

## > Industrial Relations Fair Work Information Sheet Defence Force Reserve Leave

*This fact sheet is relevant to all employers in Queensland.*

### **Defence Force Reservists**

Defence Force Reservists are citizens who have made a commitment to train and serve in the defence and protection of Australia. Reservists make a valuable contribution to the community and to national security. Reserve training can provide substantial benefits to employers by developing leadership, management and teamwork skills in reservist employees. Personal skills that reservists can also transfer into the workplace include self-discipline, punctuality and acceptance of responsibility.

### **Current Legislation**

The Defence Reserve Service (Protection) Act 2001 ('the Act') makes it an offence for an employer to discriminate against, disadvantage or dismiss an employee or prospective employee for rendering defence service. The Act also requires employers to release Reservists on unpaid leave to undertake defence service and training, without coercing the Reservist to use annual or long service leave for the absence. There is no limit to how much Defence Force Reserve Leave a Reservist may need to take in a year.

As a minimum, Reservists are generally expected to commit one night a week, one weekend a month and two weeks a year to training and service.

Under the legislation, Reservists are obliged to ensure that their release is made as easy as possible for their civilian employer to accommodate. This responsibility can be discharged by considering the impact their proposed absence will have on the employer, providing reasonable notice of their training requirements, not volunteering for excessive periods of training, and ensuring the employer is aware of the Employer Support Payment.

The Act is overseen by the Office of Reserve Service Protection, within the Department of Defence. The Office can have breaches of the Act corrected by offering advice, liaising with employers, providing alternative dispute resolution services or taking legal action.

### **Employer Support Payment (ESP) Scheme**

The ESP Scheme provides financial assistance to eligible employers to help offset the costs of releasing employees for defence force service. ESP is paid at a set weekly rate regardless of the employee's salary, and there are no restrictions on the way an employer can use the money. ESP can be claimed for any employee (excluding a casual employee) who is serving at least five consecutive days, and has served a qualifying period of two weeks in the current financial year, so long as applications for ESP are received within six months of the service. Claim forms are available on the Defence Reserves website at [www.defence.gov.au/reserves](http://www.defence.gov.au/reserves)

### **Guidelines**

The Department of Defence has released a set of best-practice guidelines that it encourages employers to adopt for the equitable treatment of Defence Force Reservists. These are guidelines only and not necessarily enforceable by law. The guidelines encourage supportive employers to:

- Have a clear policy regarding employee participation in the Defence Force Reserve
- Ensure that each level of management is aware of the supportive policy
- Recognise employees' Defence service accomplishments
- Grant, as a minimum, two weeks defence leave each year in addition to annual leave, either as paid or unpaid leave, or on top-up pay
- Ensure reserve leave does not break an employee's continuity of service

The guidelines recommend that the Defence Force and Reservists take the following actions:

- Provide sufficient notice of a Reservist's requirement for defence service
- Seek alternative dates for service if it causes significant operational difficulties for an employer
- Not cancel a course if leave has already been arranged with the employer
- Inform the employer of the ESP Scheme

As an employer, it is your right to request documentary evidence of service requirements before accepting an application for leave, and also confirmation of attendance once the Reservist returns.

### **Contacts**

For further information regarding the Australian Defence Force Reserve, or to obtain a full copy of the template defence force leave policy contact:

Defence Reserves Helpline: 1800 803 485

Defence Reserves Email: [drsc.secretariat@defence.gov.au](mailto:drsc.secretariat@defence.gov.au)

Defence Reserves Website: [www.defence.gov.au/reserves](http://www.defence.gov.au/reserves)

**For further information contact the Chamber of Commerce and Industry Queensland's Employer Assistance Line on 1300 135 822 or lodge a query at our Online Portal found on the CCIQ website under Employer Assistance Line.**

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