

Department of Education and Queensland Teachers' Union of Employees Joint Statement
January 2021

Special Leave for the purpose of family responsibilities*

*This leave was previously referred to as Family Responsibility Leave

The Department of Education (department) and Queensland Teachers' Union of Employees (QTU) are committed to achieving improved gender equity through departmental employment practices. The parties recognise the contribution that teachers deliver in state schools and reinforce the importance of work-life balance for employees.

Purpose

The purpose of this Statement is to clarify arrangements in relation to an extended period of special leave for the purpose of family responsibilities. The purpose of this Statement is also to acknowledge the commitment of the department and the QTU to support work-life balance for employees within the department's industrial framework.

The department reaffirms its position in the management of planned and unplanned employee leave in accordance with the relevant legislation, industrial instruments and/or directives as issued by the Public Service Commission and Minister for Industrial Relations (as amended from time to time). These documents are to be read in conjunction with the department's *Leave Policy* and *Employee Leave Entitlements Guideline* which provides a summary of the range of leave entitlements available for employees including eligibility requirements and notification requirements.

Industrial Agreements

The parties acknowledge legislation and industrial agreements that provide the working conditions of teachers who are employed by the department. The parties reaffirm the commitments of the agreed industrial instruments including *Teaching in State Education Award – State 2016*; and the *Department of Education State School Teachers' Certified Agreement 2019*.

School principals must ensure they are aware of their responsibilities in making decisions that impact on the working conditions of teachers who are employed by the department.

Statement

The parties reaffirm their commitment to an extended period of special leave for the purpose of family responsibilities (section K2) contained in *Employee Leave Entitlements Guideline*.

Approval of applications for leave is at the discretion of the department and is dependent upon the department ensuring effective service delivery continues to be provided.

Permanent teachers may make an application for an extended period of special leave for the purpose of family responsibilities.

An extended period of special leave for the purpose of family responsibilities is unpaid special leave and may be granted, upon the provision of appropriate documentary evidence that demonstrates the employee is required to provide primary care or support to a member of their immediate family.

In accordance with the *Industrial Relations Act 2016*, immediate family means a spouse, de facto partner, child, ex-nuptial child, stepchild, adopted child, foster child, ex-foster child, parent, grandparent, grandchild or sibling of the employee or employee's spouse or de facto partner. The list of family members provided for in this definition is not exhaustive.



In support of school staffing cycles, an application for an extended period of special leave for the purpose of family responsibilities is preferred to be submitted two school terms' in advance, however, it is recognised that this is not always practical in exceptional or compassionate circumstances.

Teachers on an extended period of special leave for the purpose of family responsibilities are entitled to access a period of parental leave of up to two years (104 weeks) and to then return to their agreed extended period of special leave for the purpose of family responsibilities at the completion of the parental leave entitlement. Further information is available in the Parental Leave Procedure.

The total number of years of continuous leave for the purpose of family responsibilities (may be combined parental leave, sick leave or sick leave for carers' responsibilities, annual leave, long service leave and special leave) cannot exceed seven years.

Teachers do not receive payment for any school vacation occurring during the extended period of special leave, including the vacation period immediately prior to resuming duty from an extended period of special leave, except if the total period of unpaid leave was less than one term in duration. Summer vacations attract payment on a pro-rata basis, provided the teacher worked during the preceding year.

The department can recall any employee from an extended period of special leave by giving them three months' notice. Teachers requesting an early return from leave are accommodated to the extent that the early return does not disadvantage other teachers; and is subject to the availability of vacancies within the teacher's preferred geographic area and teaching subject/specialist areas. The department cannot guarantee that a request for early return from an extended period of special leave will be granted, however, will consider the request fulsomely.



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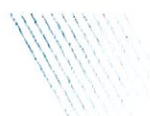
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**QUEENSLAND
TEACHERS' UNION**
OF EMPLOYEES

Graham Moloney
General Secretary
Queensland Teachers' Union

20/1/21



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