

Cultural Leave

1.0 Policy

An employee who is legitimately required by Aboriginal tradition to be absent from work for Aboriginal ceremonial purposes will be entitled to up to 10 working days **unpaid** leave in any one year, with the approval of the employer.

This policy supports celebration and promotion of a greater understanding of Aboriginal and Torres Strait Islander peoples and their culture.

2.0 Scope

Approval of all Aboriginal and Torres Strait Islander ceremonial leave will be subject to the employer's convenience and will not unreasonably affect the operation of the work concerned but will not be unreasonably withheld.

The employee must be able to establish to the employer that they have an obligation under Aboriginal or Torres Strait Islander custom and/or traditional law to participate in ceremonial activities in order to be granted such leave without pay for a maximum period of 10 days per year, or for such extension granted by the employer. Such leave will not affect the employee's entitlement to carer's leave and bereavement leave.

2.1 NAIDOC (National Aboriginal Islander Day Observance Committee) Week

A staff member who identifies as an Indigenous Australian shall be granted up to one day special leave (paid) per year to enable the staff member to participate in the National Aborigines and Islander Day of Commemoration Celebrations. Leave can be taken at any time during NAIDOC week.

2.2 Casual Employees

Subject to evidentiary and notice requirements, casual employees are entitled to not be available to attend work.

The employer and the employee shall agree on the period for which the employee will be entitled to not be available to attend work. In the absence of agreement, the employee is entitled to not be available to attend work for up to 48 hours (i.e. two days) per occasion. The casual employee is not entitled to any payment for the period of non-attendance.

An employer must not fail to re-engage a casual employee because the employee accessed the entitlements provided for in this clause. The rights of an employer to engage or not engage a casual employee are otherwise not affected.

3.0 Procedure

3.1 Evidence

For employees working in the Aboriginal Health programs, a certificate of identity has already been provided by the local Aboriginal Lands Council and is kept on file. For ATSI staff not employed as part of the Aboriginal programs (and therefore not providing evidence of Aboriginality upon employment, the evidence must be negotiated with the line manager).

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3.2 Notification

Notification for ceremonial leave is consistent with other BDGP leave policies (refer to 2.0 Scope).

4.0 Document information

4.1 Source Documents and Cross References

- Application for Leave form
- Modern Award [..\..\Human Resources\Modern Awards\Health Professionals and Support Award 2010.pdf](#)
- AFEI - www.afei.org.au
- www.fairwork.gov.au

4.2 Revision History

The following table shows the changes that have been made to this document.

Author	Version	Date	Reviewed by...	Comments
Alicia Pratt	1	29.5.10	Sally Urquhart and Denise Keeler	

4.3 Update schedule

This document should be reviewed at January 2013