

Leave Procedure

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Definitions

Below are some common definitions that will below apply throughout this Procedure	
Base rate of pay	Will have the same meaning as section 16 of the FW Act meaning the amount an employee receives under their Industrial Instrument for their ordinary hours of work excluding incentive-based payments, bonuses, loadings, monetary allowances, overtime or penalty rates, or any other separately identifiable amounts.
Client	will mean any Client of Protech with whom there is a commercial agreement to provide Field Employee services and to who the Field Employee may be assigned to work from time to time.
Close Relative	Means a member of the Employee's immediate family or a person related to the Employee according to Aboriginal or Torre Strait Islander kinship rules
Emergency Management Body	Means a body that has a role or function under a plan that is: for coping with emergencies and/or natural disasters; a firefighting, civil defence or rescue body; and/or mainly involved in responding to an emergency or natural disaster including securing the safety of people and animals and protecting property.
Employee	Means any employee of Protech, including both Internal Employee and Field Employees. This does not include Offshore Team Members.
Enterprise Agreement	Means the enterprise agreement that an employee is employed under (if any)
Family and Domestic Violence	Means violent, threatening or other abusive behaviour by a close relative, household member or current or former spouse or intimate partner of the Employee that seeks to coerce or control the Employee, and causes them fear or harm
Field Employee	Means an employee of Protech that is currently assigned to work for a client of Protech. May also be referred to as an 'On-hire' Employee.
Full Rate of Pay	Shall have the same meaning as section 18 of the FW Act meaning the rate payable to an employee inclusive of usual rate of pay with incentive-based payments and bonuses, loadings, monetary allowances, overtime or penalty rates, and any other separately identifiable amounts.
FW Act	Means the <i>Fair Work Act 2009</i> (Cth), as amended from time to time
Immediate Family	Has the meaning contained in the <i>Fair Work Act 2009</i> (Cth) being: a spouse, de facto partner, child, parent, grandparent, grandchild or sibling of a person; or a child, parent, grandparent, grandchild or sibling of a spouse or de facto partner of the person
Industrial Instrument	Means the modern award or enterprise agreement or other statutory legislative instrument that provides for an entitlement for an Employee.
Internal Employee	Means an Employee employed to work in Protech's business and are not on-hired to work for Protech's clients (i.e. not a Field Employee). Internal Employee may work in finance, HR or as Account Managers responsible for overseeing Field Employees however does not include Offshore Team Members.
LAF	Leave Application Form for Field Employees. The LAF form can be accessed by Field Employee by their online portal or from their Manager. For Internal Employees Leave applications can be lodged by the Elmo portal or similar.
Manager	Means the Manager at Protech that an Employee, including a Field Employee, reports to.
Modern Award	Means the modern award that an employee is employed under (if any)
NES	Means the National Employment Standards contained within the <i>Fair Work Act 2009</i> (Cth)
Permanent Employees	Means full-time or part-time Employees.
Protech	Means Protech Group (Aust) Pty Ltd and any of its related bodies corporate, consistent with the <i>Corporations Act 2001</i> (Cth), including its subsidiaries or any holding companies
Procedure	Means this Protech Leave Procedure as amended from time to time
Related Entities	Related entities of Protech Group (Aust) Pty Ltd include: Protech Personnel Pty Ltd; Protech Personnel (NSW) Pty Ltd; Protech Personnel Northern Region Pty Ltd; Protech Personnel (NT) Pty Ltd; Protech Personnel (WA) Pty Ltd; Protech Personnel (VIC) Pty Ltd; Protech Personnel Southern Region Pty Ltd; Protech Business Services Pty Ltd; Protech Managed Project Services Pty Ltd; Protech Personnel (WA) Pty Ltd; Protech Mining & Maintenance Pty Ltd; Quantum Safety Pty Ltd; Protech GPS Pty Ltd; Protech Rail Pty Ltd; Protech HRA Pty Ltd, Dreampath Recruitment Pty Ltd and Protech Traffic Pty Ltd; O.C.C Services Pty Ltd; O.C.C QLD Pty Ltd; OCC WA Pty Ltd; Care Hero Pty Ltd.
Regulations	Means the <i>Fair Work Regulations 2009</i> (Cth), as amended from time to time
Site Supervisor	Means the supervisor, or anyone else by a similar title or duties, who is engaged at the client site and a Field Employee is required to report to work for that assignment or site.
TOIL	Means Time Off In Lieu.

