

Commissioner's Information Sheet

This information only applies to employees in the following designations covered by the following enterprise agreements:

- Administrative Officers, Professionals, Technicals, Physicals, Senior Chief Correctional Officers covered by the **Northern Territory Public Sector 2017 - 2021 Enterprise Agreement** – Effective 30 May 2018
- **2017 – 2021 Jacana Energy Enterprise Agreement** – effective 23 April 2018

Cultural and Ceremonial Leave – new provisions

1. What is cultural and ceremonial leave?
2. How much leave is available?
3. Notice and evidence requirements
4. Does cultural and ceremonial leave count for service?
5. Relevant Legislation

1. What is cultural and ceremonial leave?

Where an employee is obliged to attend a cultural or ceremonial event, unpaid cultural and ceremonial leave may be available subject to workplace considerations.

The Northern Territory Public Sector values cultural diversity. Sometimes employees are required to attend cultural and ceremonial events that are important to the community or group to which they belong. These obligations may occur during work times, and may not coincide with public holidays or rostered days off work.

Such obligations may be 'traditional' or 'urban' in nature and may include initiation, birthing and naming, funerals in cases where the deceased person is not a member of the employee's immediate family or household. An employee may be required to meet traditional law or cultural obligations, participate in religious days of observance or activities, e.g. Greek Orthodox, Ramadan, Sorry business etc.

2. How much leave is available?

Up to 5 days unpaid leave is available each 12 months.

The Chief Executive Officer, having regard to the obligation for the employee to attend a cultural or ceremonial event, may grant a further period of unpaid cultural and ceremonial leave.

Where the employee's obligations involve further time away from work (considering remoteness of the event or the timeframe is altered), other suitable arrangements may

include flexible work arrangements or the taking of recreation leave or long service leave.

3. Notice requirements

An employee must make *all reasonable efforts* to advise the Manager *as soon as reasonably practicable* of the period, or expected period, of the cultural or ceremonial leave. Notice should minimise the impact on agency operations.

- ‘*all reasonable efforts*’ may include an email, phone call or SMS message to the employee’s immediate manager/supervisor.
- ‘*as soon as reasonably practicable*’ will depend on the circumstances (e.g. an annual event will usually provide the employee with prior notice some weeks or months in advance).

4. Evidence requirements

An employee may be asked to provide their manager documentary evidence of the need for the employee to attend cultural or ceremonial events.

Evidence may include a statutory declaration from the employee or a community leader verifying the employee’s membership of the community/group and that the employee has cultural and/or ceremonial obligations on specified date/s. Evidence from past leave records showing that leave has been taken for cultural or ceremonial obligations associated with the employee’s community/group may also be relevant.

An application for cultural and ceremonial leave may be refused for reasons that include, but are not limited to:

- the request is unreasonable (e.g. short notice period for an annual event);
- the cultural significance and/or the employee’s participation at the time nominated cannot be verified by a community leader; or
- there is likely to be a significant negative impact and/or unreasonable costs incurred to change working arrangements of other employee to accommodate the request.

5. Does cultural and ceremonial leave count for service?

Periods of unpaid cultural and ceremonial leave do not break an employee’s continuity of employment but will not count for service.

Any period of paid leave taken for cultural and ceremonial purposes will count for service in accordance with the relevant paid leave provisions (e.g. recreation leave).

Frequently Asked Questions

Question 1

- Do I have to use all my other leave entitlements (e.g. recreation and long service) first before I can access unpaid cultural and ceremonial leave?

No.

Question 2

- Can I use my paid leave entitlements (e.g. recreation and long service) for cultural or ceremonial purposes? Yes. If so, do I have to inform my manager prior to applying for recreation leave?

Yes. You should clearly identify to your manager that you are applying for recreation and/ or long service leave for cultural leave purposes. Note: Accessing long service leave entitlements is subject to the minimum period set out in By-law 8.

6. Relevant Legislation

- [Northern Territory Public Sector 2017 – 2021 Enterprise Agreement](#) clause 41
- [2017 – 2021 Jacana Energy Enterprise Agreement](#) clause 62
- [Public Sector Management By-law 18](#)
- [Miscellaneous Leave Commissioner's Guideline](#)