

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999 - s. 698 - reprint of award

FAMILY LEAVE (QUEENSLAND PUBLIC SECTOR) AWARD - STATE 2004

Pursuant to s. 698 of the *Industrial Relations Act 1999* the Family Leave (Queensland Public Sector) Award - State 2004 with all amendments as at 10 December 2009, is hereby reprinted.

I hereby certify that the Award contained herein is a true and correct copy of the Family Leave (Queensland Public Sector) Award - State 2004 as at 10 December 2009.

Dated 10 December 2009.

G.D. Savill
Industrial Registrar

FAMILY LEAVE (QUEENSLAND PUBLIC SECTOR) AWARD - STATE 2004

PART 1 - APPLICATION AND OPERATION

1.1 Title

This Award is known as the Family Leave (Queensland Public Sector) Award - State 2004.

1.2 Arrangement

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SCHEDULES

1.3 Award coverage

This Award applies to Queensland public sector employees who are covered by Awards listed in Schedule 1 to this award.

1.4 Date of operation

This Award takes effect from 30 March 2004.

1.5 Award posting

A true copy of this Award shall be exhibited in a conspicuous and convenient place on the premises of the employer so as to be easily read by employees.

1.6 Grievance process

In the event of any dispute arising in connection with any part of this Award such a dispute shall be processed in accordance with the dispute settling provisions of the parent Award.

1.7 Anti-discrimination

1.7.1 It is the intention of the parties to this Award to prevent and eliminate discrimination as defined by the *Anti-Discrimination Act 1991* and the *Industrial Relations Act 1999* as amended from time to time which includes:

- (a) Discrimination on the basis of sex, marital status, family responsibilities, pregnancy, parental status, age, race, impairment, religion, political belief or activity, trade union activity, lawful sexual activity and association with, or relation to, a person identified on the basis of any of the above attributes;
- (b) Sexual harassment; and
- (c) Racial and religious vilification.

1.7.2 Accordingly, in fulfilling their obligations under the grievance and dispute settling procedure in clause 1.6, the parties to this Award must take reasonable steps to ensure that neither the Award provisions nor their operation are directly or indirectly discriminatory in their effects.

1.7.3 Under the *Anti-Discrimination Act 1991* it is unlawful to victimise an employee because the employee has made or may make or has been involved in a complaint of unlawful discrimination or harassment.

1.7.4 Nothing in clause 1.7 is to be taken to affect:

- (a) Any different treatment (or treatment having different outcomes) which is specifically exempted under the *Anti-Discrimination Act 1991*;
- (b) An employee, employer or registered organisation, pursuing matters of discrimination, including by application to the Human Rights and Equal Opportunity Commission/Anti-Discrimination Commission Queensland.

PART 2 - TERMS AND CONDITIONS

2.1 General provisions

2.1.1 Definitions

- (a) "Adoption agency" means the department of government or other body empowered by law to make an adoption order.
- (b) "Adoption leave" in clause 2.4.3(b)(ii)(C), includes leave of a similar kind granted to an officer's spouse by the spouse's employer.
- (c) "Adoption order" means an adoption order under the *Adoption of Children Act 1964* and includes an order that is taken under that Act to have the same effect as an adoption order.
- (d) "Child" means -

