



HELEN & JOEY
ESTATE
YARRA VALLEY

Parental Leave Policy July 2023

POLICY STATEMENT:

Helen & Joey Estate and Re'em Yarra Valley understand the importance of new parents having the appropriate amount of time off work to attend to a new baby or adopted child. Helen & Joey Estate and Re'em Yarra Valley complies with all legislation regarding Parental Leave. This policy is designed to provide all team members with information regarding Parental Leave.

PROCEDURES:

General

Parental Leave allows you to take a period of time away from work for the birth or adoption of a child. There are rules regarding who can take leave and when. Statutory Parental Leave is unpaid and is governed by the *Fair Work Act 2009* (Cth).

Team members may be eligible for payments under the Parental Leave pay scheme administered by the Commonwealth Government. Both schemes provide for payments for leave subject to eligibility criteria (including work tests, income tests, and residency requirements). Team members should make inquiries with Services Australia as to eligibility and how to apply. Helen & Joey Estate and Re'em Yarra Valley has no control over changes to eligibility, rates or even the continuance of these schemes.

Statutory Parental Leave

Helen & Joey Estate and Re'em Yarra Valley will not provide less favourable conditions than those provided in the legislation, but may, at its discretion provide more. Team members should not assume that Helen & Joey Estate and Re'em Yarra Valley will grant a request if it is outside of the legislative requirement. Team members should check with the Managing Director before making any decisions that depend on Helen & Joey Estate and Re'em Yarra Valley consent.

Under the *Fair Work Act 2009* all team members are entitled to Parental Leave, on the following terms.

- you must have at least twelve (12) months' continuous service, measured from the date or expected date of birth if you are pregnant or the date of the adoption if adopting a child.
- casual team members must have been working for Helen & Joey Estate and Re'em Yarra Valley on a regular and systematic basis for at least twelve (12) months, and have a reasonable expectation of continuing work
- you must have, or will have, primary responsibility for the care of the child.

If you have qualified for Parental Leave and you are planning to have another child, you do not need to wait for an additional twelve (12) months before taking another period of unpaid parental leave.



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1. Taking Parental Leave

Each parent of a child can take a period of up to twelve (12) months of unpaid Parental Leave. This can be taken concurrently for a total period of eight (8) weeks, but the remaining leave must be taken at separate times.

Each parent is entitled to apply for an additional twelve (12) months of unpaid parental leave, however, approval for this is at Helen & Joey Estate and Re'em Yarra Valley's discretion and is subject to the business needs at the time.

Unpaid Parental Leave can be taken in as one continuous period or as one period of continuous leave with thirty (30) days, six (6) weeks) taken at the end as "flexible" leave. Flexible leave can be taken in separate periods of one (1) day or two (2) or more days at a time and must be taken fully within twenty-four (24) months of the child's birth or adoption.

Team members wanting to use the flexible leave option must advise Helen & Joey Estate and Re'em Yarra Valley of the total number of flexible parenting leave days they will be taking and the dates the flexible leave will be taken, a minimum of four (4) weeks prior to the commencement of their unpaid parental leave.

If you are a pregnant team member who is taking unpaid Parental Leave, your leave can commence on the birth of your child, or up to six (6) weeks prior to the expected birth (unless Helen & Joey Estate and Re'em Yarra Valley agrees to an earlier date or if you are advised to do so by your treating medical team).

Parents who are adopting must start their leave on the date of placement of their adopted child or can commence prior to the date of placement by mutual agreement (assessed on a case-by-case basis).

Team members who are not the parent giving birth must start their leave on the date of the birth of their child or can commence prior to the due date of birth by mutual agreement (assessed on a case-by-case basis).

Unpaid Parental Leave must be taken within twelve (12) months of the birth or placement of the child.

Team members can commence their unpaid Parental Leave anytime within twelve (12) months after the birth or placement of their child. If their spouse or de facto partner is unemployed and has responsibility for the care of the child or if your partner has taken a period of unpaid Parental Leave prior to the end of the twelve (12) month period.

2. Parental Leave Notice

If you are planning to take a period of Parental Leave, you are required to provide Helen & Joey Estate and Re'em Yarra Valley with a minimum of ten (10) weeks' written notice of the expected date of birth or placement of your child. You should advise Helen & Joey Estate and Re'em Yarra Valley in writing of the intended start and end dates of your unpaid Parental Leave at this time.

