# TIME OFF IN LIEU (TOIL) POLICY

# TEMPLATE

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**1. Purpose**

The purpose of this policy is to ensure that:

* All managers and staff have an understanding of the use of TOIL arrangements in the organisation.
* All managers and staff are aware of the procedures for TOIL.
* All staff are treated consistently.

**2. Scope**

This policy applies to all eligible staff members employed at [ORGANISATION]. It is of particular relevance to all continuing and fixed-term staff members. Casual staff members are entitled to TOIL with the prior approval of the Manager.

**3. Definitions – What is TOIL?**

From time to time employees may be required to work longer hours to accommodate a pressing work issue, attend meetings or represent the organisation outside of their usual working hours.

Time off in lieu of paid overtime will be offered as an option to employees who are required to work hours beyond their normal contractually agreed weekly hours.

This arrangement is designed to ensure that an employee is not working excessive hours and to ensure work/life balance. It is not expected that TOIL will be a standard or regular occurrence.

**4. Policy**

TOIL can be accrued and taken only with the prior approval of the Manager or by their properly delegated authority.

If individuals choose to stay late to complete work without prior approval then they will not be eligible to make a request for TOIL and will need to discuss the matter with their immediate manager.

The Manager shall ensure that the use of TOIL is not excessive and does not expose the organisation to staff shortages.

**5. Responsibilities**

* It shall be the responsibility of the Payroll officer to implement this policy and monitor its effects.
* The Management team shall be responsible for authorising all instances of TOIL.

**6. Procedures**

**6.1 Entitlement**

* **Monday to Friday**: TOIL will be accrued on a 1:1 basis for approved hours worked outside of ordinary hours.
* **Saturday**: TOIL will be accrued on a 1:1 basis for all approved hours worked unless an employee’s contract of employment specifies Saturday work as ordinary hours, in which case TOIL will be accrued for approved hours worked above ordinary hours.
* **Sunday**: TOIL will be accrued on a 1:1.5 basis, unless an employee’s contract of employment specifies Sunday work as ordinary hours, in which case TOIL will be accrued for approved hours worked above ordinary hours.
* **Public Holidays:** TOIL will be accrued on a 1:1.5 basis

TOIL should be rounded up or down as needed in 15-minute intervals where the TOIL includes part hours.

**6.2 Limits on TOIL entitlements**

* TOIL cannot be claimed where the additional period worked above ordinary hours is less than 30 minutes.
* No more than four days (30.4 hours) of TOIL per pay period may be accrued by any one employee, except where [ORGANISATION] Management approves accrual above that limit in specific circumstances such as Festivals.
* An employee cannot accrue more than 10 days (76 hours) of total TOIL owing at any time.

**6.3 Taking TOIL Leave**

* TOIL should be used as soon as possible after it has been accrued, but must be used no later than 6 months from being accrued.
* [ORGANISATION] Management may approve accrual beyond that duration in exceptional circumstances such as [ORGANISATION] events timed within a few months of each other. In this case TOIL above 76 hours at a minimum must be used before the end of the financial year in which it is accrued.
* TOIL leave must be taken at a time approved by the employee’s manager.
* Employees must fill out a Leave application, outlining TOIL to be taken, and lodge it with the Manager.
* TOIL may be combined with Annual Leave and Long Service Leave with Management Approval. TOIL hours do not attract a Leave Loading.

**6.4** **Continuity of service**

TOIL Leave will count as service for the purposes of Annual and Personal Leave accrual, length of service and incremental progression.

**6.5 Employment termination**

* Unused TOIL accruals are included in termination pay whether termination is through employee initiated resignation or dismissal by [ORGANISATION] of an employee.
* An employee may reach agreement with [ORGANISATION] management to use accrued TOIL in their last week(s) of employment.

**Related Policies**

* Staff Leave

## Authorisation

<Signature of Board Chair>

<Signature of Manager>
<Date of approval by the Board>
<Name of Organisation>