

IN THE FAIR WORK COMMISSION

Matter Number: AM2015/2 - Four Yearly Review of Modern Awards

ACTU Application for 'Family Friendly Working Hours Clause'

STATEMENT OF JAE FRASER

I, Jae Fraser of [REDACTED] in the State of [REDACTED] state as follows:

Introduction

1. I am the Managing Director of Edge Child Care Management Pty Ltd (**Edge Child Care**) and Little Scholars School of Early Learning Pty Ltd (**Little Scholars**) and Edge Early Education Pty Ltd.
2. I hold a Bachelor of Education from Griffith University and an Advanced Diploma of Early Childhood from Gold Coast Early Childhood College. I have over 18 years experience in early childhood education.
3. I am also the President of the Australian Child Care Alliance Queensland.
4. Prior to my current roles, I was the General Manager of G8 Education Limited, which owns and operates over 450 centres across Australia and Singapore and employs more than 5000 staff.
5. As the Managing Director of Edge Child Care Management and Little Scholars School of Early Learning, I am responsible for the performance of the company, in line with our overall company strategy. My responsibilities include formulating and successfully implementing company policies and plans to ensure that Little Scholars and Edge Early Education continue to lead the way in early childhood education and care. I also oversee the financial and operational components of the organisation as well as business development.

Edge Child Care and Little Scholars

6. I own and operate Edge Child Care Management, which manages four child care services across Queensland and New South Wales and employs more than 100 employees. Edge Child Care Management was founded in 2012 and offers childcare management, consultancy, professional development workshops and marketing for child care centres.
7. I also own and operate Little Scholars School of Early Learning, which owns and operates six services in Queensland and currently provides child care to more than 700 children and employs more than 150 employees. Little Scholars was founded in 2014 and offers child care and early childhood education from children aged birth to school age.
8. Edge Child Care has 4 full time employees, 1-part time employees and 0 casuals with approximately 40% male and 60% female employees.

9. Little Scholars has 36 full time employees, 96 permanent-part time employees and 33 casuals with approximately 1% male and 99% female employees.
10. The workforce of both Edge Child Care and Little Scholars is predominantly female (2 males out of 160) and range from 20 year olds to employees in their 50s.
11. Little Scholars, and the centres managed by Edge Child Care engage its employees under the *Children's Services Award 2010* and *Educational Services (Teachers) Award 2010*.
12. Little Scholars and the centres managed by Edge Child Care are open five days a week, for 12 hours a day. The opening hours vary between centres, however most centres open between 6:30am and 6:30pm.
13. The reason why centres open during these hours is that parents generally require care for their children during their own hours of work. I operate my centres around normal business hours and open for a few hours either side to accommodate for parents commuting to and from work. Parents also pay for childcare in 12 hour sessions, so it is important that we operate for a full 12 hours, should a parent choose to utilise childcare for the full paid period.
14. Most full-time educators work a 7.6 hour day on either morning (generally 6:30am-2:30pm) or afternoon shift (9:30am-6:30pm).
15. It is standard practice that at least two staff open each centre and two staff close each centre. This practice was formerly a legislative requirement however I have continued to maintain this practice for two reasons.
16. Firstly, avoiding a situation where staff members are alone allows me to more readily satisfy my work health and safety obligations.
17. The second reason is that some parents need to drop their children at daycare as soon as the centre opens and some parents need to pick up their children just before close of the centre. Having at least two members of staff present at these times allows me to better meet the ratio requirements discussed below.
18. Staff are then rostered in the middle in accordance with the ratio requirements as described below.
19. We engage part-time educators in the capacity of 'lunch cover'. Lunch cover employees work shifts over lunch to ensure that the full-time staff receive their requisite breaks. Given the requirements of the regulatory regime discussed below, we are required to replace staff over lunch with employees of the same status (i.e. diploma for diploma, educator for educator).

National Regulatory Requirements

20. Early childhood education and care in Australia is regulated by the National Quality Framework for Early Childhood Education and Care (**NQF**) including the Education and Care Services National Law Act 2010 (**National Law**) and Education and Care Services National Regulations 2011 (**National Regulations**).
21. The National Quality Standard (**NQS**) is a key aspect of the NQF and sets a national benchmark for early childhood education and care. The NQS has 7 key quality areas including:
 - (a) Quality Area 1 - Educational program and practice;

- (b) Quality Area 2 - Children's health and safety;
 - (c) Quality Area 3 - Physical environment;
 - (d) Quality Area 4 - Staffing arrangements;
 - (e) Quality Area 5 - Relationships with children;
 - (f) Quality Area 6 - Collaborative partnerships with families and communities; and
 - (g) Quality Area 7 - Leadership and service management.
22. The NQS contains 18 standards with two or three standards in each quality area. These standards are high-level outcome statements which are to be achieved. Under each standard sit elements that describe the outcomes that contribute to the standard being achieved. There are 58 elements in total.
23. I outline below three Quality Areas which I consider relevant to the staffing in our centres:

Quality Area 4

24. The aim of Quality Area 4 under the NQS is to ensure the provision of qualified and experienced educators, coordinators and nominated supervisors who are able to develop warm, respectful relationships with children, create safe and predictable environments and encourage children's active engagement in the learning program. The standard and elements of Quality Area 4 are as follows:

Standard 4.1	Staffing arrangements enhance children's learning and development and ensure their safety and wellbeing.
Element 4.1.1	Educator-to-child ratios and qualification requirements are maintained at all times.
Standard 4.2	Educators, co-ordinators and staff members are respectful and ethical.
Element 4.2.1	Professional standards guide practice, interactions and relationships.
Element 4.2.2	Educators, co-ordinators and staff members work collaboratively and affirm, challenge, support and learn from each other to further develop their skills and to improve practice and relationships.
Element 4.2.3	Interactions convey mutual respect, equity and recognition of each other's strengths and skills.

Quality Area 5

25. The aim of Quality Area 5 under the NQS is to promote relationships with children that are responsive, respectful and promote children's sense of security and belonging. Relationships of this kind free children to explore the environment and engage in play and learning. The standard and elements of Quality Area 5 are as follows:

Standard 5.1	Respectful and equitable relationships are developed and maintained with each child.
Element 5.1.1	Interactions with each child are warm and responsive and build trusting relationships.
Element 5.1.2	Every child is able to engage with educators in meaningful, open interactions that support the acquisition of skills for life and learning.
Element 5.1.3	Each child is supported to feel secure, confident and included.
Standard 5.2	Each child is supported to build and maintain sensitive and responsive relationships with other children and adults.
Element 5.2.1	Each child is supported to work with, learn from and help others through collaborative learning opportunities.
Element 5.2.2	Each child is supported to manage their own behaviour, respond appropriately to the behaviour of others and communicate effectively to resolve conflicts.
Element 5.2.3	The dignity and the rights of every child are maintained at all times