Although you are legally only required to provide Helen & Joey Estate and Re'em Yarra Valley with ten (10) weeks' notice, we would appreciate as much notice as possible so the business can adequately plan and prepare for your leave.

If you are unable to give ten (10) weeks' notice (for example, the baby is born prematurely), you must give as much notice as possible.



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Even though you have provided written notice of your intent to take a period of unpaid Parental Leave, you are also required to provide Helen & Joey Estate and Re'em Yarra Valley with written notice of your intention to return to work no later than four weeks prior to your nominated return date. You should communicate openly with your manager about your expected return to work date and if it is likely to differ from the original plan provided.

Prior to Helen & Joey Estate and Re'em Yarra Valley approving unpaid Parental Leave, we will require a medical certificate, sometimes called a letter of confinement showing the expected date of your or your partner's baby's birth. For adopting parents, we will ask you for evidence of the date of placement.

3. Stillbirth, premature birth, miscarriage or infant death

Helen & Joey Estate and Re'em Yarra Valley recognises that pregnancy and birth may come with difficulties or may even result in the death of a child.

In the event a team member or their partner experiences a stillbirth or infant death within twenty-four (24) months of life, they may still take up to twelve (12) months unpaid Parental Leave.

Helen & Joey Estate and Re'em Yarra Valley respect that a team member may wish to return to work after a stillbirth or infant death. Helen & Joey Estate and Re'em Yarra Valley will work with a team member to agree to a reduced period of leave or to cancel the planned Parental Leave altogether if a pregnancy ends due to stillbirth or infant death.

In the event the unpaid Parental Leave hasn't started, a team member must provide written notice of their intent to cancel the period of leave. If the leave has started, Helen & Joey Estate and Re'em Yarra Valley ask that at least four (4) weeks' written notice is provided, including a return to work date.

In the event, a baby is born prematurely, and the baby will remain in hospital after its birth, or the baby is hospitalised due to complications immediately after birth, team members can request to put their unpaid Parental Leave on hold. This would allow the team member to return to work and then resume their unpaid Parental Leave at a later date, either on a date as agreed with the employer or when the child is discharged from the hospital.

A team member who has given birth to a premature child cannot return to work within two (2) weeks of their birth for health and safety reasons.

If you suffer from a pregnancy-related illness or if your pregnancy ends after twelve (12) weeks (by miscarriage or termination), you may be entitled to take unpaid "special maternity leave".

If you need to take unpaid special maternity leave you must give Helen & Joey Estate and Re'em Yarra Valley notice as soon as possible (which may be after the leave has started) and medical evidence may be required.

If you take special maternity leave because of a pregnancy-related illness, the leave ends when the pregnancy or illness ends (whichever is first). If you take special maternity leave because of a miscarriage or termination the leave continues until you are fit for work.

Unpaid special maternity leave taken while you are pregnant does not reduce your unpaid Parental Leave entitlement.



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4. Taking leave and public holidays

You do not accumulate any type of paid leave while you are on a period of unpaid Parental Leave (including while you are receiving any Government-funded payments for Parental Leave).

If you have accumulated Annual Leave prior to you taking unpaid Parental Leave, you may apply to use these entitlements during your pregnancy or after childbirth.

If you have qualified for Long Service Leave (governed by State legislation applicable to where you live and work) you may also be able to take a period of your accrued Long Service Leave.

Using either of these entitlements after childbirth does not extend your length of unpaid Parental Leave.

If you become unwell during a period of unpaid Parental Leave, you are not entitled to access any accrued personal leave entitlements you may have.

You are not entitled to be paid for any public holidays that may fall within a period of unpaid Parental Leave.

5. Illness during pregnancy and attending appointments

Pregnancy is not considered an illness or injury, however, if you are pregnant, you are still entitled to take Personal Leave if you become ill or unwell. The processes outlined in the Helen & Joey Estate and Re'em Yarra Valley Personal Leave policy will apply and medical evidence such as a medical certificate may be required.

Helen & Joey Estate and Re'em Yarra Valley understands that you may be required to attend specialist appointments relating to your or your partner's pregnancy (such as midwife, obstetrician, and ultrasound appointments, etc).

