

WA HEALTH AWARD AND AGREEMENT CLAUSES THAT PROVIDE FLEXIBLE WORK CONDITIONS

This table provides a summary of clauses contained within Awards and Agreements that provide flexible work conditions.

The summary is provided as a reference guide only and should be read in conjunction with the full version of the relevant Award and/or Agreement, governing legislation and applicable WA Health or Health Service Policy and Guidelines.

In order to ensure that the provision referred to below has not been replaced or amended it is recommended that you also refer to the most up to date version from the WA Health Awards and Agreements library which can be accessed at: www.health.wa.gov.au/awardsandagreements

Legislation are located at:

<http://www.slp.wa.gov.au/statutes/swans.nsf/Current+Documents+Version2?openview&Count=600&RestrictToCategory=A>

WA Health Policies are located at: <http://intranet.health.wa.gov.au/hwl/policies/policies.html>

For Health Service Policies and Guidelines please contact your Human Resource Branch.

This document, and other useful information pertaining to flexible work conditions and work life balance initiatives, can be accessed at the Work Life Balance website at <http://www.health.wa.gov.au/worklifebalance/welcome>

Please seek further advice from your Human Resource Branch or the Health Industrial Relations Service, particularly in relation to eligibility, approval requirements, application and implementation of conditions of service.

Condition	Aboriginal & Ethnic Health Workers	Dental Technicians	Engineering and Building Services	Enrolled Nurses & Nursing Assts	Hospital Salaried Officers	Hospital Support Workers	Medical Practitioners	Nurses – Registered & Enrolled MH	Public Service
Accrued Days Off (ADO) or Rostered Days Off (RDO)	<p>Agreement Clause 11 & Award Clause 10</p> <p>Can be taken at any time as agreed to by the Employer and Employee. May be taken in single day absences</p>	<p>Agreement Clause 11</p> <p>Nine day fortnight</p> <p>Can be taken at any time as agreed to by the Employer and Employee. May be taken in single day absences</p>	<p>Agreement Clause 10</p> <p>Nine day fortnight or 19 day month</p>	<p>Agreement Clause 14</p> <p>ADOs can be taken at any time as agreed to by the Employer and Employee.</p>	<p>Agreement Clause 15</p> <p>Nine day fortnight or 19 day month</p>	<p>Agreement Clause 14</p> <p>Can be taken at any time as agreed to by the Employer and Employee.</p> <p>May be taken in single day absences</p> <p>May be cashed out (Agreement Clause 42)</p>		<p>Agreement Clause 20 and Award Clause 14</p> <p>ADOs can be taken in accordance with Agreement and Award conditions</p>	<p>Agreement Clause 13.16</p> <p>Nine day fortnight only available if currently in operation in work or operational groups</p>
Annual Leave	Under the <i>Minimum Conditions of Employment Act 1993</i> , four weeks of paid annual leave is a minimum condition of employment for permanent employees.								
	<p>Award Clause 19</p> <p>AL may be split into two or three portions. No portion should be less than one week</p>	<p>Agreement Clause 18</p> <p>With employer's approval, AL may be taken in multiples of single days</p>	<p>Agreement Clause 26</p> <p>AL may be taken in any number of periods of not less than one day on each occasion</p> <p>Accumulation of up to 40 days AL for the</p>	<p>Agreement Clause 23</p> <p>AL may be taken in multiple portions. This may include up to five single days</p>	<p>Agreement Clause 35</p> <p>AL may be taken in hours, days or weeks</p> <p>Excess AL may be cashed out</p>	<p>Award Clause 33</p> <p>AL may be taken in two or three portions; no portion will be less than one week</p>	<p>Agreement Clause 30</p> <p>AL may be split into portions and taken in periods of one day or less</p>	<p>Agreement Clause 26</p> <p>AL may be taken in multiple portions of not less than one day</p>	<p>Agreement Clause 17 and Award Clause 23(2)</p> <p>May accrue and carry forward a maximum of 2 years AL to assist employees balance their work and family responsibilities</p>

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			purpose of taking extended leave						
Bereavement Leave	Agreement Clause 17 Two days paid leave on death of a relative or client.	Award Clause 20.8 Two days personal leave on death of member of employee's immediate family or household	Agreement Clause 32 Two days paid leave on death of a family member (or had a special relationship)	Agreement Clause 29 Two days paid leave on death of a family member (or someone who lived with the employee as a member of the employee's family or had a special relationship)	Agreement Clause 40 Two days paid leave on death of a family member (or someone who lived with the employee as a member of the employee's family)	Agreement Clause 37 Two days paid leave on death of a family member (or someone who lived with the employee as a member of the employee's family)	Agreement Clause 34 (2) Two days paid leave on death of a family member (or someone who lived with the employee as a member of the employee's family or had a special relationship)	Agreement Clause 33 Two days paid leave on death of a family member (or someone who lived with the employee as a member of the employee's family or had a special relationship) This entitlement also applies to casual employees	Agreement Clause 15 & Award Clause 32 Two days paid leave on death of a family member (or someone who lived with the employee as a member of the employee's family or had a special relationship)
(Bereavement Leave)	Under the <i>Minimum Conditions of Employment Act 1993</i> the definition of 'a member of an employee's family or household' has been broadened to include grandparents and siblings as well as other family members. The <i>Minimum Conditions of Employment Act</i> applies to all employees across all employment conditions. Entitlement to paid bereavement leave is also applicable for casual employees but only for the days they would normally be at work.								
Additional Travel Time	Additional three days for interstate travel for a funeral or to meet cultural obligations		Additional 15.2 hours per bereavement for employees having to travel more than		Additional 15.2 hours per bereavement for employees having to travel more than 240				Additional travelling time for regional employees

