



Changes to Carer's Leave

As of 22 February 2006, the Queensland Industrial Relations Act 1999, was amended in relation to the Carer's Leave provisions. Employees under all Queensland Awards are now entitled to 10 days Carer's Leave per year. If the Award has provisions for only 8 sick days per year then the employee would only be entitled to up to 8 days in the first year of employment and 10 in subsequent years only if they have 10 days or more unused sick leave available. This may be extended by mutual agreement between the employer and employee.

What is Carer's Leave?

Under the Industrial Relations Act 1999 (The Act) Carer's leave is leave for employees to give care and support to members of their immediate family or household when they are ill or because an unexpected emergency arises.

For Carer's leave, members of the immediate family are defined under the Act as the employee's spouse, and a child, ex-nuptial child, stepchild, adopted child, ex-foster child, parent, grandparent, grandchild or sibling of the employee or employee's spouse.

How much Carer's leave are employees entitled to?

Paid Carer's leave allows full time and part-time employees to use their accumulated sick leave entitlements. Employees can use up to ten days (five days prior to 22 February 2006) of their accumulated sick leave on full pay in each year as Carer's leave. Carer's leave can be taken for part of a day.

If an employee has exhausted their entitlement to paid Carer's leave, they may take up to an additional two days unpaid Carer's leave each time they qualify to take Carer's leave. Unpaid leave in excess of the two days can be taken if the employer agrees.

An employee can not take Carer's leave if another person has taken leave to care for the same person.

Are casuals entitled to Carer's leave?

Long Term Casual (>12 months) employees are entitled to ten days (five days prior to 22 February 2006) unpaid Carer's leave in each year.

A Short Term Casual (<12 months) employee is entitled to leave work or be unavailable to attend work for up to two days each time they need to care for or support members of their

immediate family or household who are ill or an unexpected emergency arises or because of the birth of a child. An employer can agree to longer periods of unpaid leave.

An employee can not take Carer's leave if another person has taken leave to care for the same person.

If an employee wishes to take additional unpaid Carer's leave, this can be done only with the agreement of the employer.

What documents does an employee need to produce to take Carer's Leave?

An employee can be required by their employer to produce a doctor's certificate and/or statutory declaration stating that the person being cared for is ill and requires care by another person.

If practical, before leave is taken, otherwise at the first reasonable opportunity, an employee should give their employer:

- Notice of their intention to take Carer's leave.
- The name of person requiring care and their relationship to the employee.
- The reason for taking leave.
- the estimated period of absence, and
- If the reason is for unexpected emergency, the nature of the emergency.

Other options that is available?

Where the Family Leave Award 2003, applies to the employment, other options are provided for an employee to provide care, these are:

- using up to five days annual leave taken in single day absences or part thereof;
- Taking time off in lieu of payment. All time taken is taken at the ordinary rate, that is an hour for each hour worked; or
- An employee can take time off and work those hours at a later date to repay the employer.

These options can be used only with the agreement of the employer.

If the provisions under the Act are more favorable to the employee, the Act will override any such provisions under an award or agreement.

The Family Leave Award 2003 applies only to employers and employees who are subject to a State Award or agreement where:

- *The Award has a clause deeming the Family Leave Award to be part of the Award;*
or
- *The Industrial Agreement is listed in the schedule of the Family Leave Award.*

For further information please contact the ACSEA.