**

A workplace participant will be granted:

- Two days paid Compassionate Leave for each occasion when a member of their family sustains a serious and life threatening illness, or passes away.
- Up to five days paid compassionate leave may be granted per occasion if a workplace participant must travel overseas/interstate. This is subject to approval from your Manager.

#### **3.2.2. Accessing the leave**

Compassionate leave requests can be made through [Connx](#).

#### **3.2.3. Interaction with Other Leave**

A workplace participant is not entitled to take paid Compassionate leave while he or she is taking unpaid Parental Leave.

#### **3.2.4. Evidence**

A Workplace participant may be requested to provide evidence that the leave is taken for a reason or permissible occasion as specified above.

### **3.3. Personal leave (including carer's leave)**

Personal Leave is provided where a workplace participant is unable to report for work as a result of either personal illness/injury or for carer's duties of a member of the immediate family or household.

Personal Leave is provided to workplace participants in order for them to recover from illness before returning to work. Where a workplace participant is unable to return to work, there are other options available such as the Group Salary Continuance Insurance Scheme. For further information, please contact your local HR Manager.

Carer's leave is not a separate entitlement to leave - a workplace participant may take carer's leave as a substitute for part of his/her sick leave. As a consequence, the administrative issues involving carer's leave are similar to those for sick leave.

### **3.3.1. Entitlement**

Wolters Kluwer provides Personal Leave to all Full-time and Part-time workplace participants. Casual workplace participants in NSW are also entitled to Personal leave, which is incorporated in their hourly rate.

Workplace participants have a Personal Leave entitlement of 10 days per service year.

A workplace participant is entitled to two days unpaid Carer's leave for each occasion required, if they do not have any paid entitlement available.

### **3.3.2. Accrual of Personal Leave**

Personal leave accrues progressively during a year of service according to the workplace participant's ordinary hours of work and accumulates from year to year.

### **3.3.3. Accessing Personal Leave**

Personal Leave requests can be made through [Connx](#).

If a workplace participant is on personal leave for more than 2 working days reasonable evidence typically in the form of a medical certificate (for both Sick Leave or Carer's Leave) must be supplied. Evidence may also be required in any of the following situations:

- If personal leave is taken before or after a public holiday or a rostered day off; or
- If the line manager identifies a regular pattern of absence.

### **3.3.4. Evidence**

Where evidence is required or requested, and not supplied, Wolters Kluwer can choose to decline to make a personal leave payment. Wolters Kluwer reserves the right to appoint a Company Doctor to assess any workplace participant who states they have a medical condition which they believe is having an impact on their work performance. All costs for this assessment will be paid for by Wolters Kluwer. Any reports prepared by a company doctor shall remain the property of Wolters Kluwer.

### **3.3.5. Interaction with Other Leave/Public Holidays**

If a workplace participant becomes ill whilst on Annual leave, and produces a medical certificate, then the Annual leave accrual will be adjusted for the period of the illness (up to the full extent of personal leave entitlement), and the personal leave accrual will be reflected in the entry.

If the period during which a workplace participant takes paid personal/carer's leave includes a day or part-day that is a public holiday in the place where the workplace participant is based for work purposes, the workplace participant is taken not to be on paid personal/carer's leave on that public holiday.

## **3.4. Long service leave**

Long service leave is paid leave which Wolters Kluwer grants to long-serving workplace participants. The aim of the leave is to acknowledge long service and give workplace participants an extended break from work.

Long service leave is provided for in state legislation, and the federal Fair Work legislation preserves the effect of the state laws under the National Employment Standards.

### **3.4.1. Accessing the leave**

Long Service Leave requests can be made through [Connx](#).

Approval will be at the discretion of your manager based on your needs, an assessment of business needs and the availability of team members to cover the absence and whether there are other team members on planned leave at the same time.

### 3.4.2. Entitlement

The workplace participant must have served a period of continuous employment to qualify for the leave as required by the relevant State or Territory legislation.

## 3.5. Community Service Leave

Workplace participants, including casual workplace participants, are entitled to take leave to carry out certain community service activities such as:

- Jury service (including attendance for jury selection);
- A 'voluntary emergency management activity'; and
- Defence Force Service for reservists requiring training or military deployment.

Community service leave is unpaid except for jury service.

### 3.5.1. Accessing Community Service Leave

Community Service Leave can be made through [Connx](#).

Approval for Community Service Leave will be approved on a case-by-case basis, taking into account an assessment of business and community needs.

Jury Service	Approval will be granted for the period required to fulfil your obligation.
Voluntary Emergency Management Activity	Approval may be granted if you are a member of a Recognised Emergency Management Body for a Voluntary Emergency Activities.
Defence Force Service	Approval may be granted if you are a member of the Australian Defence Force Reservists.

### 3.5.2. Notice

Notice has to be given as soon reasonably practicable and should advice of the period, or expected period of the leave.

### 3.5.3. Evidence

Reasonable evidence that the workplace participant is entitled to the leave may be requested by management.

## 3.6. Leave Without Pay

Leave without Pay is unpaid leave authorised at the discretion of Wolters Kluwer when a person has exhausted their accrued leave balance or entitlements for paid leave. A workplace participant may request leave without pay for special personal reasons, exceptional circumstances such as to care for oneself or a sick family member or for a career break.

### 3.6.1. Accessing Leave Without Pay

Leave Without Pay can be made through [Connx](#).

Approval for Leave without Pay is at the absolute discretion of Wolters Kluwer and may be based on assessment of business needs, workplace participant's leave history, length of service and due consideration given to the personal circumstances. Approval must be given by the workplace participant's direct manager, functional head and Human Resources Director.

### 3.6.2. Notice

Reasonable Notice should be given if a workplace participant wishes to take Leave Without Pay and should advice of the period, or expected period of the leave.

### 3.6.3. Interaction with Other Leave

Leave Without Pay can only be accessed if all other paid leave has been exhausted.

### 3.6.4. Evidence

A Workplace participant may be requested to provide evidence that the leave is taken for the reason specified.

### 3.7. Special Paid Leave

Workplace Participants may be eligible for Special Paid Leave in extraordinary circumstances where agreed to by your manager, Functional Head and the Human Resources Director. For eligibility, please refer to your Human Resources Manager or your direct manager.

#### 3.7.1. Accessing Leave With Pay

Approval for Special Paid Leave is at the absolute discretion of Wolters Kluwer and may be based on assessment of business needs, workplace participant's leave history, length of service and due consideration given to the personal circumstances. Approval must be given by the workplace participant's direct manager, functional head and Human Resources Director.

#### 3.7.2. Notice

Reasonable Notice should be given if a workplace participant wishes to take Leave Without Pay and should advise of the period, or expected period of the leave.

#### 3.7.3. Evidence

A Workplace participant may be requested to provide evidence that the leave is taken for the reason specified.

### 3.8. Study Leave

Please refer to the Study Assistance Policy.

## 4. References

- Fair Work Act 2009 (*Cth*)
- Study Assistant Policy

## 5. Revisions

Date of Last Review:	Revision Description
1 February 2011	<ul style="list-style-type: none"><li>• Formatting</li><li>• Inclusion of Application, Policy &amp; Procedure content - Definitions and References</li></ul>
30 April 2013	<ul style="list-style-type: none"><li>• Typo rectified in 3.7.1</li></ul>