

Policy 2.9 Workforce Leave – Community Service

Reference/s Fair Work Act 2009 (Division 8)

Date Proposed/Adopted 19 February 2014 Motion Number 14022014

This policy supports the delivery of the Shire of Cranbrook Vision

That the Shire of Cranbrook is a proactive, sustainable, safe, friendly and prosperous place to be

PURPOSE

To provide employees who volunteer to emergency organisations such as the State Emergency Service, Volunteer Fire Brigade, St John Ambulance and the Defence Force Reserves with a leave entitlement to undertake their roles during work hours.

DEFINITIONS

Section 109 of the Fair Work Act states that eligible community service is:

- “(a) jury service (including attendance for jury selection) that is required by or under a law of the Commonwealth, a State or a Territory; or*
- (b) a voluntary emergency management activity (see subsection (2)); or*
- (c) an activity prescribed in regulations made for the purpose of subsection (4).”*

And then describes voluntary emergency management activity as:

- “(a) the employee engages in an activity that involves dealing with an emergency or natural disaster; and*
- (b) the employee engages in the activity on a voluntary basis (whether or not the employee directly or indirectly takes or agrees to take an honorarium, gratuity or similar payment wholly or partly for engaging in the activity); and*
- (c) the employee is a member of, or has a member-like association with, a recognised emergency management body; and*
- (d) either:*
 - (i) the employee was requested by or on behalf of the body to engage in the activity; or*
 - (ii) 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.”*

With a recognised **emergency management body** being defined as:

- “(a) a body, or part of a body, that has a role or function under a plan that:*
 - (i) is for coping with emergencies and/or disasters; and*
 - (ii) is prepared by the Commonwealth, a State or a Territory; or*
- (b) a fire-fighting, civil defence or rescue body, or part of such a body; or*
- (c) any other body, or part of a body, a substantial purpose of which involves:*
 - (i) securing the safety of persons or animals in an emergency or natural disaster; or*

- (ii) protecting property in an emergency or natural disaster; or*
- (iii) otherwise responding to an emergency or natural disaster; or*
- (d) a body, or part of a body, prescribed by the regulations”*

SCOPE

Permanent employees who volunteer to emergency organisations such as the State Emergency Service, Volunteer Fire Brigade, St John Ambulance and the Defence Force Reserves.

OBJECTIVE

To provide access to a reasonable additional leave requirement for the purpose of performing their volunteer role.

PRINCIPLES

- Paid Community Emergency Service Leave of up to 38 hours for a full time employee (pro-rata for part-time employees) per calendar year will be granted to employees who are members of an approved volunteer emergency service (such as SES, Volunteer Fire Brigade, St John Ambulance or Defence Force Reserves) for the purpose of participating in service, at the discretion of the Chief Executive Officer or, in the case of the Chief Executive Officer, the Shire President;
- This Community Emergency Service Leave will be in addition to annual leave entitlements;
- Service in excess of 38 hours per calendar year is subject to the approval of the Chief Executive Officer or, in the case of the Chief Executive Officer, the Shire President, and is conditional upon the likely disruption to the employee’s work;
- Paid leave granted under this Policy will be treated as continuous service for the purposes of calculating annual leave, long service leave, sick leave or any other entitlements. Unpaid Leave will be treated as leave without pay;
- Employees requiring access to Community Service Leave are to provide reasonable notification to the Local Government where possible, and have the leave approved by the Chief Executive Officer or, in the case of the Chief Executive Officer, the Shire President;
- Employees granted paid Community Service Leave under this Policy shall be paid for time absent from duty up to the total of ordinary time usually worked in that day or period during the emergency, but not including time in excess of ordinary working hours, weekends or public holidays;
- Employees seeking Community Service Leave to participate in a volunteer community service under this policy must provide certification that they have become members of a recognised volunteer service organisation; and
- Employees can apply to the Chief Executive Officer or, in the case of the Chief Executive Officer, the Shire President for voluntary service that either exceeds this leave provision or that is not specifically covered by the policy.

Example: If an employee normally works until 5.00pm and leaves their place of employment at 2.00pm to attend an emergency call out, they will be paid 3 hours Community Service Leave, even if their volunteer duty continues past 5.00pm.

PROCEDURE ASSOCIATED WITH THIS POLICY

Leave Application Form

ROLES AND RESPONSIBILITIES

Shire President

- To approve Community Service Leave for the Chief Executive Officer

Chief Executive Officer

- To approve Community Service Leave for all other employees

Managers

- To ensure that appropriate documentation is supplied by the employee.

DOCUMENT AND STRATEGIC PLAN LINKS

Strategic Community Plan 2017-2027

Objective 1: Social – Be respected for its friendly, vibrant, connected and safe communities

Outcome 1.2: A safe place to live

Strategy 1.2.2: Advocate and actively support emergency management and services

Objective 4: Leadership - Demonstrate strong governance, leadership and organisational growth

Outcome 4.1: Excellence in governance, compliance, regulation and reporting

Strategy 4.1.2: Maintain organisational policies and strategies for the attraction and retention of quality employees