

## Leave Policy

### Policy overview

This policy outlines the leave provisions that employees are entitled to during their course of employment and is intended to be a summary of the leave entitlements under the *Fair Work Act 2009* and under any applicable State/Territory legislation.

Some policies do not apply to employees covered by an enterprise agreement only and will contain express indication if they apply selectively. Otherwise, all other policies apply to all staff of K1 Payroll Pty Ltd.

Where there is a difference between the policy and legislation, then the legislation will prevail to the extent of any inconsistency.

Entitlements may also be modified by an industrial instrument, such as an enterprise agreement, or an individual contract of employment, but cannot be reduced or inferior to the entitlements available under applicable legislation.

The purpose of this policy is to inform employees of their various entitlements to leave and the procedures for accessing that leave.

### What do I need to do?

You need to read the policy carefully. You may receive training on the policy and how it is implemented during your time here at K1 Payroll Pty Ltd.

### What types of leave does this policy cover?

- Annual leave
- Personal / Carer's leave
- Compassionate leave
- Parental leave
- Long service leave
- Community service leave
- Study leave
- Family and domestic violence leave

### Policy and further information

To the extent that the contents of the Leave Policy refers to obligations on K1 Payroll Pty Ltd, they are guidelines for management or summaries of applicable legislative requirements only and are not contractual terms, conditions, or representations on which a staff member may rely.

Your manager is available to assist with any queries you have relating to the policy which is detailed below.

## **Leave Policy**

### **Purpose and scope**

As you are an important part of the K1 Payroll Pty Ltd team, your attendance is fundamental to you fulfilling your workplace obligations. It is policy that employees should not be absent from work without approved leave. Absence from work without approved leave may lead to disciplinary action, up to and including termination of employment.

In the event that you wish to take leave, make sure you complete a Leave Application, as per K1 Payroll Pty Ltd's process. All leave must be approved by your manager.

### **Annual leave**

Permanent employees are entitled to paid annual leave.

K1 Payroll Pty Ltd is committed to the principle that annual leave is intended for rest, recreation, and a break from work.

For personal health, safety and productivity reasons, all employees need to take annual leave each year, in order to provide a real break from work.

K1 Payroll Pty Ltd is committed to managing annual leave by creating an environment where leave may be readily taken in periods, which as far as possible suit the employee's circumstances.

There may, however, be times that for operational reasons K1 Payroll Pty Ltd cannot accommodate the request for annual leave to be taken and in those instances, leave will need to be taken at another time.

### **Annual leave entitlement**

Employees will receive annual leave in accordance with the National Employment Standards and any applicable modern award or enterprise agreement, unless otherwise stated in their General Terms and Conditions of Employment. The minimum entitlement will generally be 20 days of paid annual leave (for most full time employees) for each year of service, calculated on a pro-rata basis.

Annual leave accrues progressively during the year and is cumulative. Annual leave is to be taken in accordance with the Fair Work Act 2009 (Cth) and any applicable modern award or enterprise agreement.

If you are entitled to Leave Loading in accordance with any applicable Award during periods of annual leave, superannuation will not be paid on the Leave Loading component. This is because Leave Loading is provided to compensate you for the lost opportunity to work overtime.

You may be directed to take annual leave in accordance with the Fair Work Act 2009 (Cth) and any applicable modern award or enterprise agreement.

## **Annual leave payment in advance**

Annual leave is ordinarily paid at the normal pay interval at the time leave is taken. In accordance with any applicable modern award or enterprise agreement, employees with their Manager's approval, may request payment in advance of accrued annual leave. Such arrangements will be in accordance with statutory requirements.

Examples may include:

- Where annual leave is taken in conjunction with an approved period of Long Service Leave; or
- Financial hardship which would otherwise prevent the taking of leave.

If an employee's employment is terminated for any reason, K1 Payroll Pty Ltd will pay out an employee's untaken accrued annual leave entitlements.

## **Annual leave in advance**

An employee and K1 Payroll Pty Ltd may agree in writing to the employee taking a period of paid annual leave before the employee has accrued an entitlement to the leave.

