

# Community Services Leave



***Employees who engage in a voluntary emergency management activity or a community service activity under the Fair Work Act 2009 (Cth) is entitled to be absent from their employment.***

## Entitlement

An employee is entitled to be absent from their employment for a period if the period consists of one or more of the following:

- time when the employee is engaged in the activity
- reasonable travelling time associated with the activity
- reasonable rest time immediately following the activity, and
- employees will also be entitled to this leave if the absence is reasonable in all the circumstances.

## Paid leave for voluntary emergency management activity

In addition to the absence, an employee (other than a casual employee) is entitled to up to three days paid leave on each occasion for which the employee is absent from their employment.

## Notice and evidence

An employee must provide the employer with notice of the taking of leave. The notice:

- must be given to the employer as soon as practicable (which may be a time after the leave has commenced), and
- must advise the employer of the period, or expected period, of the leave.

## Evidence

An employee who has given their employer notice of the taking of voluntary emergency management leave must, if required by the employer, give the employer evidence that would satisfy a reasonable person that the leave is taken because the employee is engaging in a voluntary emergency management activity or a community service activity under the *Fair Work Act 2009* (Cth).



## Community Services Leave – National Employment Standards

Employees, including casual employees, can take community service leave for certain activities such as:

- voluntary emergency management activities
- jury duty (including attendance for jury selection).

With the exception of jury duty, community service leave is unpaid.

An employee engages in a voluntary emergency management activity if:

- the activity involves dealing with an emergency or natural disaster
- the employee engages in the activity on a voluntary basis
- the employee was either requested to engage in an activity, or it would be reasonable to expect that such a request would have been made if circumstances had permitted
- the employee is a member of, or has a member-like association with a recognised emergency management body.

A recognised emergency management body is:

- a body that has a role or function under a plan that is for coping with emergencies / natural disasters (prepared by the Commonwealth or a state or territory)
- a fire-fighting, civil defence or rescue body
- any other body which is mainly involved in responding to an emergency or natural disaster.

This includes bodies such as:

- the State Emergency Service (SES)
- Country Fire Authority (CFA)
- the RSPCA (in respect of animal rescue during emergencies or natural disasters).

An employee is entitled to take community service leave while they are engaged in the activity and for reasonable travel and rest time. There is no limit on the amount of community service leave an employee can take.

An employee who takes community service leave must give their employer:

- notice of the absence as soon as possible (this may be after the leave starts)
- the period or expected period of absence.

An employer may request an employee who has given notice, to provide evidence that they're entitled to community service leave.



## References

- *Victorian Catholic Education Multi Enterprise Agreement 2013* (clause 36)

## Legislation

- *Fair Work Act 2009* (Cth)
- Fair Work Ombudsman