



## Otto Parental Leave Policy

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<b>Policy Name:</b>	Parental Leave Policy
<b>Policy Date</b>	28/08/2023
<b>To:</b>	Otto IT Leadership Team
<b>From:</b>	Integrator

## Parental Leave Policy

'The Company' employees are entitled to a maximum of 12 months parental leave after at least 12 months of **continuous employment** if:

- a) the leave is associated with the birth of a child of the employee or the employee's spouse or de factor partner, or the placement of a child with the employee for adoption (child must be under 16 years at date of placement); and
- b) the employee has or will have responsibility for the care of the child.

Parental leave must be taken in a single continuous period, however this does not prevent an employee from taking any paid leave entitlements accrued at the same time as parental leave i.e. taking paid annual leave at the same time as unpaid parental leave does not extend the period of unpaid parental leave.

During the period of an employee taking parental leave, the employee is not entitled to claim paid personal, compassionate or community service leave.

An employee must give 'the Company' written notice of the intention to take parental leave at least 10 weeks prior to the commencement of leave or as soon as is practicable. This notice must specify the intended start and end date of the leave. Any changes to these dates must be advised upon at least four (4) weeks prior to the intended leave.

An employee may reduce their period of parental leave provided this is agreed to by 'the Company'. The application to reduce the period of leave must be done so in writing eight (8) weeks prior to the intended return date.

An employee has the right to request an extension for parental leave for a further period up to 12 months. This request must be in writing and must be provided to 'the Company' at least eight (8) weeks prior to the end of the current period of parental leave agreed too. 'The Company' has an obligation to provide the employee with a written response as soon as is practicable, but no later than 21 days after the request was made. Whilst a request by the employee may be made, if the parental leave will result in the employee's leave being beyond the initial 12 months, then 'the Company' has the right to refuse the extension on reasonable business grounds. If 'the Company' does refuse the extension beyond the initial 12 months, then the employee will receive a written response including the details of the refusal.

## Parental Leave Types:

Available Parental Leave types at 'the company' include:

- Parental Leave
- Concurrent Leave
- Special Maternity Leave
- Adoption & Pre-Adoption Leave

**Parental Leave** - If you are the primary caregiver of your child, you can access up to 52 weeks of Parental Leave. Parental leave is unpaid except in the instances where an employee is eligible for Parental Leave Pay in line with legislation and company policy. Parental Leave with Pay is described in full in the following section.

**Concurrent Leave** - is where the parents of the child can take up to 3 weeks parental leave at the same time. This applies if both parents are employees who plan to take parental leave. Concurrent leave must start immediately after the date of birth or adoption of the child and end a maximum of 3 weeks later.

**Special Maternity Leave** - Unpaid Special Maternity Leave is available to pregnant female employees in the case of pregnancy-related illness or if the pregnancy ends within 28 weeks of the expected date of birth. The duration of this leave should be agreed with 'the Company' as soon as is practically possible, and any unpaid Special Maternity leave will reduce the amount of Maternity Leave you are entitled to take by the same amount.

**Adoption & Pre-Adoption Leave** - Adoption leave commences on the date the child is placed with the employee. An employee is entitled to two (2) days (consecutive or separate periods) of unpaid pre-adoption leave to attend any interviews or examinations required in order to obtain approval for the employee's adoption of a child, provided they do not have any annual leave entitlements remaining.

## Transfer to a Safe Job

Where you are pregnant and wish to seek a transfer to a safe job, you must first fulfil the following criteria:

- you have an entitlement to parental leave;
- you have fulfilled the notice requirements; and
- you have provided medical evidence that you are fit for work but that it is inadvisable for you to continue in your current job because of illness or risks arising out of the pregnancy;

You will be transferred to a safe job if one is available, on the same terms and conditions of employment.

If there is no safe job available, you will be entitled to take paid "no safe job leave".

If you take paid "no safe job leave" during the 6 weeks before the expected birth, 'the Company' may ask you to provide a certificate of fitness. If this is not produced within seven (7) days or if you are not fit for work, 'the Company' may require you to commence unpaid parental leave.

## Parental Leave Pay

Available Parental Leave Pay types at 'The company' include:

- Primary caregiver Pay
- Partner/ secondary caregiver Pay

## Primary Caregiver Pay

The Company offers four (4) weeks of paid parental leave at the employee's ordinary rate of pay or eight (8) weeks at 0.5 of the employee's ordinary rate of pay if the employee is the primary care giver.

This period of paid parental leave must be concurrent with any other type of parental leave for the same child.

Any period of parental leave can be taken within the first 52 weeks in which a child comes into the employees care.

