



ASDAM Leave Policy - Australia

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1 Policy Statement and Purpose

The ASDAM Group actively promotes the health and wellbeing of our Employees and recognises that there will be times when an Employee is unable to attend work for several reasons. Employees are entitled to request leave from work for various purposes. We encourage Employees to access their leave entitlements with integrity, and as needed, to ensure they remain safe, healthy, and productive when they return to work.

The purpose of this policy is to advise Employees of their leave entitlements and sets out how to apply for leave.

This policy should be read and interpreted in conjunction with the National Employment Standards (NES) (as amended or replaced) and business-specific Enterprise Agreements.

2 Scope

This policy applies to all our permanent full-time and part-time Employees. Unless otherwise stated, this policy does not apply to casual Employees.

3 Definitions

- **NES** refers to the National Employment Standards as defined in the *Fair Work Act 2009 (Cth)* (as amended or replaced).
- **Manager** refers to the line manager directly responsible for the Employee and may be a Manager or Supervisor by title.

4 Responsibilities

4.1 Responsibilities of all Employees

It is the responsibility of all Employees to:

- Take their four weeks annual leave entitlement each year, where possible.
- Submit completed leave applications (with evidence if required).
- Provide adequate notice of planned leave.
- Seek approval for planned leave from their Manager.
- Demonstrate integrity when requesting leave for an unscheduled absence.
- Comply with notification and evidence requirements under this policy.

4.2 Responsibility of Managers

It is the responsibility of Managers to:

- Monitor and manage Employee attendance. Ensure that Employees are aware of the contents of this policy, including notification requirements for unscheduled absences.
- Ensure that Employees submit completed leave applications (with evidence if required) and that leave is accurately recorded.

- Manage requests for leave within the operational requirements of ASDAM. Ensure leave is managed across teams to avoid too many people off work simultaneously, impacting productivity.
- Monitor annual leave and long service leave balances, and plan with Employees to use their annual leave on an annual basis and their long service leave when it becomes an entitlement, where possible.
- Maintain the confidentiality of health information provided by Employees. Information must not be disclosed without a legitimate reason.
- Undertake appropriate action in accordance with this policy when requirements are not met (e.g. unauthorised absences).
- Conduct timely discussions on a consistent and equitable basis with Employees about unscheduled absences.
- Endeavour to approve reasonable leave requests within a timely manner.

5 Applying for Leave

All leave types, with the exception of Family and Domestic Violence Leave require an application to be submitted. Applications are directed to the Employee's Manager for approval and the Employee will receive an electronic response advising if the request is approved or declined.

All leave applications must clearly state the type of leave being applied for and the dates of absence. Any evidence which may be required can be attached to the application.

6 Annual Leave

ASDAM recognises that time away from the working environment to recharge, is important for our Employees' health, wellbeing and work-life balance. We support this by encouraging Employees to access their annual leave entitlements within twelve (12) months of it being accrued.

6.1 Annual Leave Entitlement

Employees are entitled to four (4) weeks of paid annual leave for each year of service with one of the ASDAM businesses. Part-time Employees are entitled to annual leave on a pro-rata basis. Casual Employees are not entitled to annual leave.

Annual leave accrues progressively during each year of service and accumulates from year to year.

In certain circumstances, shift workers may be entitled to 5 weeks of annual leave per annum.

6.2 Taking Annual Leave

Employees can take annual leave at a time agreed to between themselves and their Manager. ASDAM will try to accommodate requests to take accrued annual leave; however there may be times when requests cannot be accommodated due to the

operational requirements of the business. Additionally, requests for annual leave may be declined due to operational requirements.

When applying for leave, especially for an extended period, Employees should give as much notice as possible.

6.3 Direction to take Annual Leave

Employees and Managers will work co-operatively to ensure that annual leave balances are kept to four (4) weeks or less.

ASDAM may direct Employees to take annual leave if they have accrued an excessive amount of annual leave or if there is a close down.

Annual leave accrual of more than two (2) years' entitlement or eight (8) weeks is considered excessive. Where an Employee has accrued in excess of eight (8) weeks annual leave entitlement, and has not applied for leave, the Employee and their Manager will work together to agree when a portion of the accrued leave is to be taken. Where agreement cannot be reached, the Manager will direct the Employee to take leave to reduce the leave entitlement, in accordance with legislation, or any relevant Enterprise Agreement or Award.

