

Purpose

Select Harvests wishes to be an employer of choice and to fully comply with our obligations under Federal and State/Territory laws regarding parental leave and providing flexible working conditions. This policy is to advise employees of their entitlements to statutory, Government-funded and additional company-sponsored parental leave and sets out the procedure to be used for such.

This policy should be read and interpreted in conjunction with the National Employment Standards (NES) (as amended or replaced) and Select Harvests Limited's current enterprise agreement. Where there is any inconsistency in terms, the more generous terms will prevail over this policy.

Values

Our values drive our culture and are critical in creating a great employee experience and delivering our strategic priorities.



1. Unpaid parental leave and entitlements under the FW Act

Under the FW Act, employees are entitled to unpaid parental leave (maternity, paternity, adoption and related kinds of leave).

The primary entitlement to unpaid parental leave is 12 months following birth/placement, to be shared between both parents.

In addition to the basic entitlement to unpaid parental leave, one parent may request an additional 12 months of leave, which will only be refused after discussing the request with the employee and based on reasonable business grounds.

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

The policy provisions below are intended to be a summary of the parental leave entitlements under the FW Act and the flexible working arrangements provisions of both Federal and State/Territory law.

ELIGIBILITY REQUIREMENT

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

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

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

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

PRIOR TO THE DATE OF BIRTH/PLACEMENT

Unpaid Special Maternity Leave

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

Pre-adoption Leave

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

Transfer to a safe job or 'no safe job leave'

A pregnant employee is entitled to be transferred to an appropriate safe job if she provides medical evidence that states she is fit for work, but it is inadvisable for her to continue working in her present position for a certain period (the risk period).

Permanent employees who are entitled to parental leave are transferred into a safe job will be paid for their full rate of pay for the position they were in before the transfer. Unless otherwise agreed, the safe job must have the same ordinary hours of work.

Where the pregnant employee is unable to work their usual role and there are no appropriate safe jobs available, the employee is entitled to take no safe job leave for the relevant risk period. If the employee is entitled to parental leave, no safe job leave will be paid.

Fitness for Work – Pregnant Employees

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

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

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

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

TYPES OF PARENTAL LEAVE AND LEAVE ARRANGEMENTS UNDER THE FW ACT

Period of Leave

Unpaid parental leave must be taken in a single continuous period (not broken periods) - subject to specific exceptions about:

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

Commencement of Unpaid Parental Leave

Unpaid parental leave (excluding concurrent leave) starts:

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

Notice and Evidence Requirements

An employee must give us at least 10 weeks' written notice before starting unpaid parental leave or, if that is not practicable, provide notice as soon as practicable (which may be a time after the leave has started). For example, it may not be practical for an employee to give the requisite notice in relation to the premature birth of a child, but valid notice could still be given as soon as practicable after the child's birth.

The notice must specify the intended start and end dates of the leave.

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

- a) An employer may require an employee who has given notice of the taking of unpaid parental leave to provide evidence of:
 - b) The child's actual or expected date of birth; or
 - c) The day or expected day of placement for adoption and that the child is or will be under 16 years of age as at that date.

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

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

Flexible Parental Leave

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

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

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

Stillbirths and infant deaths

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

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

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

Premature births

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

Interaction with Paid Leave

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

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

An employee does not accumulate any type of paid leave while they are on parental leave (unless they are on a keeping in touch day, see below). This includes paid leave such as annual leave or personal leave.

Where an employee takes a period of parental leave, it does not break the employee's continuous service. However, it does not count towards the length of the employee's continuous service. Keeping in touch during leave.

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

RETURN TO WORK

Return to Work Guarantee

- a) At the end of their unpaid parental leave, an employee is entitled:
- a) To return to their pre-parental leave position; or
 - b) If that position no longer exists - an available position for which the employee is qualified and suited that is nearest in status and pay to the employee's pre-parental leave position.

Flexible Working Arrangements

Select Harvests will consider all reasonable requests by an employee for flexible working arrangements where an employee:

- a) is a parent, or has the responsibility for the care, of a child who is school age or younger;
- b) is a carer (as defined in the Carer Recognition Act 2010) eg if they are carer for an elderly parent;
- c) has a disability;
- d) is 55 or older;
- e) is experiencing family or domestic violence; or
- f) is caring for or supporting an immediate family or household member who requires care or support because of family or domestic violence.

