

Workplace Law Fact Sheet

Time off to fight that fire – Community Service Leave entitlements

Important changes to leave provisions came into effect 1 January 2010. These special conditions relate to an employee's right to take an unlimited amount of community service leave under certain circumstances. Businesses must be aware of the new legislation to avoid exposing themselves to the consequences of not applying the new rules within the workplace.

What is Community Service Leave?

Community Service Leave is the right to be absent from work to engage in, travel to, or recover from participation in an 'eligible' community service activity.

Who is entitled to Community Service Leave?

Community Service Leave is provided for by the National Employment Standards. These standards provide that all employees who have, or are participating in an eligible community service activity are entitled to take unpaid leave.

An eligible community service activity is any activity which an individual engages in on a voluntary basis, which deals with an emergency or natural disaster. This includes any organisation which deals with or responds to natural disasters or emergencies to secure the safety of humans, animals or property, such as Fire-Fighting, Civil Defence, or rescue organisation.

A full-time or part-time employee who is summoned to jury service may also take community service leave. An employee who takes community service leave which is taken for the purpose of jury service will be entitled to 10 days of paid leave if they are able to demonstrate that they took all reasonable steps to try and obtain any jury service pay they may be entitled to.

How can Community Service Leave be taken?

An individual must provide their employer with notice, as soon as reasonably practicable, that they are going to be absent from work because of their involvement with a volunteer association.

The employee must also advise their employer of how long their absence will last for.

An employer is entitled to request evidence that an individual's absence from work was directly related to a community service activity.

What does this mean for employers?

Unpaid community service leave is unlimited as long as an employee is able to demonstrate that the leave is associated with an eligible community service activity.

Community service leave is protected leave, as such an employer cannot prevent an employee from taking leave. Further an employer cannot terminate an employee's employment if the employee's absence from work was related to providing a community service.

As a result some employers may find that since 1 January 2010 employees may be taking more leave, albeit unpaid, for an unknown length of time.

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