Quality Area 6

26. The aim of Quality Area 6 under the NQS is to recognise that collaborative relationships with families are fundamental to achieving quality outcomes for children and that community partnerships that are based on active communication, consultation and collaboration are also essential.
27. The standard and elements of Quality Area 6 are as follows:

Standard 6.1	Respectful and supportive relationships with families are developed and maintained.
Element 6.1.1	There is an effective enrolment and orientation process for families.
Element 6.1.2	Families have opportunities to be involved in the service and contribute to service decisions.
Element 6.1.3	Current information about the service is available to families.
Standard 6.2	Families are supported in their parenting role and their values and beliefs about childrearing are respected.
Element 6.2.1	The expertise of families is recognised and they share in

	decision making about their child's learning and wellbeing.
Element 6.2.2	Current information is available to families about community services and resources to support parenting and family wellbeing.
Standard 6.3	The service collaborates with other organisations and service providers to enhance children's learning and wellbeing.
Element 6.3.1	Links with relevant community and support agencies are established and maintained.
Element 6.3.2	Continuity of learning and transitions for each child are supported by sharing relevant information and clarifying responsibilities.
Element 6.3.3	Access to inclusion and support assistance is facilitated.
Element 6.3.4	The service builds relationships and engages with the local community.

Staffing requirements

28. The NQS affects our ability to organise our staff. Quality Area 4 relates to staffing arrangements including educator-to-child ratios and qualifications requirements of educators. Educator-to-child ratios are different according to the age of the children. In Queensland, educator-to-child ratios are as follows:
 - (a) Birth to 24 months - 1 educator : 4 children;
 - (b) Children older than 24 months and younger than 36 months - 1 educator : 5 children;
 - (c) Children older than 36 months and up to and including preschool age (3-4 years) - 1 educator : 11 children;
 - (d) Children over preschool age - no national ratio.
29. Rule 126 of the National Regulations also prescribes that:
 - (a) at least 50% of educators in a centre-based service who are required to meet the relevant educator to child ratios for the service, must have, or be actively working towards, at least an approved diploma level education and care qualification; and
 - (b) all other educators who are required to meet the relevant educator to child ratios for the service must have, or be actively working towards, at least an approved certificate III level education and care qualification.
30. The practical effect of the regulatory requirements means that we must carefully manage our staffing numbers to ensure that we always meet our legislative requirements. As a result, employee preferences cannot always be accommodated. I discuss how we manage our centres in accordance with the legislative requirements and examples of flexibility requests received by our centres below.

31. If a business does not meet the educator to child ratio, or the 50% qualification requirement, the business is required to report that it is in breach of regulation and national law. The business would then need to apply for waiver which the government would need to approve. Alternatively, the business could reduce capacity to comply with the staffing limitation. A reduction in capacity can have significant impacts on the financial viability of a centre. Typically, child care centres are leased and the tenant (centre operator) pays rent per licenced place, so capacity levels need to be maintained.
32. Every centre that has ratio requirements must consider these ratios when rostering staff and accepting new children into the centre in order to provide adequate (and compliant) care.
33. Quite apart from the regulatory requirements, the critical aspect of managing an early childhood education and care centre is ensuring all staff develop and maintain relationships with the children.
34. Quality Area 6 of the NQS also prescribes the importance of developing and maintaining respectful, supportive relationships with families.
35. Families entrust the care of their children with our educators when they are unable to look after their children themselves. It is extremely important that educators develop relationships with families and for there to be a consistent dialogue between the educator and the family about the child, such as if the child hasn't slept well, if the child has eaten or not, whether the child is sick or not.
36. Consistency of care is also important in relation to developing and maintaining relationships with the families of the children.
37. While permanent arrangements are not possible in all circumstances (including where the flexibility of casual staff are required to accommodate regulatory arrangements), in my view, permanent staff are preferable in the industry given the reasons I have discussed above.
38. It is also relevant that childcare centres are rated by the Australian Children's Education & Care Quality Authority (ACECQA) on consistency of care. All services approved under the Education and Care Services National Law are assessed and rated by their State or Territory regulatory authority.
39. Services are assessed against the 7 quality areas of the NQS (including staffing arrangements and consistency of care) and given an overall rating based on these results. The ratings are:
 - (i) Excellent rating, awarded by ACECQA;
 - (ii) Exceeding National Quality Standard;
 - (iii) Meeting National Quality Standard;
 - (iv) Working Towards National Quality Standard; and
 - (v) Significant Improvement Required.
40. If a centre is awarded a rating of "Significant Improvement Required", a show cause document is issued and the centre is asked why they should not be closed. A centre must then prove why they have not met the quality areas and what they are doing to rectify the situation.

41. When a "Significant Improvement Required" rating is awarded, a State government official is assigned to the centre and the centre and services are assessed over a one to four day period. During the assessment period, the official may undertake some of the following:
- (i) check the roster to ensure centre is meeting ratio requirements;
 - (ii) hold individual meetings with staff members to understand more about quality and consistency of care; and
 - (iii) request or require parent feedback by way of parent surveys, committee meetings or the centre may be required to show feedback from families.
42. If a centre receives a complaint from a parent, the centre is required to report any complaints to the Department of Education and Training. In these circumstances, an investigation will be undertaken into the complaint which would include the Department requesting information from the centre and getting an understanding of how the centre will address the complaint and the issues raised in the complaint.

Universal Access to Early Childhood Education

43. The Australian Government has a partnership with early childhood education providers to provide a Kindergarten program to all children in the year before full-time school (National Partnership Agreement on Early Childhood Education, referred to as the 'Agreement').
44. The Agreement is intended to ensure all children have access to a quality early childhood education program, delivered by a qualified early childhood teacher for 15 hours per week in the year before they attend full-time school. The precise operation of the Agreement varies from state to state.
45. In QLD, early childhood education providers receive funding under the Agreement from the Australian Government to provide Kindergarten education programs to children.
46. Little Scholars and the centres managed by Edge Child Care receive funding from the Australian Government under the Agreement. Given that funding is paid on a per child basis, the children subject of the funding must have access to a pre-school teacher for at least 15 hours per week in order for the centre to be eligible to receive the funding. In my experience, most children attend childcare on various days of the week and there is no consistent day when children attend. We therefore require a Kindergarten teacher to be available on any day of the week, at any time, in order for Kindergarten children to have access to a Kindergarten teacher and to meet the 15 hour requirement.

Rostering and compliance

47. In the childcare industry rosters revolve around regulatory requirements.
48. I use the following methodology to determine a roster:
- (a) Each room contains a different age group of children. Firstly, I ensure each room has a diploma qualified leader rostered on in each room.
 - (b) I need to ensure my 50% diploma requirement is met. I start by looking at my room staff, and ensuring there is an appropriately qualified person in each room.