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(Bereavement Leave) Additional Leave			240km from workplace	Employee may take AL or LSL or LWOP (provided all accrued leave is exhausted) in addition to bereavement leave	km from workplace Employee may take AL or LSL or LWOP (provided all accrued leave is exhausted) in addition to bereavement leave		Employee may take AL or LSL or LWOP (provided all accrued leave is exhausted) in addition to bereavement leave	Employee may take AL or LSL (in weekly multiples) or unpaid bereavement leave by agreement with employer	Employee may take AL or LSL or LWOP (provided all accrued leave is exhausted) in addition to bereavement leave
Carers/ Family Leave	Agreement Clause 13 – Personal Leave Provide care and support to a family or household member due to an illness or injury of the member, or an unexpected emergency affecting the member.	Agreement Clause 21 – Personal Leave Provide care and support to a family or household member due to an illness or injury of the member, or an unexpected emergency affecting the member.	Award Clause 29 – Personal Leave Provide care and support to a family or household member due to an illness or injury of the member, or an unexpected emergency affecting the member. Use of sick leave (with pay) accrued in	Agreement Clause 27 – Personal Leave Provide care and support to a family or household member due to an illness or injury of the member, or an unexpected emergency affecting the member.	Agreement Clause 38 - Personal Leave Provide care and support to a family or household member due to an illness or injury of the member, or an unexpected emergency affecting the member. Use of personal accrued sick	Agreement Clause 35 – Personal Leave Provide care and support to a family or household member due to an illness or injury of the member, or an unexpected emergency affecting the member.	Agreement Clause 34 (1) – Family Leave Provide care and support to a family or household member due to an illness or injury of the member, or an unexpected emergency affecting the member. Use of five days accrued sick leave (or	Award Clause 22 – Personal Leave Provide care and support to a family or household member due to an illness or injury of the member, or an unexpected emergency affecting the member.	Agreement Clause 14 – Personal Leave Provide care and support to a family or household member due to an illness or injury of the member, or an unexpected emergency affecting the member.

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Unpaid Carers Leave and Casual Employees Entitlement			previous years of service		leave		use of five days AL for family leave purposes)		
	<p>Under the <i>Minimum Conditions of Employment Act 1993</i> an employee can use an entire year's entitlement to sick leave as paid carers' leave. Carers' leave is not cumulative, and no more than a year's entitlement can be used in any one year.</p> <p>A new broader definition of 'a member of an employee's family or household' means employees can take carers leave for grandparents and siblings.</p> <p>The <i>Minimum Conditions of Employment Act 1993</i> applies to all employees across all employment conditions.</p>								
	<p>Under the <i>Minimum Conditions of Employment Act 1993</i> an employee, including a casual employee, is entitled to up to two days unpaid leave on any occasion that the employee needs to take carer's leave due to an illness, injury or unexpected emergency of the employee's family or household member. This leave can only be taken once the employee has utilised all paid leave entitlements.</p> <p>Unpaid carer's leave is also available for up to two days to provide care and support to a family or household member due to the birth of a child due to the member.</p> <p>Refer to Information Circular 0009/07</p>								
Cashing Out Leave				Agreement Clause 26 Payment in lieu of accrued entitlements to AL, LSL and ADOs due to extraordinary personal circumstances	Agreement Clause 41(15) May be paid in lieu of taking LSL	Agreement Clause 42 Payment in lieu of accrued entitlements to AL, LSL and ADOs due to extraordinary personal circumstances	Agreement Clause 33 May cash out all or some of LSL entitlement	Agreement Clause 31 Payment in lieu of accrued entitlements to AL, LSL and ADOs provided balance of leave entitlements allows for a minimum of 4 wks leave to be taken in the calendar year	Award Clause 25 (14) Ability to cash out accrued LSL, provided the employee proceeds on a minimum of 10 days annual leave in the calendar year

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Under the *Minimum Conditions of Employment Act 1993* an employer and employee can agree that up to 50% of an annual leave entitlement will be forgone for an equivalent benefit (usually cash). Annual leave may only be cashed out at the end of the year in which it accrued.

Such agreement must be made in writing and cannot be made a condition of employment. It is not usually possible to make such an agreement if an award applies.

The *Minimum Conditions of Employment Act 1993* applies to all employees across all employment conditions.