Select Harvests will not unreasonably refuse such a request.

An employee must have at least 12 months' continuous service with Select Harvests to be eligible to make a request.

A request for flexible working arrangements must be in writing and set out the change sought and reasons for the change.

Select Harvests will give the employee a written response to the request within 21 days, stating whether the request is granted or refused. A request will only be refused on reasonable business grounds, which may include if the arrangement would:

- a) be too costly for the Select Harvests;
- b) require impractical changes to working arrangements of other employees, or require recruitment of new employees;
- c) detract from the employee's ability to fulfil the requirements of their position (or their team's effectiveness);
- d) result in a significant loss in efficiency or productivity;
- e) give rise to an unsafe work environment; and
- f) be likely to have a significant negative impact on customer service.

Rather than refusing a request, it is open for the parties to discuss the request and come up with an approach that would accommodate the needs of both parties.

2. Parental Leave Pay (Federal Government Scheme)

The Federal Government's parental leave pay scheme provides payments to individuals who meet the eligibility requirements of Services Australia/Centrelink.

It's up to an employee to determine eligibility and to apply for Government funded paid parental leave direct to Services Australia/Centrelink (Select Harvests do not apply on behalf of employees, although we may process the leave payments).

Eligible working dads and partners may also receive Government funded Dad and Partner pay.

Employees should visit the Services Australia/Centrelink website to see if they are eligible for Government funded parental leave or Dad and Partner pay as follows: <https://www.humanservices.gov.au/customer/services/centrelink/parental-leave-pay>.

3. Parental Leave Entitlement funded by Select Harvests

Eligibility for Company Paid Parental Leave

An employee will be eligible for company paid parental leave, where:

- they are eligible for unpaid parental leave under the FW Act; **and**
- they are eligible for Government funded paid parental leave.

This includes permanent full-time and part-time employees. It also includes casual employees who have been employed on a regular and systematic basis for at least 12 months and have a reasonable expectation of ongoing employment with Select Harvests.

Where an employee does not meet the eligibility requirements, Select Harvests will determine whether the employee can receive the company paid parental leave at the company's absolute discretion.

To be eligible for company paid parental leave for subsequent children an employee needs to return to work for a minimum period of 6 months continuous service.

Company Paid Parental Leave entitlement

The company paid parental leave entitlement is a top up payment (**Top Up Payment**) to the Government funded parental leave scheme, for the duration of the Government funded parental leave scheme (up to 18 weeks), which ensures that the employee receives their ordinary rate of pay during Government funded parental leave scheme.

The Top Up Payment is calculated on the employee's ordinary base rate of pay (which is the employee's average ordinary hours in the 12 month period immediately before taking parental leave, excluding any allowances, loadings, overtime, and penalty rates etc). I.e. the payment is the gap between the employee's ordinary hourly rate minus the Government funded amount. The employee may elect to have this amount spread over a greater period of time i.e. smaller payments spread over more months, however the quantum of the payment will be based on the above calculation.

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For casual employees, casual loading will be included into the ordinary base rate of pay.

Company paid parental leave is to be taken concurrently with the Government funded parental leave.

Return to Work Payment

An employee returning from parental leave within the first period of 12 months of parental leave will receive a \$2,000 return to work payment, provided they stay employed with Select Harvests for the following 12 months from the date of their return from leave, subject to them completing the Return to Work Deductions Form.

Where an employee leaves Select Harvests within 12 months of returning from parental leave, they will be required to repay the \$2,000 pro rata for each quarter of their early exit. For example, an employee that leaves the company six months after their return from parental leave will need to pay back \$1,000 of the return to work payment.

Company Paid Partner Leave

After a period of 12 months of continuous service with Select Harvests, partners are entitled to a period of up to two weeks of paid company funded leave taken for the birth of a child or adoption of a child.

An employee will be eligible for company paid partner leave, where they are eligible for Government funded paid Dad and Partner pay.

Where an employee does not meet the eligibility requirements, Select Harvests will determine whether the employee can receive the company paid partner leave at the company's absolute discretion.

The company paid partner leave entitlement is a top up payment (**Partner Top Up Payment**) to the Government funded Dad and Partner scheme, for the duration of the Government funded Dad and Partner scheme (two weeks), which ensures that the employee receives their ordinary rate of pay during Government funded Dad and Partner scheme.

