



MINISTER FOR EMPLOYMENT, TRAINING AND INDUSTRIAL RELATIONS

DIRECTIVE No. 13/99
July 1999

- 1. TITLE:** **Bereavement Leave**
- 2. PURPOSE:** To prescribe the entitlements for bereavement leave.
- 3. LEGISLATIVE PROVISIONS:** Section 34(2) of the *Public Service Act 1996*.
- 4. APPLICATION:** This directive applies to –
- public service officers; and
 - temporary employees engaged under section 113(2)(a) of the *Public Service Act 1996*; and
 - general employees engaged under section 112(2)(a) of the *Public Service Act 1996*.
- This directive does not apply to employees engaged on a casual basis under sections 112(2)(b) or 113(2)(b) of the *Public Service Act 1996*.
- 5. STANDARD:** The conditions and entitlements prescribed in the Schedule apply.
- 6. EFFECTIVE DATE:** This directive is to operate from **1 July 1999**.
- 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 34 and 117 of the *Public Service Act 1996* and section 687 of the *Industrial Relations Act 1999* apply if there is a conflict with an act, regulation or industrial instrument.
- 9. SUPERSEDES:** Section 35 of the *Public Service Management and Employment Regulation 1988* Administrative Instructions No. 1 | 48

SCHEDULE

BEREAVEMENT LEAVE

GENERAL CONDITIONS

Entitlement

A public service officer, temporary employee engaged under section 113(2)(a) of the *Public Service Act 1996* or a general employee engaged under section 112(a) of the *Public Service Act 1996* (referred to as "employee" in this schedule) shall be granted bereavement leave as provided in this schedule.

Satisfactory proof

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

Conversion to hourly basis

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

Leave entitlement in hours

If an employee's leave entitlement in a directive 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:

DH (daily hours) means the employee's daily hours or notional daily hours.

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.

Leave to be granted on an hourly basis

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

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

If an employee is rostered to work a specific number of hours on a day and the employee is absent from duty on that day, or for part of it, the employee's leave account is to be reduced. This reduction will be the number of hours that the employee was rostered to work on that day but did not work. This applies even though the employee's leave account is debited by a different number of hours from the employee's daily hours or notional daily hours.

Variation of ordinary working hours

If a department's system for recording particulars of leave granted to an employee is based on working hours and the daily hours or notional daily hours of an employee change, the leave entitlements accumulated by the employee are also to be recorded in hours.

The formula for this conversion is as follows –

$$LAC = LBC \times \frac{HAC}{HBC}$$

Where:

HAC (daily hours after change) means the employee's daily hours or notional daily hours after the change.

HBC (daily hours before change) means the employee's daily hours or notional daily hours before the change.

LAC (leave entitlement after change) means the hours of leave to which the employee is entitled after the change.

LBC (leave entitlement before change) means the employee's leave entitlement expressed in hours before the change.

Definitions

A daily hours or notional daily hours means –

- the number of ordinary daily working hours of an employee as specified in an award, industrial agreement (including a certified agreement), contract, former determination of the Governor-in-Council or directive.
- in any other case – the number of hours ascertainable from the relevant award, industrial agreement (including certified agreement), contract, former determination of the Governor-in-Council or directive as the average number of hours per working day of an employee during a pay period or other period reasonable in the circumstances.

Definitions

“immediate family” includes –

- (a) the employee’s spouse;
- (b) a child, ex-nuptial child, stepchild, adopted child, ex-foster child, parent, grandparent, grandchild or sibling of the employee or employee’s spouse; and
- (c) step-father, step-mother, half-brother, half-sister, step-brother and step-sister.

“spouse” of an employee includes-

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

CATEGORY	ENTITLEMENT
An employee shall be granted bereavement leave on full pay on the death of a member of the person’s immediate family or household. The leave shall be granted for a death occurring either within Australia or overseas.	Up to 2 working days on each occasion.
The employee may be granted additional bereavement leave without pay.	As determined by the chief executive.

SUPERSEDED