



GUIDELINES FOR PRIVATE SECTOR DEFENCE LEAVE

BACKGROUND

Preamble

- These guidelines have been developed, in consultation with peak bodies, for all private sector employers. The guidelines cover Defence leave arrangements and employment practices for employers with Reservist employees. Federal, State, Territory and Local Governments and their instrumentalities are covered under separate policies.
- The business environment is complex and multi-faceted. A single solution will not suit all circumstances. Accepting this, the aim of these guidelines is to provide a model of supportive arrangements and practices that is of general application.
- The arrangements are not compulsory - however, employers are encouraged to adopt them. Not only will this contribute to our nation in a meaningful way, it will also provide real benefits to employers through the skill sets and experiences that their employees gain through their Reserve service.
- These guidelines are not intended as a basis for possible future legislation.

Importance of Reserves

- Reserves are a vital component of the Australian Defence Force, with more than 42 per cent of Defence Force personnel being Reservists. It is in our national interest to have an effective and efficient Defence Force.
- Reserves are critical in enabling the Defence Force to safeguard Australia's security and protect our national interests and assets.
- Reserves benefit the national Defence effort by bringing special skills and capabilities to the military environment. Reserves also provide a cost-effective way of bolstering Defence Force capability.
- Supporting the Reserves is 'the right thing to do' for both your organisation and in the national interest. It also benefits employers by providing employees with diverse personal and team experiences which expand their capabilities.
- An effective partnership between the Defence Force and the private sector will result in real benefits to both.
- In an unpredictable world, effective Defence Reserves are essential.

Benefits of Reserve service

- Reservists gain capability and experience through formal Defence courses, on-going refresher training and day-to-day experience as they put their skills gained into practice and advance in responsibilities, rank and leadership capabilities. Reserve training provides substantial benefits in:



- Leadership and management skills
 - Team building capability
 - Work values and ethics
 - Specific occupation training
 - Payments to employers of Reservists through the Employer Support Payment Scheme
 - Civil accreditation of Reserve training under the Australian Quality Training Framework.
- Reservist employees will bring greater skill and maturity to the workplace through their military training and will usually demonstrate an ability and willingness to serve organisational needs. Reserve training should be seen by employers as valuable to the organisation, akin to management and personnel development training but provided to their organisation at no direct cost.

Employer Involvement

- Australia has had a long tradition of Reservists undertaking at least two weeks Defence training each year with the support of their employers.
- It is also part of our national culture of a 'fair go' that Reservist employees should not be disadvantaged because of their Reserve service.
- The changing nature of Defence training and greater use of Reserves in major exercises and/or deployments means that there may be occasions when the Defence Force needs some Reservists for more than the traditional two weeks (eg. to complete promotion courses or assist with a deployment).
- To provide a fair go for employers, a number of initiatives supporting Reservists and their employers have been introduced, such as the provision of Employer Support Payments paid directly to employers of Reservists.

Scope of the Defence Leave Policies

Private sector policies and arrangements should:

- **For employers** - provide clear guidance to personnel on the employer's policy for support of Reserve service.
- **For the Defence Force** - enable firm planning for training exercises and deployments whilst better understanding and meeting the reasonable needs of employers.
- **For Reservists and families** - allow Reservists to plan what Reserve service they can undertake with full knowledge of their employer's support and the Reservist's own obligations to their employers.

A co-operative approach by all three parties will produce benefits for everybody.



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Employer actions

Employers are encouraged to develop policies that provide clear support for their employees to undertake Reserve service. Supportive employers are encouraged to:

- have a clear HR policy that encourages and supports employee participation in the Defence Force Reserves and includes provision for Defence Leave, acknowledging that Reserve training enhances job performance as well as contributing to national security;
- show their commitment by signing statements of support for the Defence Force Reserves, displaying these publicly and incorporating them within their organisational HR manuals. Statements of support are available through the Defence Reserves Support Council. An example is attached.
- ensure that every level of management in the organisation is aware of this supportive policy, including the reasons for support and the means to be adopted for achievement.
- recognise the accomplishments of Reserve service by employees in organisational newsletters and other publications.
- support Reservists by granting, as a minimum, two weeks (10 working days or 14 calendar days) Defence Leave each year for Reserve service, in addition to the employee's annual leave. Such Defence Leave could be either paid leave, unpaid leave or leave with the employer paying the difference between the Reserve pay and their employee's salary (top-up or make-up pay).
- from time to time, provide additional Defence Leave, on receipt of a special request from the Defence Force, for attendance at a school, class or course of instruction conducted for the training of members of the Defence Force or for deployment on a Defence Force operation or exercise. Generally after the first two weeks' Reserve service, employers are eligible for Employer Support Payments covering any such additional period of absence.
- support Reservists during their first year of Reserve service to facilitate completion of recruit or initial employment training, whether by continuous attendance or by attendance at modules, in order to permit Reservists to achieve the necessary competency skills and qualifications.
- ensure that any absence on Reserve service does not break an employee's continuity of service for the purposes of seniority and employment.
- preserve access to other entitlements during absences on Reserve service, including counting periods of up to six weeks' leave without pay as service for accrual of annual leave and long service leave entitlements.
- commit, other things being equal, to the provision of job opportunities and benefits for Reservist employees, consistent with those for other employees.



