

PARTICIPATION IN SPORTING EVENTS

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Authority and Application

Clause 68 of the *Victorian Public Service Enterprise Agreement 2020* (Agreement), applies to Victorian Public Service Departments and Agencies (Employers) and their Employees covered by the Agreement.

Overview

Clause 68 of the Agreement outlines an Employee's entitlement to apply for leave to participate in non-professional state, national or international sporting events. Employees competing or officiating in sporting events during their normal working hours may, subject to the approval of the Employer, be granted up to a maximum of two weeks paid leave in any two calendar year period.

Prior to an Employee being granted leave under clause 68 of the Agreement, an Employee must seek agreement from their Employer on the length of absence from work and travel arrangements that the Employee is seeking to participate in the sporting event.

Relevant provisions of the VPS Agreement

Clause 68 – Participation in Sporting Events

Supplementary Guidance Information

1. Type of sporting events

- 1.1. Clause 68 applies in respect of any non-professional state, national or international sporting event, including but not limited to:
 - 1.1.1. Olympic and Paralympic Games and Special Olympics;
 - 1.1.2. Commonwealth or Paralympic Commonwealth Games;
 - 1.1.3. Pacific Games (PANPAC) and Asian Para Games;
 - 1.1.4. International Wheelchair and Amputee Sports World Games;
 - 1.1.5. Australian and World Transplant Games;
 - 1.1.6. a non-professional Australian sporting team;
 - 1.1.7. state or national sporting competitions (e.g. Public-Sector Games etc.); or
 - 1.1.8. other similar competitions.

2. Request for leave to participate in a sporting event

- 2.1. A request for leave with pay under clause 68 of the Agreement may be made for a sporting event which is scheduled to occur on a day or days when the Employee would otherwise be required to attend work. Where a request for leave also includes leave to undertake travel, the Employer may approve leave to cover the travel provided the request is reasonable.
- 2.2. Consistent with clause 68.2 of the Agreement, an Employee must seek agreement from their Employer in advance, on the length of absence from work and travel arrangements that the Employee is seeking to participate in the sporting event.

3. Requests for leave to participate in a sporting event from a casual employee

- 3.1. Casual employees may apply for leave under this clause, but any leave granted will be without pay.

4. Notice and evidence requirements

- 4.1. A request under clause 68 of the Agreement must be made in writing, as soon as is reasonably practicable prior to the proposed commencement of the leave.
- 4.2. A request for leave with pay under clause 68 of the Agreement must include evidence confirming:
 - 4.2.1. the Employee's participation as either a competitor or an official (i.e. registration form);
 - 4.2.2. that the event is a non-professional state, national or international sporting event;

- 4.2.3. the date of sporting event;
- 4.2.4. recognition of sporting event by the relevant state, national or international body; and
- 4.2.5. where the request for leave includes a request for travel time to and/or from the event, reasonable travel time.

5. Approving a request under clause 68 of the Agreement

- 5.1. A request for leave with pay will not be unreasonably refused, taking into account all relevant circumstances including but not limited to:
 - 5.1.1. the Employer's operational requirements,
 - 5.1.2. the timing of the request,
 - 5.1.3. the amount of leave requested,
 - 5.1.4. the number of staff requesting the leave; and
 - 5.1.5. the needs of the Employee.
- 5.2. The approved period of leave with pay must not exceed the period of the Employee's participation in the relevant sporting event and related travel.

6. Effect of participation in sporting events leave on other entitlements

- 6.1. Paid leave to participate in a sporting event will not break the Employee's continuity of employment and will count as service for leave accrual and other purposes.

7. Costs associated with participation in a sporting event

- 7.1. All costs associated with participation in a sporting event, in whatever circumstances, are the sole responsibility of the Employee. Such costs may include, but are not limited to, registration, uniforms, travelling and accommodation expenses.

8. Other types of leave when participating in a sporting event

- 8.1. Subject to the approval of the Employer, an Employee may use other forms of leave (including annual leave, long service leave, accrued TIL or leave without pay) in addition to any leave granted under clause 68 of the Agreement.

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 68 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

- Annual Leave
- Long Service Leave
- Other Leave
- Grievance/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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