1. Purpose and Overview

- 1.1. The purpose of this Procedure is to set out the types of leave entitlements that are available to Employees and the processes for taking leave or being absent from work.
- 1.2. This Procedure is not intended to confer any additional entitlements on an Employee that are not provided by the Employees relative Industrial Instrument.
- 1.3. The relevant provisions in the Industrial Instrument will apply in the event of any inconsistency between this Procedure and the Industrial Instrument. This covers any Industrial Instrument that provides for higher entitlements than those referred to in this Procedure.
- 1.4. This Procedure:
 - 1.4.1. may be updated or replaced from time to time at Protech's absolute discretion;
 - 1.4.2. is not incorporated into an Employee's contract of employment; and
 - 1.4.3. does not provide an Employee with any enforceable rights.

2. Objective & Scope

- 2.1. Employees are provided with a variety of leave entitlements that enable them to balance work with rest and recreation, family responsibilities and other specific purposes. A safe and healthy workplace encourages employees to take leave breaks and provides them with an opportunity to refresh away from the work environment.
- 2.2. This Procedure aims to ensure that when an Employee takes leave, operations continue to run as smoothly as possible with minimal disruptions.
- 2.3. It is an Employee's responsibility to abide by any process under this Procedure.
- 2.4. This Procedure applies to all Protech Employees.

3. Annual Leave

3.1. Entitlement to Annual Leave

- 3.1.1. Permanent Employees are entitled to annual leave in accordance with the NES, and any applicable Industrial Instrument. An Industrial Instrument may provide an entitlement to annual leave that is greater than the NES entitlement.
- 3.1.2. Unless the Industrial Instrument provides otherwise, a full-time Employee is entitled to four (4) weeks of paid annual leave (equivalent to 152 hours) for each year of service, which accrues progressively throughout the year according to an Employee's ordinary hours of work and accumulates from year to year. A part-time Employee is entitled to annual leave on a pro-rata basis.
- 3.1.3. Accrued but untaken annual leave is paid out on termination of employment.

3.2. Applying for and Taking Annual Leave

- 3.2.1. An Employee can take annual leave subject to:
- 3.2.2. Providing four (4) weeks' notice (or less by mutual agreement); and
- 3.2.3. Approval by the Employee's Manager.
- 3.2.4. Any leave request for a period of four (4) weeks or more requires at least three (3) months' notice (or less by Agreement) and approval by the Employees Manager and may require one-up Management approval.
- 3.2.5. Requests to take annual leave will not be unreasonably refused however Protech reserves the right to refuse a request to take annual leave if it would:
- 3.2.6. result in the Employee having an insufficient annual leave balance to cover a future site close-down period;
- 3.2.7. result in the Employee having insufficient annual leave to cover the period of leave requested;

- 3.2.8.** Negatively impact on Client operational requirements including, but not limited to, operational coverage and availability of other personnel taking into consideration skill sets required;
- 3.2.9.** Any other reasonable business grounds.
- 3.2.10.** Field Employee must fill-out and provide a LAF to their Manager.
- 3.2.11.** Internal Employees must apply for leave through Protech internal leave management system.
- 3.2.12.** Employees will be notified about whether their leave request has been approved or denied. If a leave request is denied the Employee is required to attend for work as usual for the period of leave rostered for work.

3.3. Direction to take Accrued Annual Leave (Close Down Periods)

- 3.3.1.** Unless provided by the Industrial Instrument, Protech may provide two (2) months written direction to an Employee to take a period of annual leave to cover a close down period where a site, office or other operational area is temporarily closed. For example, Protech may direct Employees to take annual leave during a close-down period over Christmas period or other temporary closure of a site or office.