This is subject to completing a **"Form – Annual Leave in Advance Application"**, which is available in the Resource Centre, and submitting it to your Manager. This must be submitted on each occasion of seeking leave in advance. If the employee is under 18 years, then the employee's parent or guardian must sign the form on the employee's behalf.

If on termination the employee has not accrued enough paid annual leave to cover leave already taken, then K1 Payroll Pty Ltd may deduct from any money due on termination an amount equal to the amount that was paid to the employee.

Such arrangements will be in accordance with statutory requirements.

## **Cashing out of annual leave**

An employee and K1 Payroll Pty Ltd may agree in writing to the cashing out of a particular amount of accrued paid annual leave by the employee.

This is subject to completing a **"Form – Cashing out Annual Leave Application"**, which is available in the Resource Centre, and submitting it to your Manager. This must be submitted on each occasion of cashing out leave. If the employee is under 18 years, then the employee's parent or guardian must sign the form on the employee's behalf.

A request to cash out annual leave may only be granted by K1 Payroll Pty Ltd if:

- The employee's remaining accrued entitlement to paid annual leave is not less than 4 weeks (all employees); and
- The maximum amount of accrued paid annual leave that may be cashed out in any period of 12 months is 2 weeks (Award covered employees only).

The payment to be made to the employee will be at the rate that would have been payable had the employee taken the leave at the time the payment is made.

Such arrangements will be in accordance with statutory requirements.

## **Excessive leave accrual**

If an employee has accrued more than 8 weeks paid annual leave (or 10 weeks if classified as a shiftworker) K1 Payroll Pty Ltd may direct the employee in writing to take one or more periods of paid annual leave. This will only occur once K1 Payroll Pty Ltd and the employee have conferred with each other and genuinely tried to reach an agreement on how to reduce or eliminate the excessive leave accrual.

The following shall apply:

- Following a direction to take paid leave, the employee shall not have less than 6 weeks paid leave accrued (unless the employee genuinely agrees to do so);
- The leave taken must be more than one week in length;

K1 Payroll Pty Ltd will provide at least 8 weeks' notice (and no more than 12 months' notice) as to when leave is to be taken.

## **Personal/Carer's leave**

Employees will receive personal leave in accordance with the National Employment Standards and any applicable modern award or enterprise agreement.

### **Paid personal/carers' leave**

Employees are entitled to 10 days paid personal/carers' leave for each year of service, calculated on a pro-rata basis, when absent from work due to personal illness or injury (sick leave) or for the purpose of providing care or support to a member of the employee's immediate family or household who is sick and requires your care or support because of a personal illness or injury or because of an unexpected emergency affecting the member (carers' leave).

An immediate family member includes:

- Your spouse, de facto partner, child, foster/kinship care child, parent, grandparent, grandchild, or sibling of the employee; or
- Your spouse or de facto partner's child, foster/kinship care child, parent, grandparent, grandchild, or sibling.

Paid personal/carers' leave will accumulate from year to year but will not be paid out on termination of employment.

To be paid personal/carers' leave, the employee must notify their manager a minimum of 1 hour before their shift on the day of leave that they will be absent due to personal/carers' leave and the approximate period of that absence. It is unacceptable to leave messages, send emails or send text messages to colleagues.

The employee is also required to produce a medical certificate or a statutory declaration in relation to the period of absence for absences that exceed two days. Further, the manager is permitted to request provision of a medical certificate for any period of paid personal leave.

If the employee does not provide such evidence, K1 Payroll Pty Ltd reserves the right to treat the period of absence as unauthorised leave without pay, or by agreement of the employee and the employee's manager as annual leave.

## **Unpaid carer's leave**

An employee will be entitled to up to 2 days' unpaid carer's leave on each occasion in a particular period to provide care or support to a member of the employee's immediate family or household who requires care or support because of a personal illness or injury or an unexpected emergency, providing the employee cannot take paid personal/carer's leave during the period.

To take unpaid carer's leave, the employee must promptly notify the employee's manager (prior to the employee's shift or as soon as possible afterwards) of any illness or injury to another person that will cause the employee to be absent from work and the approximate period of that absence.

The employee is also required to provide K1 Payroll Pty Ltd with a medical certificate or statutory declaration for any period of unpaid carer's leave. If the employee does not provide such evidence, K1 Payroll Pty Ltd reserves the right to treat the period of absence as unauthorised leave without pay or by agreement with the employee's manager as annual leave.