ASDAM and its operations may temporarily shut down all or part of its operations over the Christmas / New Year period and at other times during the year if business circumstances require it. Employees may be directed to take accrued annual leave during the shutdown period. If an Employee has insufficient annual leave to cover the shutdown, they may take long service leave or unpaid leave.

6.4 Annual Leave in Advance

In exceptional circumstances, Employees may apply to take annual leave in advance, subject to the GM and Head of HR's approval. This is subject to the Employee agreeing in writing that, in the event they exit the business, the company can deduct any outstanding amount of leave advanced out of their final termination payment.

6.5 Interaction with Other Leave

If a period of annual leave includes a public holiday, an Employee is taken not to be on annual leave for that day.

If a period of annual leave includes a period of personal/carer's leave, the Employee is taken not to be on annual leave for that day. In this circumstance, the Employee must comply with the notice and evidence requirements for personal/carer's leave.

6.6 Payment Whilst on Annual Leave

While on annual leave, Employees will receive their base rate of pay for their ordinary hours and will not be paid incentive-based payments and bonuses, overtime or penalty rates while on annual leave.

Leave loading may be paid in accordance with a business-specific Enterprise Agreement or Award.

Annual leave is paid in accordance with an Employee's normal pay cycle.

In the case of extenuating circumstances, an Employee can request that their annual leave be paid in a lump sum payment in advance of commencing leave. Such an arrangement requires General Manager and CHRISO approval.

6.7 Leave Payment on Termination

In the event of resignation or termination of employment for any reason, Employees will be paid for any untaken annual leave in their final pay. The leave payment will be calculated up to and including the last day of employment. Any leave loading that may be applicable is also paid out on termination of employment.

Where an employee leaves without providing the minimum notice of termination under the award, the company may deduct one week's wages under the award.

6.8. Cashing out Annual Leave

ASDAM supports the use of leave for rest and recreation. For exceptional reasons, Employees may forgo part of their accrued entitlement to annual leave and receive pay in lieu of the amount of the accrued annual leave forgone provided:

- Paid annual leave must not be cashed out if the cashing out would result in the Employee's remaining accrued entitlement to paid annual leave being less than four (4) weeks.
- Each cashing out of a particular amount of paid annual leave must be by a separate agreement in writing between the Company and the Employee.
- The Employee must be paid at least the full amount that would have been payable to the Employee had the Employee taken the leave that the Employee has foregone.
- Any request from an Employee to cash out annual leave must have approval from the appropriate delegation holder and Finance and all factors will be taken into account when approving.

7 Personal/Carer's Leave

7.1 Definitions

- **Personal leave** is leave taken by an Employee when they are not fit for work either because of a personal illness or injury.
- **Carer's leave** is leave taken by an Employee to provide care and support to a member of the Employee's immediate family or household due to personal illness or injury, or an unexpected emergency affecting the family or household member.
- **Immediate family** includes a spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the Employee; or a child, parent, grandparent, grandchild or sibling of an Employee's spouse or de facto partner.
- **De facto partner** includes a different sex / same sex partner who lives with the Employee in a relationship as a couple on a genuine domestic basis.
- **Spouse** includes a former spouse, a de facto spouse, and a former de facto spouse.

- **Child** includes an adopted child, a stepchild, an ex-nuptial child, and an adult child.

7.2 Entitlement to Personal/Carer's Leave

Employees are entitled to ten (10) days paid personal/carer's leave for each year of service with the ASDAM Group. Part-time Employees are entitled to paid personal/carer's leave on a pro-rata basis. The entitlement can be taken as either personal or carer's leave or a combination of both.

Paid personal/carer's leave accrues progressively during a year of service depending on the Employee's ordinary hours of work and it accumulates from year to year.

An Employee may take paid personal/carer's leave if the leave is taken:

- Because the Employee is not fit for work because of a personal illness, or personal injury affecting the Employee; or
- To provide care or support to a member of the Employee's immediate family, or a member of the Employee's household, who requires care or support because of:
 - A personal illness, or personal injury, affecting the member; or
 - An unexpected emergency affecting the member.

