

## Purpose

This policy establishes the management of leave entitlements and applicable discretionary provisions for full time, part time and maximum term employees, in accordance with applicable industrial instrument, and where relevant Protech policies.

Employees are entitled to various forms of paid and unpaid leave as per the Fair Work Act 2009 (Cth) (FW Act) and other applicable legislation. This policy sets out a summary of employees' legislative entitlements and (unless expressly stated) is not intended to confer any additional leave entitlements on an employee. For avoidance of doubt the relevant legislation will apply in the event of any inconsistency between the relevant legislative provisions, or contractual arrangements of a specific employee and this policy.

## Objective

Employees are provided with a variety of leave arrangements that enable them to balance work with rest and recreation, family responsibilities and other specific purposes. A safe and healthy workplace enables staff members to take leave breaks and provides them with an opportunity to refresh away from the work environment. It is in the interests of team members and Protech that annual leave entitlements are taken each year.

Managers and employees are responsible for balancing operational and individual needs when applying for leave and/or approving leave. Managers are responsible for monitoring leave balances and discussing with employees the utilisation of their leave balance. Requests for extended leave arrangements must consider workforce planning and the appropriate resourcing of the team.

## 1. Leave Entitlements

### 1.1 Annual Leave

Annual leave is calculated on a pro-rata basis for any period of service which is less than twelve (12 months) and accumulates from year to year. Accrued but untaken annual leave is paid out on termination. Annual leave can be taken at any time subject to operational requirements and approval by the employees Manager. Protech reserves the right to refuse a request for annual leave if it would result in an employee having insufficient leave accrual to cover a future shutdown period.

Protech may direct an employee to take a period of accrued annual leave in accordance with an industrial instrument, provided the direction is reasonable. For example, an employee may be directed to take accrued annual leave during a shutdown period, or where the employee has accrued more than six weeks annual leave.

### 1.2 Requirements to apply and take paid annual leave

- ▶ All employees must complete a Leave Application Form preferably at least four (4) weeks prior to taking annual leave if greater than 2 days. Leave forms must be approved by the Manager. Where applicable, approved Leave Application Forms must be forwarded to the Payroll department.
- ▶ Failure to forward on leave application forms to Payroll in a timely manner could result in any annual leave entitlements not being paid on time.
- ▶ If an employee's accrued leave is over the threshold of six weeks (228hrs) employees are required to make suitable arrangements with their Manager to take leave.

- › Any employee who wishes to accrue more than the prescribed threshold of annual leave for an extended absence, must have written approval from their manager. Confirmation of the approval must be passed onto Payroll once total accrued hours exceed 228.

### 1.3 Cashing out accrued annual leave

Protech does not encourage the cashing out of accrued annual leave in replacement of taking paid annual leave time as leave is important for fatigue management. Protech will however, consider an employee's request to cash out accrued annual leave if:

- › the request is in writing and accordance with Fair Work legislation and relevant Awards, and the provisions contained therein; and
- › the employee has completed at least 24 months continuous service; and
- › the request contains a valid reason to satisfy a reasonable person (i.e. due to the employee suffering from personal / financial hardship);

**NB: each time annual leave is cashed out, employees must retain a balance of 4 weeks.**

### 1.4 Birthday Day Off

The Birthday Day Off benefit allows internal employees (not applicable to employees engaged in an on-hire assignment) to spend their birthday away from work and is an additional day paid leave on top of accrued annual leave. Birthday day off does not accrue and is not compensable upon termination.

Birthday Day Off must be taken on your birthday, or within 5 calendar days before or after your birthday at your manager's discretion.

### 1.5 Personal Leave (inc Carer's and Compassionate)

Paid personal leave applies where an employee may require time off work if they have a personal illness or injury; and where an employee may require time off if a member of their Immediate Family or household is ill or injured or involved in an unexpected emergency. This leave accrues progressively during the year and accumulates from year to year, but is not payable upon termination.

Under the FW Act full time and part time employees are entitled to up to two days' paid compassionate leave for each occasion that a member of their Immediate Family or household dies, sustains a life threatening injury and/or contracts a life threatening illness.