- (c) I look at the people I need to employ to relieve the diploma qualified staff for their lunch breaks, tea breaks, off the floor programming time etc. to ensure that all times of day the 50% diploma requirement is satisfied.
 - (d) I ensure that there are adequate staff to support the leaders in each room and consider how many staff may be required depending on the room, the age of the children, any special needs and the regulated ratio requirements.
 - (e) Most of the roles referred to above are permanent staff members to provide consistency to the children, the employees and the roster.
 - (f) I consider whether I have any additional needs children¹ which will require my ratios to be increased. In each of the centres, it is likely that I will have at least one additional needs child.
 - (g) I must estimate how many children will arrive each day and what times of day will have peak periods and ensure the regulatory ratios of staff to children are satisfied during these times. This is site-specific.
 - (h) Casual staff will be rostered last and as a response to (or an educated prediction that one of the following factors may occur):
 - (i) peak periods;
 - (ii) permanent staff taking personal/carer's leave or annual leave;
 - (iii) permanent staff taking extended leave without pay or parental leave;
 - (iv) permanent staff taking an RDO;
 - (v) permanent staff being relieved of their duties for breaks or reaching the end of shift before the centre closes;
 - (vi) diploma and Traineeship regulation study periods (2-3 hours);
 - (vii) the site's diploma requirements not being met;
 - (viii) the site's ratio requirements not being met;
 - (ix) the site's inclusion support requirements not being met.
49. This process has been developed by me over my many years of experience including my experience as a Centre Manager and running my own centres. I also understand that it would be a fairly common process across the sector, noting that the process may vary from centre to centre having regard to:
- (a) the services offered by a centre;
 - (b) the size of a centre; and
 - (c) whether RDOs applied.
50. The effect of the regulatory regime outlined above alongside the fact that parents do not necessarily collect their children at set times also means that considerable flexibility is

¹ 'Additional needs' defines and categorises a range of conditions and circumstances that can result in children requiring specialist support relating to their learning and physical development and wellbeing. This may include physical disabilities, intellectual disabilities or developmental delay, communication problems or disorders, challenging behaviours or diagnosed conditions.

needed in rostering staff. By way of example, while the number of children in our centres will ordinarily steadily decrease throughout the course of an afternoon (which is mirrored by the fact staff will generally finish their shifts in 15 minute intervals), in the event that parents do not collect their children until the end of the shift, the regulations would require the centre to maintain full staffing levels until 6.30 pm.

Workplace Flexibility in Edge Child Care and Little Scholars

51. Employee entitlements for those employed by Little Scholars relating to parental responsibilities are addressed by a number of policies including:
 - (a) Leave Policy (See Attachment A); and
 - (b) Parental Leave Policy (See Attachment B).
52. Employee entitlements for employees with carers responsibilities are dealt with in accordance with the *Fair Work Act 2009* (Cth).
53. As noted at clause 3.6(p) the Parental Leave Policy requires:
 - (a) an employee returning to work after a period of parental leave to make a request in writing at least 8 weeks prior to the employee's return to work and include the number of hours they are requesting to work and the days of the week the employee would like to work; and
 - (b) Little Scholars will not unreasonably refuse such a request, however for it to be approved it must be operationally and financially viable for Little Scholars.
54. Our policy is an application of our ability to refuse flexibility requests on 'reasonable business grounds' under the *Fair Work Act 2009* (Cth).

Operational Factors

55. When considering a flexibility request, Edge Child Care and Little Scholars consider each request on a case-by-case basis. Whether the business can accommodate the request will primarily depend on whether the service can accommodate the request under the regulatory regime outlined above. This means:
 - (a) that an employee who requests reduced or alternative hours must be replaced so as to satisfy the relevant ratio requirements;
 - (b) if the employee is diploma qualified, the replacement employee is likely required to be diploma qualified so as to satisfy the requirement that 50% of any roster is diploma qualified; and
 - (c) if the employee is a lead educator 'running a room' the replacement employee would likely need to be of a similar expertise and experience.
56. In short, our capacity to accommodate a flexibility request will depend on our ability to balance ratios, experience levels and qualifications of our available labour pool.
57. In addition to generic skills required to undertake the work, I also look for employees who strongly demonstrate an empathetic and caring nature, which I believe is valuable to achieve effective relationships with children. This makes finding quality staff difficult.
58. There is considerable competition for quality staff, especially staff with diploma qualifications.

59. The most popular working arrangement among employees is working school hours. This means that there is a limited supply of employees to work before and after school hours. This makes it particularly difficult (if not impossible) to employ employees who only wish to work early mornings and late afternoons (which would be necessary where other employees elect only to work school hours).
60. The least popular shift among employees is the later shift, 9:30am-6:30 pm. In rostering I seek to promote fairness to ensure that employees do not have to consistently work the later shifts.
61. The ability to 'replace' staff working flexible arrangements in the roster system is also influenced by existing employee preference.
62. In my experience this applies to employees who have caring responsibilities as well as those who do not. I have also found that employees place considerable importance on the existence of fairness in the allocation of hours. If, for an example, an employee is repeatedly allocated the later shift, it is not uncommon to receive dissatisfied feedback from that employee that this is unfair.
63. The operational elements considered by me when assessing a flexibility request therefore includes fitting regulatory requirements, ensuring quality of care and as far I can, being equitable between my employees to ensure workforce harmony.

Financial Factors

64. When considering a flexibility request, Little Scholars will also factor in the cost to the organisation of a replacement employee.
65. The potential costs associated with a flexibility request may be:
- (a) the cost of additional staff to replace the hours that an employee would usually work; and
 - (b) costs of recruitment and/or agency staff if required.
66. Where we are required to employ an additional casual employee to replace a permanent employee in the roster, this can result in increased costs given that in some cases, casual staff can be paid up to \$10 per hour more than regular permanent part-time employees.
67. As a further cost consideration, in the case of an Early Childhood Teacher, if an Early Childhood Teacher wishes to work part time and therefore cannot meet the 15 hours requirement discussed at [44], I would need recruit a second Early Childhood Teacher and often this leads to a double up of hours as they need time to share information about the programs, children's needs etc. These additional costs would also arise in circumstances where a centre manager 'job-shared' with another centre manager.
68. While in my experience cost is not usually a decisive factor in determining whether to grant a flexibility request, any increase in cost will be passed onto parents.

Experience with Workplace Flexibility

69. We seek to accommodate employee flexibility requests as much as possible to attract and retain good staff. It is not in our interest, nor is it our practice, to refuse flexibility requests unless we have exhausted all reasonable possibilities to accommodate them.

70. Little Scholars has received five requests for flexible work arrangements in the last three years. Where a request is made, the request is considered in a collaborative process between myself, the relevant centre manager and the operations manager. Following that process, I make the ultimate decision.