In line with legislation, eligible employees who are the primary caregiver may be entitled to 18 weeks paid leave, paid at the minimum wage.

Please note that a child's primary caregiver is the person who is most meeting the child's physical needs.

This leave is not in addition to the 52 weeks parental leave mentioned above. Any periods of unpaid and paid Parental leave must not exceed 52 weeks in total.

To be eligible for Primary Caregiver Pay an employee must have completed 12 months of continuous service with the Company.

Employees may take subsequent periods of paid parental leave for another child, however, in order to be eligible for this, you must return to work and complete a minimum of 12 months continuous service following your return from any previous paid Parental Leave.

The Company may request the employee to supply an executed Statutory Declaration declaring that they are the child's primary caregiver.

## Partner Pay

If your partner is the primary caregiver of your child, the Company offers two (2) weeks of paid parental leave at the employee's ordinary rate of pay or four (4) weeks at 0.5 of the employee's ordinary rate of pay

The employee may also be entitled to two (2) weeks of government funded paid Dad and Partner Pay whilst on concurrent leave. It is your responsibility to check your entitlement to this payment with the Department of Human Services.

This period of paid parental leave must be concurrent with any other type of parental leave for the same child.

To be eligible for Partner Pay an employee must have completed 12 months of continuous service with the Company.

NB: Please see FAQ Section at the end of this policy for further information.

## Other Paid Leave

### Annual leave

If the employee has paid annual leave available, he or she may, in agreement with the HR team may take some or all of that leave at the same time as the unpaid parental leave.

### Time off for antenatal appointments, adoption interviews or examinations

Personal leave may be available for attendance at medical appointments. Appointment times and the availability of leave should be discussed with the manager.

An employee may take up to two days unpaid pre- adoption leave. Employees must provide notice of the leave including expected leave period as soon as practicable (which may be after the leave has started).

If an employee requires more than two days pre-adoption leave, they should discuss their requirements with their manager.

### Leave for pregnancy related illness

If an employee is ill during her pregnancy, she may access her ordinary personal leave entitlements, including any accrued leave.

If an employee experiences extended illness due to pregnancy, she can access unpaid 'special maternity leave' for the period her treating doctor certifies is necessary. Special maternity leave is included in the 52 weeks available unpaid parental leave period.

The employee must make a special maternity leave application as soon as practicable which details the period of leave required. If special maternity leave is to be taken then a doctor's certificate must be provided to the HR team within seven (7) days of the commencement of leave.

#### **Loss of a child while pregnant**

If the pregnancy ends within 28 weeks before the due date without a live birth, the employee may take unpaid 'special maternity leave' for the period her treating doctor certifies is necessary. Unpaid parental leave is not available in this situation, instead special maternity leave applies.

The employee must make a special maternity leave application as soon as practicable, specifying the expected leave period and providing a medical certificate.

'The Company' will be sensitive to the personal issues associated with this type of leave.

#### **During parental leave**

Even though the employee is on leave, they will continue to be protected against discrimination as an employee. See the Equal Employment Opportunity Policy.

'The Company' respects that some employees do not want any contact while on leave, and others do. The team lead or department head should discuss with the employee what sort of communication the employee would like while on leave, and record this agreement.

While an employee is on unpaid parental leave, 'the Company' will ensure that the employee is considered and kept informed of significant changes that may occur in the business.

Where a decision will have a significant effect on the status, pay or location of the pre-parental leave position, 'the Company' will take all reasonable steps to inform the employee and discuss the effect of the decision. During any restructures, employees on parental leave will be treated no less favourably than other employees and will be kept informed of the process.

If an employee has applied for less than 52 weeks unpaid parental leave, they can extend the period of leave once to take the total leave up to a maximum of 52 weeks. The employee must give at least four (4) weeks' notice prior to the end date of the original leave period. A period of unpaid parental leave may be reduced by agreement between 'the Company' and the employee.

An employee can resign while on parental leave but they must give the required notice of resignation as set out in their contract.

Employees should not undertake any activity during leave which is inconsistent with the employment contract, including other employment and they should remain responsible for the care of the child.

The employee's position may be filled on a temporary basis while they are on leave. 'The company' will notify the replacement employee that their employment in this role is temporary and that the pregnant employee has the right to return to the position.

## **Procedure**

1. At least 10 weeks prior to the intended leave or as soon as is practicable, submit a Parental Leave application via Employment Hero. This type of leave request must be accompanied by a medical certificate or adoption notification.
2. The team leader or department head will approve the leave.
3. A secondary leave approval will be forwarded to the HR team who will approve and update leave details in both payroll and ConnectWise.
4. Four (4) weeks prior to the intended start date, confirm the details of leave with your team leader or department head and advise of any changes and amend your Leave Request in Employment Hero.