- (i) in relation to maternity or parental leave -
 - a child of an employee; or
 - a child of an employee's spouse; who is under 1 year of age; and
- (ii) in relation to adoption leave -
 - a child under 5 years of age who is adopted by an employee; or
 - a child placed with the employee and whom the employee has applied to adopt other than a child who -
 - (A) has turned 5 years of age; or
 - (B) is a child or stepchild of the employee or the employee's spouse; or
 - (C) has continuously resided with the employee for a period of 6 months before the day the employee applies for adoption leave.
- (e) "Former position" means a position that an employee was appointed to immediately before the employee started parental leave or started part-time employment under an agreement under clause 2.6.3 of this Award.
- (f) "Maternity leave", in clause 2.3.2(b)(ii)(A), includes leave of a similar kind granted to an employee's spouse by the spouse's employer.
- (g) "Parental leave" (except as set out in clause 2.3) includes maternity leave, adoption leave, or spousal leave as contained in Directive 3/01 "Parental Leave", as issued and amended by the Minister for Industrial Relations pursuant to the *Public Service Act 1996*.
- (h) "Parental leave", in clause 2.2.2(a)(ii)(A), includes leave of a similar kind granted to an employee's spouse by the spouse's employer.
- (i) "Parental Leave Directive" means Directive 3/01 "Parental Leave", as issued and amended, from time to time, by the Minister for Industrial Relations, pursuant to the *Public Service Act 1996* and prescribes the entitlements to parental leave, including maternity leave, spousal, pre-natal/pre-adoption and adoption leave for Queensland public sector employees.
- (j) "Primary care giver" means a person who assumes the principal role of providing care and attention to a child.
- (k) "Queensland public sector employees" (except as is set out in clause 4.1) means those employees that are covered by Directive 3/01 "Parental Leave", as issued and amended, from time to time, by the Minister for Industrial Relations, pursuant to the *Public Service Act 1996*.
- (l) "Spouse" includes -
 - (i) the definition provided in Schedule 5 of the *Industrial Relations Act 1999*; and
 - (ii) in the case of an application for parental leave in clause 2.3, a former spouse of the employee.

2.1.2 *Application for parental leave not to be unreasonably refused*

The chief executive must not unreasonably refuse to grant an application for parental leave.

2.1.3 *Period of parental leave*

- (a) Except as provided in clause 2.1.3(c), a period of parental leave must not be more than 52 weeks.
- (b) For the purposes of clauses 2.1.3(a), 2.1.4 and 2.1.6, a period of parental leave is taken to include -
 - (i) the period of parental leave taken by the employee's spouse in relation to the same pregnancy or child; and
 - (ii) if sick leave, annual leave or long service leave ("other leave") is applied for in relation to the period of parental leave - the period of other leave.
- (c) The chief executive may extend the period of leave if, in the chief executive's opinion, there are reasons, for example, the health and well-being of the employee, the employee's spouse or the employee's child, that warrant an extension being granted.

2.1.4 *Parental leave may be taken by only one parent at a time*

Subject to clauses 2.3.1 and 2.4.1, an employee must not take parental leave at the same time as the employee's spouse takes parental leave.

2.1.5 *Parental leave is generally unpaid leave.*

- (a) Parental leave is generally unpaid leave.
- (b) If an officer makes application for annual leave or long service leave or both in relation to the whole or any part of a period of parental leave, the application must be granted in accordance with the application to the extent of the officer's entitlement.
- (c) Subject to clause 2.1.5(b) and the parental leave provisions in Ministerial Directives No. 8/01 "Sick Leave" and No. 1/01 "Long Service Leave", and such amendments to these directives as issued by the Minister for Industrial Relations, pursuant to the *Public Service Act 1996*, an employee is not entitled to paid leave for authorised absences while on parental leave.

2.1.6 *Variation of period of parental leave*

- (a) If the period of parental leave taken by an employee is less than 52 weeks, the employee, at least 14 days before the end of the period, may make written application to the chief executive to extend the period.
- (b) Subject to clause 2.1.3, the chief executive -
 - (i) must approve the first application to extend the period; and
 - (ii) must not unreasonably refuse to approve a subsequent application to extend the period.
- (c) An officer, by 14 days' written notice, may apply to the chief executive to shorten the period of parental leave.
- (d) The chief executive may approve or reject an application mentioned in clause 2.1.6(c).

2.1.7 *Cancellation of parental leave*

- (a) If an employee is on parental leave and -
 - (i) the pregnancy of the employee or the employee's spouse terminates other than by the birth of a living child; or
 - (ii) the adoption of a child by the employee does not proceed, the employee must notify the chief executive of the circumstance within a reasonable time.
- (b) Parental leave granted to an employee is cancelled on the happening of a circumstance mentioned in clause 2.1.7(a)(i) or (ii).
- (c) Despite clause 2.1.7(b) but subject to clause 2.2.3(a)(ii), if -
 - (i) the pregnancy of an employee who has started maternity leave terminates other than by the birth of a living child; or
 - (ii) the adoption of a child by an employee who has started adoption leave does not proceed;

the employee must resume work on a day nominated by the chief executive being a day not more than 28 days after the chief executive receives written notice from the employee that the employee wishes to resume work.

