

What types of leave are available to trainees?

- Annual Leave
- Personal/Carer's Leave
- Compassionate Leave
- Community Service Leave
- Family and Domestic Violence Leave
- Cultural Leave (First Nations)
- Time off in Lieu (TOIL)
- Special Leave
- Unpaid Leave

Annual Leave

Under the National Employment Standards, trainees are entitled to four (4) weeks paid leave each year, which accrues progressively. Part time trainees received a pro rata amount.

Important notes to remember about annual leave:

- A Host Employer may require a trainee to take Annual Leave during forced shutdown period such as school holidays or end of year business closures, provided four weeks' notice is given.
- If a trainee has a TOIL balance, the TOIL balance should be exhausted before annual leave is used.
- All Annual Leave must be submitted in ConnX. If a trainee fails to enter Annual Leave, the Host Employer will be liable to pay out the Annual Leave balance at the end of the traineeship or on termination, even if the trainee has taken the leave.
- Leave applications must be approved before timesheets are submitted. They can't be approved at the same time. A timesheet submitted prior to a leave application being approved will be automatically rescinded.
- Annual Leave balances should be monitored closely, and leave should be taken by the trainee during the traineeship to avoid having to pay out an Annual Leave balance at the end of a traineeship or on termination.
- Ensure trainees use Annual Leave during their traineeship so they can take regular breaks and recharge.

Other leave entitlements under the National Employment Standards

- | | |
|---------------------------------------|---|
| ▪ Personal Leave: | 10 days paid each year (pro rata for part time trainees). |
| ▪ Carer's Leave: | If paid personal leave used, 2 days unpaid leave each occasion. |
| ▪ Compassionate Leave: | 2 days each occasion. |
| ▪ Community Service Leave: | Unpaid other than the first 10 days jury service leave. |
| ▪ Family and Domestic Violence Leave: | 10 days paid leave each year. |

Cultural Leave (First Nations trainees):

First Nations trainees can take an additional 2 days of paid leave annually for cultural purposes. This may relate to the death of a family member or for other ceremonial obligations under Aboriginal & Torres Strait Islander law. This leave does not accrue from year to year.

Time off in Lieu (TOIL)

TOIL is determined by the relevant Award and TOIL provisions in each Award vary slightly. Please check the Information Sheet for the Award relevant to your trainee/s for Award specific details.

Important notes to remember about TOIL under all Awards:

- If a Host Employer and trainee want to use TOIL, then a TOIL agreement must be signed once the trainee starts and before the first hour of overtime is accrued.
- The trainee, Host Employer and our payroll team need to keep accurate records. TOIL hours accrued and used need to be recorded on a timesheet on the actual days and at the times the TOIL is accrued or used.

Accrued TOIL example: A trainee works overtime hours after 5pm on 2 days in a fortnight. The trainee should record in ConnX the actual time the overtime was worked, e.g., 2 hours overtime from 5pm to 7pm on Friday 21 February and 1.5 hours overtime from 5pm to 6.30pm on Tuesday 25 February, rather than the trainee just notifying the payroll team they have worked 3.5 hours total overtime for the fortnight.

Used TOIL example: In ConnX, the trainee should record that TOIL was used from 9am to 5pm on Thursday 27 February, rather than just notifying the payroll team that TOIL has been used that fortnight.

- TOIL must be used within six (6) months of accrual. TOIL not used within this time period will be paid out at the applicable rate under the Award. For Awards with higher accrual rates, this may be time and a half or double time. Similar rates apply for overtime worked at nights or on weekends.
- The onus is on the trainee and Host Employer to proactively discuss using TOIL hours as soon as practicable. When time off is required, TOIL should always be used first, then annual leave.
- A trainee can elect to have accrued but unused TOIL paid out, and Host Employers are not permitted to exert undue influence or pressure on the trainee in relation to their decision to take or not take TOIL instead of payment for overtime.
- If a Host Employer wants to continue to pay the trainee over a holiday period, they cannot simply say "TOIL will cover it". This is not permitted under any of the Awards and there can be serious consequences if we operate in this way.

The amount of TOIL to be taken or paid out is dependent on the Award. Ensure you are familiar with the TOIL rules of the Award covering your trainee, e.g., does TOIL accrue at 1 hour over time = 1 TOIL hour, or is it 1 overtime hour = 1.5 hours or 2 hours of TOIL? Awards that don't have hour for hour accrual include:

- *General Retail Award*
- *Higher Education Industry – General Staff Award*
- *Registered and Licensed Clubs Award*
- *Sporting Organisations Award*

Special Leave

We have introduced a new category of leave in ConnX called Special Leave. This leave is for situations where a Host Employer wants to continue to pay a trainee beyond any leave or TOIL entitlements for a period when the trainee is not required to work. Examples include:

- School holiday periods where the trainee does not have sufficient annual leave or TOIL entitlements to cover the period;
- Professional development days when the trainee is not required to attend but should not be expected to use their annual leave; and
- Days where a trainee is allowed to leave early or start late.

Trainees can apply for this leave in ConnX, just as they would apply for Annual Leave, but Special Leave should only be used where TOIL and Annual Leave have been exhausted, unless it is an instance where the trainee should not be required to use their accrued annual leave or TOIL.

This leave is in addition to TOIL and annual leave, it does not replace either.

Leave or TOIL questions?

Contact our HR Manager and Legal Counsel Carly Laughton at carly.laughton@afisportsready.com.au