

OFFICIAL



Water Polo

AUSTRALIA

PARENTAL LEAVE POLICY

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1. Purpose

- a. Water Polo Australia Limited (“WPA”) recognises and understands that the pregnancy, birth, adoption, surrogacy or under a permanent out of home care order is a special time in an employee’s life and that an employee will usually require leave during this period.
- b. This policy provides guidance for employees on entitlements and Company requirements relating to parental leave.
- c. Employees are entitled to parental leave in accordance with the National Employment Standards (NES) contained in the Act if they have 12 months or more continuous service as at the expected date of birth or upon adoption, and the employee has, or will have responsibility for the care of the child.

2. Scope

- a. This Policy applies to all eligible employees of WPA in Australia, who:
 - i. are permanent employees of WPA; and,
 - ii. are Eligible Casual employees.
- b. This Policy will apply subject to and in accordance with the Fair Work Act 2009 (Cth) (“the Act”) as amended from time to time.

3. Definitions for Parental Leave

- a. **“Authorised leave”** means leave, or an absence, whether paid or unpaid, that is authorised:
 - i. by WPA; or
 - ii. by or under a term or condition of an employee’s employment; or
 - iii. by or under a law, or an instrument in force under a law, of the Commonwealth, a State or a Territory.
- b. **“Continuous service”** in relation to a period of an employee’s service means service as an employee during the whole of the period, including (as a part of the period) any of the following periods:
 - i. a period of authorised leave;
 - ii. a period (the casual period) during which the employee was a casual employee, if:
 - iii. during the casual period, the employee was engaged on a regular and systematic basis by WPA; and
 - iv. during the casual period, the employee had a reasonable expectation of continuing employment by WPA.
- c. **“Eligible casual employee”** is, a casual employee, who but for an expected birth or an expected placement of a child, would have a reasonable expectation of continuing engagements on a regular and systematic basis.
- d. **“Medical certificate”** means a certificate signed by a medical practitioner.
- e. **“Medical practitioner”** means a person registered, or licensed, as a medical practitioner under a law of a State or Territory that provides for the registration or licensing of medical practitioners.
- f. **“Day of placement of a child”** means the earlier of the following days:
 - i. the day on which the employee first takes custody of the child for the adoption;
 - ii. the day on which the employee starts any travel that is reasonably necessary to take custody of the child for adoption.

4. Leave Form

- a. An eligible employee who wants to apply for a period of parental leave must complete and submit a Leave application form in accordance with this policy.

5. Parental Leave

- a. Eligible employees may access up to 12 months of Parental Leave.
- b. Within the 12 months Parental Leave, in addition to any amounts payable by Services Australia, WPA will provide the equivalent of 8 weeks Paid Parental Leave, at the employee's normal rate of pay for any eligible employee who is to become a parent or guardian, through either the birth, adoption, surrogacy or under a permanent out of home care order.
- c. For the avoidance of doubt, the 8 weeks Paid Parental Leave may be extended at a lower weekly rate, but the overall value remains equivalent to 8 weeks of the Employee's normal rate of pay.
- d. Accrued Annual Leave or Long Service Leave can be taken in addition to the employee's approved Parental Leave.
- e. Five days paid special fertility treatment leave per 12 month period is available to employees undergoing assisted reproductive treatments.. Leave can be taken in part-days, single days, or consecutive days.
 - i. Paid special fertility treatment leave may also be utilised for reasonable travel to enable an employee to access treatment.
 - ii. Temporary and part-time employees will be entitled to the leave on a pro-rata basis. Paid special fertility treatment leave is not available to a partner of a person undergoing fertility treatment.

6. How to apply for Parental Leave

- a. To take parental leave, employees are requested to use best endeavours to provide 12 weeks' notice prior to starting the leave. This notice should:
 - i. be in writing;
 - ii. specify the proposed start and end dates of the leave; and
 - iii. for birth-related leave, be accompanied by a certificate from a medical practitioner that confirms the pregnancy and the expected date of birth; or
 - iv. for adoption, surrogacy or child placement leave, be accompanied by evidence that confirms the day of placement or expected day of placement of the child, and that the child is, or will be, under 16 as at the day of placement or expected day of placement of the child. In the case of child placement, it is understood that 12 weeks' notice may not be practical.
- b. Employees are requested to confirm this information at least 8 weeks before the intended start date of the leave.

7. Employee Couple Leave

- a. Employees who are members of an employee couple should work with their respective line managers and CEO, to determine the most appropriate plan to take leave.
- b. Members of an employee couple may take concurrent leave. If concurrent leave is taken, it is requested the concurrent leave not be longer than 8 weeks in total.
- c. A period of parental leave taken by one member of an employee couple will reduce the overall leave available to the couple. For example, if one partner is taking 12 weeks parental Leave, this would result in the couple's shared entitlement to 24 months (104 weeks) of parental leave being reduced to 92 weeks.

8. Extending Parental leave

- a. Employees who have already taken a period of 12 months of parental Leave, may request a maximum of a further 52 weeks leave (104 weeks in total), unless the employee is a member of an employee couple.
- b. This request to extend leave must be done with no less than 8 weeks written notice prior to the end of the initial period of parental Leave.
- c. Upon receipt of this request, WPA will review the request and advise the employee in writing if the extension is approved within 21 days after the request is made. The business may refuse the request on reasonable business grounds and must provide the response in writing and include the details of the reason for the refusal.

