



Your Entitlements

if you or your family are sick or someone dies

PERSONAL LEAVE

Under the CFMEU construction award and in most CFMEU union enterprise bargaining agreements, your sick leave, carer's leave and bereavement leave is now called 'Personal Leave'. Casuals are not entitled to Personal Leave as they receive a 25% loading i.e. extra wages to compensate for non-payment of Personal Leave.

In your first month of employment with a company you have an entitlement to three (3) days of Personal Leave and accrue one (1) extra day for each of the next nine calendar months of your employment. You are then entitled to an extra twelve (12) days on your anniversary of employment and each anniversary thereafter. This means after you have been employed one year you receive your entitlement on your anniversary i.e. you do not accrue an entitlement month by month in your second and subsequent years of employment. The unused days accrue each year to a maximum of 100 days.

Of these Personal Leave days you have an entitlement as follows;

FOR SICKNESS

During your first year of employment you are entitled to ten (10) days sick leave, which accrues at the rate of one day at the beginning of your first ten calendar months. The entitlement falls due on the first day of the calendar month. This means if you start work on e.g. the 2nd March or the 15th March, your first sick day entitlement would be on the 1st April. In some cases you will need to provide a medical certificate if requested by the employer.

FOR CARING FOR OTHERS

You are entitled to use some of your Personal Leave to look after sick or injured members of your household or immediate family. The term 'immediate family' includes spouse (including a former spouse, a de facto spouse and a former de facto spouse) of the employee. A de facto spouse means a person of the opposite sex to the employee who lives with the employee as the employee's husband or wife on a bona fide domestic basis. Also included in the term 'immediate family' is a child or an adult child (including an adopted child, a step child or an ex-nuptial child), parent, grandparent, grandchild or your sibling or spouse.

You are entitled to use up to five (5) days of Personal Leave to provide care and support for members of your immediate family or household who are sick and require care and support. These days come out of your Personal Leave entitlement. The entitlement is subject to you being responsible for the care and support of the person concerned. Your rights extend to not just your partner but can include a flat mate.

You may be required to provide a medical certificate or statutory declaration stating the illness of the person concerned and that the illness is such as to require care by another. This normally means, for example, if your partner was at home looking after a child, you would not have an entitlement.

These are important rights won by the trade union movement. In the past, workers could only use their sick leave for their own sickness but can now use leave to care for other family/household members.

FOR BEREAVEMENT

You are also entitled to use up to two (2) paid days of your Personal Leave for bereavement within Australia of a member of your immediate family or household.

If you are a financial union member and want to clarify your rights in respect of Parental Leave, contact the CFMEU Industrial Department or Information Officer for further advice and assistance. These new standards were not granted by employers or politicians. They were won by the trade union movement. If you are not a member, we encourage you to join. We also encourage members to pay union fees by Direct Debit.