2.1.8 *Resumption of duty*

- (a) An employee on parental leave, other than an employee whose application *under clause 2.1.6(c)* is approved, must give the chief executive 4 weeks' written notice of the employee's intention to return to work.
- (b) Subject to clause 2.1.8(c), an employee returning to full-time duty after -
 - (i) a period of parental leave; or
 - (ii) 1 period of part-time employment approved under clause 2.6.1; is to be deployed to the employee's former position.

- (c) An employee mentioned in clause 2.1.8(b) may be deployed in a different office or location in the same department or sub-department at the same centre and at the same level as the employee's former position, if -
 - (i) the employee has taken a period of parental leave of more than 52 weeks; or
 - (ii) the former position of the employee no longer exists; or
 - (iii) the employee has worked more than one period of part-time work in relation to the same pregnancy or child.

2.1.9 *Grant of parental leave not to affect continuation of service*

- (a) The taking of parental leave does not break the continuity of an employee's service or employment.
- (b) The chief executive must not terminate the employment of an employee on the grounds of her pregnancy or merely because the employee applies for, or has been granted, parental leave.

2.2 **Maternity leave**

2.2.1 *Entitlement to maternity leave*

- (a) A female employee is entitled to take approved maternity leave in one unbroken period at any time after she becomes pregnant.
- (b) Despite clause 2.2.1(a), maternity leave that an employee is directed to take under clause 2.2.4(c) may be taken over one or more periods.
- (c) Maternity leave must finish not later than the first birthday of the child in relation to whom the leave is granted except where the leave is extended by the chief executive under clause 2.1.3(c).

2.2.2 *Application for maternity leave*

- (a) An employee who is pregnant must, at least 10 weeks before the expected date of birth of her child or, if she proposes to commence maternity leave before that time on lodgement of her application for maternity leave, give to the chief executive -
 - (i) a certificate from a medical practitioner stating the expected date of birth of the child; and
 - (ii) a written statement stating -
 - (A) particulars of parental leave to be taken by her spouse in relation to the pregnancy or the child; and
 - (B) the actual or approximate starting and finishing dates of maternity leave to be taken; and
 - (iii) written undertaking not to engage in conduct inconsistent with her terms of employment during the period of approved maternity leave.
- (b) The employee must apply for maternity leave in a form approved by the chief executive at least 4 weeks before the employee proposes to commence maternity leave.
- (c) Despite clause 2.2.2(b), the chief executive may shorten the 4 week period if the employee's failure to lodge the application as required happened because the employee was confined before the expected date.
- (d) If there is a change in -
 - (i) the expected date of birth of the child; or
 - (ii) the starting and finishing dates of the maternity leave;

the employee must notify the chief executive of the change as soon as possible.

Other conditions of maternity leave which apply to a female employee are found in Directive 3/01 "Parental Leave", as issued and amended by the Minister for Industrial Relations pursuant to the Public Service Act 1996.

2.2.3 *Minimum period of maternity leave*

- (a) Subject to clause 2.2.3 (b), an employee who is pregnant, whether or not she has made application under clause 2.2.2, must -

- (i) commence maternity leave at least 6 weeks prior to the expected date of birth of her child; and
 - (ii) remain on maternity leave until at least 6 weeks after the birth of the child.
- (b) The chief executive may, at the request of the employee and on receipt of a certificate from a medical practitioner certifying that, in the opinion of the medical practitioner -
- (i) the employee is fit for duty until a specified date, reduce the period mentioned in clause 2.2.3(a)(i); or
 - (ii) the employee is fit to resume duty, reduce the period mentioned in clause 2.2.3(a)(ii).
- (c) If the chief executive makes a decision under clause 2.2.3(b)(i) to reduce the period, the approval is of effect until -
- (i) the day specified in the medical certificate; or
 - (ii) the day 14 days after the day the chief executive revokes the decision by giving written notice to the officer; or
 - (iii) the officer commences maternity leave; or
 - (iv) the day of the officer's confinement; whichever first happens.