3.4. Payment for Annual Leave

- 3.4.1.** Unless an applicable Industrial Instrument provides otherwise, annual leave will be paid at the base rate of pay that the Employee was receiving for ordinary hours worked immediately prior to the commencement of the period of annual leave.
- 3.4.2.** Any accrued or untaken annual leave upon an employee ceasing work will be paid out to an employee subject to any lawful deductions allowed under the FW Act or applicable Industrial Instrument and taxation legislation.

3.5. Managing Excess Annual Leave Accruals

- 3.5.1.** Unless the Industrial Instrument provides otherwise, excess annual leave accruals will be managed in accordance with the below:
 - Protech expects Employees to take their annual leave in the year it is accrued;
 - An Employee that has an annual leave balance of more than six (6) weeks (or 228 hours) is required to make suitable arrangements with their Manager to take leave or may be directed to take leave on the provision of two (2) months' notice by Protech; and
 - Any employee who wishes to accrue more than six (6) weeks of annual leave for an extended absence, must have written approval from their Manager.

3.6. Cashing Out Annual Leave

- 3.6.1.** Protech is not required to agree to any request to cash-out an Employee's annual leave. However, Protech will consider an Employee's request to cash-out accrued annual leave if:
 - An Industrial Instrument applies to the Employee and provides for the cashing out of annual leave;
 - The request is in writing and in accordance with the applicable Industrial Instrument;
 - The employee has completed at least 24 months' continuous service with Protech;
 - The request contains a valid reason that would satisfy a reasonable person (e.g. due to the Employee suffering personal or financial hardship); and
 - If the request was approved, it would not result in the Employee's remaining annual leave balance being less than four (4) weeks.
 - Where an employee seeks to cash out more than once in a 12mth period or for requests outside of this procedure, executive approval is required.

3.7. Altering or Cancelling approved annual leave

- 3.7.1.** Employees wishing to alter or cancel approved annual leave should speak to their Manager.



3.7.2. Changes to approved leave will only occur by approval by the Manager.

4. Personal/Carer's Leave and Compassionate Leave

4.1. Entitlement to Personal/Carer's Leave

- 4.1.1. Employees are entitled to personal/carers leave in accordance with the NES, and any applicable Industrial Instrument. An Industrial Instrument may provide an entitlement to personal/carers leave that is greater than the NES entitlement.
- 4.1.2. In summary, a permanent, full-time Employee is entitled to 10 days (or 76 hours) of paid personal/careers for each year of service, which accrues progressively throughout the year according to an Employee's ordinary hours of work and accumulates from year to year. A part-time Employee is entitled to paid personal/carers leave on a pro-rata basis.
- 4.1.3. In addition to the above, under the NES, both permanent and casual employees are entitled to up to two (2) days of unpaid carer's leave per eligible occasion. Permanent Employees must exhaust their paid personal/carers leave entitlement before taking unpaid carer's leave under this subclause.
- 4.1.4. Unless provided for in an applicable Industrial Instrument, personal/carers leave is not paid out on termination of employment.

4.2. When Personal/Carer's Leave May Be Taken

- 4.2.1. An Employee is eligible to take personal/carers leave for the following reasons:
 - 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.

4.3. Evidence Requirements (Personal/Carers Leave)

- 4.3.1. Unless otherwise provided by the Industrial Instrument, Employees must provide appropriate evidence to reasonably satisfy Protech of the reason for taking personal/carers leave in the following circumstances:
 - Where the leave is taken for two (2) or more consecutive days;
 - Where the leave is taken immediately before or after an Employee's non-working day (including, where applicable, weekends, public holidays and RDOs);
 - While serving a notice period prior to termination;
 - Where an employee is on a performance improvement plan;
 - Where the leave is taken on a public holiday that the Employee was rostered or expected to work on; and
 - Where otherwise requested by the Employee's Manager or other relevant person. For the avoidance of doubt this can include requesting appropriate evidence for all absences.
- 4.3.2. For the purposes of this clause, appropriate evidence means a medical certificate signed by a medical practitioner or a statutory declaration declared by an Employee.