The company will allow Employees to attend medical appointments as part of their personal leave as part of a proactive strategy to support their health and wellbeing. This leave can include time to attend a medical check-up, a general dentist appointment, psychologist session, physio session or a specialist's appointment. These appointments are not intended to be used for cosmetic or recreational procedures. Mental health days are excluded. This leave needs to be taken as singular days (not two (2) consecutive days).

7.3 Notice of Personal/Carer's Leave

For all periods of personal/carer's leave, an Employee must give their manager notice of the taking of leave.

Employees must contact their manager as soon as possible if they are unable to attend work due to illness or injury, or because they are caring for a family or household member. They should inform their manager of the reason for the absence and the estimated return date. If the estimated return date changes, Employees should contact their manager again.

For each absence, Employees must submit an electronic leave application attaching any required evidence (refer to 7.4 Evidence of Personal/Carer's Leave). The leave application and attached evidence should be submitted when the Employee returns to work, or sooner if required by the Employee's manager.

For absences due to a work-related injury, please refer to the business-specific Return to work procedures.

7.4 Evidence of Personal/Carer's Leave

An Employee who is absent from work on personal/carer's leave, for two or more consecutive days, is required to provide a medical certificate, specifying the period that the Employee will be unable to attend work. Other evidence of illness may be accepted where it meets the satisfaction of the Employee's manager.

If an Employee does not comply with obligations to provide notice or evidence of personal/carer's leave, the Employee may not be entitled to paid leave. In addition, disciplinary action may be taken for failure to provide notice or evidence.

7.5 Payment while on Personal/Carer's Leave

While on personal/carer's leave, Employees will receive their base rate of pay for the ordinary hours they would have worked during the period of leave. Employees will not be paid incentive-based payments and bonuses, overtime or penalty rates while on personal/carer's leave.

7.6 Unpaid Carer's Leave

All Employees, including casuals, are entitled to up to two (2) days unpaid carer's leave for each occasion when a member of the Employee's immediate family or household requires support for personal illness or injury, or an unexpected emergency affecting the immediate family or household member.

For permanent Employees, unpaid carer's leave is only available where paid personal/carer's leave has been exhausted. Alternatively permanent Employees can request to take this time from their paid annual leave entitlement.

8 Compassionate Leave

8.1 Purpose of Compassionate Leave

Compassionate leave is paid leave provided to Employees after the death of an immediate family or household member, or to spend time with an immediate family or household member who is suffering from a life-threatening illness or injury.

8.2 Entitlement to Compassionate Leave

Each permanent Employee is entitled to two (2) days of paid compassionate leave for each occasion where a family or household member has died, or the Employee needs to spend time with a seriously ill or injured family member. Additional unpaid leave may be granted at management discretion.

Casual Employees are entitled to two (2) days of unpaid compassionate leave for each occasion.

Compassionate leave can be taken in a single unbroken period or in separate periods as agreed between the Employee and the manager.

Compassionate leave is provided on a per occasion basis – the entitlement does not accumulate from year to year.

8.3 Notice of Compassionate Leave

An Employee who is taking compassionate leave must give notice to their manager as soon as possible and should advise the expected period of the leave.

9 Evidence of Compassionate Leave

ASDAM may require reasonable evidence of the illness, injury, or death. Reasonable evidence includes a medical certificate, death certificate or a statutory declaration.

9.1 Leave Without Pay (or Unpaid Leave)

Leave without pay at an Employee's request may be granted where an Employee's entitlement to other forms of leave has been exhausted. Leave without pay is subject to the approval of the Employee's manager endorsed by the General Manager and Head of Human Resources

During this time of absence, the period will not count as service for the purposes of accruing leave entitlements.

10 Long Service Leave

Long service leave is a period of paid leave provided to an Employee in recognition of long service at ASDAM. Long service leave entitlements are based on continuous, unbroken service.

10.1 Entitlement to Long Service Leave

Employees are entitled to long service leave in accordance with State legislation or the relevant Award. Employees should contact Payroll to find out the entitlement and accrual rates that apply to them.