71. Of these five requests, three resulted in a variation to work arrangements and two did not.

Flexibility Requests which have resulted in Variations to Hours of Work

72. One of these requests was from a kindergarten teacher who wished to teach school hours (9am to 2pm) and have school holidays off. In the relevant jurisdiction (Queensland) there is a requirement that all kindergarten aged children have at least 15 hours access to a qualified kindergarten teacher per week. By granting the employee's request, this would mean that the company would not be meeting its requirements and would be required to recruit a suitably qualified and experienced early childhood teacher who would be willing to work the remaining hours.

73. Finding a similarly experienced and qualified teacher in that scenario who would be willing to work 'alternate hours' to the requestor is extremely difficult. Granting that request would also create significant disruption to the learning program and the relationships with children and their families.

74. In that scenario, we came to an agreement that the teacher would provide a 3-4-month window to allow us to source an employee who could work the replacement hours.

75. We were unable to find another employee who was willing to work the replacement hours so the teacher stayed on in her original position for approximately another eight months before she decided to resign from her employment.

76. In the remaining scenarios:

- (a) One diploma qualified educator was required to step back into an assistant educator position to be able to meet her request as her desired hours would prevent her from being able to complete the duties required of the role that she was working. This change were necessary in order for the business to continue to meet the NQS and was agreed by the relevant employee;
- (b) An Educator moved to a bus driver position for the centre as the hours she wished to work prevented her from performing the required duties of a lead educator in charge of a group in the classroom. This change was necessary in order for the business to continue to meet the NQS and was agreed by the relevant employee.

Instances where Variations could not be Agreed

77. In the last three years, we have had two occasions in which we were unable to come to an arrangement to vary working hours with an employee following the making of a flexibility request.

Example 1

78. A diploma qualified educator made a request to only work 10am – 2pm each day so she could volunteer at her child's school. She would not consider reducing her position as a Lead Educator of a room.


79. Following her request, the relevant centre manager, the operations manager and myself discussed the request and came to a view that the request would be difficult to accommodate as:
- (a) we were not in a position to find a suitably qualified educator willing to work a split shift each day 8:30 am -10 am and then again 2pm- 4:30pm to cover the employee's absence. This would also result in the payment of a split shift allowance;
 - (b) while we could conceivably engage two additional people to cover her absences, this would result in further increased costs, more employees to manage, more staff for children and parents to develop relationships with as well as complicating our requirement to maintain a 50% diploma qualified ratio (see above at [29(a)]).
80. In short, the operation of ratios alongside the fact that we could not replace her in the roster meant that we could not accommodate her request.
81. Following these discussions, we held a meeting with the employee to explain our issues with her request and why the business did not think it could not accommodate it. During this discussion we asked the employee for her ideas and feedback as to how we might be able to make it work or a suitable compromise position.
82. While the employee did not provide any alternative proposals after this meeting, she indicated that she understood the reasoning behind our position.
83. The employee stayed with the business for a further six month before resigning to become a personal trainer. She has subsequently been reemployed by the business in a full-time capacity.

Example 2

84. A Bachelor Qualified Centre Manager requested to reduce her hours and days to allow her more time with her family. She was requesting to work 3 days a week and 9am to 3pm each day.
85. We declined this request on the basis that:
- (a) the Centre Manager's preferred working arrangements would not allow her the necessary engagement with staff and parents, particularly given that staff and families who attend the centre need to be able to access the centre manager and majority of the pick-up and drop off times for families are between 7:30-8:30am and 4-6pm. Her proposed arrangement would mean that parents would never see the centre manager and the staff would not have a manager on site to support them during the busiest times. This would not be consistent with either the NQS or the requirements of the Centre Manager's role;
 - (b) as was the case with Example 1, it was not feasible to locate and engage another employee with the same skill set and qualification to manage the service on the other two days; and
 - (c) in our assessment, the centre in question (in Stapylton, Queensland) required a full time manager at the relevant time.
86. While there are certainly advantages to having a full time centre manager, being full time is not necessarily a requirement for a centre manager in every centre. Whether or not part

time arrangements are able to be accommodated will depend on the particular centre and on the particular employee.

87. The particular circumstances at the Stapylton centre at the time of this request were that the centre was less than 12 months old and had engaged a very young team of 15-20 employees. In those circumstances, it was critical to ensure that the centre manager was working full time so that the team would be appropriately supported during the establishment period of the centre.
88. Following these discussions, we held a meeting with the employee to explain our issues with her request and why the business did not think it could not accommodate it. During this discussion we asked the employee for her ideas and feedback as to how we might be able to make it work or a suitable compromise position.
89. The employee decided to resign and move to another centre in a different position where she could work the hours that she chose. Since the employee's resignation, we have employed a full-time centre manager and the centre has operated under a full-time manager since then.



Rae Fraser

31 October 2017

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Leave Policy

Authorised By:	Managing Director	Policy Owner:	Operations Manager
Introduction Date:	26 June 2015	Versions:	

1. Policy Statement

- (a) Edge Early Education and Little Scholars (the **Company**) provides personal leave benefits to Employees who require time off work in various circumstances.
- (b) This policy covers the following types of leave:
 - (i) Annual Leave (clause 3.1);
 - (ii) Personal & Carer's Leave (clause 3.2);
 - (iii) Compassionate Leave (clause 3.3);
 - (iv) Study Leave (clause 3.4);
 - (v) Long Service Leave (clause 3.5); and
 - (vi) Public Holidays (clause 3.6).
- (c) This policy does not vest enforceable rights in employees and can be varied as the Company sees fit.

2. Scope

This policy covers all Employees employed by the Company.

3. Policy Guidelines

3.1 Annual Leave

- (a) Entitlement to Annual Leave:
 - (i) Permanent full time Employees accrue four (4) weeks of annual leave progressively during each year of service.
 - (ii) Part time Employees accrue annual leave on a pro-rata basis. Unused annual leave accumulates from year to year. If the Employee's employment contract says this, a maximum of 5 unused annual leave days can accumulate from year to year.
 - (iii) Casual Employees do not accrue annual leave.

(iv) Annual leave may be taken at a time mutually agreed between the Employee and the Company. Annual leave may be restricted during peak trading times such as the December/January holidays as the Company needs to ensure appropriate Employee levels for our business at any given time. Employees need to understand that our business is regulated in that we must maintain a certain ratio of staff to children in our Centres. Accordingly, a Centre Manager may decline an application for leave where the result would be more than 2 Employees of the Centre are on leave at the same time.