Where possible, these appointments should be booked outside of working hours or at the start or end of the day, however, if you need to attend a pregnancy related appointment during work hours, your sick / carers / Personal Leave cannot be used for any time off work. Annual leave can be used to attend such appointments, or the time can be taken as unpaid leave.

6. Safe jobs for pregnant mums

If you are pregnant and it is unsafe for you to continue to undertake your pre-pregnancy duties, you will be entitled to move to a safe job (irrespective of whether you are eligible for unpaid Parental Leave).

Helen & Joey Estate and Re'em Yarra Valley will work with you and your pregnancy medical team to determine what aspects of your current role are no longer safe for you to undertake and for what period of time.

If you are able to be moved to a safe job, you will get the same rate of pay, hours of work, and other entitlements that you receive in your normal job. You will be able to work in a safe job until your treating medical team advises that it is safe to return to your normal duties or until you give birth to your child.



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7. Working in the six-week period prior to the expected birthdate

If you want to continue working in the six (6) weeks prior to the due date of the expected birth, you will need to provide Helen & Joey Estate and Re'em Yarra Valley with a letter from your treating medical team on a weekly basis. The letter needs to state that you are fit to continue to work and undertake your normal duties.

If you do not provide the certificate, or the medical certificate says that you are not fit for work, then you will be directed to commence your period of unpaid Parental Leave which will count as part of your total unpaid Parental Leave entitlement.

8. Extending Parental Leave

If you choose to take a period of unpaid Parental Leave that is less than twelve (12) months, you may extend your unpaid Parental Leave once (to bring it to a total of twelve (12) months) without needing approval from Helen & Joey Estate and Re'em Yarra Valley. For this to apply, you must advise Helen & Joey Estate and Re'em Yarra Valley no less than four (4) weeks prior to your original return date.

Team members may also request to extend their Parental Leave from twelve (12) months to twenty-four (24) months. Helen & Joey Estate and Re'em Yarra Valley are entitled to refuse a request on reasonable business grounds (this will include such matters as the impact of finance, productivity or customer service, any difficulties in managing the workload of other team members, or difficulties in recruiting a replacement team member).

Helen & Joey Estate and Re'em Yarra Valley will provide the team member with an opportunity to discuss the extended leave request and will respond in writing to all requests to extend leave within twenty-one (21) days of the request being made and where the request is refused, state the reason(s) why.

9. Keeping in Touch during parental leave

Helen & Joey Estate and Re'em Yarra Valley encourages all team members to keep in touch with the business during their period of Parental Leave, however, there is no requirement to do so. Prior to commencing Parental Leave, team members should discuss how they would like to keep in touch and Helen & Joey Estate and Re'em Yarra Valley will accommodate these requests wherever possible and if practical. For example, team members may request that you stay included in all company-wide email announcements that are of a certain importance.

Team members may elect to work up to ten (10) 'keeping in touch' days during each twelve (12) month unpaid Parental Leave period. The days may be worked as part day, whole days, a few days or all at once and the days worked do not impact the Parental Leave period. The days may be used to attend certain meetings, to keep up to date on business matters, or to keep skills relevant. Team members will be paid for any keeping in touch days worked and will accrue leave entitlements on any hours worked.



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10. Returning to work after Parental Leave / flexible working arrangements after parental leave

If you are eligible to take a period of Parental Leave, you are entitled to return to the workplace in the same, or similar job you were in prior to the leave, and on the same salary if the job is still available. If you were moved to a safe job during your pregnancy, you are only entitled to return to the job you had prior to your move to the safe job.

Team members may request to return to work in a different capacity – for example, on a part-time basis – Helen & Joey Estate and Re'em Yarra Valley will consider all requests based on the needs of the business.

Team members returning to work after parental or adoption leave, are entitled to request flexible work arrangements to help meet the need of caring for a child, for example, temporary or permanent reduced hours, changed start/finish times, job sharing, or working from home may be considered.

Any request for flexible working arrangements must be made in writing, specifying the details of the change request and the reasons. Helen & Joey Estate and Re'em Yarra Valley will consider genuine business needs and make every attempt to accommodate these requests but may not be able to in all instances or may not be able to meet all of the conditions of the request being made.