9. Alternative Duties

If a medical practitioner advises against a pregnant female employee continuing her present job because of illness resulting from her pregnancy or because of job hazards, then, if practicable, the employee will be transferred to another role at the same rate of pay until parental leave commences

10. Special Paid Parental Leave

- a. Pregnant female employees are entitled to a period of special parental leave if they are not able to or it is medically recommended that do not work during that period because the employee has a pregnancy-related illness, or the pregnancy ends other than by birth of a living child. In these circumstances the employee is eligible for Special Paid Parental Leave of up to 4 weeks.
- b. Employees must use all current Personal Leave as described in the WPA Leave Policy, prior to accessing Special Paid Parental leave.
- c. If an employee requires a period of special parental leave, they should provide notice to their manager as soon as possible including details on the expected duration of their leave.
- d. If the Special Paid Parental Leave is taken for a pregnancy related illness, it ends either when the pregnancy ends, or the illness ends (whichever is earlier).
- e. Employees may be required to provide evidence to support their application for Special Paid Parental Leave (e.g., a medical certificate).

11. Keeping in Touch Days & Return to Work

- a. Keeping in Touch Days
 - i. Whilst on parental leave employees will have access to up to 10 keeping in touch days. Keeping in touch days provides employees with the opportunity to stay up to date with what is happening in the business and in the employee's team whilst the employee is on leave. Employees are entitled to up to 10 keeping in touch days during parental Leave, without it affecting the employee's parental leave entitlement.
 - ii. On a keeping in touch day, employees are entitled to be paid their normal wage for the day (or part day) of work.
 - iii. Upon consultation and agreement with the employee's manager, the employee can choose how the 10 days are used.
- b. Return to Work
 - i. When an employee returns from parental leave, the employee is entitled to return to the position they were in before they went on leave. If the position no longer exists, WPA will offer the employee a suitable available job, similar in pay and level of responsibility.

- ii. In addition to the 10 keeping in touch days, WPA understands and respects that an employee may wish to have a progressive return to work and will endeavour to accommodate the employee's wishes where possible. If an employee wishes to have a progressive return to work, then they should discuss their plans and seek approval for them from their manager. WPA will use best endeavours to accommodate a progressive return to work, while balancing the impact of this on the organisation and other staff members.

12. Statutory Paid Parental Leave Scheme ("PPL")

- a. Entitlement:
 - i. The PPL Scheme is a scheme funded by the Australian government under which an employee may be entitled to payment of parental leave at the rate of the national minimum wage.
 - ii. A separate scheme, Dad and Partner Pay, is available to eligible working dads and partners (including same-sex partners) who will provide care to the child.
 - iii. This scheme is available to full-time, part-time and casual employees so long as they meet the eligibility criteria.
- b. Eligibility
 - i. To be eligible for the PPL scheme and Dad and Partner Pay, various legislated criteria must be met. Namely to "work test", the "income test" and residency requirements.
 - ii. An employee who is interested in whether they have an entitlement under the PPL scheme should contact Services Australia ("SA") on 13 61 50 or at <https://www.servicesaustralia.gov.au/individuals/families>.
 - iii. Employees are required to contact SA directly to make an application.
- c. Payment
 - i. If SA determines that an employee is eligible for payment under the PPL scheme, SA will notify the Company and provide the Company with the relevant payments.
 - ii. Payments under the PPL scheme will be passed on to employees by the Company, less any applicable taxation. Superannuation will be paid on PPL payments.
 - iii. Payment under the PPL scheme can be received after leave such as annual leave or paid parental leave.
 - iv. Payments for Dad and Partner Pay is made by SA directly in one instalment less any applicable taxation. Superannuation will be paid on PPL Payments.
 - v. Payment for Dad and Partner Pay will only be made if the employee is not working and is not taking paid leave for the same period.
 - vi. Payment for parental leave under the PPL scheme will not result in the accrual of any additional leave entitlements such as annual leave, personal leave or long service leave.
 - vii. When payment in respect of an employee ceases being made by SA, the remaining period of an employee's parental leave will be unpaid.

13. Returning from Parental leave

- a. Employees are requested to confirm their return from parental leave no less than 8 weeks prior to the agreed date. It is the employee's responsibility to confirm this with their manager.
- b. Employees returning from Parental leave are entitled to the same or equivalent position they held prior to commencing parental leave provided the original position still exists. Alternatively, WPA may, on a request made by the employee, agree to placement in a different role considering the changes in the employee's circumstances.

14. Breach of this Policy

- a. Any employee who is found to have breached this policy may be subject to disciplinary action, up to and including termination of employment and/or may not be eligible for parental leave.

15. Inconsistency with Legislative Provisions

- a. The statutory rules relating to paid and unpaid parental leave are liable to change from time to time. As at the date of publication, changes to the PPL Scheme have been foreshadowed but not enacted. As such, at the time of use, users of this policy should check whether any further changes have been made.
- b. Where there is any inconsistency between this policy and a legislative provision, the prevailing legislative arrangements will apply.

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