

LEAVE TO ATTEND A REHABILITATION PROGRAM

Table of contents

Authority and Application	2
Overview	2
Relevant provisions of the VPS Enterprise Agreement	2
Clause 52. Leave to Attend Rehabilitation Program	2
Supplementary Guidance Information	3
1. Impact of Leave to Attend Rehabilitation Programs on an Employee's continuous service	3
2. Notice and evidence requirements	3
3. Other Leave – Family Violence	4
Making decisions under this policy	4
Dispute resolution	4
Further Information	4
Related policies or documents	4

Authorised by Industrial Relations Victoria

Department of Economic Development, Jobs, Transport and Resources
1 Spring Street Melbourne Victoria 3000
Telephone (03) 9651 9999

© Copyright State of Victoria, 2018

If you print and store this document, you may be looking at an obsolete version.
Always check the latest version of this document at
<https://vpssc.vic.gov.au/vps-enterprise-agreement-common-policies/>

Leave to Attend a Rehabilitation Program | Version 1.0 | September 2018

Authority and Application

Clause 52 of the Victorian Public Service Enterprise Agreement 2016 (the Agreement), applies to Victorian Public Service Departments and Agencies (Employers) and their Employees covered by the Agreement.

Overview

Clause 52 of the Agreement outlines the circumstances and process by which an Employee, other than a casual employee, may be granted leave to undertake approved rehabilitation programs for drug, alcohol or gambling related addictions, where those addictions are adversely affecting the Employee's work performance.

Relevant provisions of the VPS Enterprise Agreement

Clause 52. Leave to Attend Rehabilitation Program

52.1 An Employee, other than a casual Employee, may be granted leave with or without pay to undertake an approved rehabilitation program where the Employer is satisfied that:

- (a) the Employee's work performance is adversely affected by the misuse of drugs or alcohol or problem gambling;
- (b) the Employee is prepared to undertake a course of treatment designed for the rehabilitation of persons with alcohol, drugs or gambling related problems; and
- (c) in the case of an alcohol or drug addictions, a Registered Practitioner has certified that in his or her opinion the Employee is in need of assistance because of their misuse of alcohol or drugs and that the Employee is suitable for an approved rehabilitation program; or
- (d) in the case of problem gambling, the Employee satisfies the eligibility criteria for entry into an approved problem gambling rehabilitation program.

52.2 On production of proof of attendance at an approved rehabilitation program in accordance with **clause 52.1**, an Employee may be granted leave as follows:

- (a) An Employee who has completed two years' continuous or aggregate service and who has exhausted all other accrued leave entitlements may be granted leave with pay up to the maximum number or days specified below:

Years of Service	First Year of Program	Subsequent Years of Program
2 years	20 days	15 days
3 years	27 days	20 days
4 years	33 days	25 days
5 or more years	40 days	30 days

(b) An Employee who has completed less than two years continuous or aggregate service may be granted leave without pay for the purposes of attending an approved rehabilitation program.

52.3 For the purpose of this clause, Registered Practitioner has the same meaning as set out in **clause 47.5(c)**.

Supplementary Guidance Information

1. Impact of Leave to Attend Rehabilitation Programs on an Employee's continuous service

- 1.1. Any paid leave to attend an approved rehabilitation program is counted as service for the purpose of calculating an Employee's continuous service.
- 1.2. Periods of service within the Victorian Public Service will count for the purpose of determining whether an Employee has completed two years' continuous or aggregate service. Noting any previous service with a public entity otherwise deemed as continuous by the *Public Administration Act 2004* (Vic) would also count towards determining a person's eligibility to make a request under this clause.

2. Notice and evidence requirements

- 2.1. To be eligible to apply for leave to attend an approved rehabilitation program, an Employee will be required to provide evidence that satisfies the relevant requirements in clause 52.1 of the Agreement. An Employee, as soon as reasonably practicable after each absence, must also provide proof of attendance by an approved rehabilitation program.
- 2.2. Where other employees, persons, or managers are aware an Employee's work performance is adversely affected by the misuse of alcohol and/or drugs, or that the Employee has a gambling problem, they should encourage the Employee to seek assistance from a relevant provider or via their Employers' Employee Assistance Program.

- 2.3. Employees who have exhausted all paid leave entitlements, who seek leave to attend a rehabilitation program as contemplated by clause 52, may apply for unpaid leave for such purposes in accordance with clause 63 of the Agreement.
- 2.4. Where an Employer has concerns that an Employee's work performance is being adversely affected by the misuse of drugs, alcohol or problem gambling they may seek advice from their local Human Resources or People and Culture Unit (or equivalent).

3. Other Leave – Family Violence

- 3.1. Note that if the leave request is related to family violence, please refer to the Family Violence Leave Policy for further guidance, including other leave options which may be available.

Making decisions under this policy

Under section 20(1) of the *Public Administration Act 2004*, the public service body head has all the rights, powers, authorities and duties of an employer, which will usually be delegated to staff within their Department or Agency. Employers should ensure that any actions under this policy are only taken by an employee with the delegation to do so. Each Department and Agency should give effect to this policy in accordance with its own delegations.

Dispute resolution

An employee who is directly affected by a decision made or action taken pursuant to clause 52 may apply for a review of actions under the Employer's review of actions policy or seek to resolve a dispute through the Resolution of Disputes procedure at clause 12 of the Agreement.

Further Information

Employees should refer to their Department or Agency's intranet for information on procedural requirements, systems and approval delegations.

For further information and advice please contact your local Human Resources or People and Culture Unit (or equivalent).

Related policies or documents

VPS Enterprise Agreement Common Policies

All policies in the VPS Enterprise Agreement Common Policies collection, can be found at <https://vpssc.vic.gov.au/vps-enterprise-agreement-common-policies/>