Casual employees are entitled to unpaid personal leave and up to two days' unpaid compassionate leave per occasion it is required.

#### 1.5.1 Requirements to apply and take personal leave:

- › An employee needing to take personal/carer's or compassionate leave must notify their manager as soon as reasonably practicable, preferably prior to their usual start time.
- › If possible for planning purposes the employee should indicate the anticipated duration of leave required.
- › A medical certificate or other appropriate evidence is required where an employee takes personal carer's or compassionate leave for two consecutive days or more, and at other times upon request by their manager, such as personal leave taken either side of a weekend or public holiday.
- › All employees must complete a Leave Application Form for all personal leave taken. Leave forms must be approved and signed by the Manager. Where applicable, the approved Leave Application Form must be forwarded to the Payroll department.

- › Failure to forward on leave application forms to Payroll in a timely manner could result in any personal leave entitlements not being paid on time, adjustments for leave taken and not reflected may be made in subsequent payroll runs.

## 1.6 Community service leave

Under the FW Act employees are entitled to community service leave to participate in eligible community service activities. Eligible community service activities include jury service; voluntary emergency management; and any other activity prescribed by law from time to time. With the exception of jury service, community service leave is unpaid leave.

### 1.6.1 Requirements to apply and take community leave:

- › An employee needing to take community service leave must notify their manager as soon as reasonably practicable.
- › If possible, for planning purposes the employee should indicate the anticipated duration of leave required.
- › A jury service or community certificate or other appropriate evidence may be required where an employee takes community leave, and at other times upon request by their manager.
- › Where appropriate the employee may apply to Protech for a letter concerning their role commitments and can request supporting documents for applications to be excluded from Jury Service. It is the employee's responsibility to manage this process in line with the requirements of the courts and their deadlines.

## 1.7 Parental leave

Eligible employees may be entitled to unpaid parental leave in accordance with the FW Act. Employees taking parental leave under the FW Act may also be entitled to payments under the government's parental leave payment scheme. For more information in relation to this entitlement please contact the Family Assistance Office.

### 1.7.1 Requirements to apply and take Parental leave:

- › Where practical an employee who intends to be a primary caregiver should advise their manager of their intention to take leave as far as practicable in advance.
- › As a minimum, employees must advise Protech in writing no later than ten (10) weeks before the expected date of birth to take parental leave.
- › This notice must specify the intended commencement and end dates of the leave. This request must be accompanied by a medical certificate.
- › Employees must ensure they update Protech if the intended start date or end dates of the leave change.
- › If a pregnant employee continues to work during the 6-week period before the expected date of birth of the child, Protech may ask the employee for evidence that they are fit for work and whether regular duties can continue.
- › Where eligible, any request to extend the parental leave period must be made in writing at least 4 weeks prior to the expiry of the initial leave. This extra leave (if granted) cannot be extended beyond 2 years from the commencement of leave. Protech management will consider such requests and will work with the employee to reach an agreement that balances both the needs of the employee and Protech.

Employees on primary carer leave and their managers are encouraged to keep in contact on a regular basis to maintain an awareness of work-related issues. This contact can assist in the transition back to work and gives the employee the opportunity to discuss the basis upon which they wish to return to work.

## 1.8 Returning from Parental leave (primary carers)

An employee on parental leave as a primary carer is required to confirm their intention of returning to work in writing at least four weeks prior to their intended date of return. Upon returning to work an employee is entitled to return to the position they held immediately prior to commencing parental leave. If the position no longer exists, the employee is entitled to an available position for which the employee is qualified and suited nearest in status and pay to the pre-parental leave position.

Should the employee seek to modify their duties or hours upon returning from leave they must submit a flexibility request in writing which will be considered in line with Protech's obligations and flexibility policy.

## 1.9 Long service leave

Employees are entitled to long service leave in accordance with applicable state or federal legislation as amended from time to time. Planning for substantial periods of leave such as long service should be done well in advance and in partnership between the employee and their manager.