The Partner Top Up Payment is calculated in the same manner as the Top Up Payment for the company paid parental leave entitlement.

Company paid partner leave is to be taken concurrently with the Government funded Dad and Partner leave.

Company Paid Pre-Adoption Leave

In the case of adoption, Select Harvests will provide two days paid pre-adoption leave to allow adopting parents to attend interviews or examinations required to obtain approval to adopt an eligible child.

This leave is available for employees eligible for pre-adoption leave under the FW Act (which provides an entitlement of two days unpaid leave).

Company Bereavement Leave

The Company will provide bereavement leave of three days paid leave where an employee or their partner experiences a miscarriage, where they have been with Select Harvests for at least six months.

To access company bereavement leave, the employee must provide a medical certificate (Strict confidentiality will be maintained).

4. Notice and Evidence

An employee must provide written notice of their intention to take paid and unpaid parental leave. The notice and evidence requirements are in accordance with employees taking unpaid parental leave under the FW Act (above).

The following forms are to be completed by employees taking paid or unpaid parental leave:

- HRF026 - Manager Checklist for Parental Leave
- HRF027 - Employee Checklist for Parental Leave
- HRF028 - Parental Leave Notification Form

The following forms are available to apply for an extension:


- HRF029 - Application to vary Parental Leave within 12 months
- HRF030 - Application to vary Parental Leave beyond 12 months

5. Reference Material/Other Related Policies:

- ADP Employee Management System - <https://secure.adppayroll.com.au/>
- HRF026 - Manager Checklist for Parental Leave
- HRF027 - Employee Checklist for Parental Leave
- HRF028 - Parental Leave Notification Form
- HRF029 - Application to vary Parental Leave within 12 months
- HRF030 - Application to vary Parental Leave beyond 12 months
- Fair Work National Employment Standards: <https://www.fairwork.gov.au/leave/maternity-and-parental-leave>
- Select Harvests Food Products Pty Ltd Enterprise Agreement 2018
- Kyndalyn Park and the AWU Enterprise Agreement 2017
- HCP010 – Flexible Working Arrangements Policy
- Fair Work National Employment Standards
<https://www.fairwork.gov.au/employee-entitlements/flexibility-in-the-workplace/flexible-working-arrangements>
- HRT013 – Response to request for Flexible Work Arrangement
- HRT014 – Request to request Flexible Work Arrangement
- Federal Government Parental Leave:
<https://www.humanservices.gov.au/customer/services/centrelink/parental-leave-pay>



PARENTAL LEAVE POLICY

Document Name	HRP042 – Parental Leave Policy
Document Manager	General Manager – People & Culture
Document Department	Human Resources
Contact	HR@selectharvests.com.au
Approval Authority	Managing Director
Approval Signature	
Release Date	01/07/2021
Review Date	+ 3 years
Version*	1.0

*Version History can be found in “SHV Company Policy Register”



SELECT HARVESTS

[Insert Date]

[Insert Employee Name]

[Insert Address1]

[Insert Address2]

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Dear [Insert Employee Name],

RETURN TO WORK PAYMENT

We are pleased to confirm that in the event that you return from your period of unpaid parental leave within 12 months of its commencement, Select Harvests Limited is willing to pay you a Return to Work Payment (**RTW Payment**) of \$2,000 upon your return from parental leave.

Please be aware that in the event that your employment ceases within 12 months of Select Harvests making the RTW Payment, we will ask that the RTW Payment is repaid by you to Select Harvests on a pro rata basis, for each quarter of your early exit (if any).

For example, if you leave the company six months after receiving the RTW Payment, for any reason, you will need to repay \$1,000 of RTW Payment.

We ask that you sign the attached agreement to signify your acceptance of the RTW Payment and conditions outlined above. By signing this agreement, you will expressly authorise Select Harvests to withhold and/or deduct any such amounts, from any salary, wages or other benefits (including termination pay) that Select Harvests is otherwise required to pay to you at the cessation of your employment.

To confirm your acceptance to the terms of deduction, please sign the note of acceptance below, (in the presence of a witness), and return to me.

Yours sincerely,

[INSERT NAME]

[Insert Title]