Cultural / Ceremonial Leave	<p>Agreement Clause 16</p> <p>Time off with or without pay to meet an employee's customs, traditional law and participate in cultural and ceremonial activities. Taken as whole or part days off, deducted from AL entitlements or ADOs.</p>	<p>Agreement Clause 27</p> <p>Time off with or without pay to meet an employee's customs, traditional law and participate in cultural and ceremonial activities. Taken as whole or part days off, deducted from AL entitlements or ADOs</p>	<p>Agreement Clause 39</p> <p>Time off with or without pay to meet an employee's customs, traditional law and participate in cultural and ceremonial activities. Taken as whole or part days off, deducted from AL entitlements or ADOs.</p>	<p>Agreement Clause 35</p> <p>Time off with or without pay to meet an employee's customs, traditional law and participate in cultural and ceremonial activities. Taken as whole or part days off, deducted from AL entitlements or ADOs.</p>	<p>Agreement Clause 49</p> <p>Time off with or without pay to meet an employee's customs, traditional law and participate in cultural and ceremonial activities. Taken as whole or part days off, deducted from AL entitlements or ADOs</p>	<p>Refer to Personal Leave (Agreement Clause 35)</p>		<p>Agreement Clause 39</p> <p>Time off with or without pay to meet an employee's customs, traditional law and participate in cultural and ceremonial activities. Taken as whole or part days off, deducted from AL entitlements or ADOs.</p>	<p>Award Clause 33</p> <p>Time off with or without pay to meet an employee's customs, traditional law and participate in cultural and ceremonial activities. Taken as whole or part days off, deducted from AL entitlements, ADOs or short leave.</p>
Defence Force Reserves or Cadet Force – leave for training	<p>Agreement Clause 22</p> <p>Paid or unpaid Leave of absence</p>	<p>Agreement Clause 26</p> <p>Paid or unpaid Leave of absence</p>	<p>Agreement Clause 37</p> <p>Paid or unpaid leave of absence or use of other leave (up to 105 hours paid leave at</p>	<p>Agreement Clause 34</p> <p>Paid or unpaid leave of absence</p>	<p>Agreement Clause 46</p> <p>Paid or unpaid leave of absence</p>			<p>Agreement Clause 38</p> <p>Paid or unpaid leave of absence or use of other leave</p>	<p>Award Clause 39</p> <p>Paid or unpaid leave of absence</p>

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			ordinary rate in any period of 12 months commencing 1 July in each year).						
Deferred Salary	<p>Agreement Clause 23.3</p> <p>Employee works at a reduced salary (ie 80%) for 4 years and takes 1 year off (still paid at 80% of salary).</p> <p>Consider: Operational Requirements. Number of employees allowed to work under the arrangement may be restricted at any one time/or the timing of the arrangements may need to be staggered</p>	<p>Agreement Clause 23</p> <p>Employee works at a reduced salary (ie 80%) for 4 years and takes 1 year off (still paid at 80% of salary).</p> <p>Consider: Operational Requirements. Number of employees allowed to work under the arrangement may be restricted at any one time/or the timing of the arrangements may need to be staggered</p>	<p>Agreement Clause 26 – Annual Leave</p> <p>Employee works at a reduced salary ie 80% for 4 years and takes 1 year off (still paid at 80% of salary), but can also work 1 year for 13 weeks leave, 2 years for 26 weeks leave and 3 years for 39 weeks leave.</p> <p>Consider: Operational Requirements. Number of employees allowed to work under the arrangement may be restricted at any one time/or the timing of the arrangements may need to be staggered</p>	<p>Agreement Clause 31</p> <p>Employee works at a reduced salary (ie 80%) for 4 years and takes 1 year off (still paid at 80% of salary).</p> <p>Consider: Operational Requirements. Number of employees allowed to work under the arrangement may be restricted at any one time/or the timing of the arrangements may need to be staggered</p>	<p>Agreement Clause 35 (20)</p> <p>Employee works at a reduced salary (ie 80%) for 4 years and takes 1 year off (still paid at 80% of salary).</p> <p>Consider: Operational Requirements. Number of employees allowed to work under the arrangement may be restricted at any one time/or the timing of the arrangements may need to be staggered</p>	<p>Agreement Clause 43(5)</p> <p>Employee works at a reduced salary (ie 80%) for 4 years and takes 1 year off (still paid at 80% of salary).</p> <p>Consider: Operational Requirements. Number of employees allowed to work under the arrangement may be restricted at any one time/or the timing of the arrangements may need to be staggered</p>	<p>Agreement Clause 23 (11) Senior Doctors</p> <p>Employee works at a reduced salary (ie 80%) for 4 years and takes 1 year off (still paid at 80% of salary).</p> <p>Consider: Operational Requirements. Number of employees allowed to work under the arrangement may be restricted at any one time/or the timing of the arrangements may need to be staggered</p>	<p>Agreement Clause 35</p> <p>Employee works at a reduced salary (ie 80%) for 4 years and takes 1 year off (still paid at 80% of salary).</p> <p>Consider: Operational Requirements. Number of employees allowed to work under the arrangement may be restricted at any one time/or the timing of the arrangements may need to be staggered</p>	<p>Award Clause 14</p> <p>Employee works at a reduced salary (ie 80%) for 4 years and takes 1 year off (still paid at 80% of salary).</p>