4.4. Return to work (from personal/carers leave)

- 4.4.1. Before an Employee returns to work Protech may, upon written notification, require:
 - A medical clearance signed by a medical practitioner;
 - Other reasonable evidence the employee is fit to undertake the inherent requirements of the role.
- 4.4.2. Until such time as the above evidence is produced an Employee may be considered unfit for work. The employee will be on paid



personal leave (if applicable) until their leave is exhausted, then on unpaid leave until clearance provided.

4.4.3. Other site-specific processes and requirements may apply.

4.5. Entitlement to compassionate leave

4.5.1. Employees are entitled to compassionate leave in accordance with the NES, and any applicable Industrial Instrument. An Industrial Instrument may provide an entitlement to compassionate leave that is greater than the NES entitlement.

4.5.2. In summary, permanent Employees are entitled to two (2) days of paid compassionate leave for each permissible occasion. Casual employees are also entitled to compassionate leave, but the leave is unpaid.

4.5.3. For the purposes of this clause, a permissible occasion is when:

- a member of an Employee's immediate family or household:
 - Contracts or develops a personal illness, or sustains a personal injury, that poses serious threat to their life; or
 - Dies; or
- A child that would have been a member of the Employee's immediate family or household is stillborn; or
- The Employee or their spouse or domestic partner has a miscarriage.

4.6. When compassionate leave may be taken

4.6.1. An Employee is eligible to take compassionate leave to spend time with their immediate family or household member that has contracted or developed a personal illness or sustained a personal injury that poses a serious threat to their life, when a member of the Employee's immediate family or household dies or when a child is stillborn, or a miscarriage occurs in the above circumstances.

4.7. Evidence Requirements (Compassionate leave)

4.7.1. Unless otherwise provided by the Industrial Instrument, Employees must provide appropriate evidence to reasonably satisfy Protech of the absence. Such evidence may include:

- A medical certificate from a doctor;
- A death certificate;
- Funeral Notice;
- A statutory declaration; or
- Any other documentation or statement to satisfy the Employees Manager.

4.8. Applying for personal/carer's leave and compassionate Leave

4.8.1. Field Employees must complete and submit a LAF for all personal/carers and compassionate leave taken and provide to their Manager.

4.8.2. Internal Employees must apply through the internal leave management system. If not submitted in time or payroll cut off, but the manager has been notified of absence, the leave can be loaded by the manager on the employee's behalf.

4.9. Payment for personal/carer's leave and compassionate leave

4.9.1. Unless an applicable Industrial Instrument provides otherwise, personal/carers and compassionate leave will be paid at the base rate of pay that the Employee was entitled to for ordinary hours worked immediately prior to the commencement of the period of leave.

4.9.2. Employees who fail to comply with the applicable notification and evidence requirements may not be paid and any absence and such absence may be considered leave without pay.

5. Parental Leave (unpaid)

5.1. Entitlement to unpaid parental leave

- 5.1.1. Employees with >12 months tenure, are entitled to unpaid parental leave in accordance with the NES. An Industrial Instrument may provide an entitlement to Parental leave that is greater than the NES entitlement.
- 5.1.2. Employees with <12 months tenure are not eligible for unpaid parental leave under NES and subsequently not entitled to have their role held open.
- 5.1.3. An employee taking 12 months parental leave can request an extension, up to a total leave period of 24 months. The request must be in writing and given to the employer at least 4 weeks before the original planned end of the employee's parental leave.
- 5.1.4. The employer must respond to extension requests in writing within 21 days, stating whether they grant or refuse the request.
- 5.1.5. Unless provided for in an applicable Industrial Instrument, parental leave is not paid out on termination of employment.

5.2. Evidence requirements (parental leave)

- 5.2.1. An employee is only entitled to take unpaid parental leave, under NES, if they:
 - Inform Protech of their intention to take unpaid parental leave, giving at least 10 weeks written notice;
 - Specify the intended start and end dates;
 - State the total number of flexible unpaid parental leave days; and
 - At least 4 weeks before the intended start date:
 - Advise the Protech of any changes to the intended start and end dates.
- 5.2.2. Protech may require evidence that would satisfy a reasonable person of the actual or expected date of birth of a child (for example a medical certificate).