2.2.4 *Transfer to safe duties*

- (a) If, in the opinion of a medical practitioner -
- (i) an illness or risk arising out of an employee's pregnancy; or
 - (ii) a hazard connected with the work of an employee having regard to the employee's pregnancy; makes it inadvisable for the employee to continue her existing duties, the chief executive may assign the employee to other duties that she can perform safely and efficiently.
- (b) The assignment -
- (i) may only be made with the agreement of the employee; and
 - (ii) must not involve a reduction in the employee's salary or wage.
- (c) If a transfer to other duties is impracticable, the chief executive may direct the employee to take maternity leave for a period certified as necessary by a medical practitioner.

2.3 Parental leave

For the purpose of clause 2.3 the term "parental leave" refers to leave taken by an employee who is the spouse of the pregnant or adoptive person.

2.3.1 *Entitlement to parental leave*

- (a) An employee under clause 2.3 may take one period of parental leave of not more than 52 weeks in order to be the primary caregiver of a child provided that such leave shall not extend beyond the child's first birthday.
- (b) An employee is entitled to take approved parental leave under clause 2.3 -
- (i) in not more than 2 unbroken periods in accordance with clause 2.3; and
 - (ii) if application for the leave is made under clause 2.3.1(a) only if the employee is the primary care giver for the child in relation to whom the application is made.
- (c) An employee may take one period of parental leave under clause 2.3 of not more than one week from the time of confinement of the employee's spouse.

2.3.2 *Application for parental leave under clause 2.3*

- (a) An employee must apply for parental leave under clause 2.3 in a form approved by the chief executive at

least 10 weeks before the proposed period of leave.

- (b) The application must indicate the approximate starting and finishing dates of the leave applied for and be accompanied by -
 - (i) a certificate from a medical practitioner stating the name of the employee's spouse and the expected date of birth of the child; and
 - (ii) a written statement by the employee stating -
 - (A) the employees' spouses name and particulars of maternity leave taken, or to be taken, by the spouse in relation to the pregnancy ;and
 - (B) except in a case of leave of the kind mentioned in clause 2.3.1(b) that the employee is to be the child's primary care giver; and
 - (C) if the child in relation to whom the application is made has been born - the child's date of birth; and
 - (i) a written undertaking that the employee will not engage in conduct inconsistent with terms of employment during a period of parental leave as approved under clause 2.3.
- (c) Despite clause 2.3.2(a), the chief executive may shorten the 10 week period if the employee's failure to lodge the application as required happened because -
 - (i) the child was born before the expected date; or
 - (ii) the employee's spouse has died; or
 - (iii) there are other compelling reasons.
- (d) If there is a change in -
 - (i) the expected dated birth of the child; or
 - (ii) particulars of maternity leave taken, or to be taken, by the employee's spouse; or
 - (iii) the starting and finishing dates of the parental leave;
the employee must notify the chief executive of the change immediately.

2.3.3 Other conditions of parental leave which apply to an employee who is the spouse of the pregnant or adoptive person (e.g. eligibility, spousal and pre-adoption leave) are found in Directive 3/01 "Parental Leave", as issued and amended by the Minister for Industrial Relations pursuant to the *Public Service Act 1996*.

2.4 Adoption leave

2.4.1 Entitlement to adoption leave

- (a) An employee is entitled to take approved adoption leave -
 - (i) in not more than 2 unbroken periods in accordance with clause 2.4; and
 - (ii) if application for the leave is made under clause 2.4.1(c) - only if the employee is the primary care giver for a child the employee has adopted or applied to adopt.
- (b) An employee may take one period of adoption leave of not more than 3 weeks on the placement of the child with the employee.
- (c) An employee may take one period of adoption leave of not more than 52 weeks from the day on which the employee intends to be the primary care giver for the child.
- (d) Adoption leave must finish not later than the fifth birthday of the child in relation to whom the leave is granted except where the leave is extended by the chief executive under clause 2.1.3(c).

2.4.2 Employee to give notice of intention to adopt

An employee who -

- (a) has applied to adopt a child; and

- (b) receives notice from an adoption agency confirming the employee's status as a prospective adopter; and
- (c) intends applying for adoption leave;
 - is to give written notice to that effect to the chief executive immediately after receiving the notice from the adoption agency.

