

HR: ABLE AUSTRALIA - LEAVE POLICY

STATEMENT

The purpose of this policy is to define when workers are eligible for leave and to outline the process for requests, approvals and administration of annual, personal and other leave.

This policy needs to be read in conjunction with the National Employment Standards, Social, Community, Home Care & Disability Services Award 2012 and applicable collective agreements.

To the extent of an inconsistency between the terms of this policy and the conditions of your award or agreement as identified by your contract of employment, the terms and conditions more favorable to the worker will prevail.

SCOPE

This policy applies to all workers and all sites where Able Australia delivers services and any sites where individuals supported by Able Australia reside or visit.

DEFINITIONS

“Workers” as used under the National Model Work Health & Safety Legislation, includes employees, board members, contractors, volunteers, consultants, agency staff, visitors and students.

POLICY DETAILS

Outline of Able Australia’s provision of leave which is designed for:

- Periods of rest and relaxation
- Annual leave, personal/carer’s leave, parental leave, compassionate/bereavement leave, community service leave, jury service leave.

This policy establishes how the management of leave entitlements and discretionary provisions are managed throughout Able Australia in accordance with applicable Award, Workplace Agreement and legislation and, if applicable, relevant Able Australia policies. Workers will consider the operational needs of Able Australia and individual needs.

The objectives of this policy are to ensure:

- Workers are aware of leave entitlements, discretionary leave provisions and responsibilities
- Able Australia is committed to providing opportunities, where reasonable, for workers to work in a family friendly environment and balance their work life commitments
- The promotion of a safe and healthy workplace at Able Australia
- The operational requirements of the local work area are taken into account through appropriate work planning

5.1 Annual Leave

1.1.1 Amount of Leave

You are entitled to four weeks of annual leave each year in accordance with the provisions of the National Employment Standards (NES), plus additional leave, if any, in accordance with the Industrial Instrument outlined in your contract of employment. Shift workers may be entitled to five weeks annual leave each year, subject to qualification under the applicable legislative instrument.

Annual leave accrues progressively throughout a year of service and is cumulative.

5.1.2 Taking of Leave and Scheduling Considerations

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The Employer encourages you to take all of your holiday entitlement in the current year. You are encouraged to take annual leave over one or two continuous periods as to provide a meaningful break from work.

Annual leave dates will normally be allocated on a 'first come, first served' basis whilst ensuring that operational efficiency and appropriate staffing levels are maintained throughout the year.

Worker leave accruals will be monitored by human resources and payroll to ensure that excessive leave is not accrued. Human Resources will liaise on a regular basis with the relevant Area Manager or Operations Manager and advise of those workers that have exceeded 6 weeks accrued leave. Where you wish to accrue more than six weeks of annual leave, you must seek the approval of senior management. Otherwise workers may be instructed to take any excessive leave at a time outlined by management.

5.1.3 Notice Requirements

Except in the case of mutual consent to the contrary, the worker and organisation are required to give the following notice of taking annual leave.

Period of leave to be taken	Minimum notice requirement
Less than a week	By agreement with management
1 week	3 weeks
Over 1 week and up to 2 weeks	6 weeks
Over 2 weeks and up to 3 weeks	8 weeks
Over 3 weeks and up to 4 weeks	10 weeks
Over 4 weeks	12 weeks

5.1.4 Annual Leave Requests and Approval Processes

You must complete the annual leave request form and have it signed by your line manager before you make any firm holiday arrangements. If prior approval is not sought before firm holiday arrangements are made then Able Australia is under no obligation to approve leave if the required process is not followed. It is the responsibility of your manager to forward the completed leave form to Payroll.

5.1.5 Close Down

The Employer may choose to shut down whole or part of its operations over the Christmas/New Year period. If we do, you are required to reserve sufficient days from your annual leave entitlement to cover the Christmas / New Year shut-down period. If you have not accrued sufficient holiday entitlement to cover this period, you will be given unpaid leave of absence. The Employer commits to provide reasonable notice of any planned close down.

5.1.6 Payment for Annual Leave

Your annual leave pay will be at your normal basic pay unless shown otherwise in your contract of employment. By request, you may elect to receive your annual leave pay in advance, however if the request is not received prior to the commencement of the annual leave being taken, you will be paid in the regular pay period.