- (b) Annual leave does not include any public holidays which fall during the annual leave period.
- (c) Requesting Annual Leave:
 - (i) Annual leave must be applied for at least four (4) weeks in advance. The application needs to be submitted by the Employee to the centre Manager. Centre Managers must apply to the Operations Manager for leave.
 - (ii) Any leave requests will be considered on an individual basis, considering personal circumstances of the Employee and business operational requirements. Annual leave is only granted once the authorisation by either the Centre Manager or Operations Manager has been completed.
 - (iii) Leave arrangements are not to be made prior to annual leave being granted.
 - (iv) All annual leave requests, cancellations and alterations are subject to the approval of the Employee's direct manager. The Company reserves the right to reasonably refuse an annual leave request if the Company's business requirements may be compromised.
- (d) Direction to take Annual Leave:
 - (i) The Company may direct an Employee to take annual leave if:
 - (A) The Employee has more than 8 weeks annual leave accrued, provided they retain a balance of 4 weeks at the time the direction is given; or
 - (B) the Company is closing down operations for a period.
- (e) Payment of Annual Leave:
 - (i) Employees taking annual leave may decide whether to receive payment for the leave immediately prior to or during the leave.
 - (ii) Part time Employees will be paid for the ordinary hours that they would normally work during the period of annual leave.

- (iii) Additional leave loading of 17.5% of the ordinary time rate of pay will only be paid to Employees covered by the Modern Award.
- (iv) Annual leave pay is calculated based on the Employee's base hourly rate of pay at the time leave is taken, multiplied by the number of hours regularly worked, plus any leave loading to which the Employee is entitled. Annual leave is exclusive of any statutory public holidays that may fall within the leave period. The details of annual leave are recorded on the Employee's payslip and personnel file.
- (v) Temporary full time or part time Employees will be paid their annual leave entitlement at the end of the contract period unless they are accepting a permanent position. If the employment status of an Employee changes from a permanent to a casual basis, any annual leave entitlement will be paid to the Employee.
- (vi) In the event an Employee becomes seriously ill or injured whilst on annual leave, then subject to the approval of the Company, accrued personal leave may be substituted for the annual leave. The Company will require verification of the illness or injury, which may take the form of a doctor's written report, medical certificate or some other documentation the Company may nominate.
- (vii) When an Employee's employment is terminated, their accrued and unused annual leave will be paid out on termination. For Employees covered by a Modern Award, annual leave loading may also payable on leave paid out on termination if they resign or their position is made redundant.
- (viii) If an Employee does not provide the required notice when submitting a resignation, the Company may withhold from the Employee's annual leave balance, the amount equal to the ordinary time earnings that the Employee would have earned for the period of notice they failed to give. Payment of accrued annual leave entitlements will be made in the Employees final pay following their last working day.
- (ix) Annual leave may not be taken in advance (i.e. before the annual leave is accrued).

3.2 Personal/Carer's Leave

- (a) Entitlement to Personal / Carer's Leave:
 - (i) Permanent full time Employees accrue ten (10) days of personal / carer's leave progressively during each year of service. Part time Employees accrue personal / carer's leave on a pro-rata basis. Unused personal / carer's leave accumulates from year to year.
 - (ii) Casual Employees do not accrue personal / carer's leave.

- (iii) For the purposes of this policy, 'day' means the ordinary hours that the Employee would otherwise have worked if not absent on personal / carer's leave.
- (b) Taking Personal / Carer's Leave:
 - (i) Employees will generally be required to supply satisfactory evidence to substantiate an absence if:
 - (A) they have taken more than 5 days personal / carer's leave without a medical certificate or other satisfactory evidence in any one year;
 - (B) they are absent for 2 or more consecutive days;
 - (C) they are absent due to illness or injury and have exhausted all personal / carer's leave entitlements (and are not receiving workers compensation payments);
 - (D) they are absent on a day before or after a public holiday or day on which they are not required to work; or
 - (E) the Company has concerns about the genuineness of the Employees claim to personal / carer's leave.
 - (ii) Employees are required to provide the Company with notice that they will be absent as soon as is reasonably practicable and generally no less than two (2) hours in advance of their rostered start time.
 - (iii) Employees who work less than their full scheduled work hours for a day because of illness or non-work related injury will have the remaining work hours absent deducted from their accrued personal / carer's leave subject to the normal notification processes to deem their absence as an authorised absence.
 - (iv) It is the Employees responsibility to ensure that any absences are recorded in Company records, and that any medical certificates or statutory declarations are provided to their immediate manager.
- (c) Payment of Personal / Carer's Leave:
 - (i) When Employees take paid personal leave or carer's leave they will be paid for such leave at their base rate of pay for the ordinary hours that they would have worked on that day or days.
 - (ii) Personal / carer's leave is not paid out upon termination of employment.
- (d) Personal Leave:

- (i) Personal leave is available to be used when an Employee is not fit for work due to genuine personal illness or injury. Personal leave may also be used by pregnant Employees to attend prenatal check-ups with their Doctor.
 - (ii) A medical certificate or statutory declaration is necessary.
- (e) Carer's Leave:
 - (i) Carer's leave is available where an Employee is required to provide care or support to a member of their immediate family or household, because of a personal illness, injury or unexpected emergency affecting the member.
 - (ii) Permanent Employees may access any accrued personal leave for carer's leave purposes.
- (f) Definitions Relating to Personal / Carer's Leave:
 - (i) A Employees' 'immediate' family includes:
 - (A) Their spouse, child, parent, grandparent, grandchild or sibling
 - (B) Child, parent, grandparent, grandchild or sibling of their spouse.
 - (ii) A member of an Employees' 'close immediate family' includes their spouse, child, parent, or the child of a spouse;
 - (iii) 'Spouse' includes the following:
 - (A) A former spouse
 - (B) A de facto spouse
 - (C) A former de facto spouse
 - (iv) 'Child' includes an adopted child, stepchild, foster child, an exnuptial child and an adult child.
- (g) Abuse of Personal Leave:
 - (i) The Company regards abuse of personal / carer's leave as a serious matter. Systematic or dishonest absenteeism without reasonable grounds may be deemed to be a breach of this policy and subject to disciplinary action.
 - (ii) Where excessive absenteeism affects an Employees ability to perform the inherent requirements of their role or affects business operations, the Company may take appropriate action to assess whether the Employee can meet the inherent requirements of the role.

3.3 Compassionate Leave

(a) Entitlement to Compassionate Leave:

- (i) Permanent Employees are entitled to two (2) days paid compassionate leave on each occasion if a member of their immediate family or household (as defined below) either:
 - (A) contracts or develops a personal illness or sustains a personal injury that poses a serious threat to his or her life; or
 - (B) passes away.

(b) Casual Employees only:

Casual Employees are entitled to compassionate leave subject to these provisions on an unpaid basis.

(c) Miscellaneous:

- (i) The Company may request that an Employee provide proof of such death (for example, a statutory declaration or copy of the death notice) and the relationship with the Employee to the satisfaction of the Company.
- (ii) Employees who experience bereavement outside of the immediate family may request annual or unpaid leave be taken. Such request should be raised via the Employees' direct manager.
- (iii) If an Employee suffers bereavement whilst on annual leave, notification must be given to their direct manager as early as practicable. The Company will ensure that the annual leave will be replaced with the relevant compassionate leave entitlement.

