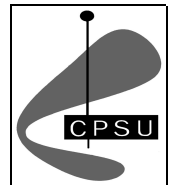


**PSA/CPSU
BRIEF**

**INFORMATION
UPDATE**



TO ALL PSA MEMBERS

LEAVE FOR CARING FOR SICK CHILDREN

The Public Service Association (PSA) has received concerns from members regarding their rights to take paid time off from work to care for sick children and the use of special leave with pay. The PSA is keen to ensure that no member is unduly required to use their sick leave when caring for sick children.

Prior to 1996, public sector workers were entitled to three days special leave with pay in order to care for a sick child. In 1996, Family Carers Leave was introduced through Enterprise Bargaining into Enterprise Agreements (EA). This now provides up to 10 days per year, from an employee's sick leave, to care for sick family members. This is an additional entitlement. Under state industrial legislation regulating enterprise bargaining, no clauses could be included in an EA which would disadvantage the employee. Given that Family Carers Leave comes out of an employee's own sick leave, if the employee was forced to take this, prior to the 3 days special leave for the care of a sick child then this would be seen as a disadvantage.

Clause 9.4.3 of the *South Australian Government Wages Parity (Salaried) Enterprise Agreement 2006* states that:

"The ability to access this [family carers] leave does not in any way limit an employee's right to apply for special leave in accordance with arrangements provided elsewhere for this leave."

This clause ensures that an employee can access three days special leave with pay prior to being required to take family carers leave (from their sick pay entitlements) for the care of a sick child. Once this has been used, an employee is entitled to up to 10 days of their accrued sick leave entitlement to provide care for sick family members. This is in accordance with clause 9.4.1 of the *South Australian Government Wages Parity (Salaried) Enterprise Agreement 2006*.

15 days Special Leave with Pay per annum is available for employees under special circumstances. If the above entitlements to care for a sick child are exhausted, the remainder of the special leave may be applied for, as well as recreation leave and long service leave.

If any PSA member is having problems accessing leave, please contact the PSA so that the appropriate steps may be taken to rectify the problem. This may include formal action in the Industrial Relations Commission.

Please contact Gayle Peak, Assistant Chief Industrial Officer on 8205 3288 or email gp@cpsu.asn.au for any enquiries.

PSA WORKING FOR ITS MEMBERS

29/09/2008

/home2/PSA/industrial/briefs/retain/Brief_Family_Carers_Leave_Sept2008.sxw

PSA WEBSITE: www.cpsu.asn.au

Authorised by Jan McMahon, General Secretary, Public Service Association of SA, Community & Public Sector Union,

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