

- 1. TITLE:** **Bereavement Leave**
- 2. PURPOSE:** To prescribe the entitlement for bereavement leave on the death of a member of an employee's immediate family or household.
- 3. LEGISLATIVE PROVISION:** 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) and 113(2)(b) of the *Public Service Act 1996*, unless the employee is a "long term casual employee" as defined in this directive.
- 5. STANDARD:** The conditions and entitlements prescribed in the Schedule apply.
- 6. EFFECTIVE DATE:** This directive is to operate from **30 June 2002**.
- 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:** Directive 9/01: "*Bereavement Leave*"
- 10. PREVIOUS REFERENCES:** Directive 13/99: "*Bereavement Leave*"  
Section 35 of the *Public Service Management and Employment Regulation 1988* as in force on 24 February 1995  
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## SCHEDULE

### BEREAVEMENT LEAVE

#### GENERAL CONDITIONS

#### Entitlement

defined).

An employee (other than a casual employee) that is a public service officer or a temporary employee engaged under section 113(2)(a) of the *Public Service Act 1996* or a general employee engaged under section 112(2)(a) of the *Public Service Act 1996* (referred to as "employee" in this schedule) is to be granted paid bereavement leave on the death of a member of the employee's immediate family or household as provided in this schedule.

A "long term casual employee" (as defined in this schedule) is to be granted unpaid bereavement leave on the death of a member of the employee's immediate family or household as provided in this schedule.

#### Satisfactory proof

The employee is to furnish evidence of the death or funeral arrangements that are 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 the leave.

#### Leave 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 entitlement in hours

If an employee's leave entitlement 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:

**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.

**DH** (daily hours)

means the employee's daily hours (as

## 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 (as defined).

### Example 1

If an employee, working 7.25 hours a day, becomes ill and is absent for 4 hours then 4 hours is deducted from the employee's sick leave balance.

### Example 2

If an employee is rostered to work 7.6 hours and is absent on that day 7.6 hours is deducted from that employee's sick leave balance.

## 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 (as defined) change, then the leave entitlements accumulated by the employee are also to be recorded in hours.

The formula for this conversion is as follows –

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

Where:

**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.

**HAC** (daily hours after change) means the employee's daily hours (as defined) after the change.

**HBC** (daily hours before change) means the employee's daily hours (as defined) before the change.

## Definitions

“daily hours” means –

- the number of ordinary daily working hours of an employee as specified in an industrial instrument (as defined).
- in any other case – the number of hours determined from the relevant industrial instrument (as defined) as the average number of hours per working day of an employee during a pay period or other period reasonable in the circumstances.

“immediate family” includes –

- (a) the employee's spouse; or
- (b) a child, ex-nuptial child, step-child, adopted child, ex-foster child of the employee; or
- (c) parent, grandparent, grandchild, sister or brother of the employee and of the employee's spouse (such as the employee's mother-in-law, father-in-law, grandparent-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law); or
- (d) step-father, step-mother, half-brother, half-sister, step-brother and step-sister of the employee.

“industrial instrument” for the purposes of this directive means an award, industrial agreement (including a certified agreement), contract, former determination of the Governor-in-Council or directive.

“long term casual employee” is a casual employee engaged by a particular employer, on a regular and systematic basis, for several periods of employment during a period of at least 1 year immediately before the employee seeks to access the bereavement leave. The periods of employment mentioned include periods before and after the commencement of this directive.

“spouse” of an employee includes-

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

## ENTITLEMENT

CATEGORY	ENTITLEMENT
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<p>An “employee” is entitled to bereavement leave on full pay on the death of a member of the employee’s immediate family or household. The leave is to be granted for a death occurring either within Australia or overseas.</p> <p>The “employee” may be granted additional bereavement leave without pay.</p>	<p>On each occasion - at least 2 days bereavement leave on full pay</p> <p>As determined by the chief executive.</p>
<p>A “long term casual employee” is entitled to bereavement leave on the death of a member of the employee’s immediate family or household. The leave is to be granted for a death occurring within Australia.</p> <p>A “long term casual employee” may be granted additional bereavement leave without pay.</p>	<p>On each occasion - at least 2 days unpaid bereavement leave</p> <p>As determined by the chief executive.</p>

Superseded