You may be entitled to annual leave loading in accordance with your industrial instrument or contract of employment.

You may also request to 'cash out' your accrued annual leave entitlements which will be subject to approval from the CEO. However, at all times, you must have at least

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four weeks of leave in balance. The worker must give at least 2 weeks' notice to payroll prior to cashing out of any annual leave.

5.1.7 Cashing out Annual Leave

Workers can cash out annual leave who come under the Social, Community, Home Care and Disability Services Industry Award 2010 and Health Professionals and Support Services Award 2010. To cash out annual leave workers need to have:

- At least 4 weeks annual leave left after cash out
- A signed written agreement with their employer that outlines the amount of leave being cashed out, the amount they will be paid and the date it will be paid. If the employee is under 18 their parent or guardian must also sign it.

Employers have to keep this agreement for the employee's records.

The payment for cashed out leave has to be the same as what the employee would have been paid if they took the leave.

A worker can't cash out more than 2 weeks each 12 months.

An employer can't force or pressure an employee to cash out annual leave.

For those workers who come under a registered agreement the following rules apply:

- A worker needs to have at least 4 weeks leave leftover
- A written agreement needs to be made each time annual leave is cashed out
- An employer can't force or pressure an employee to cash out annual leave
- The payment for cashed out annual leave has to be the same as what the employee would have been paid if they took the leave.

You may also request to 'cash out' your accrued annual leave entitlements which will be subject to approval from the CEO. However, at all times, you must have at least four weeks of leave in balance. The worker must give at least 2 weeks' notice to payroll prior to cashing out of any annual leave.

5.2 Personal Leave

5.2.1 Amount of Leave

You are entitled to be paid for personal leave in accordance with the NES, unless otherwise stated in your contract of employment or industrial instrument.

Personal leave accrues, and will be credited to you, progressively throughout the year. It accumulates year to year.

5.2.2 Taking of Personal Leave

You are entitled to take personal leave:

- because you are not fit for work due to a personal illness or personal injury affecting you; or
- to provide care or support to a member of your immediate family, or a member of your household who requires your care and support because of:
 - a sudden or unexpected personal illness or injury affecting the member; or
 - A sudden or unexpected emergency affecting the member.

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If your entitlement to personal leave is exhausted, you may take two days unpaid carer's leave for each occasion when a member of your immediate family or a member of your household requires your care and support because of:

- a sudden or unexpected personal illness or personal injury affecting the member; or
- A sudden or unexpected emergency affecting the member.

5.2.3 Notification of Personal (Sick) Leave

It is not acceptable for employees to send a message via a workmate, Send a text message or leave a message on the answering machine/email. Workers are required to speak directly to their immediate Supervisor on the first day of incapacity or in their absence, their Manager. If neither of these persons are available, the Manager Human Resources is to be advised of their Inability to attend for work.

Other than in exceptional circumstances, notification should be made personally to your manager. You should try to give an indication of your expected return date and notify the Employer as soon as possible if this date changes. The notification procedures should be followed on each day of absence, unless you are covered by a doctor's medical certificate.

5.2.4 Evidence of Incapacity

The Employer may require sufficient evidence to support your personal / carer's leave for each and every absence. In particular, a medical certificate or statutory declaration is required if:

- you take more than two consecutive days leave; or
- take a day on either side of a weekend or public holiday; or
- Take a day off either side of any approved annual leave, long service leave or any other leave.

The Employer may also request that you provide sufficient evidence for these purposes where it considers you have taken excessive personal leave or patterns of leave.

If you fail to provide a medical certificate or statutory declaration in accordance with the above, you may not be paid for your absence and may be subject to disciplinary action. Upon receipt of your medical certificate, Payroll will be notified to process any amounts owing for your wages.

5.2.5 Return to Work

You must notify your manager as soon as you know of which day you will be returning to work, if this differs from a date of return previously notified. On return to work after any period of personal leave, you may be required to attend a return to work interview to discuss the state of your health and fitness for work. Information arising from such an interview will be treated with the strictest confidence. You will be required to complete a personal leave form.

5.2.6 Managing Absenteeism

Submission of a medical certificate may not always be regarded as sufficient justification for accepting your absence. Sickness is just one of a number of reasons for absence and although it is understandable that if you are sick you may need time

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off, continual or repeated absence through sickness may not be acceptable to Able Australia.

