

LEAVE TO ATTEND A REHABILITATION PROGRAM

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Authority and Application

Clause 59 of the *Victorian Public Service Enterprise Agreement 2020* (the Agreement), applies to Victorian Public Service Departments and Agencies (Employers) and their Employees covered by the Agreement.

Overview

Clause 59 of the Agreement outlines the circumstances and process by which an Employee, other than a casual employee, may be granted leave, with or without pay, 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 Agreement

Clause 59 – Leave to Attend Rehabilitation Program

Supplementary Guidance Information

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

- 1.1. Any leave, with pay 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 59.1 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. An Employee who has completed two year's continuous or aggregate service and who has exhausted all other accrued leave entitlements may be granted leave with pay to support their rehabilitation. The maximum entitlement is outlined in clause 59.2 of the Agreement.
- 2.4. Employees who have exhausted all paid leave entitlements, or who have completed less than two years continuous or aggregate service, who seek leave to attend a rehabilitation program as contemplated by clause 59, may apply for unpaid leave for such purposes in accordance with clause 70 of the Agreement.
- 2.5. 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 59 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 13 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

- Personal/Carers Leave
- Other Leave
- Annual Leave
- Long Service Leave
- Family Violence Leave
- Grievances/Review of Action

All policies in the VPS Enterprise Agreement common policies collection can be found at <https://www.vic.gov.au/common-policies-victorian-public-service-enterprise-agreement>

Authorised by Industrial Relations Victoria:

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