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Donor Leave	Agreement Clause 15	Agreement Clause 24	Agreement Clause 35	Agreement Clause 32	Agreement Clause 43	Agreement Clause 21	Agreement Clause 35	Agreement Clause 36	Award Clause 34
Blood or Plasma	Paid leave for the purpose of donating blood or plasma	2 hours paid leave for the purpose of donating blood or plasma	Paid leave for the purpose of donating blood or plasma	2 hours paid leave for the purpose of donating blood or plasma	Paid leave for the purpose of donating blood or plasma	Paid leave for the purpose of donating blood or plasma	Paid leave for the purpose of donating blood or plasma	2 hours paid leave for the purpose of donating blood or plasma	2 hours paid leave for the purpose of donating blood or plasma
Organ or Tissue	Up to 6 weeks paid leave for the purpose of donating an organ or body tissue		Up to 6 weeks of paid leave (at base rate of pay) for the purpose of donating an organ or body tissue		Up to 6 weeks paid leave for the purpose of donating an organ or body tissue	Up to 6 weeks paid leave for the purpose of donating an organ or body tissue	Up to 5 days paid leave for the purpose of donating an organ or body tissue		
Double Leave / Half Pay			Agreement Clause 26 Double the leave on half pay		Agreement Clause 35) Double the leave on half pay	Agreement Clause 43(4) Double the leave on half pay	Agreement Clause 30 (17)(h) Double the leave on half pay		
Emergency Service Leave	Agreement Clause 21	Agreement Clause 25	Agreement Clause 36	Agreement Clause 33	Agreement Clause 45			Agreement Clause 37	Award Clause 35
Volunteer members of SES, St John Ambulance, Volunteer Fire Rescue, Bush Fire Brigade or Volunteer Marine Rescue	Paid leave of absence for active volunteer members for attendance at emergencies	Paid leave of absence for active volunteer members for attendance at emergencies	Paid leave of absence for active volunteer members for attendance at emergencies	Paid leave of absence for active volunteer members for attendance at emergencies	Paid leave of absence for active volunteer members for attendance at emergencies			Paid leave of absence for active volunteer members for attendance at emergencies	Paid leave of absence for active volunteer members for attendance at emergencies
Flexible			Agreement	EN Award	Agreement	Agreement		Agreement	Agreement

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working arrangements			<p>Clause 10</p> <p>19 day month 9 day fortnight Accrued days usually taken as half or full days off</p>	<p>Clause 7 – Hours</p> <p>19 day month 9 day fortnight 12 days off over 12 months Accrued days off may be taken in single day absences Any other work cycle as agreed between employer and employee</p>	<p>Clause 15</p> <p>Flexible work arrangements as agreed between employer and employee 19 day month 9 day fortnight Flexitime Hours arrangements. Take into account operational requirements, employee's family, community and personal responsibilities, and minimum staffing requirements Individual Flexible Work Arrangements</p>	<p>Clause 13 – Hours of Work</p> <p>19 day month 9 day fortnight 12 days off over 12 months Any other work cycle as agreed between employer and employee</p>		<p>Clause 20</p> <p>No fixed hours arrangement for Senior Registered Nurses - entitled to accrue TOIL at same overtime rates as all other nurses Agreement Clause 22 Vary the method by which hours and rosters are worked</p>	<p>Clause 13.6</p> <p>Flexible working arrangements will apply unless the employer otherwise specifies. Consider operational needs and customer service requirements. The employer shall not unreasonably limit access to FWAs</p>
Flexitime – Flexible start and finish times			<p>Agreement Clause 10</p> <p>Flexitime may be worked by</p>		<p>Agreement Clause 15</p> <p>Flexible starting and</p>	<p>Agreement Clause 13</p>			<p>Agreement Clause 13.7</p> <p>The prescribed hours of duty</p>

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Flexi-leave			agreement between the Employer and Employees		finishing times Agreement Clause 15 Employees may request any reasonable increment of time off				may be worked with flexible start and finish times Agreement Clause 13.13 Flexi leave may be taken in any combination of half days and full days
Hours of Work	<p>The <i>Minimum Conditions of Employment Act 1993</i> incorporates the outcome of the Reasonable Hours Test Case. It provides clarification of what constitutes ordinary hours and reasonable overtime. Employers may require employees to work reasonable overtime. However, an employee may refuse to work overtime if such overtime would be unreasonable. The Act also specifies the maximum hours of work for employees. Maximum ordinary hours are as specified in the relevant employment instrument or where there is no relevant employment instrument, as 38 hours per week.</p> <p>The <i>Minimum Conditions of Employment Act 1993</i> applies to all employees across all employment conditions.</p>								
International Sporting Events Leave				Agreement Clause 38 Special leave with pay to officers chosen to represent Australia as a competitor or Official at a sporting event (meeting certain criteria)	Agreement Clause 47 Special leave with pay to officers chosen to represent Australia as a competitor or Official at a sporting event (meeting certain criteria)			Agreement Clause 42 Special leave with pay to officers chosen to represent Australia as a competitor or Official at a sporting event (meeting certain criteria)	Award Clause 40 Special leave with pay to officers chosen to represent Australia as a competitor or Official at a sporting event (meeting certain criteria)