In deciding whether your absence is acceptable, Able Australia will take into account the reasons for your absences and extent of them, including any absence caused by sickness / injury. We cannot operate with an excessive level of absence as all absence, for whatever reason, reduces Able Australia's ability to operate successfully.

Able Australia will not tolerate any non-genuine absences, and any such instances will result in disciplinary action being taken.

If considered necessary, we reserve the right to ask your permission to contact your doctor and / or for you to be independently medically examined.

5.2.7 **Compassionate/Bereavement Leave**

Able Australia understands the health of an individual or a family member can have significant impact on you.

Full-time and part-time workers are entitled to three days' paid compassionate/bereavement leave for each occasion when a member of your immediate family or a member of your household:

- contracts or develops a personal illness that poses a serious threat to their life; or
- sustains a personal injury that poses a serious threat to their life; or
- Dies.

Immediate family includes:

- A spouse or domestic partner (including a former spouse or former domestic partner) of the worker. A domestic partner means a person to whom the worker is not married but with whom the worker is living as a couple on a genuine domestic basis (irrespective of gender); and
- A child or an adult child (including an adopted child, a stepchild or an ex nuptial child), parent, grandparent, grandchild or sibling of the worker or spouse of the worker.

Able Australia may grant paid leave in other cases where, in their opinion, special circumstances exist. Special circumstances include the death of a:

- Person with whom the employee had a close relationship
- Step or foster parent or child
- Relative who has taken the place of a parent?
- Relative residing with the worker at the time of the death
- Person where worker is the only relative of the deceased person and is the only person available to make the funeral arrangements.

Leave, with or without pay, in excess of that specified above may be granted if Able Australia is satisfied that three days is inadequate because of special circumstances (for example, funeral delay or extensive travelling involved).

In considering applications for compassionate/bereavement leave, it is important to note that each case should be considered on its merits

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Able Australia may also grant up to four hours 'paid time' to attend the funeral of a very close non-family member. Any requests of this nature will be assessed on a case-by-case basis.

Able Australia may require you to provide satisfactory evidence of the illness or death of your immediate family or household member.

5.3 Other Leave

5.3.1 Community Service Leave (including jury service)

You are entitled to community service leave in certain circumstances.

Community service leave is for eligible community service activities such as SES, jury service and volunteer fire fighting.

Other than for the first two weeks of jury service leave, where the Employer will top up the pay of a permanent worker, community service leave is unpaid.

5.3.2 Long Service Leave

You are entitled to long-service leave in accordance with the relevant laws of the state in which you are employed or the terms of your industrial instrument. Long service leave should be taken as soon as reasonably practicable after you become entitled to it. The worker must give at least 4 weeks' notice to payroll, which they intend to take any period of long service leave.

5.3.3 Domestic Violence Leave

Please refer to separate policy.

5.4 Parental Leave

Parental leave allows workers to take time away from work for the birth or adoption of a child and care of a child.

There are two types of parental leave entitlements:

- the Paid Parental Leave scheme
- the entitlement to unpaid parental leave

5.4.1 Paid Parental Leave (PPL)

The Federal Government's Paid Parental Leave (PPL) scheme provides employees payment for leave for up to 18 weeks at the national minimum wage rate.

PPL can start from the date of birth or adoption, or at a later date. It must be received in one continuous period and must all be used within 12 months of the date of birth or adoption. Parental Leave Pay is taxable and can be received before, after, or at the same time as existing entitlements, such as annual leave, and employer-funded paid parental leave.

All applications for federally funded paid parental leave should be made through the Family Assistance Office or any other nominated Government Department and not through the Employer. You may obtain further information regarding paid parental leave by contacting the Family Assistance Office on 13 61 50.

5.4.2 Dad and Partner Pay (DAPP)

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Under the Dad and Partner Pay (DAPP) scheme, fathers and partners (including same-sex partners) to newly born or adopted children can receive up to 2 week's pay from the government at the national minimum wage.

While PPL is payment for the primary carer of the child, DAPP is payment for the parent who is not the primary carer.

5.4.3 Unpaid Parental Leave

To be eligible for unpaid parental leave, an employee must provide written notice stating their intention to take the leave. The notice must specify the start and end dates of their proposed period of leave.