10.2 Applying for Long Service Leave

Long service leave should be applied for in advance of the leave being taken, and at a time agreed between the Employee and their manager. ASDAM reserves the right to reasonably decline an Employee's request for long service leave if we cannot accommodate the timing of the leave.

10.3 Payment Whilst on Long Service Leave

While on long service leave, Employees will receive their base rate of pay for their ordinary hours and will not be paid incentive-based payments and bonuses, overtime or penalty rates while on long service leave.

Long service leave is paid in accordance with an Employee's normal pay cycle and is not paid out in a lump sum payment in advance of the leave commencing.

10.4 Cashing out Long Service Leave

The ability to cash out long service leave entitlements is governed by State legislation. In cases where Long Service Leave can be cashed out is only with Company agreement and where ASDAM has met statutory and contractual requirements.

Approval must be sought from the appropriate delegation holder and Finance. Victoria legislation prohibits the cashing out of long service leave.

11 Parental Leave

Parental leave allows Employees to take time away from work for the birth or adoption of a child. The term parental leave encompasses several types of complementary entitlements, including:

- Birth-related leave and adoption-related leave (including in relation to premature birth, stillbirth or infant death).
- Unpaid special parental leave.
- A pregnant Employee's right to transfer to a safe job in appropriate cases, or to take no safe job leave.
- Unpaid pre-adoption leave.

11.1 Leave Entitlement

All Employees who have completed at least twelve (12) months' service are entitled to up to twelve (12) months unpaid parental leave. In addition, Employees may be able to request a further period of up to twelve (12) months in accordance with 11.9 Right to Request Further Unpaid Parental Leave.

Parents are entitled to unpaid parental leave if:

- the Employee, the Employee's spouse, or the Employee's de facto partner gives birth; or
- The Employee adopts a child under 16.

11.2 Type of Parental Leave

Parental leave consists of the following types of leave:

1. **Continuous unpaid parental leave** – a period of up to twelve (12) months (minus any flexible unpaid parental leave) of unpaid leave taken in a single, continuous period in respect of the birth of a child or adoption of a child.
2. **Paid parental leave** – Employees who have completed at least twelve (12) months' continuous service at the time of the birth/adoption of a child will be entitled to parental leave as follows: For an eligible Employee, the Company will provide two (2) weeks of paid parental leave at their base ordinary rate of pay plus superannuation. Entitlements such as leave shall continue to accrue when on parental leave.
3. **Flexible unpaid parental leave** – a period of up to 100 days that does not have to be taken in a single, continuous period and may be taken in multiple periods of a minimum of one day. Any period of flexible unpaid parental leave is part of an Employee's overall twelve (12) month entitlement to parental leave, so will reduce the available period of continuous unpaid parental leave.
4. **Unpaid special parental leave** – unpaid leave for a period as specified in a medical certificate because an Employee has a pregnancy-related illness or because the pregnancy has ended otherwise than due to the birth of a child.

5. **Paid or unpaid no safe job leave** – a period of leave where a pregnant Employee is certified as fit to work, but it is inadvisable for the Employee to continue in their present position due to risks arising from the pregnancy or hazards connected with the position, and the Employee cannot be transferred to a safe job.
6. **Unpaid pre-adoption leave** – up to two (2) days of unpaid leave to attend interviews or examinations required to obtain approval to adopt an eligible child.
7. **Stillbirth or infant death leave** - In the case of a stillbirth or an infant death during the first 24 months of life, an eligible Employee is entitled to take unpaid parental leave. They can take up to twelve (12) months unpaid parental leave.

11.3 Eligibility for Parental Leave

Parental leave provisions apply to all Employees who have completed at least twelve (12) months continuous service with ASDAM.

Casual Employees who have been engaged by ASDAM on a regular and systematic basis for a sequence of periods of employment during a period of at least twelve (12) months and would have a reasonable expectation of continuing engagement if not for the birth / adoption of a child, are entitled to parental leave.

11.4 Notice requirements for unpaid parental leave

An Employee must provide written notice of their intention to take either continuous, or flexible, unpaid parental leave at least ten (10) weeks before starting the leave. The notice must specify the intended start and end dates of the leave and include a medical certificate stating the expected date of confinement. All applications for leave must be submitted electronically via the Employee Self Service system.

