



DEFENCE RESERVES SUPPORT

Supporting Australia's Reservists and their Employers

PUBLIC SECTOR LEAVE POLICY

Commonwealth sector leave policy for Defence Reservists

This policy has been developed for implementation in the Commonwealth public sector. It is suggested that State and Territory public sectors adopt similar measures. Separate guidelines have been developed for the private sector.

Where can you find more details about the government policy requirements?

Attachment C of the Australian Government Public Sector Workplace Bargaining Policy provides guidance and policy on the requirements. The Australian Government Public Sector Workplace Bargaining Policy can be found on the Australian Public Service Commission website at www.apsc.gov.au.

Summary of supporting guidelines

The Australian Government supports employees participating in emergency services duties and Defence Force Reserve activities. The Government therefore expects that APS agencies will **'lead the way in employment policies and practices which support the release of community service personnel for emergency services duties and Defence Reservists for peacetime training and deployment'**.

The Defence Reserves Support Council (DRSC), an advisory body established by the Australian Government, has developed a public sector leave policy which it recommends to Australian Government employers as the required minimum standard for all APS agencies.

Specifically, DRSC recommends agencies:

- Provide four weeks (20 working days or 28 calendar days) leave on full pay each year for Reservists undertaking Defence service
- Provide an additional two weeks paid leave to allow for Reservists to attend recruit/initial employment training
- Provide scope for additional leave for Defence service, either on a paid, unpaid or top-up pay basis
- Not require Reservists to pay their tax-free Reserve salary to their agency in any circumstances
- Allow Defence leave entitlements to accumulate and be taken over a two-year period
- Treat leave for Defence service, whether with or without pay as service for all purposes - the exception being that a period or periods of Continuous Full Time Service (CFTS) does not count as service for the purpose of leave accrual, and
- Provide Reservists with continued access to other components of their remuneration package during periods of Defence service, for example: superannuation (subject to the rules of the CSS, PSS and MSBS), studies assistance, salary reviews and cars

In addition, it is important that agencies keep their Reservist employees informed of developments in the workplace while the Reservists are undertaking training or are on deployment.

For instance, Reservists absent from the workplace on Reserve service should be kept abreast of developments regarding their agency's agreement making negotiations and afforded the opportunity to participate in any ballot on a proposed certified agreement where their employment is or will be subject to the agreement.

This is not only good practice, but is also common in respect of other employees on extended leave. Such arrangements would be consistent with the Australian Government's commitment to show the way in establishing employment arrangements which support Reserve service. Agencies are encouraged to retain their existing agency arrangements where those arrangements are already in advance of those being advocated. More broadly, APS agencies are strongly encouraged to actively promote the benefits of Reserve service to their employees.

Defence Reserve Service (Protection) Act 2001 (The Act)

The Act provides that an employer must not prevent or hinder an ADF Reservist from undertaking Defence Service, including the training necessary to prepare for that service.

It also makes it unlawful for an employer to discriminate against, disadvantage or dismiss an employee for undertaking Defence service.

Policy – Non-APS agencies

The policy and supporting guidance for Non-APS Commonwealth Authorities are consistent with the forgoing and are also available from the Defence Reserves Support website at **www.defencereservessupport.gov.au**