Under the NES, employees who have at least 12 months of continuous service as at the expected date of birth of the child are entitled to 52 weeks of unpaid parental leave. Casuals with regular ongoing work are also entitled to unpaid parental leave. You may request an additional 52 weeks of leave which will only be refused by Able Australia on reasonable business grounds.

Other forms of leave, such as annual leave and long service leave, may be taken concurrently with parental leave, but when combined with the unpaid parental leave, must not exceed the 52 week period.

You must give Able Australia at least ten weeks prior notice of your intention to take unpaid parental leave. This can be done using the standard leave form.

When advising of your intention to take unpaid parental leave, you must provide the following:

- a medical certificate indicating the expected date of birth of the child, or, where the leave is adoption related, the expected date of placement;
- an expected return date; and
- Details of any parental leave your partner intends to take.

A worker must take unpaid parental leave in a single, continuous period. When a worker who is pregnant takes unpaid parental leave, her leave must commence:

- On the day of the birth of the child; or
- In the 6-week period before the expected birth date

If a pregnant worker is entitled to unpaid parental leave and wishes to work during the 6 weeks before the expected birth date, Able Australia can direct them to start unpaid parental leave early if they are unfit for work. This is known as directed leave.

After 24 months of continuous service, Able Australia will provide the permanent worker four week's pay at your standard rate upon commencement of parental leave. Pro-rata entitlements apply for part-time workers.

The period of PPL is not in addition to the period of unpaid parental leave available under the Fair Work Act. The period of PPL will be taken at the same time as the corresponding portion of unpaid leave.

A worker can only extend the period of unpaid parental leave once without Able Australia's agreement, to no more than 12 months. Workers must give at least 4 weeks written notice before the end date of the original period of their parental leave. The notice must specify the new end date for the leave. If the period of unpaid

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parental leave has been extended once, it cannot be extended further without mutual agreement. Any extension cannot result in the worker exceeding the maximum 12-month period of parental leave entitlement.

5.4.4 Unpaid Special Maternity Leave

Special maternity leave is unpaid leave taken by a female worker:

- who is not fit for work because she has a pregnancy-related illness; or
- whose pregnancy has ended unexpectedly within 28 weeks of the expected date of birth

To be eligible for special maternity leave, a worker must first meet the 12 months continuous service requirements. They must provide a written notice stating the period or expected period of leave as soon as possible, which may be after the leave has started.

If the worker requires the special maternity leave because of a pregnancy-related illness, they must provide a medical certificate or other reasonable evidence such as statutory declaration.

5.4.5 Transferring a Pregnant Worker to a Safe Job.

A pregnant worker may be entitled to be transferred from her current job to an appropriate safe job for an interval before she starts unpaid parental leave.

A safe job is a job that a pregnant worker may perform on a temporary basis because it is no longer safe to continue working in her original role. This may be due to hazards associated with her position, e.g. because the role requires physical effort. If a pregnant worker is unable to work in her usual role and there are no appropriate safe jobs available, the worker is entitled to take paid no safe job leave.

5.4.6 Obligation to Consult with the Employee during Parental Leave

Under the NES, Able Australia must take all reasonable steps to consult with a worker while they are on unpaid parental leave. This means Able Australia must communicate with the worker about any decisions that will have a significant effect on the:

- status;
- pay; or
- location

Of their pre-parental leave position.

5.4.7 Keeping in Touch Days

Workers on unpaid parental leave may take up to 10 'keeping in touch days'.

A keeping in touch day is a day on which a worker performs work for Able Australia to keep in touch with their employment to facilitate their return to that role.

A worker can perform paid work up to 10 keeping in touch days while they are taking unpaid parental leave without breaking the continuity of their period of unpaid parental leave.

Keeping in touch days can be used for such things as:

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- forwarding staff newsletters, updates and important emails to the worker's home email account where appropriate, or arranging for them to have remote access to their work email account where practical
- inviting the worker on parental leave to attend any social events, planning days, training and development or team building days which occur during their leave
- Arranging a meeting with the worker when they are nearing the end of their leave to discuss the return-to-work expectations of the worker and the employer, such as hours of work, flexible working arrangements, or any adjustments that will need to be made to their role.

5.4.8 Return to Work

After a period of parental leave, a worker is entitled to return to the same job they had before they went on leave (or job they had before they were transferred to a safe job or received no safe job leave).