Medical certificates can be uploaded onto Employee Self Service and attached to the leave application.

In addition, an Employee needs to confirm their parental leave dates at least four (4) weeks before they are due to start leave. This notice should include any changes to the intended start and end dates of leave.

If an Employee cannot give the appropriate notice (for example, the baby is born prematurely), they will still be entitled to take the leave as long as they provide notice as soon as possible.

11.5 Commencing Unpaid Parental Leave

For birth-related leave, a pregnant Employee may commence unpaid parental leave up to six (6) weeks prior to the expected date of birth but must not commence later than the date of birth of the child.

If the Employee wishes to continue working within the six weeks period immediately prior to the confinement date, ASDAM may request the Employee to provide a medical certificate stating if they are able to work and, if so, if there are any risk factors with continuing in their present position. If an Employee does not give the requested

certificate within seven days after the request or if the medical certificate states that the Employee is not fit for work, ASDAM may direct the Employee to commence unpaid parental leave.

ASDAM may also require an Employee to start unpaid parental leave as soon as practicable if the Employee is certified as fit for work, but:

- The certificate indicates that it is inadvisable for the Employee to continue in their present position for a specified reason; and
- The Employee is not entitled to transfer to a safe job or to “no safe job” leave.

This form of directed leave runs until:

- The end of the Employee’s pregnancy; or
- The date the Employee’s planned leave was due to start; and
- Counts as part of the Employee’s 12 months unpaid parental leave entitlement.

If the leave is adoption related, the Employee taking leave has to start their leave period on the date of placement of the child.

11.6 Taking Unpaid Parental Leave

All eligible Employees (refer 11.3 Eligibility for Parental Leave) can take unpaid parental leave either:

1. As a single continuous period (**continuous unpaid parental leave**) for up to twelve (12) months, with the potential of requesting a further 12 months; or
2. On a flexible basis where up to 100 days of the twelve (12) month entitlement is taken flexibly, within the first 24 months of the birth/adoption of the child. The flexible component of unpaid leave can be taken in one continuous period of one (1) or more days, or as separate periods of one (1) or more days (**flexible unpaid parental leave**). Flexible parental leave forms part of the Employee’s twelve (12) month unpaid parental leave entitlement and are not an additional entitlement); or
3. As a **combination** of a continuous period and flexible days.

Flexible unpaid parental leave can be taken in multiple periods, but an Employee cannot resume a continuous period of unpaid parental leave after using any flexible parental leave.

Unpaid leave can be taken by both parents at the same time.

In the unfortunate case of a stillbirth or an infant death an eligible Employee is still entitled to take unpaid parental leave, should they so choose. They can take up to twelve (12) months unpaid parental leave.

An Employee is not able to take paid personal/carer’s leave, paid compassionate leave or paid community service leave while taking unpaid parental leave.

11.7 Taking Unpaid Special Parental Leave

A pregnant Employee who is eligible for Unpaid Parental Leave can take Unpaid Special Parental Leave if:

- They have a pregnancy-related illness; or
- The pregnancy ends after 12 weeks because of miscarriage or termination.

While the Employee won't be entitled to take special parental leave if the infant is stillborn, the Employee may still be entitled to take unpaid parental leave.

If an Employee takes Special Parental Leave because of a pregnancy-related illness, the leave will end when the pregnancy or illness ends, whichever is earlier. If the Employee takes leave because of a miscarriage, termination or still birth, the leave can continue until she is fit for work.

Special Parental Leave will not reduce the amount of unpaid parental leave that an Employee can take. To access Special Parental Leave, the Employee needs to provide written notice that they are requesting Special Parental Leave. This must include the period of expected period of leave and be provided as soon as possible. It is a requirement to provide evidence to ASDAM, by way of medical certificate.

11.8 Keeping in touch days

Employees are eligible to take up to ten (10) keeping in touch days without breaking their period of continuous unpaid parental leave. A keeping in touch day is intended to assist the Employee to return to work after a period of parental leave. For example, it may involve, an Employee attending training to update skills or participating in a planning meeting.