2.4.3 *Application for adoption leave*

- (a) An employee must apply for adoption leave in a form approved by the chief executive as soon as possible before the proposed period of leave.
- (b) The application must indicate the approximate starting and finishing dates of the leave applied for and be accompanied by -
 - (i) a written statement from the adoption agency confirming -
 - (A) the adoption of the child; or
 - (B) the placement of the child with the employee until finalisation of the adoption process; and
 - (ii) a written statement by the employee stating -
 - (A) the date of birth of the child; and
 - (B) that the employee is to be the primary care giver for the child; and
 - (C) particulars of adoption leave taken, or to be taken, by the employee's spouse in relation to the child; and
 - (iii) a written undertaking that the employee will not engage in conduct inconsistent with the terms of the employee's employment during a period of approved adoption leave.
- (c) If there is a change in the starting and finishing dates of the leave, the employee must notify the chief executive of the change immediately.

2.5 **Special adoption leave**

An employee seeking to adopt a child is entitled, on written application to the chief executive -

- (a) to 2 working days unpaid leave; or
- (b) if the chief executive directs, to 2 working days leave debited against the employee's annual leave entitlement;
 - for the purposes of attending interviews or examinations in relation to the proposed adoption.

Other conditions of adoption leave which apply to an employee, including an employee who is to be the primary care giver of the child, are found in Directive 3/01 "Parental Leave", as issued and amended by the Minister for Industrial Relations pursuant to the *Public Service Act 1996*.

2.6 **Part-time work**

2.6.1 *Application for part-time work*

- (a) The following employees may apply to work part-time -
 - (i) a female employee who is pregnant; or
 - (ii) an employee who is the parent of a child.
- (b) If the employee is the natural parent of the child, the application must be made before the child turns 2 years.
- (c) If the employee is the adoptive parent of a child, the application must be made before the second anniversary of the child's placement with the employee.
- (d) An application made under clause 2.6.1(a) must be made in a form approved by the chief executive.
- (e) The chief executive may approve or reject the application.

2.6.2 *Approved part-time work*

- (a) A male employee whose application for part-time work is approved may work part-time in one or more periods -
 - (i) if his spouse gives birth to a child, from the day of the child's birth until the child's second birthday; and
 - (ii) if he adopts a child, from the day of the child's placement with him until the second anniversary of the placement.
- (b) A female employee whose application for part-time work is approved may work part-time in one or more periods -
 - (i) if she is pregnant, during the term of her pregnancy until 6 weeks before the expected date of birth of her child; and
 - (ii) if she gives birth to a child, from the seventh week after the day of the child's birth until the child's second birthday; and
 - (iii) if she adopts a child, from the day of the child's placement with her until the second anniversary of the placement.
- (c) The chief executive may, at the request of the employee, and on receipt of a certificate from a medical practitioner certifying that, in the opinion of the medical practitioner -
 - (i) the employee is fit for duty until a specified date, reduce the 6 week period mentioned in clause 2.6.2(b)(i); or
 - (ii) the employee is fit to resume duty, reduce the period mentioned in clause 2.6.2(b)(ii).
- (d) If the period mentioned in clause 2.6.2(b)(i) is reduced under clause 2.6.2(c)(i), clause 2.2.3(c) applies in relation to the chief executive's decision.

2.6.3 *Part-time work agreement*

- (a) Before an employee begins part-time work approved under clause 2.6.1, the employee and the chief executive must agree on the following matters:
 - (i) that the employee may work part-time;
 - (ii) the hours to be worked by the employee including the days on which the employee is to work and the commencing times of work;
 - (iii) the nature of the duties to be performed;
 - (iv) the level of remuneration applying to the duties; and
 - (v) the period the employee is to work part-time.
- (b) The employee and the chief executive must record the terms of their agreement in writing signed by both parties.
- (c) The agreement is to be retained by the chief executive and a copy is to be given to the employee.
- (d) The terms of the agreement may be varied by further agreement of the parties.
- (e) The work to be performed by the employee need not be the work performed by the employee in the employee's former position.
- (f) The employee may, at the request of the chief executive, work more hours than those recorded in the agreement.