## **Compassionate leave**

The employee will be entitled to 2 days paid compassionate leave on each occasion for the purpose of spending time with a member of the employee's immediate family or household when they contract or develop a personal illness or sustains a personal injury that poses a serious threat to their life, or after the death of a member of the employee's immediate family or household.

The provisions of the *Fair Work Act 2009* concerning compassionate leave apply including the evidence requirements for an employee to be entitled to compassionate leave. If your employment is covered by an enterprise agreement, there may be additional compassionate leave entitlements.

## **Parental leave**

We wish to be an employer of choice and to fully comply with our obligations under Federal and State/Territory laws regarding parental leave and providing Working Hours conditions.

Employees are entitled to unpaid parental leave (maternity, paternity, adoption, and related kinds of leave) in accordance with the *Fair Work Act 2009* and any applicable enterprise agreement.

The primary entitlement to unpaid parental leave under the *Fair Work Act 2009* is 12 months following birth/placement, to be shared between both parents.

In addition to the basic entitlement to unpaid parental leave, one parent may request an additional 12 months of leave, which will only be refused on reasonable business grounds. This request can only be refused on reasonable business grounds following a reasonable opportunity to discuss the request between the employee and K1 Payroll Pty Ltd.

Employees who are parents or who have responsibility for the care of a child who is school age and younger may also request flexible working hour's arrangements which will be considered taking into account business needs.

The policy provisions below are intended to be a summary of the parental leave entitlements under the *Fair Work Act 2009* and the Working Hours arrangements provisions of both Federal and State/Territory law. The policy provisions below regarding parental leave do not apply to employees covered by an enterprise agreement.

## **Service requirement**

To be eligible for unpaid parental leave, an employee must, immediately before the due date of birth or the expected placement date of adoption of the child:

- For a permanent employee: have completed at least 12 months of continuous Service;
- For a casual employee: have been employed by us on a regular and systematic basis for at least 12 months and have a reasonable expectation of on-going employment on the same basis.

Additional eligibility rules apply in respect of adoption-related leave.

To be eligible to take unpaid parental leave, the employee must have a responsibility for care of the child.

## **Return to work guarantee**

At the end of their unpaid parental leave, an employee is entitled:

- To return to their pre-parental leave position; or
- If that position no longer exists - an available position for which the employee is qualified and suited that is nearest in status and pay to the employee's pre-parental leave position.

## **Period of leave**

Unpaid parental leave must be taken in a single continuous period (not broken periods) and can be taken by only one parent at a time - subject to specific exceptions about:

- Concurrent leave (which is currently 8 weeks' unpaid leave) around the time of the child's birth or placement for the other parent. Concurrent leave reduces the total available period of unpaid parental leave;
- Keeping in touch days;
- Flexible parental leave;
- Premature birth or infant hospitalisation.

## **Commencement of unpaid parental leave**

Unpaid parental leave (excluding concurrent leave) starts:

- For a pregnant employee, up to 6 weeks before the expected date of birth of the child, but no later than the date of the child's birth;
- For an employee other than the pregnant employee, unpaid parental leave starts on the child's date of birth;
- For adoption leave, on the day of placement of the child;
- Immediately following the period of unpaid parental leave taken by the employee's spouse under one of the options above, if one or both employees are employed by either the Service or another business; or
- If the employee's spouse or de facto partner is not an employee of K1 Payroll Pty Ltd or any other business, anytime within 12 months of the date of birth or day of placement of the child.

## **Notice and evidence requirements**

An employee must give at least 10 weeks' written notice before starting unpaid parental leave or, if that is not practicable, provide notice as soon as practicable (which may be a time after the leave has

started). For example, it may not be practical for an employee to give the requisite notice in relation to the premature birth of a child, but valid notice could still be given as soon as practicable after the child's birth. The notice must specify the intended start and end dates of the leave.

An employee must confirm the intended start and end dates of the leave (or advise of any changes) at least 4 weeks before the intended start date unless it is not practicable to do so.

An employer may require an employee who has given notice of the taking of unpaid parental leave to provide evidence of:

- The child's actual or expected date of birth; or
- The day or expected day of placement for adoption and that the child is or will be under 16 years of age as at that date.