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Job Share								Agreement Clause 20 Subject to operational convenience employees may be employed under a job share arrangement	
Leave without pay		Agreement Clause 20 LWOP for any period may be granted provided the work of the Department is not inconvenienced and all other leave credits are exhausted	Agreement Clause 30 LWOP for any period may be granted provided the work of the Department is not inconvenienced and all other leave credits are exhausted	MGGA Award Clause 7 LWOP for any period may be granted provided the work of the Department is not inconvenienced and all other leave credits are exhausted	Agreement Clause 39 The employer may grant an employee LWOP for any period and is responsible for that employee on their return. LWOP may be granted provided the work of the Department is not inconvenienced and all other leave credits are exhausted.	Agreement Clause 40 The employer may grant an employee LWOP for any period and is responsible for that employee on their return. LWOP may be granted provided the work of the Department is not inconvenienced and all other leave credits are exhausted.	Refer to Special Leave	Agreement Clause 44 Special LWOP for any special or personal reason	Award Clause 29 The employer may grant an employee LWOP for any period and is responsible for that employee on their return. LWOP for any period may be granted provided the work of the Department is not inconvenienced and all other leave credits are exhausted
Long Service Leave		Agreement Clause 19	Agreement Clause 33	Agreement Clause 25	Agreement Clause 41	Agreement Clause 38	Agreement Clause 33	Agreement Clause 28	Agreement Clause 19 & Award Clause

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		May be taken in weekly multiples	May be taken in any number of periods not less than one week on any occasion	LSL may be taken in monthly multiples	May be taken in minimum periods of one day	LSL may be taken in monthly multiples (Agreement Clause 43(7))	May be taken in weekly multiples	May be taken in weekly multiples	25 Ability to clear accrued LSL in minimum periods of 1 day
		Able to take double the period of LSL on half pay	Able to take double the period of LSL on half pay	Able to take double the period of LSL on half pay	Able to take double the period of LSL on half pay	Able to take double the period of LSL on half pay	Able to take double the period of LSL on half pay	Able to take double the period of LSL on half pay	Able to take double the period of LSL on half pay
					Able to take half the period of LSL on double pay		Able to take half the period of LSL on double pay	Able to take half the period of LSL on double pay	Able to take half the period of LSL on double pay
								Able to convert p/t service to the equivalent f/t service	
Ability to cash out LSL					May be paid in lieu of taking LSL		May cash out all or some of LSL entitlement		Ability to cash out accrued LSL, provided the employee proceeds on a minimum of 10 days annual leave in that calendar year
Access to pro rata LSL					Access to pro rata LSL for employees within 7 years of their preservation age				Access to pro rata LSL for employees within 7 years of their preservation age

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More Pay / Less Leave			Agreement Clause 26 Forfeit accrual of 1 or 2 weeks AL and receive additional salary to equivalent value		Agreement Clause 41) Forfeit accrual of 1 or 2 weeks AL and receive additional salary to equivalent value		Agreement Clause 30 (17)(i) Forfeit accrual of 1 or 2 weeks AL and receive additional salary to equivalent value		
Parental Leave for the birth or adoption of a child	The <i>Minimum Conditions of Employment Act 1993</i> provides 52 weeks unpaid parental leave on the birth or adoption of a child for employees (who will be the primary carer), including eligible casual employees, who have had at least 12 months continuous employment with their current employer.								
Paid Parental Leave	<p>Paid parental leave applies to an employee who is the primary care giver and has completed 12 months continuous service</p> <p>In accordance with DoH Operational Circular 2073/06 - Paid parental leave applies to all public sector employees from 1 July 2006 as follows:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Ten (10) weeks paid parental leave (commencing on and from) 1 July 2006; <input type="checkbox"/> Twelve (12) weeks paid parental leave (commencing on and from) 1 July 2007; and <input type="checkbox"/> Fourteen (14) weeks paid parental leave (commencing on and from) 1 July 2008. <p>Paid parental leave may be taken on half pay.</p>								
Entitlement to apply for LWOP following Parental leave	In accordance with DoH Operational Circular 2073/06 – the employee is entitled to apply for leave without pay following parental leave to extend their leave by up to two (2) years. The employer shall only refuse such a request on reasonable grounds related to the effect on the workplace of the employer’s business. Such grounds might include cost, lack of adequate replacement staff, loss of efficiency and the impact on customer service.								
Entitlement to Part-time employment	In one or more periods at any time up to the child’s third birthday or	In one or more periods at any time up to the child’s third birthday or	May return on part-time or job-share basis. May revert to full	In one or more periods at any time up to the child’s third birthday or	In one or more periods at any time up to the child’s third birthday or	In one or more periods at any time up to the child’s third birthday or	May return on a part time or job share basis. Right of reversion to full	In one or more periods at any time up to the child’s third birthday or	May return on a part time or job share basis. Right of reversion