## 1.10 Family and domestic violence

All employees (including part-time and casual employees) are entitled to 10 days paid family and domestic violence leave each year. This entitlement does not accumulate and is not calculated on a pro-rata basis. The entitlement to family and domestic violence leave comes from the National Employment Standards (NES).

An employee may take Family and Domestic Violence Leave if the following (Eligibility Requirements) are met:

- (a) the employee is experiencing family and domestic violence; and
- (b) the employee needs to do something to deal with the impact of the family and domestic violence; and
- (c) it is impractical for the employee to do that thing outside the employee's 'work hours'.

An employee needing to take family and domestic violence leave must notify their manager or human resources as soon as reasonably practicable. An employee must, if requested provide evidence that would satisfy a reasonable person that they have met the Eligibility Requirements (as outlined above).

If possible, the employee should indicate the anticipated duration of leave required. Additional support services are available and may be offered to the employee on a case-by-case basis.

## 2. Public holidays

Under the FW Act, full and part time employees are entitled to a day off without loss of pay on a public holiday, provided they would normally have been required to work on that day.

Public holidays include New Year's Day, Australia Day, Good Friday, Easter Monday, Anzac Day, the Queen's Birthday, Christmas Day, Boxing Day and any other day declared to be a public holiday under a law of the state or territory in the employee's primary work location.

Where an employee is requested by Protech to work on a public holiday, the employee will be entitled to time off in lieu (at a rate of one hour per hour worked) rather than additional payment. Employees and Management may also agree to a substitute a day for an alternative date in advance and this may be subject to a majority rules approach.

## 3. Flexible hours/time

Employees may be required to work additional hours (i.e. overtime) in order to fulfil the requirements of their position or meet operational requirements. Dependent on the requirements of their role Employees (excluding employees engaged in an on-hire assignment) will be expected to maintain 24 hours/7 day coverage availability unless by arrangement with management e.g. over holiday periods etc.

Full and part time employees' remuneration has been calculated to consider and compensate for working reasonable additional hours. As such full and part time employees may not receive any additional remuneration or be entitled to any further payments or time off in respect of additional hours worked (including hours worked on weekends, public holidays or otherwise outside of usual business hours) unless the employee's Letter of Offer states otherwise, or whereby specific agreement is reached with their Manager prior to the additional work being performed.

An employee who is a parent or who has responsibility for the care of child/children may request a change in working arrangements. The request must be in writing and set out the details of the change sought. Protech management will consider such requests and will work with the employee to grant the request in full or reach an agreement that balances both the needs of the employee and Protech. Employees should refer to the Flexible Work Information from Fair Work Ombudsman.

Requests for flexible working arrangements will be considered by Protech Management in accordance with its statutory obligations, but may be refused on reasonable business grounds. All such requests must be submitted in writing.

## 4. Additional Leave information

### 4.1 Unpaid Leave

Employees requesting unpaid leave are expected to first use their paid leave entitlements (annual and long service leave etc.) and must put a request in writing to their relevant Manager. All forms of leave do not continue to accrue during any period of unpaid leave. Where employees have exhausted all paid leave Protech will cease paying the relevant employees' salary for the duration of the absence.

### 4.2 Unauthorised Leave

In the case of unauthorised leave greater than 3 days, Protech may consider an employee to have abandoned their employment and may take steps to terminate. At the time of termination employees are entitled to be paid certain leave entitlements accrued in accordance with relevant industrial instrument.

### 4.3 Negative Leave

At times an employee may request leave that would take their balance into a negative leave position. All such request must be made in writing and any employee entering into Negative Leave must have this arrangement approved by a Director only.

### 4.4 Banking Units

Employees are also eligible to bank units to accrue a higher leave balance for longer holidays/peak periods etc. This is a standalone agreement, outside of the employment contract. Approach management to discuss prior to commencement. A banking unit form is to be completed and submitted to payroll for processing.

Any hours that have been banked do not count towards an annual leave balance and can be cashed out upon request. When an employee is receiving their banked hours on a per week basis and while

they are receiving no other income from Protech, these hours do not count towards continuous service with Protech.



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