2.6.4 *Award to prevail*

- (a) Subject to clause 2.6.4(b), clause 2.6.3 is to be read in conjunction with the provisions dealing with part-time employment in an award or industrial agreement relevant to employees covered by this Award.

- (b) A provision in an award or industrial agreement relevant to employees covered by this Award relating to -
- (i) the limiting of the number of employees who may work part-time; or
 - (ii) the establishment of quotas relating to the ratio of part-time to full-time employees; or
 - (iii) the prescribing of minimum or maximum hours a part-time employee may work; or
 - (iv) a requirement in relation to part-time employment -
 - (A) of consultation with an employee's union; or
 - (B) that the consent of an employee's union be sought; or
 - (C) that an employee's union monitor the employment arrangement; does not apply to part-time employment approved under this Award.
- (c) If there is an inconsistency between a provision of this Award and a provision of the award or industrial agreement otherwise having application, the provision of this Award prevails to the extent of the inconsistency.

PART 3 - CARER'S LEAVE

3.1 Use of sick leave

- (a) An employee with responsibilities in relation to either members of their immediate family or members of their household who need their care and support shall be entitled to use, in accordance with clause 3.1, any sick leave entitlement which accrues after 1 July 1995 for absences to provide care and support for such persons when they are ill.

Provided that, in respect of any award added to the schedule after the making of this Award, clause 3.1 shall apply as from the date of such addition or as otherwise agreed by the parties.

- (b) The employee shall, if required, establish by production of a medical certificate or statutory declaration that the person concerned is ill.
- (c) The entitlement to use sick leave in accordance with clause 3.1 is subject to:
- (i) the employee being responsible for the care of the person concerned;
 - (ii) the person concerned being either -
 - (A) a member of the employee's immediate family; or
 - (B) a member of the employee's household; and
 - (iii) the term 'immediate family' includes -
 - (A) a spouse (including a former spouse, a de facto spouse and a former de facto spouse) of the employee; and
 - (B) a child (including an adult child, an adopted child, a foster child, a step child or an ex-nuptial child), parent, grandparent, grandchild or sibling of the employee or spouse of the employee.
- (d) The employee shall, wherever practicable, give the employer notice prior to the absence of the intention to take leave, the name of the person requiring care and their relationship to the employee, the reasons for taking such leave and the estimated length of absence. If it is not practicable for the employee to give prior notice of absence, the employee shall notify the employer by telephone of such absence at the first opportunity on the day of absence.

3.2 Unpaid leave for caring purposes

An employee may elect, with the consent of the employer, to take unpaid leave for the purpose of providing care to a family member who is ill.

3.3 Annual leave

- (a) Notwithstanding the provision of clause 3.3, an employee may elect, with the consent of the employer, to take annual leave not exceeding 5 days in any calendar year at a time or times agreed between the parties.

- (b) Access to annual leave, as prescribed in clause 3.3(a) above, shall be exclusive of any shutdown period provided for elsewhere under this Award.
- (c) An employee and employer may agree to defer payment of the annual leave loading in respect of single day absences, until at least 5 consecutive annual leave days are taken.

3.4 Time off in lieu of payment for overtime

- (a) An employee may elect, with the consent of the employer, to take time off in lieu of payment for overtime at a time or times agreed with the employer to discharge a responsibility to care for or support a person within clause 3.1(c) whether sick or not.
- (b) Overtime taken as time off during ordinary time hours shall be taken at the ordinary time rate, that is, an hour for each hour worked.
- (c) An employer shall, if requested by an employee provide payment, at the rate provided for the payment of overtime in the Award, for any overtime worked under clause 3.4(a) where such time has not been taken within 4 weeks of accrual and requested by the employee.
- (d) Clause 3.4 does not limit or detract from any provision in an award or industrial agreement dealing with time off in lieu of overtime which existed on or before the making of this Award.

3.5 Make-up time

An employee may elect, with the consent of their employer, to work "make-up time", under which the employee takes time off ordinary hours, and works those hours at a later time, during the spread of ordinary hours provided in the parent Award, at ordinary rates.