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	third anniversary of placement	third anniversary of placement	time work within 2 years	third anniversary of placement	third anniversary of placement	third anniversary of placement	time work within 2 years	third anniversary of placement	provisions apply in accordance with Clause 9 – Part time employment of the Award
Return to work after parental leave on a modified basis	<p>Under the <i>Minimum Conditions of Employment Act 1993</i> employees returning to work after parental leave now have the right to request a return on a modified basis, which includes working part time, working fewer days and/or fewer hours, or working different days and/or different times than the employee was working before parental leave. Employers must agree to such requests unless there are reasonable grounds not to agree. Clarification on what are reasonable grounds for refusal is provided by the Act.</p> <p>The <i>Minimum Conditions of Employment Act 1993</i> applies to all employees across all employment conditions.</p>								
Casual employment during parental leave	<p>Agreement clause 14(14)</p> <p>Employees may be employed on a casual basis during a period of unpaid parental leave</p>	<p>Agreement clause 28(14)</p> <p>Employees may be employed on a casual basis during a period of unpaid parental leave</p>		<p>Agreement clause 28(14)</p> <p>Employees may be employed on a casual basis during a period of unpaid parental leave</p>	<p>Agreement clause 42(15)</p> <p>Employees may be employed on a casual basis during a period of unpaid parental leave</p>			<p>Agreement Clause 32(14)</p> <p>Employees may be employed on a casual basis during a period of parental leave</p>	
Casual Employees	<p>Under the <i>Minimum Conditions of Employment Act 1993</i> an unpaid parental leave entitlement has been extended to casual employees who have been employed on a regular and systematic basis for 12 months or more, and who have a reasonable expectation of ongoing employment.</p> <p>The <i>Minimum Conditions of Employment Act 1993</i> applies to all employees across all employment conditions.</p>								
								<p>Award Clause 27</p> <p>An employer must not fail to re-engage a casual employee due to pregnancy or absence on parental leave</p>	

Condition	Aboriginal & Ethnic Health Workers	Dental Technicians	Engineering and Building Services	Enrolled Nurses & Nursing Assts	Hospital Salaried Officers	Hospital Support Workers	Medical Practitioners	Nurses – Registered & Enrolled MH	Public Service
Partner Leave (unpaid)– applies to an employee who is not the primary care giver	Agreement Clause 14 1 week at time of birth or 3 weeks at time of adoption	Agreement Clause 28.5 1 week at time of birth or 3 weeks at time of adoption	Agreement Clause 34 1 week at time of birth or 3 weeks at time of adoption	Agreement Clause 28 1 week at time of birth or 3 weeks at time of adoption	Agreement Clause 42(3) 1 week at time of birth or 3 weeks at time of adoption	Agreement Clause 39(17) 1 week at time of birth or 3 weeks at time of adoption	Agreement Clause 36 1 week at time of birth or 3 weeks at time of adoption	Agreement Clause 32 1 week at time of birth or 3 weeks a time of adoption	Award Clause 28 (3) 1 week at time of birth or 3 weeks a time of adoption
	In accordance with DoH Operational Circular 2073/06 – An employee who is not the primary care giver shall be entitled to request to extend the period of unpaid partner leave up to a maximum of eight weeks.								
Part Time	Award Clause 26 Regularly work less than full time hours	Award Clause 11 Regular Part-time Employment Employed to work less than full time hours	Agreement Clause 8 Regularly employed to work less than full time hours	Award Clause 25 Regularly employed to work less than full time hours	Agreement Clause 13 Regularly employed to work less than full time hours Factors to consider include Suitability of the work/job role and Employees reasons eg family responsibility	Agreement Clause 11(11) Regular part-time employment Employed to work less than full time hours	Agreement Clause 10 (Junior Doctors) Regularly employed to work less than full time hours Agreement Clause 22 (Senior Doctors) Engaged to work 30 hours per week	Agreement Clause 17& Award Clause 9.2 Employed to work less than full time hours (less than 38 hours per week)	Award Clause 9 Regular and continuing employment of less than full time hours
Personal Leave	Agreement Clause 13 Leave on full pay for a variety of personal purposes. Used for illness	Agreement Clause 21 Leave on full pay for a variety of personal purposes. Used for illness	Agreement Clause 29 Leave on full pay for a variety of personal purposes. Used for illness	Agreement Clause 27 Leave on full pay for a variety of personal purposes Used for illness	Agreement Clause 38 Leave on full pay for a variety of personal purposes. Used for illness	Agreement Clause 35 Leave on full pay for a variety of personal purposes. Used for illness		Award Clause 22 Paid personal Leave for personal illness or injury (sick leave) or carers leave or bereavement	Agreement Clause 14 Leave on full pay for a variety of personal purposes. Used for illness