(d) Definitions relating to Compassionate Leave:

- (i) A Employees' 'immediate' family includes:
 - (A) Their spouse, child, parent, grandparent, grandchild or sibling
 - (B) Child, parent, grandparent, grandchild or sibling of their spouse.
- (ii) A member of a Employees' 'close immediate family' includes their spouse, child, parent, or the child of a spouse.
- (iii) 'Spouse' includes the following:
 - (A) A former spouse
 - (B) A de facto spouse

- (C) A former de facto spouse.
- (iv) 'Child' includes an adopted child, stepchild, foster child, an exnuptial child and an adult child.
- (e) Payment of Compassionate Leave:
 - (i) Paid compassionate leave is at the Employees ordinary rate of pay.
 - (ii) Compassionate leave does not accrue and is not paid out on termination of employment.

3.4 Study Leave

- (a) Employees may apply for unpaid leave for the purposes of study leave on an hourly basis up to a maximum of five (5) hours per week. Study leave does not include any training that Employees are directed by the Company to undertake.
- (b) The application for Study leave will need to be in writing (the proposed "study plan") and clearly state:
 - (i) What study is being undertaken;
 - (ii) How such study is relevant to employment with the Company;
 - (iii) What days, times and period the leave is being requested;
 - (iv) Details of what the unpaid leave will be used for (for example, travelling to and attending lectures); and
 - (v) Reasons why such study can not be completed in non-working time.
- (c) The Company will consider the proposed study plan and will have total discretion on whether or not to grant the unpaid leave applied for.
- (d) If study leave is approved, then an application may be made in writing to alter the study plan for reasons such as exams. The Company will consider any application to alter the study plan and will have total discretion on whether or not to grant the alterations.
- (e) Any period of unpaid study leave will not count as service for the calculation of other leave entitlements.
- (f) If a separate agreement or training contract is entered into with an employee, then any provision of that document dealing with leave will, for that particular employee, override this policy to the extent of any inconsistency.

3.5 Long Service Leave

- (a) The Company recognises the contribution of long continuous service by providing long service leave. Enabling Employees to enjoy the security of income and continued employment whilst taking an extended recreational break from their work. The Company will provide long service leave benefits in accordance with State or Territory legislation.
- (b) Employees continue to be employed by the Company whilst on long service leave and Employees are not permitted to engage in any form of conflicting employment whilst on long service leave.
- (c) Long service leave is paid at the Employee's ordinary rate of pay at the time the long service leave is taken.
- (d) All statutory benefits and entitlements ordinarily applicable whilst employed continue to accrue during a period of long service leave.
- (e) Employees must complete a request for long service leave. All requests, cancellations and alterations are subject to the approval of the Employee's direct manager. Operational requirements and other leave requests must be considered before long service leave is approved. We reserve the right to refuse a long service leave request if business requirements will be compromised.
- (f) Unpaid parental leave may affect the accrual and entitlement of long service leave in some States and Territories.
- (g) For further information please refer to the relevant State or Territory legislation as there is some variation between States and Territories for this type of leave.

3.6 Public Holidays

- (a) Australian State and Federal legislation provides for certain days to be observed as public holidays. The Company recognises these designated occasions and provides the appropriate public holiday entitlement.
- (b) All permanent Employees will be entitled to a day off, without deduction of pay, where the Employee would ordinarily be rostered to work a recognised public holiday and is not required to perform any duties on that public holiday.
- (c) The following are recognised Australian public holidays:
 - (i) Christmas Day;
 - (ii) Boxing Day;
 - (iii) New Year's Day;
 - (iv) Australia Day;

Please note: Once printed this policy is uncontrolled. Please refer to the latest electronic version for up to date policy information.
Current as at April 2015

- (v) Good Friday; (vi) Easter Monday;
 - (vii) ANZAC Day; and
 - (viii) Any other day declared by State or Territory law to be observed as a public holiday within that State or Territory.
- (d) Any other day declared by Australian law to be observed as a public holiday will be recognised by the Company as an additional public holiday or as a public holiday in substitution for one of the listed days in clause 3.12 (c) above.

3.7 Breach of this Policy

Any breach of this Policy may result in disciplinary action including termination of employment.

3.8 Further Information

If you have any questions in relation to this policy, please contact your Regional Manager.

Related Documents:

³⁵₁₇ Leave Application



"B"



Parental Leave Policy

Authorised By:	Managing Director	Policy Owner:	Operations Manager
Introduction Date:	26 June 2015	Versions:	

1. Policy Statement

- (a) Edge Early Education, Kindyland and Little Scholars (the **Company**) is committed to providing flexible working arrangements which enable Employees to maintain a healthy work/life balance.
- (b) This policy sets out the Company's parental leave policy, and explains:
 - (i) what an Employee's parental leave entitlements are (if any); and
 - (ii) the procedure for taking parental leave.
- (c) This policy does not vest enforceable rights in employees and can be varied as the Company sees fit.

2. Scope

This policy applies to all Employees employed by the Company.

3. Policy Guidelines

3.1 General Provisions

This leave policy covers paid and unpaid parental leave and unpaid adoption leave for eligible Employees. For the purpose of this policy, parental leave encompasses:

- (a) leave for the birth of a child to a pregnant Employee;
- (b) leave for the birth of a child of an Employee's spouse; and
- (c) leave for the adoption of a child.

3.2 Definitions

For the purposes of this policy, the following definitions are applicable.

- (a) **long-term casual** means an Employee who has been engaged by the Company on a regular and systematic basis for at least one year.
- (b) **short-term casual** means a casual Employee other than a long-term casual Employee.
- (c) **members of the immediate family** means the Employee's partner (including a former partner, de facto partner, and partner of the same sex as the Employee), and a

child, ex-nuptial child, step child, adopted child, ex-foster child, parent, grandparent, grandchild or sibling of the Employee or the Employee's partner.

3.3 Pregnant Employees

As soon as possible after a female Employee has confirmed her pregnancy, the Employee will provide the Centre Director (or, if the Employee is Centre Director, to the Regional Manager) a medical certificate from the Employee's doctor confirming:

- (a) the Employee is fit to continue to work;
- (b) what conditions (if any) the doctor recommends imposing on the Employee's duties at work; and
- (c) if the Employee regularly works with children under the age of 2 years old, a doctor has explained to the Employee the risks associated with contracting Cytomegalovirus (CMV).