- review the Reservist's salary or conditions along with other employees if a periodic review of salary or conditions of employment is undertaken whilst the Reservist is absent on Defence service. If a new workforce agreement is signed during the Reservist's absence on Defence service, then the Reservist should be considered as an employee of the employer for the purposes of that agreement.
- actively address the Reservist's re-integration into the workforce, without detriment, after compulsory deployment or absence on military duties including training.

Where employers currently provide levels of support that exceed those detailed in this guidance, as many already do, they are strongly encouraged to maintain their present levels of support into the future.

Defence Force actions

Employers should expect the Defence Force to provide the following assistance:

- whenever possible, to provide to the employer, through the Reservist, at least three months' notice in writing of a requirement for a Reservist to undertake Defence service.
- when a requirement for a Reservist to undertake Defence service at a particular time causes significant operational difficulties for an employer, on request from the employer to seek to identify alternative dates for the Defence service.
- when Reservists have been panelled to attend courses or participate in other activities and have arranged leave with their employers, whenever possible to attempt to ensure that:
 - Reservists are not removed from course panels at short notice
 - courses with a significant number of Reservists on the panel are not cancelled at short notice
 - Reservists' participation in other activities is not cancelled at short notice.
- through the Department of Defence, to provide Employer Support Payments to employers for a Reservist's service after the 14-day qualifying period, in accordance with the criteria in the Ministerial Determination.
- whenever possible, to provide Defence training in modules and accredited under the Australian Quality Training Framework, in order to return maximum benefit to the employer's workplace.

Reservists' actions

Employers should expect their Reservist employees:

- to keep their employer informed of their Reserve service, training, qualifications or skills gained and activities
- to discuss their intention to undertake specific periods of Defence service with employers at the earliest opportunity



DEFENCE RESERVES SUPPORT COUNCIL

SUPPORTING AUSTRALIA'S DEFENCE RESERVISTS AND THEIR EMPLOYERS

National Office: R1-1-8029, Department of Defence, Canberra ACT 2600
Phone: (02) 6265 4292 Email: drsc.secretariat@defence.gov.au

1800 100 166
www.defence.gov.au/drsc

- having committed to the Defence Force to undertake a specific period of Defence service and arranged leave with their employer, whenever possible not to change these plans at short notice
- to advise their employer of training undertaken and qualifications or skills gained that they believe should be considered in their civilian performance review
- to inform their employer of opportunities to visit or observe Defence Force activities (such as open days, Exercise Executive Stretch, Boss Lift, displays)
- to inform their employer about the Employer Support Payment Scheme and other initiatives that may provide benefits to employers.

OTHER MATTERS

Relevant Legislation

- Under the Defence Reserve Service (Protection) Act 2001, it is unlawful for an employer to hinder or prevent an employee in their employment from rendering Reserve service.
- In many circumstances, the employment arrangements of Reservist employees are also protected by the Act while the employee is rendering Defence service.

Support Organisations

- Both Reservists and employers should be aware of the roles of the Defence Reserves Support Council and of the Office of Reserve Service Protection.
- The Defence Reserves Support Council provides a link between the Government, the Defence Force, employers and peak groups in the community from which the Reserve is drawn. One of its roles is to liaise with peak employer groups on matters affecting Reserve service. Organisations that are represented on the Council are listed in the enclosure. For further information on the Council, call 1800 803 485 or visit the website at www.defence.gov.au/drsc
- The Office of Reserve Service Protection has been established within Defence to investigate and attempt to conciliate complaints arising from the necessity for Reserve employees to be absent from the workplace to provide Defence service. For further information about the office, visit the website at www.defence.gov.au/reserves or call 1800 001 696.

MEMBERSHIP OF THE DEFENCE RESERVES SUPPORT COUNCIL

The National Council includes representatives from the following organisations or groups:

- The Australian Chamber of Commerce and Industry



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- The Council of Small Business Organisations of Australia
- The Australian Industry Group
- The Indigenous Business Council of Australia
- The Australian Council of Trade Unions
- The Returned and Services League of Australia
- The Defence Reserves Association
- The National Council of Women of Australia Incorporated
- The Federation of Ethnic Communities Councils of Australia
- The Australian Vice Chancellors' Committee
- Youth
- The media