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	or injury, carers leave, unanticipated matters or planned matters. Replaces Sick Leave. May be taken on an hourly basis May anticipate up to 5 days personal leave from next year's credit Conversion of personal leave credits to half pay	or injury, carers leave, unanticipated matters or planned matters. Replaces Sick and Carers' Leave. May be taken on an hourly basis May anticipate up to 5 days personal leave from next year's credit Conversion of personal leave credits to half pay	or injury, carers leave, unanticipated matters or planned matters. Replaces Sick, Carers' and Short Leave. May be taken on an hourly basis May anticipate up to 38 hrs personal leave from next year's credit Conversion of personal leave credits to half pay PL without pay when ill or injured and PL entitlements exhausted Paid travel time for regional employees	or injury, carers leave, unanticipated matters or planned matters. Replaces Sick Leave May be taken on an hourly basis May anticipate up to 5 days personal leave from next year's credit Conversion of personal leave credits to half pay	or injury, carers leave, unanticipated matters or planned matters. Replaces Sick, Carers' and Short Leave. May be taken on an hourly basis May anticipate up to 38 hrs personal leave from next year's credit Conversion of personal leave credits to half pay PL without pay when ill or injured and PL entitlements exhausted Paid travel time for regional employees	or injury, carers leave, unanticipated matters or planned matters. Replaces Sick and Carers' Leave May be taken on an hourly basis May anticipate up to 5 days personal leave from next year's credit Conversion of personal leave credits to half pay		leave	or injury, carers leave, unanticipated matters or planned matters. Replaces Sick, Carers' and Short Leave. May be taken on an hourly basis May anticipate up to 37.5 hrs personal leave from next years credit Conversion of personal leave credits to half pay PL without pay when ill or injured and PL entitlements exhausted Paid travel time for regional employees
Purchased Leave (accrual of	Agreement Clause 23.2 Accrual of	Agreement Clause 22 Accrual of	Agreement Clause 26 Accrual of	Agreement Clause 30 Accrual of	Agreement Clause 35(17) Accrual of	Agreement Clause 43(3) Accrual of	Agreement Clause 30 (17)(b)	Agreement Clause 34 Accrual of	Award Clause 13 Accrual of up

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additional leave in lieu of salary e.g. 48/52)	<p>additional leave in lieu of salary (options for 51/52, 50/52, 49/52 or 48/52)</p> <p>Subject to operational requirements:</p> <p>The availability of suitable leave cover if required</p> <p>The cost implications</p> <p>The impact on client/patient service requirements</p> <p>The impact on the work of other employees.</p>	<p>additional leave in lieu of salary (options for 51/52, 50/52, 49/52 or 48/52)</p> <p>Subject to operational requirements:</p> <p>The availability of suitable leave cover if required</p> <p>The cost implications</p> <p>The impact on client/patient service requirements</p> <p>The impact on the work of other employees.</p>	<p>additional leave in lieu of salary -48/52.</p> <p>Subject to operational requirements:</p> <p>The availability of suitable leave cover if required</p> <p>The cost implications</p> <p>The impact on client/patient service requirements</p> <p>The impact on the work of other employees.</p>	<p>additional leave in lieu of salary -48/52.</p> <p>Subject to operational requirements:</p> <p>The availability of suitable leave cover if required</p> <p>The cost implications</p> <p>The impact on client/patient service requirements</p> <p>The impact on the work of other employees.</p>	<p>additional leave in lieu of salary -44/52.</p> <p>Subject to operational requirements:</p> <p>The availability of suitable leave cover if required</p> <p>The cost implications</p> <p>The impact on client/patient service requirements</p> <p>The impact on the work of other employees.</p>	<p>additional leave in lieu of salary -48/52.</p> <p>Subject to operational requirements:</p> <p>The availability of suitable leave cover if required</p> <p>The cost implications</p> <p>The impact on client/patient service requirements</p> <p>The impact on the work of other employees.</p>	<p>Accrual of additional leave in lieu of salary -48/52.</p> <p>Subject to operational requirements:</p> <p>The availability of suitable leave cover if required</p> <p>The cost implications</p> <p>The impact on client/patient service requirements</p> <p>The impact on the work of other employees</p>	<p>additional leave in lieu of salary (options for 51/52, 50/52, 49/52 or 48/52)</p> <p>- Subject to operational requirements:</p> <p>The availability of suitable leave cover if required</p> <p>The cost implications</p> <p>The impact on client/patient service requirements</p> <p>The impact on the work of other employees</p>	<p>to 8 weeks additional leave in lieu of salary.</p> <p>Applications assessed giving consideration to personal circumstances of the employee.</p> <p>Requests of between 5 and 8 weeks, employer will give priority to those employees with carer responsibilities</p>
Short Leave	Refer to Personal Leave	Refer to Personal Leave	Refer to Personal Leave	Refer to Personal Leave	Refer to Personal Leave	Refer to Personal Leave		Refer to Personal Leave	Replaced by Personal Leave of the Agreement