Keeping in touch days must be agreed between the Employee and employer. An Employee who wishes to take a keeping in touch day should discuss it with their manager to arrange a suitable day or days. Employees are entitled to receive their normal pay for any hours worked on a keeping in touch day and can work the ten (10) days one at a time or all at once.

Performing work on a keeping in touch day does not extend the available period of unpaid parental leave.

11.9 Pregnancy and Personal Leave

Prior to commencing unpaid parental leave, a pregnant Employee may be able to access their personal leave by providing documentary evidence from a medical practitioner that they are not fit for work because of personal illness or injury (other than due to the pregnancy itself).

11.10 Using other Forms of Leave in Conjunction with Parental Leave

An Employee can arrange to take some other forms of paid leave, such as annual leave or long service leave, at the same time that the Employee is taking unpaid parental leave.

However, the entitlement to unpaid parental leave will be reduced by the amount of any other form of authorised paid leave taken by the Employee. This means that the

maximum period of combined absence is capped at the statutory maximum of twelve (12) months leave, subject to the right to request additional leave of up to twelve (12) months.

An Employee is not able to take paid personal/carer's leave, paid compassionate leave or paid community service leave while taking unpaid parental leave.

11.11 Right to Request Further Unpaid Parental Leave

An Employee who takes a continuous period of unpaid parental leave has the right to request an extension of their continuous period of unpaid parental leave beyond the original twelve (12) month entitlement. The maximum extension period for unpaid parental leave is twelve (12) months.

The request to extend the unpaid leave must be in writing and must be given at least four (4) weeks before the end of the original parental leave period. ASDAM will respond to the request within 21 days. The written response will advise whether the request is approved or declined and if we refuse, we will advise on what reasonable business grounds.

11.12 Return to Work

Employees need to provide four (4) weeks' notice of their intended return to work date. When returning to work from parental leave, an Employee is entitled to return to the position they held before taking leave or to a new position if the Employee has agreed to accept a new position. If an Employee's former position no longer exists, then the Employee is entitled to return to an available position for which the Employee is qualified and suited nearest in status and pay to the pre-parental leave position.

If an Employee wishes to alter the working conditions on return from parental leave, such as hours/days of work, they will need to make such a request in writing. ASDAM will consider such requests individually, on a case-by-case basis, taking into account operational and business requirements at the time of the request.

11.13 Parental Leave Pay (Federal Government Scheme)

The federal government provides a paid parental leave scheme for eligible Employees. The government scheme provides up to 20 weeks (100 days) of pay at the national minimum wage. The 20-week entitlement is shared between parents, and each can use some portion of the entitlement. In most cases an individual parent can only use a maximum of 18 weeks of the entitlement pay, and the remaining two (2) weeks must be taken by the other parent.

Employees must make their own enquiries and apply for paid parental leave through Services Australia. ASDAM does not determine whether an Employee is eligible for paid parental leave.

If an Employee receives the Federal government's Parental Leave Pay, the absence from the workplace will still be regarded as unpaid parental leave.

12 Community Service Leave

12.1 Entitlement

Under federal legislation, Employees are entitled to apply for leave if they are absent from work due to an **eligible community service activity**, including reasonable travelling time associated with the activity and reasonable rest time immediately following the activity.

Eligible community service activity includes jury service and voluntary emergency management activities (for example, as a volunteer dealing with an emergency or natural disaster as a member of the State Emergency Service or Country Fire Authority).

12.2 Notice of Community Service Leave

An Employee who is taking community service leave must give notice as soon as possible and should advise the expected period of the leave.

12.3 Evidence of Community Service Leave

ASDAM may require the Employee to provide reasonable evidence that the absence from work is because they are engaging in an eligible community service activity.

12.4 Community Service Leave Payment

Community service leave includes voluntary emergency management activities and jury service.

The following rules apply:

- Two (2) weeks Community Service leave is paid leave per calendar year.
- Entitlements such as leave shall continue to accrue when on community service leave.

Community service that extends beyond two (2) weeks is unpaid by ASDAM, unless there is State Legislation that provides for the payment.

Payment made by ASDAM for jury service will be reduced by the amount of any jury service pay received for service as a juror. The Employee must provide ASDAM with written evidence of the total amount of jury service pay or allowance paid to the Employee.