5.3. Payment for parental leave

- 5.3.1. Protech does not offer paid parental leave. However, government funding may be available to an employee, subject to eligibility. This is the Employee's responsibility to source.
- 5.3.2. Protech provides additional access to Personal / Carers leave for Full Time and Part Time Employees, if:
 - The leave is utilised for pregnancy related appointments or during parental leave; and
 - It would not result in the Employee's remaining Personal / Carers leave balance being less than five (5) days.
- 5.3.3. Employees may bank hours in advance of parental leave, to serve as additional leave / payment to cover the period of absence.

5.4. Applying for unpaid parental leave

- 5.4.1. Internal Employees must apply through the internal leave management system a minimum of 10 weeks prior to commencing unpaid parental leave. If not submitted in time, but the manager has been notified of absence, the leave can be loaded by the manager on the employee's behalf.

5.5. Keeping in touch days

- 5.5.1. An Employee on unpaid parental leave is entitled to 10 keeping in touch days under NES. A keeping in touch day is when an employee performs work for the employer on a day or part of a day while on a period of approved parental leave.
- 5.5.2. A keeping in touch day can be worked as a part day, one day at a time, a few days at a time, or all at once.

- 5.5.3. If an Employee extends their period of unpaid parental leave beyond 12 months, they are entitled to an additional 10 days.
- 5.5.4. Keeping in touch days cannot be scheduled to occur any earlier than 14 days after the birth.
- 5.5.5. Protech and the Employee must mutually agree to the schedule of a keeping in touch day.
- 5.5.6. Following submission of a timesheet to Payroll, an Employee receives their normal pay and accumulates leave entitlements for each keep in touch day worked.

5.6. Return to work (from unpaid parental leave)

- 5.6.1. An Employee is required to provide a minimum of 4 weeks' notice to their Employer, advising of return-to-work intentions.
- 5.6.2. Under Fair Work, an employee with <12 months tenure is not eligible to have their role held open. At the end of the planned unpaid parental leave, the Manager and Employee may get in contact to discuss if an opportunity to re-enter Protech, is available.
- 5.6.3. Before an Employee returns to work Protech may, upon written notification, require:
 - A medical clearance signed by a medical practitioner;
 - Other reasonable evidence the employee is fit to undertake the inherent requirements of the role.

6. Absence Notification (Field Employees)

- 6.1. To ensure continuity of business and Client operations Field Employees are required to provide notification of absences (regardless of the reason for the absence).
- 6.2. Regular and early communication is highly encouraged. Where possible the Field Employee should indicate the anticipated duration of leave required.
- 6.3. Field Employees (including casual employees) must notify their Manager of any inability to attend work or commence work on time. This notification must be provided before the rostered commencement time of the shift. Where reasonably practicable notification should be provided at least one (1) hour prior to your usual start time.
- 6.4. Field Employees (including casual employees) must notify their Site Supervisor of any inability to attend work or commence work on time (this must be done as soon as reasonably practicable but usually at least 1 hour prior to your usual start time).
- 6.5. Notification can be provided in the following ways and in the following order of precedence:
 - 6.5.1. Phone call providing verbal notification (including by leaving a message);
 - 6.5.2. Email; or
 - 6.5.3. Text message.
- 6.6. For the avoidance of doubt, notification to a fellow employee/coworker or solely to the Client shall not constitute a notification as required by this clause.

7. Managing Attendance

- 7.1. Protech will regularly review the attendance records of all employees. If an Employee exhausts their personal leave entitlements within a 12-month period Protech may review their attendance to understand the reasons for absences, their impact on job performance, and whether additional support is needed.
- 7.2. A review may also be initiated if an employee's attendance is deemed unacceptable. Examples include:
 - 7.2.1. Repeated absences in a pattern
 - 7.2.2. Absences before or after weekends, public holidays, or leave without documentation
 - 7.2.3. Absences over two days without documentation
 - 7.2.4. Continual lateness to work or activities
 - 7.2.5. Failure to notify of absences or lateness



- 7.2.6. Leaving work early without authorization
- 7.2.7. Failure to provide requested documentation
- 7.3. If the review finds the absenteeism is for genuine reasons, no further action will be decided. However, Protech reserves the right to implement a management absenteeism plan where required.