3.4 Eligibility

- (a) Employees may be entitled to paid or unpaid parental leave or adoption leave providing they meet the minimum requirements. Please refer to the following eligibility criteria below for each leave type.
- (b) Eligibility for Unpaid Parental and Adoption Leave:
 - (i) Parental leave is an unpaid period of leave provided in accordance with the National Employment Standards. Parental leave is only available to Employees who have, or will have, responsibility for the care of a child. The leave must be associated with:
 - (A) the birth of a child to the Employee, the Employee's spouse, or the Employee's de facto partner; or
 - (B) the placement of a child under 16 years of age with the Employee for adoption.
 - (ii) Full time, part time and long-term casual Employees who have had at least 12 months' continuous service with the Company are entitled to unpaid parental or adoption leave. Casual Employees, who are not long term casuals, are not entitled to unpaid parental or adoption leave.
 - (iii) Employees who have completed 12 months' continuous service with the Company do not have to complete another 12 continuous months to be eligible for a further period of unpaid parental or adoption leave.
- (c) Eligibility for Paid Parental Leave:
 - (i) Full time and part time pregnant Employees who have completed at least 2 years continuous service with the Company prior to commencing parental leave are entitled to paid parental leave.
 - (ii) Full time or part time pregnant Employees, who were previously employed as a casual Employee, will only have their casual service count toward the

calculation of the required 2 years continuous service if all of the following conditions are met:

- (A) the Employee has more than 2 years continuous service with the Company;
 - (B) the Employee has at least 1 year permanent service immediately prior to parental leave; and
 - (C) the Employee worked an average of at least 20 hours per week as a casual Employee during the 12 months prior to commencing permanent employment.
- (iii) Oxanda Education Paid Parental Leave will only be paid upon receipt of the completed parental leave application form, parental leave request letter, a supporting medical certificate confirming the pregnancy and expected date of birth and a Statutory Declaration outlining any periods of leave to be taken by the Employee's partner.

3.5 Parental Leave Entitlements

- (a) The following outlines the length of parental leave an Employee can take depending on their circumstances and the entitlement to paid leave.
- (b) An Employee may take any form or paid leave such as annual leave, long service leave and/or any form of paid parental leave to which the employee is entitled, other than paid personal/carer's leave, compassionate leave or community service leave, during any period of unpaid parental leave taken under the National Employment Standards.
- (c) Unpaid Parental Leave Entitlements:
 - (i) A pregnant Employee may take up to 52 weeks unpaid parental leave to be the primary carer of a new born child.
 - (ii) For the birth of a child to an Employee's partner, the Employee may take:
 - (A) short parental leave for the partner – 1 week at the time of the birth; and
 - (B) long parental leave – up to a further 51 weeks to be the child's primary care giver.
- (d) Unpaid Adoption Leave:
 - (i) For the adoption of a child, an Employee may apply for:
 - (A) short adoption leave of up to 3 weeks at the time of the placement; and
 - (B) long adoption leave of up to a further 49 weeks to be the child's primary care giver.

- (ii) An Employee who is seeking to adopt a child is entitled to up to 2 days unpaid leave (special adoption leave) to attend compulsory interviews or examinations as part of the adoption procedure.
- (e) Unpaid Special Parental Leave:
 - (i) If an Employee is not fit for work because of a pregnancy-related illness or because the pregnancy ends within 28 weeks of the expected date of birth, if there is a miscarriage or the child does not survive, the Employee is entitled to take either unpaid leave (special parental leave) or paid sick leave (or a combination of both). The Employee will be required to provide the Company with a medical certificate in these circumstances.

3.6 Application for Parental Leave

- (a) In order to apply for parental leave, an Employee must give written notice of at least ten (10) weeks before the start date of the intended leave and specify the intended start and end dates of the parental leave. However, in the case of adoption leave, the Employee must give as much notice as possible, but this can not be less than 14 days.
- (b) The Company has the right to request that Employees provide evidence, such as a medical certificate or statutory declaration, of the expected date of birth, or date of placement of adoption.
- (c) A pregnant Employee who has given notice of their intention to take parental leave is to start the leave six (6) weeks before the expected date of birth unless a medical practitioner has certified that they are fit to work closer to the expected date of birth.
- (d) In addition to these notice requirements, an Employee must advise the Company of any change to their contact details including a change of address. Employees must also advise the Company immediately of any significant change about:
 - (i) the length of parental leave, or
 - (ii) intended date of return to work or
 - (iii) an earlier decision to return to work on a full time basis or
 - (iv) an application to return to work on a part time basis.
- (e) Where the change is unforeseeable (ie a premature birth or a miscarriage), no notice is required.
- (f) Parental leave applied for, but not started, is automatically cancelled if the pregnancy terminates other than by the birth of a living child, the adoption does not proceed or the Employee withdraws their application for leave by written notice.
- (g) Application for Paid and Unpaid Parental Leave:
 - (i) A pregnant Employee wishing to take leave must provide the Company with:
 - (A) A Doctor's certificate stating that they are pregnant and the expected date of birth; and

- (B) A statutory declaration stating any periods of parental leave to be taken by their partner
- (h) Application for Unpaid Parental Leave:
 - (i) An Employee whose partner is pregnant must produce a Doctor's certificate confirming the pregnancy and the expected date of birth. For long parental leave, the Employee must also produce a statutory declaration stating the period of leave to be taken by their partner and confirming the Employee intends to be the child's primary caregiver.
- (i) Application for Unpaid Adoption Leave:
 - (i) An Employee intending to adopt a child must give the Company:
 - (A) A statement from the adoption agency stating the expected date of placement; and
 - (B) A statutory declaration stating the period of any adoption leave sought by the Employee's spouse and stating that the Employee intends to be the child's primary caregiver.
- (j) Illness associated with Pregnancy:
 - (i) If it is unsafe or unhealthy for a female Employee who is otherwise certified fit for work, to continue her current work because she is pregnant or breastfeeding, if possible the Company will temporarily adjust her working conditions or hours of work to avoid exposure to the risk.
 - (ii) If this is not feasible or it is unreasonable, the Company will transfer the Employee to an appropriate safe job that is as near as possible comparable in status and remuneration to her present work and will not expose her to the risk.
 - (iii) If there is no appropriate safe job available, the Employee may take paid no safe job leave for the risk period. If an Employee is on paid no safe job leave during the 6 week period before the expected date of birth, the Company may ask the employee to give the Company a medical certificate stating whether the Employee is fit for work.
 - (iv) Prior to the 6 weeks before the expected date of birth, if the Employee wishes to continue working, the Employee must provide a medical certificate stating that she is fit for her normal duties or transfer to a safe job. If a pregnant Employee requests to continue working within 6 weeks of their expected date of birth, they are required to provide a medical certificate each fortnight until commencing leave, to ensure it is safe for the Employee to continue their usual duties.
- (k) Extension of Leave Entitlement:
 - (i) Employees can apply for two types of leave extension:
 - (A) An extension of parental or adoption leave within 52 weeks leave, or