13 Family and Domestic Violence Leave

ASDAM is committed to supporting the safety and wellbeing of Employees who are experiencing family and domestic violence, recognising the potential physical and emotional impact on the Employee.

Paid Family and Domestic Violence Leave (Paid FDVL) is provided to Employees to enable them to participate in and complete activities associated with managing the impact of family and domestic violence, where it is impractical for them to perform such activities outside of their working hours.

13.1 Definitions

Close relative means:

- A spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the Employee; or
- A child, parent, grandparent, grandchild or sibling of a spouse; or
- De facto partner of the Employee; or a person related to the Employee according to Aboriginal or Torres Strait Islander kinship rules.

A reference to a spouse or de facto partner includes a former spouse or de facto partner.

Family and domestic violence is defined as violent, threatening or other abusive behaviour by a *close relative of an Employee, a member of an Employee's household or a current or former intimate partner of an Employee*, that seeks to coerce or control the Employee and that causes them harm or to be fearful.

Examples of behaviour that may constitute family and domestic violence include (but are not limited to):

- An assault.
- A sexual assault or other sexually abusive behaviour.
- Stalking.
- Intentionally damaging or destroying property.
- Intentionally causing death or injury to an animal.
- Unreasonably withholding financial support needed to meet the reasonable living expenses of the family member, or their child, at a time when the family member is entirely or predominantly dependent on the person for financial support.
- Unreasonably denying the family member the financial autonomy that they would otherwise have had.
- Preventing the family member from making or keeping connections with their family, friends or culture.
- Unlawfully depriving the family member, or any member of the family member's family, of their liberty.

13.2 Entitlement

Permanent and casual Employees who are experiencing family or domestic violence are entitled to up to (ten) 10 days of paid Family and Domestic Violence Leave (FDVL) in each twelve (12) month period of service.

Paid FDLV does not accumulate from year to year and is available, in full, from the commencement of each twelve (12) month period of service.

13.3 When an Employee may access family and domestic violence leave

Family and domestic violence leave is for the purpose of allowing an Employee to do something to manage the impact of family and domestic violence where it is impractical for the Employee to perform that activity outside their work hours. Examples of circumstances in which family and domestic violence leave might be used include:

- Seeking medical, counselling, financial or legal assistance relating to family and domestic violence.
- Attending Centrelink to obtain a benefit.
- Attending a financial institution to arrange financial autonomy from a perpetrator of family and domestic violence.
- Accessing police services.
- Attending court in relation to family and domestic violence perpetuated on the Employee or family member.
- Finding or moving into safe accommodation
- To make other related safety arrangements (e.g. changing locks, repairing doors/windows, installing alarms/video cameras).
- Relocating a family pet subject to family and domestic violence to a safe location and/or seeking urgent veterinary attention for the pet.

13.4 Payment while accessing Paid FDVL

Permanent Employees will be paid their full rate of pay, as if they had worked at that time rather than accessing leave.

Casual Employees will be paid at their full pay rate for the hours they were rostered to work in the period they took leave.

Full rate of pay includes base rate of pay plus any loadings, monetary allowance, overtime or penalty rates that the Employee would have earned had they been working at that time.

Employees are not required to apply for FDVL via the electronic leave system. Applications for this leave can be made via an Employee's Manager or directly with Payroll/HR.

13.5 Notice and evidence requirements for family and domestic violence leave

An Employee wishing to access family and domestic violence leave must notify their Manager of the leave as soon as practicable and advise of the expected duration of the leave. Unless exceptional circumstances apply, the Employee is expected to provide notice prior to the leave commencing.

The granting of family and domestic violence leave is subject to an Employee producing evidence satisfactory to ASDAM that the leave requested relates to the purposes above.

Examples of such evidence may include statutory declarations, documents issued by the police or court or family violence support service documents.

Managers will take all reasonable steps to ensure that information provided by an Employee relating to taking family and domestic violence leave is kept confidential. Information on an Employees' use of this leave will only be divulged in exceptional circumstances where it is imperative to maintain the safety of the Employee and/or other Employees or if it is required for legal reasons.

14 Military Leave

ASDAM supports and encourages Australian Defence Force Reservists and their significant contribution to support the safety and wellbeing of all Australians and our national interests.