8. Long Service Leave

- 8.1. Employees are entitled to long service leave in accordance with any applicable Industrial Instrument and applicable State legislation.
- 8.2. Employees who have an accrued entitlement to take long service leave should discuss their long service leave plans with their Manager at least two (2) months in advance of their preferred leave start date. Requests for the taking of long service leave will be considered in accordance with the Employee's preferences and the operational needs of Protech.

9. Parental Leave

- 9.1. Employees are entitled to parental leave in accordance with the NES and any applicable Industrial Instrument. The purpose of this clause is to provide a brief summary of an Employee's entitlements and obligations with respect to taking unpaid parental leave under the NES.
- 9.2. In summary, eligible employees are entitled to 12 months of unpaid parental leave, which may be extended to up to 24 months by agreement with the Employer, in the following circumstances:
 - 9.2.1. The Employee or their spouse or defacto partner gives birth to a child; or
 - 9.2.2. A child is placed with the Employee for adoption; and
 - 9.2.3. The Employee has or will have responsibility for the care of the child.
- 9.3. Where an employee wishes to change their leave period, including returning earlier than planned or extending their leave period, this must be discussed and approved by the Manager. Any such request may impact maternity leave cover or other operational considerations.
- 9.4. An Employee will be eligible to take unpaid parental leave if they are:
 - 9.4.1. a permanent Employee and have completed at least 12 months of continuous service with Protech prior to the expected date of birth of the child, placement of the child or start of the period of leave; or
 - 9.4.2. a casual employee that has been employed by Protech on a regular basis for at least 12 months prior to the expected date of birth of the child, placement of the child or start of the period of leave, and, but for the leave, could have a reasonable expectation of regular, systematic and ongoing employment with Protech.

10. Family and Domestic Violence Leave

- 10.1. **Entitlement to family and domestic violence leave**
 - 10.1.1. Employees are entitled family and domestic leave in accordance with this Procedure, the NES and any applicable Industrial Instrument.
 - 10.1.2. In summary, all Employees (including part-time and casual Employees), are entitled to 10 days of paid family and domestic violence leave per year of service.
 - 10.1.3. This leave is available in full at the start of each 12-month period and does not accumulate from year to year.
- 10.2. **Taking family and domestic violence leave**

An Employee may take family and domestic violence leave if they are experiencing family and domestic violence and need to do something to deal with the impact of that family and domestic violence which cannot practicably be done outside of the Employee's working hours.

10.3. Payment for family and domestic leave

In accordance with the NES, Employees will be paid their full rate of pay for their rostered hours while absent on paid family and domestic leave.

10.4. Notice and evidence requirements

10.4.1. Employees must notify their Manager as soon as possible that they are taking family and domestic violence leave and, if requested, the expected duration of the leave.

10.4.2. An Employee may be required by Protech to provide evidence that would satisfy a reasonable person of the reason they are taking the leave. This may be, for example:

- A statutory declaration;
- Documents issued by the police;
- Court documents;
- Documents from a family and domestic violence support service; or
- Email from Employee's legal representative; or
- Any other reasonable evidence (if requested).

10.4.3. The evidence required to be provided (if any) will be at the discretion of the Employee's Manager. If an Employee refuses to provide satisfactory evidence upon request they may not be paid for the period of leave.

10.4.4. Protech will comply with all of its confidentiality obligations with respect to information provided by the Employee as to why they are taking the leave, and any evidence collected.

11. Community Services Leave

11.1. When community services leave may be taken

11.1.1. An Employee may be eligible to take community services leave to:

- Attend jury duty;
- Perform voluntary emergency management activities; or
- Engage in an Australian Defence Force Reserve activity.

