

# Abandonment of Employment



*Any absence from work must be authorised by the employer or the employer's delegate.*

*If the absence is unauthorised, the employee is not entitled to be paid during the period of absence.*

*Continued absence from work without approval of the employer may lead to the employee having 'abandoned' their employment.*

*The Victorian Catholic Education Multi Enterprise Agreement 2013 (VCEMEA) sets out a process through which termination of employment by way of abandonment of employment is formalised.*

## Process under clause 20 of the VCEMEA 2013

If an employee is absent from work for a continuous period of more than five working days where:

- the employee has no entitlement to leave, or
- the employee does not have employer consent, and has not notified the employer of the absence

the employer may commence abandonment of employment procedures under the VCEMEA.

### Step 1

The employer sends, by certified mail (to the last known address of the employee) a letter which:

- states that the employee is absent without permission from the date the employee was last required to attend work,
- advises that if the employee (or the employee's representative) does not contact the employer in writing within ten days of receipt of the letter providing an explanation for the absence or if the employee does not return to work, then the employee will be deemed to have abandoned their employment.

### Step 2

If the employee (or the employee's representative) does not comply with the requirements in Step 1, the employer has the right to advise the employee in writing that the employee's employment has been deemed to have been abandoned with effect from that later of:

- the last day the employee attended work, or
- the last day of approved absence, or
- the last day of absence of which the employer was notified by the employee

within ten days of receiving the letter in Step 1.



If the employee either provides an explanation for the absence or returns to work, the employee has not abandoned their employment.

## References

- *Victorian Catholic Education Multi Enterprise Agreement 2013* (clause 20)