5. For primary caregivers once leave has commenced the HR team will write to the employee eight (8) weeks prior to the employees expected return to work, confirming the details of their return.
6. The employee must write back to the HR team, no less than 21 days from the date of the letter, confirming all return to work details are correct. In the event there are amendments or requested changes to the return to work details, then the employee must address these in the written letter.
7. The HR team will confirm the return to work details with the employee's team leader or department head.

## Definition

### Continuous Employment

For an employee to become entitled to parental leave, their employment with the employer must be continuous. This does not prevent the employee taking certain breaks from work, paid or unpaid including:

- any form of paid or unpaid parental leave (maternity, paternity or adoption leave), up to 52 weeks at a time, will not break continuous employment. While unpaid parental leave will not break continuous employment, LSL will not accrue during this time
- an absence of any length from work on account of illness or injury (which includes a Workcover absence), annual leave, or long service leave itself will not break employment
- any other form of paid or unpaid leave, for example community leave, will also not break employment
- if an employee is dismissed by their employer but subsequently re-employed before three months have elapsed, then employment will be unbroken for purposes of long service leave.

### Version Control

Version	Date	Author	Comment
1.0	28/08/2023	A. Kane	Policy created

## Frequently Asked Questions (FAQ)

1. **My partner is due to give birth in three (3) months' time. My partner is taking 52 weeks maternity leave, what parental leave am I entitled too?**

Provided you have worked for the Company for at least 12 months, you are able to receive Partner Pay provided by the Company of two (2) week at ordinary pay or four (4) weeks at half pay.

You may also be eligible to receive two (2) weeks of Dad and Partner pay from the Federal Government. The onus is on the employee to determine their own eligibility with the Department of Human Services.

If you wish to take any additional time off you are entitled to apply for any accrued annual leave, however approval of annual leave is in accordance with the Annual Leave Policy.

2. **My partner is due to give birth in six (6) months' time. My partner works full-time and is taking six (6) months parental leave, after six (6) months my partner will be returning to work on a part-time basis.**

## What parental leave am I entitled too?

### Option 1

Provided you have worked for the Company for at least 12 months, at the time your partner is on parental leave you are entitled to all leave as outlined in question 1.

### Option 2

Provided you have worked for the Company for at least 12 months, whilst your partner is on parental leave you may take accrued annual leave and then when your partner returns to work, if you are to take over primary caregiver duties then you may receive Primary Caregiver Pay of four (4) weeks paid parental leave at your ordinary rate of pay or eight (8) weeks at 0.5 of your ordinary rate of pay whilst you are the primary giver.

You may also be eligible to receive two (2) weeks of Dad and Partner pay from the Federal Government. The onus is on the employee to determine their own eligibility with the Department of Human Services.

NB: An employee can NOT receive company paid Partner Pay and then claim company paid Primary Partner Pay for the same child at a later date.

### **3. I'm due to give birth to twins in a few months' time. I will be the primary caregiver. What Parental Leave will I be eligible too?**

Provided you have worked for the Company for at least 12 months you will be entitled to Primary Caregiver Pay of four (4) weeks paid parental leave at your ordinary rate of pay or eight (8) weeks at 0.5 of your ordinary rate of pay.

You may also be eligible to 18 weeks paid leave, paid at the minimum wage by the Federal Government. The onus is on the employee to determine their own eligibility with the Department of Human Services.

### **4. I'm due to give birth to my second child in the coming months. I received Primary Caregiver Pay after the birth of my first child, am I entitled to Primary Caregiver Pay for this child.**

Provided you have been working continuously for the Company for a period of 12 months between returning from parental leave after the birth of your first child and going on parental leave for the birth of your second child; you are going to be the Primary Caregiver for the child you are shortly due to give birth too, then yes you are eligible.

### **5. A few months ago my partner and I adopted a child. For the first three (3) months my partner was the Primary Caregiver, however we have decided that for the next few months I will take over Primary Caregiver duties whilst my partner returns to work. What paid Parental Leave am I entitled too?**

Provided you did not take any paid parental leave within the first three (3) months i.e. company paid Partner Pay or government funded Dad and Partner Pay then you are eligible to receive company paid Primary Caregiver Pay of four (4) weeks paid parental leave at your ordinary rate of pay or eight (8) weeks at 0.5 of your ordinary rate of pay.

If you did receive company paid Partner Pay or government funded Dad and Partner Pay then you are not eligible to receive any further paid Parental Leave, however unpaid Parental Leave remains an option.