11.1.2. The leave can be taken while engaging in an activity above, and for reasonable associated travel and rest time.

11.2. Jury Duty

11.2.1. In accordance with the NES, an Employee is entitled to be absent from work to attend jury duty.

11.2.2. In summary, unless an applicable Industrial Instrument or state legislation provides otherwise, permanent employees are entitled to be paid their base rate of pay for the first 10 days they are required to attend jury service subject to the below:

- The Employee providing evidence that they took all reasonable steps to obtain any jury service pay they are entitled to by the court, and the amount, if any, paid or payable by the Court; and
- Protech reducing the amount payable to an Employee by the amount to be, or already, paid to the Employee for jury service, as disclosed in their evidence.

11.2.3. Where appropriate, an Employee may apply to Protech for a letter in relation to their role commitments and can request supporting documentation for applications to be excluded from being required to attend jury service. It is the Employee's responsibility to manage this in line with the requirements of the court and their deadlines.

11.3. Voluntary Emergency Management Activities

11.3.1. In accordance with the NES an Employee is entitled to be absent whilst engaging in voluntary emergency management activities. Unless an applicable Industrial Instrument or state legislation provides otherwise, voluntary emergency management activities leave is unpaid.



11.3.2. An activity will be a voluntary emergency management activity if:

- It involves dealing with an emergency or natural disaster;
- It is done on a voluntary basis;
- The Employee was requested to engage in the activity, or it would have been reasonable for a request to have been made if this were possible; and
- The Employee is a member of, or has a member-like association with, a recognised Emergency Management Body.

11.4. Australian Defence Force Reserve leave

11.4.1. Protech recognises the right of Employees not to be prevented or hindered from being absent from work to engage in ADF Reserve activities, including training and deployment.

11.4.2. Unless an applicable Industrial Instrument or other legislation provides otherwise, ADF Reserve leave is unpaid.

11.5. Notice and evidence requirements

11.5.1. An Employee must notify their Manager as soon as practicable that they will be absent from work to participate in a community service activity.

11.5.2. An Employee may be required by Protech to provide evidence that would satisfy a reasonable person of the reason they are taking community services leave. This may be, for example:

- A jury summons;
- Relevant documents from the ADF or Emergency Management Body.

11.5.3. If an Employee refuses to provide satisfactory evidence upon request, they may not be paid for the period of leave.

11.6. Applying for community services leave

Field Employees must complete and submit a LAF for all community services leave taken and Internal Employees must submit leave through internal leave management system.

12. Public holidays

12.1. In accordance with the NES, an Employee is entitled to be absent from work on a day (or part day) that is a public holiday where the Employee works.

12.2. Notwithstanding the above, Protech may reasonably require an Employee to work on a public holiday.

12.3. Unless an applicable Industrial Instrument provides otherwise:

12.3.1. A permanent Employee who does not work on a public holiday will be paid the base rate of pay for their ordinary hours of work on that day; and

12.3.2. A casual Employee who does not work on a public holiday is not entitled to payment.

12.4. Unless an applicable Industrial Instrument provides otherwise, where an Employee is required by Protech to work on a public holiday, the Employee will be entitled to TOIL (at a rate of one hour per hour worked) rather than additional payment. Employees and Managers may also agree to a substitute a day for an alternative date in advance (which may be subject to a majority rules approach).

13. Make up time, TOIL and flexible working

13.1. Employees and Protech may agree to an arrangement in accordance with an applicable Industrial Instrument whereby an Employee:

13.1.1. Takes time off during their ordinary working hour and makes up that time later; and/or

13.1.2. Takes paid time off work instead of being paid for overtime hours worked.

13.2. If there is no Industrial Instrument that applies to an Employee, an Employee and Protech may agree to a make-up time or TOIL arrangement on a case-by-case basis.

- 13.3.** Employees who would like to change their working arrangements in particular circumstances may be entitled to request flexible working arrangements in accordance with the NES and any applicable Industrial Instrument.

14. Other types of leave

14.1. Unpaid leave

- 14.1.1.** In accordance with an applicable Industrial Instrument, or otherwise upon Employee request, Protech may agree to an Employee taking a period of unpaid leave.
- 14.1.2.** An Employee is expected to have used all accrued entitlements to paid leave (including annual leave and long service leave) before taking unpaid leave.
- 14.1.3.** Employees should provide a written request to take unpaid leave to their Manager including the intended commencement and end dates of the leave. Approval of requests for unpaid leave will be at Protech's absolute discretion.