The evidence must be sufficient to satisfy a reasonable person, and, in the case of birth-related leave, we may require that this be a medical certificate.

Separate notice and evidence requirements apply in relation to special maternity leave and unpaid pre-adoption leave (see below).

### **Unpaid special maternity leave**

An eligible pregnant employee may also take unpaid special maternity leave in certain circumstances for example if the employee is not fit to work because of a pregnancy-related illness. This leave does not reduce the amount of unpaid parental leave available to the employee.

### **Pre-adoption Leave**

Employees are eligible for unpaid parental leave associated with the placement of a child for adoption are also entitled to 2 days' unpaid pre-adoption leave to attend relevant interviews and examinations. This leave cannot be used if the employee could instead take another form of leave and the Service directs the employee to take another type of leave (e.g paid annual leave).

### **Flexible Parental Leave**

Subject to the Service's agreement, an employee may take up to 30 days of unpaid parental leave (flexible unpaid parental leave) during the 24-month period starting on the date of birth or day of placement of the child. Flexible unpaid parental leave may be taken as:

- a single continuous period of one or more days; or
- separate periods of one or more days each.

Flexible unpaid parental leave comes out of the employee's entitlement to 12 months of unpaid parental leave. Other unpaid parental leave must be taken before the flexible unpaid parental leave commences.

### **Stillbirths and infant deaths**

In the tragic event an employee who is entitled to parental leave experiences:

- a stillbirth; or
- the death of a child during the first 24 months of life,

the employee remains entitled to take 12 months' unpaid parental leave. Additionally, permanent employees may take paid compassionate leave while on unpaid parental leave in these circumstances.

### **Premature births**

Parents of premature babies, or newborns that experience birth-related complications that result in immediate hospitalisation, are able to go back to work while their child remains in hospital, and then restart their unpaid parental leave when their baby comes home.

### **Fitness for work – pregnant employees**

If a pregnant employee continues to work within six weeks before the estimated date of birth, an employer may ask the employee to provide a medical certificate, stating:

- Whether the employee is fit for work; and
- If they are fit for work, whether it is inadvisable for the employee to continue working in their present position during a stated period because of any of the risk factors specified below.

The risk factors include any illness or risks arising out of the employee's pregnancy, or hazards of any type connected with the employee's position.

If the employee fails to provide the certificate within seven days, or if the certificate states that the employee is not fit for work, an employer may require an employee to start unpaid parental leave immediately.

### **Keeping in touch during leave**

An employee may perform up to 10 days of paid work for the Service during a period of unpaid Parental Leave for the purposes of facilitating a return to work. These are known as 'keeping in touch days' and are subject to the agreement of the employee and the Service. Keeping in touch days do not extend the period of parental leave.

### **Interaction with paid leave**

Subject to certain exceptions, an employee may take paid leave at the same time the employee is taking unpaid parental leave. The period of unpaid parental leave runs concurrently with the period of paid leave taken by the employee. The requirements for taking the other form of leave would still apply - e.g. the service agreeing to the employee taking paid annual leave.

An employee is not eligible to take paid personal/carer's leave while taking unpaid parental leave.

### **Long Service leave**

Employees are entitled to Long Service leave under the applicable State/Territory legislation.

### **Community Service leave**

Employees are entitled to Community Service leave in accordance with the Fair Work Act 2009, and any other applicable legislation in the State in which they work.

### **Family and Domestic Violence Leave**



Employees are entitled to up to 5 days unpaid family and domestic violence leave in accordance with the National Employment Standards.

Family and domestic violence leave may be taken where the employee is experiencing family and domestic violence and needs to do something to deal with the impact of the family and domestic violence that is impractical to do outside their ordinary hours of work.

Family and domestic violence means violent, threatening, or other abusive behaviour by a family member of an employee that seeks to coerce or control the employee and that causes them harm or to be fearful.

The notice and evidence requirements set out in the National Employment Standards and/or applicable modern award apply.

### **Breaches of policy**

The consequences of a breach of this policy will vary depending on the type and seriousness of the breach and will be at the discretion of K1 Payroll Pty Ltd but may involve disciplinary action up to and including termination.