ASDAM provides two (2) weeks paid leave to reservists that are called to active Military or Reserve service, or if volunteered for the same. Your manager should be notified, and ASDAM requests that copies of military orders be submitted as soon as possible to assist in the processing of the leave, acknowledging the rights of a Reservist under the Defence Reserve Service (Protection) Act 2001.

Military Leave for the period of military service will be granted in accordance with applicable Federal and State Laws. Employee eligibility for reinstatement after military duty or training completed is determined in accordance with applicable Federal and State Laws.

The following rules apply:

- Two (2) weeks Military leave is paid leave per calendar year
- Entitlements such as leave shall continue to accrue when on military leave.

If the Reservist is called to active service for more than two (2) weeks in a calendar year, they are to discuss options with their respective ELT member.

15 Volunteering Leave

Where an Employee participates in a recognised and approved volunteering activity (such as with a community organisation), ASDAM will match their volunteering hours by providing the Employee with paid time off to participate in volunteering during working hours. ASDAM will match the number of hours the Employee has already volunteered, up to a maximum of four (4) hours per annum.

This leave may be used by a department, division or functional team as a team building activity, limited to four (4) hours paid company time. In this instance, no matching will apply.

No Employee will qualify more than four (4) hours of Volunteering Leave in total per annum.

16 Public Holiday Exchange

Individuals, teams and/or businesses can request to substitute a public holiday for another day, subject to the approval of site management. In such cases, the public holiday shall be an ordinary working day and the Employee will be credited with the equivalent hours, reflected as Public Holiday in Lieu hours. Substituted public holidays

could be taken for example on Australia Day, Show Day, or any other public holiday as identified by the business, subject to the following conditions:

- The Employee can safely perform their duties on the public holiday day worked.
- The leave must be taken within twelve (12) months otherwise it lapses.
- Must be applied for before annual leave.

17 Purchasing Additional Leave

ASDAM recognises that Employees may require from time to time, additional leave over and above their leave entitlements to focus on their wellbeing or supporting other family members. Purchased leave is an arrangement whereby Employees enter into an arrangement in order to buy and access leave in addition to their normal paid leave entitlement.

Purchased leave will be credited into an Employee's leave balance and will be paid via payroll deductions in line with regular pay cycles, commencing from the date of approval. This leave must be paid for in full within the same financial year in which it is approved.

Therefore, Employees have the option of submitting a request to purchase additional leave on the following basis:

- The opportunity to purchase leave will be managed and approved on a case-by-case basis and is not an automatic entitlement.
- Submissions to purchase leave must be in writing on the appropriate form. Decisions will be made within reasonable time and will be based on operational requirements.
- Priority will be given to Employees who have expended annual leave or long service leave (where applicable) entitlements for non-recreational purposes such as attending to carer or family needs.
- Employees who intend to purchase leave must not carry an annual leave accrual of more than 38 hours and/or a long service leave accrual of 152 hours at the end of the period the leave was purchased.
- A minimum of one (1) week and a maximum of four (4) weeks additional leave may be purchased in any financial year.
- Applications to purchase additional leave must include the number of purchased leave days and the intended leave dates, ensuring that the leave is taken in full by the final payroll in June.
- Arrangements are made on a financial year basis; deductions commence in the first pay period following approval and must be paid in full by final payroll in June.
- The salary deduction is determined by calculating the base ordinary rate of pay and allowances for the term of the unpaid leave then dividing that figure by the number of pay periods left in the financial year.
- Employees planning holidays must ensure that the application has been approved by their manager or supervisor **prior** to making any bookings.

- Any pay adjustments that occur during the period in which the leave has been purchased will cause a re-calculation of the leave purchased.
- Purchased leave may be taken in conjunction with other forms of leave including long service leave and annual leave.
- The employee will be required to sign a purchase leave agreement before the leave will be approved, which will enable the company on separation of employment for any reason, to withhold any outstanding monies from the Employee's final pay and/or entitlement.
- Purchased leave shall count as service for long service leave accrual and increment purposes.
- Employees wishing to purchase leave must seek their own independent financial advice prior to applying to purchase additional leave.