If that job no longer exists, the worker is legally entitled to return to an available position for which they are qualified and suited, which is nearest in status and pay to their pre-parental leave position.

Eight weeks prior to a worker's scheduled return to work, they must contact their Manager in writing and advise them of their intentions whether or not they will be returning to work.

5.4.9 Flexible Working Arrangements

A worker returning to work after unpaid parental leave can request flexible working arrangements (such as changes in hours of work). Able Australia can only refuse such a request on reasonable business grounds.

5.5 Additional Discretionary Leave

While workers are eligible for standard assistance such as personal leave and bereavement leave, Able Australia will treat empathetically all requests for additional leave (paid or unpaid) in addition to standard entitlements during personal crisis, within the reasonable limits of resources and operational requirements. Workers should speak with their direct report if such provisions are required.

5.6 Study Leave

Able Australia encourages and will support where possible, workers taking part in formal study relevant to their work. Support will generally be in the form of time off to attend classes and/or examinations, but will need to be assessed in relation to operational needs.

Generally, Able Australia will provide two days only of paid study leave per semester for examination preparation and examination attendance. Any leave in excess of these two days is to be taken as annual leave.

Study leave requires prior approval from the relevant Manager and cannot be taken or awarded prior to any request being documented and subsequent approval being given.

5.7 Public Holidays

You are entitled to be absent from work on a day or part day that is a public holiday in accordance with the Fair Work Act, unless reasonably required to work by the Employer.

6. Purchased Leave

Permanent employees with a minimum of 12 months continuous service are entitled to purchase annual leave in addition to their normal leave entitlement subject to fulfilling the requirements specified in this clause.

- 6.1 Purchased leave is a scheme which meets the requirements of Section 324 of the Fair Work Act 2009 whereby employees enter into an agreement to buy and access up to four weeks leave in addition to their normal entitlement to paid annual leave.
- 6.2 Purchased leave will be credited into an employee's leave balance and will be paid for via fortnightly deductions commencing from the date approval is granted for the employee to purchase leave. This leave must be paid for in full within the same calendar year in which it is approved.
- 6.3 Employees automatically revert to their normal salary at the end of the deduction period, unless approval is obtained for subsequent purchased leave arrangements for a further period.
- 6.4 Purchased leave is available to employees where they have at the time of applying to purchase leave, an annual leave balance and/or a long service leave entitlement of less than 6 weeks. Employees will not be eligible to purchase leave if an employee is receiving WorkCover payments. Applications cannot be retrospectively approved.
- 6.5 Approved purchased leave is to be taken in one week (5 day) blocks. The Purchased Leave Application Form will require employees to clearly detail the dates of intended use of the purchased leave.
- 6.6 Superannuation payments made by Able Australia and, where applicable, by the employee, will be paid at the rate appropriate to the employee's reduced gross salary.
- 6.6 Purchased leave will not qualify for annual leave loading payments as specified under clause 5.1.6.
- 6.7 Deductions made for leave not accessed will be refunded if an employee terminates their employment before taking any or all of the purchased leave.

REFERENCE DOCUMENTS

Able Australia Staff Code of Ethics and Conduct
The Fair Work Act 2009 and National Employment Standards (NES)
Able Australia Drug & Alcohol Policy
Able Australia Exit & Termination Policy & Procedure
Able Australia Learning & Development Policy & Procedure
Able Australia Recruitment & Selection Policy & Procedure
Able Australia Student Placement Policy
Able Australia Smoke Free Policy
Able Australia Children in the Workplace Policy

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Able Australia Inclusion & Diversity Policy
Able Australia Equal Opportunity Policy
Able Australia Anti-Bullying Policy
Able Australia Anti-Discrimination Policy (including Harassment, Sexual Harassment & Victimization)
Able Australia Workplace Health & Safety Policy
Able Australia Internet, Email & Computer Use Policy
Able Australia Conflict of Interest Policy
Able Australia Time off in Lieu Policy
Able Australia Whistleblower Policy & Procedure
Able Australia EAP Policy & Procedure
Able Australia Dress Code Policy
Able Australia Purchased Leave Application form

CONTINUOUS IMPROVEMENT

Improvements to this policy can be made by completing an Improvement Opportunity Form, attaching any suggested amendments and forwarding to the Quality & Compliance Manager for review.