- (B) An extension of parental or adoption leave beyond 52 weeks leave.
- (ii) The written application must include:
 - (A) The start and ends dates for the proposed extension of leave,
 - (B) The impact refusal of the application might have on the Employee and their dependants,
 - (C) The Employee's statutory declaration that they are seeking an extension to continue to be the child's primary caregiver.
- (iii) The Company must not unreasonably refuse applications for leave extensions and must give proper consideration to an Employee's application. The Company must give their written decision to the Employee within 14 days or for short parental or short adoption leave – as soon as possible but before the short leave ends.
- (l) Applying for Extension of Parental or Adoption Leave:
 - (i) An Employee who has applied for parental or adoption leave of less than 52 weeks can request an extension of leave up to the full 104 weeks. An Employee:
 - (A) may, by written notice, apply (once only) to extend their parental leave up to a total of 104 weeks;
 - (B) must give the Company at least 14 days notice before their parental leave starts; or
 - (C) if started, the notice to extend must be given at least 14 days before their parental leave ends.
 - (ii) An Employee who has applied for parental or adoption leave beyond 52 weeks can request an extension of leave up to 104 weeks. An application for this extension can only be made once within any 12 month period unless the Company agrees otherwise. The application must be made by giving the Company the following notice:
 - (A) Extension of short parental or short adoption leave – at least 2 business days before the leave ends; or
 - (B) Extension of long parental or long adoption leave – at least 4 weeks before the leave ends.
- (m) Consultation while on Parental Leave:
 - (i) The Company will take all reasonable actions to maintain contact with an Employee during the parental leave period should any significant changes occur to the Employee's "pre-parental leave" position. Significant changes include factors affecting the Employee's status, pay or location.
- (n) Keeping in Touch Days:

- (i) By mutual agreement, Employees are able to return to the workplace for "keeping in touch" days during their parental leave. Keeping in touch days are able to be used for participating in workplace activities. Keeping in touch days are paid at the Employee's usual wage or salary.
 - (ii) If an Employee is currently receiving government paid parental leave from the Family Assistance Office, they may have up to 10 "keeping in touch" days during the period while they are receiving the government paid parental leave.
 - (iii) Keeping in touch days will be paid in addition to the government paid parental leave and do not extend the government paid parental leave period.
 - (iv) By mutual agreement, the Company may provide opportunities for Employees to return to work for the "keeping in touch" days and other work related occasions. Participation in these opportunities will not affect the Employee's entitlement to unpaid parental leave.
- (o) Return to Work:
 - (i) Employees should confirm the date they wish to return to work through a letter to their department manager. Any notices of intention of return to work should be sent at least 4 weeks prior to re-commencement.
 - (ii) After parental leave has been taken, the Employee shall be entitled to his/her pre-parental leave position. If, for some reason, this position no longer exists, the Employee shall be entitled to an available position for which he/she is qualified and suited, which is nearest in status and pay to his/her pre-parental leave position.
 - (iii) The Company may replace an Employee whilst absent on parental leave. The replacement Employee shall be advised of the temporary nature of the position and the period of employment. For this reason, it is important to ensure communication between the Employee and the Company is both open and clear during the period of parental leave.
- (p) Return to Work Part Time:
 - (i) Employees returning to work from a period of parental or long parental leave will be entitled to request to return to work on a part time basis up until the child is of school age, subject to the following conditions:
 - (A) The request must be made to the Company in writing at least 8 weeks prior to the Employee's return from parental or long parental leave and must include the number of core ordinary hours that they are requesting to work and if relevant, the days of the week that the Employee would like to work those hours on; and
 - (B) The Company will not unreasonably refuse such a request, however to be approved it must be operationally and financially viable for the Company to have the Employee return to work on a part time basis for the number of core ordinary hours that they have requested and on the days of the week that they wish to work those hours on. It may be

that the Company will offer a suitable alternative in an attempt to reach agreement with the Employee.

- (ii) Upon the child becoming of school age, the Employee may request in writing with 8 weeks notice, to return to their previously held full time position.
- (q) Interruption of Parental Leave by Return to Work:
 - (i) An Employee and the Company may agree to interrupt a period of parental leave by allowing the Employee to temporarily return to work on either a full time, part time or casual basis without cancelling the leave. This allows for parental leave to be resumed after it is interrupted by the Employee returning to work.
 - (ii) The period of parental leave cannot be lengthened by the return to work period.
 - (iii) The total period of leave cannot extend beyond the normal period of 52 weeks or 104 weeks where the leave extension provisions are used.
 - (iv) At the expiration of parental leave, an Employee is entitled to return to the same position and status held immediately prior to the commencement of parental leave.
- (r) Early Return to Work:
 - (i) If an Employee wishes to shorten their leave it must be agreed by the Company. The Employee must give at least 4 weeks' written notice of their wish to reduce their leave.
 - (ii) Further, if parental leave has begun and the pregnancy is terminated other than by the birth of a living child or the child dies or the adoption does not take place, the Employee may give the Company written notice that they wish to resume work and the reason for resumption. The Employee is then entitled to resume work at a time nominated by the Company within 2 weeks after the notice is given.
- (s) Requesting Flexible Working Arrangements:
 - (i) Employees who meet the eligibility criteria for parental leave can also request to alter their working arrangements when they are required to care for child who:
 - (A) Is under school age; or
 - (B) Is under 18 years old and has a disability.
 - (ii) The Company will consider all requests, taking into account impact on the Employee and impact on the Company. The Company will respond in writing to all requests within 21 days of receiving the Employee's written request.
- (t) Leave Accrual for Unpaid Parental Leave:

- (i) Parental leave does not break an Employee's continuity of service; however, there is no accrual of leave during the unpaid parental leave period.
- (ii) During the period of parental leave, Employees may take any accrued annual or long service leave, which will, in effect, increase the total amount of paid leave during the period of absence.

3.7 The Australian Government Paid Parental Leave Scheme

- (a) The Paid Parental Leave Scheme is an entitlement for working parents of children born, or adopted, from 1 January 2011. Parental Leave Pay is available to working parents, whether full-time, part-time or casual, with at least 12 months' continuous service who meets the Paid Parental Leave Scheme's eligibility criteria. Eligible working parents are entitled to receive up to 18 weeks of government funded Parental Leave Pay.
- (b) The Australian Government Paid Parental Leave Scheme is:
 - (i) government funded;
 - (ii) for eligible working parents of children born, or adopted, on or after 1 January 2011;
 - (iii) able to be transferred to the other parent;
 - (iv) paid at the National Minimum Wage;
 - (v) for a period of up to 18 weeks; and
 - (vi) able to be taken any time within the first year after birth.
- (c) As of 1 January 2013, eligible working dads or partners may receive up to 2 weeks government funded Dad and Partner Pay, paid at the rate of the National Minimum Wage.
- (d) For further information regarding eligibility, payments and application, please view the Australian Government Department of Human Services website:
www.humanservices.gov.au

4. Breach of this Policy

- (a) The company considers compliance with this policy to be essential to the operation of its business.
- (b) Serious breaches of this policy could damage the company's reputation and brand.
- (c) Employees are required to report any suspected breach of this policy to their Regional Manager or Centre Director as soon as possible.
- (d) Any breach of this policy may result in disciplinary action up to and including termination of employment.



5. Further Information

Any questions in relation to this policy should be directed to the Regional Manager.

Related Documents:

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¹⁷ Leave Application