

ATTORNEY-GENERAL AND MINISTER FOR INDUSTRIAL RELATIONS

- 1. TITLE:** **Bereavement Leave**
- 2. PURPOSE:** To prescribe the entitlement for bereavement leave on the death of a member of an employee's immediate family or household.
- 3. LEGISLATIVE PROVISION:** Section 54(1) of the *Public Service Act 2008*.
- 4. APPLICATION:** This directive applies to-
 - public service officers; and
 - tenured general employees engaged under section 147(2)(a) of the *Public Service Act 2008*; and
 - temporary employees engaged under section 148(2)(a) of the *Public Service Act 2008*; and
 - employees engaged on a casual basis under sections 147(2)(b) and 148(2)(b) of the *Public Service Act 2008*.
- 5. STANDARD:** The conditions and entitlements prescribed in the Schedule apply.
- 6. EFFECTIVE DATE:** This directive is to operate from **23 August 2010**.
- 7. VARIATION:** The provisions in the Schedule may be varied in accordance with certified agreements made under Chapter 6, Part 1 of the *Industrial Relations Act 1999* or decisions of an industrial tribunal of competent jurisdiction.
- 8. INCONSISTENCY:** Sections 51 and 52 of the *Public Service Act 2008* and section 687 of the *Industrial Relations Act 1999* apply if there is a conflict with an act, regulation or industrial instrument.
- 9. SUPERSEDES:** Directive 5/06: "*Bereavement Leave*"
- 10. PREVIOUS REFERENCES:** Directive 13/05: "*Bereavement Leave*"
Directive 3/02: "*Bereavement Leave*"
Directive 9/01: "*Bereavement Leave*"
Directive 13/99: "*Bereavement Leave*"
Section 35 of the *Public Service Management and Employment Regulation 1988* as in force on 24 February 1995
Administrative Instructions No 1 | 48

SCHEDULE

BEREAVEMENT LEAVE

GENERAL CONDITIONS

1. Entitlement

1.1 An employee (other than a casual employee) who is a public service officer or a temporary employee engaged under section 147(2)(a) of the *Public Service Act 2008* or a general employee engaged under section 148(2)(a) of the *Public Service Act 2008* (referred to as **"employee"** in this schedule) is to be granted paid bereavement leave on the death of a member of the employee's immediate family or household as provided in this schedule.

1.2 A "casual employee" (as defined in this schedule) is to be granted unpaid bereavement leave on the death of a member of the employee's immediate family or household as provided in this schedule.

1.3 If leave is required (e.g. for travel) in addition to the bereavement leave entitlements prescribed in this directive, public service officers and temporary employees engaged under s147(2)(a) of the *Public Service Act 2008* may apply for special leave on full pay for emergency situations or on compassionate grounds in accordance with the Ministerial Directive: *Special Leave*.

2. Definitions

2.1 **"daily hours"** means –

the number of ordinary daily working hours of an employee as specified in an industrial instrument (as defined);

in any other case – the number of hours determined from the relevant industrial instrument (as defined) as the average number of hours per working day of an employee during a pay period or other period reasonable in the circumstances.

2.2 **"immediate family"** includes –

- (a) the employee's spouse; or
- (b) a child, ex-nuptial child, step-child, adopted child, ex-foster child of the employee or employees' spouse; or

- (c) parent, grandparent, grandchild, sister or brother of the employee and of the employee's spouse (such as the employee's mother-in-law, father-in-law, grandparent-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law).

The list of family members provided for in this definition is not exhaustive. Agencies have the discretion to grant bereavement leave to employees on the death of family members that are not expressly provided for in this definition. Cultural and personal reasons may be taken into consideration when an agency makes a decision.

2.3 **"industrial instrument"** for the purposes of this directive means an award, industrial agreement, certified agreement, contract, former determination of the Governor-in-Council, directive or determination made under section 149 of the *Industrial Relations Act 1999*.

2.4 **"casual employee"** includes both long term casual employees and short term casual employees.

2.5 **"spouse"** of an employee includes –

- (a) a former spouse; and
- (b) a defacto spouse, including a spouse of the same sex as the employee.

3. Satisfactory proof

3.1 The employee is to furnish evidence of the death or funeral arrangements that are satisfactory to the chief executive.

4. Conversion to hourly basis

4.1 Leave prescribed in this directive may be converted to an hourly basis for the purpose of granting and recording the leave.

5. Leave granted on an hourly basis

5.1 If an employee applies for leave on a basis other than an hourly basis, the leave may be granted on an hourly basis.

6. Leave entitlement in hours

6.1 If an employee's leave entitlement is expressed in working days, the leave entitlement may be read as if it were expressed in working hours using the following formula –

$$LE = WD \times DH$$

Where:

LE (leave entitlement) means the amount of leave entitlement expressed in working hours to which the employee is entitled.

WD (working days) means the number of working days set out in the directive.

DH (daily hours) means the employee's daily hours (as defined).

7. Leave based on the number of hours that the employee would have worked

7.1 Applications for bereavement leave are to be based on the number of hours that the employee was rostered to work on that day but did not work.

Example 1

If an employee, working 7.25 hours a day, departs on bereavement leave after 3 hours, then 4.25 hours bereavement leave is to be applied for.

Example 2

If an employee is rostered to work 7.6 hours and is absent on bereavement leave on that day, then 7.6 hours bereavement leave is to be applied for.

ENTITLEMENT

CATEGORY	ENTITLEMENT
<p>An "employee" is entitled to bereavement leave on full pay on the death of a member of the employee's immediate family or household. The leave is to be granted for a death occurring either within Australia or overseas.</p> <p>An "employee" may be granted additional bereavement leave without pay.</p> <p>If an "employee" reasonably requires extra time to travel to and from the funeral or other ceremony for the death.</p>	<p>In relation to each deceased person – 2 days bereavement leave on full pay.</p> <p>As determined by the chief executive.</p> <p>An amount of unpaid bereavement leave equal to the time reasonably required for the travel.</p>
<p>A "casual employee" is entitled to bereavement leave on the death of a member of the employee's immediate family or household. The leave is to be granted for a death occurring either within Australia or overseas.</p> <p>A "casual employee" may be granted additional bereavement leave without pay.</p> <p>If a "casual employee" reasonably requires extra time to travel to and from the funeral or other ceremony for the death.</p>	<p>In relation to each deceased person – 2 days unpaid bereavement leave.</p> <p>As determined by the chief executive.</p> <p>An amount of unpaid bereavement leave equal to the time reasonably required for the travel.</p>