

LEAVE – CONTRACTORS AND CASUAL EMPLOYEES

POLICY AND PROCEDURE

Policy Statement

Taking leave is essential. It promotes good physical and mental health in the workplace and improves people's work-life balance, which reduces stress and unscheduled days off. Absenteeism can have a significant impact on any business.

Contractors and casual employees are not entitled to paid leave entitlements however and when a contractor or casual employee needs to take leave, they are encouraged to give the Director sufficient notice to arrange for another staff member to cover their shifts.

Contractors are not employees and do not qualify for employment rights and benefits, such as holiday pay or sick pay. Casual employees receive casual leave loading in place of benefits, such as holiday pay or sick pay.

Definitions

Giving **notice** of the need to take leave means giving the Director and/or the client enough warning of your pending absence to arrange another support professional to meet the obligations of your shift/s.

Being unavailable for work means seeking a **leave** of absence.

Leave can be taken for **holidays, being unwell, needing to attend to a personal obligation.**

Procedure

1. The support professional or facilitator needs to give notice the Director and the client of the need to take leave as a courtesy to the parties, ensuring support of the client is not jeopardised.
2. Notice of the need to take leave needs to be given as soon as the support professional or facilitator becomes aware of the need to take leave.

3. Notice of the need to take leave should be confirmed via the leave request availability in Nightingale.
4. Where leave is needed at short notice such as being unwell, it should be communicated via WhatsApp in the client chats that the worker is rostered on with for the day. Facilitators to communicate via WhatsApp office group.
5. If a support professional or facilitator repeatedly takes leave without providing adequate notice, or if their absences start impacting service delivery, the Director may review their contract or employment terms or consider alternative arrangements.
6. The support professional can assist the Director by contacting other support professionals to check on their availability to cover shifts.
7. Where the support professional or facilitator has been unfit to attend work as a result of a serious injury or ongoing illness, the Director may ask for medical certification to confirm the person is now fit to return to work.
8. Support professionals and facilitators should not contact clients whilst on leave.
9. Contractors and casual employees have no entitlement to being paid whilst on leave and for this reason they are encouraged to take out their own insurances.

Responsibility

The support professional or facilitator has a responsibility to inform the facilitator or Director and clients of the need to take leave. If the leave is required urgently or unexpectedly, the person's family should give notice of the leave to the Director.

The support professional or facilitator needs to provide an expected date they will return to duties, after taking a period of leave, to ensure the support of the client is not compromised.

Relevant Legislation and Policies

- Privacy Act 1988
- Work Health and Safety Act 2011
- Fair Work Act 2009
- Independent Contractors Act 2006
- NSW Disability Services Standards
- National Standards for Disability Services
- Disability Discrimination Act 1992
- National Disability Insurance Scheme Act 2013
- NDIS Code of Conduct
- NDIS Quality and Safeguarding Framework
- Universal Declaration of Human Rights
- United Nations Convention on The Rights of Persons with Disabilities