Condition	Aboriginal & Ethnic Health Workers	Dental Technicians	Engineering and Building Services	Enrolled Nurses & Nursing Assts	Hospital Salaried Officers	Hospital Support Workers	Medical Practitioners	Nurses – Registered & Enrolled MH	Public Service
Sick Leave	Agreement Clause 13 Refer to Personal Leave	Agreement Clause 21 Refer to Personal Leave	Agreement Clause 29 Refer to Personal Leave	Agreement Clause 27 Refer to Personal Leave	Agreement Clause 20 Refer to Personal Leave	Agreement Clause 35 Refer to Personal Leave	Agreement Clause 32 Paid leave due to illness or injury	Agreement Clause 30 May substitute accrued AL or LSL entitlements for sick leave where sick leave entitlements have been exhausted	Replaced by Personal Leave of the Agreement
	Under the <i>Minimum Conditions of Employment Act 1993</i> sick leave is cumulative, with any portion not used in a given year being carried forward to subsequent years.								
Special Leave with or without Pay			Agreement Clause 30 and 31		Refer to Personal Leave		Agreement Clause 34(3) – Special Personal Leave and Agreement Clause 38 – Special Leave		
Study Leave	Agreement Clause 19 Time off for study purposes		Agreement Clause 40 - Leave with pay to undertake part-time study	Agreement Clause 36 and MGCA Award Clause 9 Time off with pay to undertake part-time study Maximum of 5 hours/week Time off with	Agreement Clause 44 Time off with pay to undertake part-time study	Agreement Clause 41 Time off with pay for part time study. Maximum of 5 hours/week Time off with	Agreement Clause 18 Junior Doctors 2 weeks paid study/ professional development leave per year, inclusive of: 4 days leave	Agreement Clause 40 Time off with pay for study purposes Maximum of 5 hours/week Time off with	Agreement Clause 13.14 and Award Clause 30 Time off with pay for study purposes Maximum of 5 hours/week

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				pay to travel to and sit for examinations Full time study leave with pay may be granted	Full time study leave with pay may be granted	pay to travel to and sit for examinations	with pay to attend examinations Special leave with or without pay for additional study leave	pay to travel to and sit for examination Full time study leave with pay may be granted	Full time study leave with pay may be granted
Staff Development / Professional Development Leave	Up to 2 weeks paid leave for in service training			16 hours per 12 months professional development leave	Agreement Clause 50 – Skills Acquisition, Training and Employee Development and Agreement Clause 54 – Regional Training and Development	Agreement Clause 41(1) Employer Provided Training – provided at the employer's expense and occur during rostered hours	Agreement Clause 27 Senior Doctors 2 weeks paid conference leave per year additional 5 weeks paid Overseas Study Leave	Agreement Clause 41 2 days professional development leave per year Additional 3 days for graduate Nurses Agreement Clause 45 2 weeks in service training additional to study leave provisions for remote area nurses	Agreement Clause 31 Regional Training and Development
Paid Leave for English Language Training			Agreement Clause 41 Paid leave for employees from a non-English speaking	MGCA Award Clause 18 Paid leave for employees from a non-English speaking					

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			background to attend English training Minimum of 100 hours/employee/year	background to attend English training Minimum of 100 hours/employee/year					
Tele-commuting					<p>Agreement Clause 11 – Working from Home</p> <p>Decision to be based on a proper assessment of the work related requirements of the HS and identified employee requirements. Consider:</p> <p>Effect on client service and other workplace relations</p> <p>Suitability of the particular position</p> <p>Whether implementation will be cost neutral</p>				<p>Agreement Clause 26 – Working from Home.</p> <p>Subject to:</p> <p>Duties are those that would normally be undertaken at the workplace</p> <p>Nature of employee's work suited to working from home</p> <p>Employer's approval</p> <p>Employee's agreement</p> <p>In accordance with policy provisions</p>

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					Meets policy requirements				
Time off in Lieu (TOIL) of Overtime	Award Clause 11 Time off proportionate to the payment to which the employee is entitled	Award Clause 17 Time off proportionate to the payment to which the employee is entitled – to be taken at a time mutually convenient to the employer and employee.	Agreement Clause 11 Time off proportionate to the payment to which the employee is entitled	EN Award Clause 8 – Overtime Time off proportionate to the payment to which the employee is entitled	Agreement Clause 16(4) – Overtime Time off proportionate to the payment to which the employee is entitled	Agreement Clause 16(3) Time off proportionate to the payment to which the employee is entitled		Agreement Clause 23 Time off in lieu of payment for overtime worked	
Workload Management				Agreement Clause 39 and Schedule C Nurses (WA Government Health Services) Exceptional Matters Order 2001 Managing nursing workloads to prevent sustained unreasonable workload				Agreement Clause 8 and Schedule A Nurses (WA Government Health Services) Exceptional Matters Order 2001 Managing nursing workloads to prevent sustained unreasonable workload	Agreement Clause 27 Employers should take reasonable steps to ensure that employees: Do not work excessive or unreasonable hours Are able to clear AL Are paid or otherwise recompensed for work

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This document has been prepared as a guide only. In order to ensure that the provision referred to in this table has not been replaced or amended it is recommended that you also refer to the most up to date version from the WA Health Awards and Agreements library which can be accessed at: www.health.wa.gov.au/awardsandagreements