



Community Service Leave

Under “Workchoices” basic employment rights were slashed to a handful of minimum conditions. Workers lost entitlements and take home pay. There were no statutory rights to community service leave. The Fair Work Act has introduced this new entitlement.

Overview

The NES contains entitlements to community service leave. This gives you the right to be absent from work to take part in prescribed community service activities (including emergency services and jury service).

Am I eligible?

If you are an employee (including casual employees), you may be entitled to be absent from work to perform certain ‘voluntary emergency management activities’ and/or jury service.

What are voluntary emergency management activities?

You engage in ‘Voluntary Emergency Management Activities’ (VEMA) if:

- The activity you are involved in deals with an emergency or natural disaster
- You engage in the activity on a voluntary basis
- You are a member, or have member-like association with a ‘recognised emergency management body’ and either;
 - Have been requested by the body to engage in activity, or
 - No such request was made, but it would be reasonable for the body to have made a request for you

What is a recognised emergency management body?

- A recognised emergency body is:
- a body that has a role or function that copes with emergencies and/or disasters (can be Commonwealth or State body)
 - A fire-fighter, civil defence or rescue body, or part of such a body
 - Any other body which substantially involves:
 - Securing the safety of persons or animals in an emergency or natural disaster
 - Otherwise responding to an emergency or natural disaster

Examples of recognised emergency management bodies would be State Emergency Services (SES), Country Fire Authority (CFA) or the RSPCA (in respect of animal rescue).

How much leave am I entitled to?

There is no limit on the amount of community service leave that you are entitled to. You are entitled to be absent from your employment:

- For the time you are engaged in the eligible community service activity, including reasonable travelling time associated with the activity, and reasonable rest time immediately following the activity
- If the absence is reasonable in all the circumstances (jury service is taken to always be reasonable).

How much notice do I have to give?

You are not covered by community service leave unless you provide your employer with notice of the absence as soon as practicable (with details of the expected period of absence). You may also have to provide evidence to show that you are entitled to the leave.

Will I get paid?

Generally, community service leave is unpaid. However, if you are on jury service, you will be entitled to ‘make-up pay’ for the first 10 days. ‘make-up pay’ is the difference between jury service pay and your base rate of pay (for ordinary hours you would have worked).

Contact us

For more information on any of these topics, please see the other United Voice fact sheets. If you are unsure or require further advice, please contact your union delegate or call United Voice Member Assist on 3291 4600 or 1 800 065 885 outside of the Brisbane area. Alternatively you can now lodge a request for information or assistance at www.memberassist.org.au

