



Australian Government

Department of Health

Supporting Living Organ Donors Program

How to pay your employee for their organ donation surgery leave*

Does your employee accrue leave credits (e.g. personal, sick, annual leave)?

YES

NO

Does your employee have enough leave to cover their entire period of proposed leave?

YES

NO

If your employee has sufficient leave credits to cover their proposed leave, they should be paid for the duration of their leave using these credits. This can be made up of a combination of personal and annual leave, if desired.

Payment made to your organisation under the Program should be used to re-credit a proportion of the leave credits used by the employee during their recovery, noting that the payment is calculated at the National Minimum Wage (NMW), and as such there will be a difference between the number of hours leave the employee took, and the amount able to be reimbursed using the Program Payment. The number of hours to be re-credited can be calculated by dividing the total payment amount by your employee's hourly rate.

Employers are encouraged to fully re-credit your employee's leave, but are not legally obligated to do so.

If your employee only has enough leave to cover a part of their proposed leave, you have two options[^]:

- Pay your employee using leave entitlements only. Payment made to your organisation under the Program should be used to re-credit a proportion of the leave credits used by the employee[#]; or
- Pay your employee using a combination of leave credits and an ex-gratia payment. Payment made to your organisation under the Program should be used first to reimburse you for the ex-gratia payment, and any remainder used to re-credit a proportion of your employee's leave.

If your employee does not accrue leave credits (i.e. casual employees, or employees who have exhausted their leave credits prior to surgery) you can support them through the Program by making an ex-gratia payment to them for the duration of their leave.

You may choose to make this payment at the employee's hourly rate, however if this exceeds the NMW, then you would be out of pocket for the difference between the NMW and your employee's normal wage. Alternatively, if you choose to pay your employee at the NMW, you will be fully reimbursed under the Program (providing the total hours of leave does not exceed the Program's maximum reimbursable amount of 342 hours).

Payment made to your organisation under the Program should be used to reimburse you for the ex-gratia payment made to the donor employee.

*To be read in conjunction with the Supporting Living Organ Donors Program Guidelines

[#]Any other time off required that is unpaid would not be able to be claimed under the Program

[^]Employers are strongly encouraged to provide donors with an ex-gratia payment to ensure they do not experience financial hardship as a result of their decision to donate, however there is no legal obligation to do so

Employees **must be paid for their leave to be eligible for reimbursement under the Program

Note: public holidays are not claimable.

Note: If you pay your employee rather than use leave, these payments will be treated as ex-gratia payments.