



## Government Sector Labour Relations

Shaping a contemporary government sector workforce

Circular

### Circular 3/2022 – Emergency Service Leave for Volunteers

This Circular replaces Circular to Departments and Authorities No. 2 of 2001.

#### Background

Part 9 of the *Emergency Management Act 2005* (the Act) provides employment protections for employees who are members of, or have a member-like association with, an emergency management agency.

Under the Act, employees who are absent from work to carry out an emergency management response on a voluntary basis for an emergency management agency are entitled to:

- be paid their ordinary rate of remuneration (which may include applicable allowances) for the time they would ordinarily have worked;
- have continuity of service preserved for the purposes of long service leave, sick leave, recreational leave and other entitlements; and
- not be victimised by the employer because of the absence.

All emergency management agencies are identified in the *Emergency Management Regulations 2005* and include St John Ambulance WA, the WA Police Force and the Department of Fire and Emergency Services (which includes the Volunteer Fire and Rescue Service, bush fire brigades, the State Emergency Service and the Volunteer Marine Rescue Services).

Entitlements under the Act override any inconsistencies in an industrial instrument, unless the instrument provides entitlements that are more favourable than the Act.

#### Instruction

Public sector employees who are absent from work to respond to an emergency as a volunteer may access paid emergency service leave in accordance with the provisions of **Schedule A – Model Clause**. Employers are required to incorporate the model clause into industrial agreements as they are renegotiated where any existing entitlement is inferior to the model clause.

An employee is not entitled to emergency service leave for a volunteering activity involving the prevention of, preparedness for, or recovery from an emergency (e.g. training courses). With the employer's agreement, employees may access leave without pay, annual leave, long service leave, flexible working arrangements or time off in lieu to attend volunteering activities of this kind.

#### Further advice

Please contact your [Labour Relations Adviser](#) if you require further information.

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Issue date: 22 December 2022

XX. EMERGENCY SERVICE LEAVE

- (1) An employer is to grant paid leave to an employee who is a member of, or has a member-like association with, an emergency management agency as defined by the *Emergency Management Act 2005*, and who is absent from work to participate in an emergency response as a volunteer for the emergency management agency.
- (2) Paid leave for an employee who is absent to volunteer for an emergency management agency includes any additional payments or allowances the employee would ordinarily have received if they had not been absent.
- (3) An employee who intends to be absent from for this purpose is to ensure the employer is advised as soon as possible as to the absence and, where possible, the expected duration of leave.
- (4) An application for Emergency Service Leave shall be supported by written confirmation from the emergency management agency certifying that the employee was required for the specified period.