# Member assist hot topics July

SSTUWA
State School Teachers' Union of WA



**1. My partner is having a baby. Is there any leave I am entitled too?**

Yes there are 2 types of leave available.

**1.** Paid Partner Leave is available to the partner who is not the primary care giver at the time of the birth or adoption of the child. See Clause 26 of the Agreement.
**2.** Clause 39.3 of the Award states that an employee is entitled to unpaid leave at the time of the birth or adoption of a child from 1 week up to a maximum of 8 weeks.

**2. I'm on Leave without pay (LWOP), can I do relief teaching?**

Other than where an employee is on unpaid parental leave, a teacher should not be employed as a relief teacher while on LWOP. Technically a teacher cannot be on both LWOP and be paid by the Department at the same time. As noted above, the only exception is where a teacher is on unpaid parental leave as the Award specifically provides for the employee to engage in "special temporary employment."

However there are occasions where you may have little choice other than to employ a teacher who is on LWOP to undertake relief work. There may be circumstances where such an arrangement benefits both the employee and your school. Examples of where this may occur:

- There are no casual teachers available at the time and all other avenues have been exhausted.
- The teacher becomes supernumerary at your school due to a reduction in student enrolments and had agreed to proceed on LWOP to assist you in managing your workforce while indicating a desire to undertake relief while on leave.

**3. Can my employer tell me when to take my Long Service Leave (LSL)?**

Clause 38 (8) of the Teachers (Public Sector and Secondary Education) Award 1993 states:
"The Director General may direct an employee to take accrued long service leave and may determine the date on which such leave commences."

The Department of Education is taking steps to reduce the leave liability that has accumulated over the years.

For further information contact Member Assist on 9210 6060.



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