14.2. Negative leave

From time to time, an Employee may request leave that would take their balance into a negative leave position. All such requests must be made in writing and any Employee entering into a negative leave balance must have this arrangement approved by a Director only.

15. Banking Units

- 15.1.** Banking units is available to Field Employees engaged on a casual basis. It is not available to Field Employees engaged on a permanent basis.
- 15.2.** Casual Field Employees have the option to bank units to paid time off to be taken at a later stage by the employee.
- 15.3.** Banking Units allows casual Field Employees, subject to processes under this Procedure, to withhold payment for particular hours or days worked and to receive the same payment for those hours or days at a later date.
- 15.4.** Any request must be made by the casual Field Employee in writing. These arrangements are a standalone agreement separate from any employment contract. Employees should discuss this with management before starting. A banking unit form must be completed and submitted to payroll for processing.
- 15.5.** An Internal Employee may agree to banking units by individual agreement with their Manager and as recorded in any payroll leave management system.
- Internal Employees will have a choice to bank fixed weekly hours at the below rates: 2 weeks per year = (1.4615 hours per week banked)
 - 4 weeks per year = (2.92307 hours per week banked)
- 15.6.** An Employee may opt out of banking units at any time by way of written request.
- 15.7.** Banked units are accrued based on the employee's hourly rate at the time of banking. To ensure that each banked unit is redeemed at its original value, all accrued banked units must be used (or cashed out) in full prior to any contract, assignment or placement variation.
- 15.8.** An employee's combined annual leave and banked unit balance must not exceed 10 weeks or a value of \$20,000 (whichever is greater), unless approved by an Executive member.

16. Managing unauthorised leave/absences

- 16.1.** An Employee who is absent from work on that Employee's working day and who does not provide notice or reasonable explanation for, or evidence in relation to, their absence may not be paid for the time they are absent. Where an Employee is absent from work on consecutive occasions without providing notice or reasonable explanation or evidence, or Protech is of the view that an Employee has a pattern of unauthorised absences, this will be managed on a case-by-case basis and may involve the Employee facing disciplinary action.

- 16.2.** Where there is a concern regarding employee welfare due to an unauthorised or not communicated absence attempts will be made to contact the next of kin or the police to conduct a welfare check as appropriate.

17. Query Escalation

- 17.1.** For questions about this procedure or leave entitlements Employee's may contact their Manager or payroll department for any questions regarding leave.
- 17.2.** Field Employees are to direct employment related questions to their Protech manager and not to Protech Clients.

18. Related Documents

Related Policies

- [Quality Policy.pdf](#)
- [Personal Information & References.pdf](#)
- [Occupational Health and Safety Policy.pdf](#)
- [Risk Management Policy.pdf](#)

Related Processes and Standard Operating Procedures

- [Communication Process.docx](#)
- [Continuous Improvement Process.docx](#)
- [Leave Event.docx](#)
- [Leave Application.docx](#)

Related Forms and Registers

- [Leave Request Form.docx](#)
- [Protech Dictionary & Common Language.xlsx](#)

Approval History

Version	Issue Date	Prepared by	Approved by	Remarks/Changes
SOP_0241_1.4	30/10/2025	E Burns J Sgherza	C Van Manen	Added Section 5 - Parental Leave
SOP_0241_1.3	29/10/2025	C Van Manen	C Van Manen	Removed the 6-week banked leave option (as Elmo no longer allows this in the system) in section 14.5
SOP_0241_1.2	26/09/2025	C. Manen	N. Stewart	Additional clauses around banking leave / units which was required as part of the integration of internal payroll into Elmo
SOP_0241_1.1	28/07/2025	J Sgherza	J Sgherza	Removed Carehero from group logo
SOP_0241_1.0	23/07/2025	P Hill	N Stewart	Document overhaul and relaunch as procedure
POL_0026_2.0	21-02-2023	J Sgherza	Exec	Policy issued