PART 4 - BEREAVEMENT LEAVE

4.1 Bereavement Leave

4.1.1 Full-time and part-time employees

Full-time and part-time employees shall, on the death of a member of their immediate family or household in Australia, be entitled to paid bereavement leave up to and including the day of the funeral of such person. Such leave shall be without deduction of pay for a period not exceeding the number of hours worked by the employee in 2 ordinary days of work. Proof of such death is to be furnished by the employee to the satisfaction of the employer.

4.1.2 Long term casual employees

- (a) A long term casual employee is entitled to at least 2 days unpaid bereavement leave on the death of a member of the person's immediate family or household in Australia.
- (b) A "long term casual employee" is a casual employee engaged by a particular employer, on a regular and systematic basis, for several periods of employment during a period of at least one year immediately before the employee seeks to access an entitlement under clause 4.1.2.

4.1.3 "Immediate family" includes:

- (a) A spouse (including a former spouse, a de facto spouse and a former de facto spouse, spouse of the same sex) of the employee; and
- (b) A child or an adult child (including an adopted child, a foster child, an ex-foster child, a stepchild or an ex-nuptial child), parent, grandparent, grandchild or sibling of the employee or spouse of the employee.

4.1.4 Unpaid leave

An employee, with the consent of the employer, may apply for unpaid leave when a member of the employee's immediate family or household in Australia dies and the period of bereavement leave entitlement provided above is insufficient.

4.1.5 Other conditions

Other conditions of bereavement leave which apply to an employee are found in Directive 3/02 "Bereavement Leave", as issued and amended by the Minister for Industrial Relations pursuant to the *Public Service Act 1996*.

SCHEDULE 1 AWARDS AND INDUSTRIAL AGREEMENTS TO WHICH THIS AWARD HAS APPLICATION

Accommodation Industry (Other Than Hotels) Award - South-Eastern Division 2003

Agricultural Colleges (Domestic and General Staff) Award - State 2003

Award for Employees in Direct Client Services - Disability Services Queensland 2003

Boarding House Employees Award - State (Excluding South-East Queensland) 2003

Building Trades Public Sector Award - State 2002

Civil Construction, Operations and Maintenance General Award - State 2003

College Educational Assistants - Colleges of Technical and Further Education and Senior Colleges - Conditions of Employment - Industrial Agreement

Community Education Counsellors Interim Award - State 2003

Community Teachers, Assistant Teachers - Aboriginal & Torres Strait Islander Community Schools Award - State 2003

Conservation, Parks and Wildlife Employees' Award - State Government 2003

Department of Corrective Services Correctional Employees' Interim Award - State 2003

District Health Services Employees' Award - State 2003

District Health Services - Senior Medical Officers' and Resident Medical Officers' Award - State 2003

Employees of Queensland Government Departments (Other than Public Servants) Award - State 2003

Engineering Award - State 2002

Forestry Employees' Award - Department of Primary Industries 2003

Furniture and Allied Trades Award - State 2003

General Stores, Warehousing and Distribution Award - State 2002

GoPrint Award - State 2003

Hospitality Industry - Restaurant, Catering and Allied Establishments Award - South-Eastern Division 2002

Instructional, Administrative, Operations and Support Staff - Employees of Agricultural Colleges - Conditions of Employment - Industrial Agreement

Legal Aid Queensland Employees' Award - State 2003

Medical Superintendents with Right of Private Practice and Medical Officers with Right of Private Practice - Queensland Public Hospitals Award - State 2003

Motoring Services Award - South - Eastern District 2003

Parliamentary Service Award - State 2003

Parliamentary Service Award - State - Electorate Office Staff - Industrial Agreement

Police Service Award - State 2003

Public Service Medical Officers' Award - State 2003

Queensland Building Services Authority Award - State 2003

Queensland Institute of Medical Research (QIMR) Award 2003

Queensland Nursing Council Employees' Award - State 2002

Queensland Public Service Award - State 2003

Residential Tenancies Authority Employees Award - State 2002

Retail Industry Interim Award - State

Senior College Teachers' Award - State 2003

TAFE Teachers' Award - State 2003

Teachers' Award - State 2003

Youth Workers Employed by the Department of Families Award - State 2003

Dated 30 March 2004.

By the Commission,
[L.S.] G.D. SAVILL,
Acting Industrial Registrar.

Operative Date: 30 March 2004