



ANC Parental Leave Policy

Purpose And Scope

ANC values its employees and family-friendly culture by providing supportive parental leave options for employees to care for their newborn child or for a child placed in their care.

This policy describes the parental leave options available to employees and outlines the relevant approvals and processes to follow before, during and after any parental leave period.

This parental leave policy sets out:

- The unpaid parental leave entitlements in accordance with the National Employment Standards (NES)
- The paid parental leave that is offered by ANC;
- The paid parental leave scheme that is offered by the Australian Government subject to individual eligibility

This policy has been created to outline the parental leave entitlements of ANC employees and provide a guideline for eligible employees on how to apply for and take such leave.

The policy applies to all employees of ANC collectively referred to as “employees”.

This policy is not intended to be contractual in nature.

Definitions

Immediate family - means:

- a spouse, former spouse, de facto partner, former de facto partner, child, parent, grandparent, grandchild or sibling of the employee; or
- the immediate family of the employee’s spouse or de facto partner (or former spouse or de facto partner)
- step-relations (for example, stepparent, stepchild)
- adoptive relations

De facto partner - means a person who, although not legally married to the employee, lives with the employee in a relationship as a couple on a genuine domestic basis (whether the employee and the person are of the same sex or different sexes) and includes a former de facto partner of the employee.

Child - includes an adopted child, stepchild, an ex-nuptial child and an adult child.

Primary Carer - refers to the person who has major responsibility for the care of a child.

Secondary Carer - refers to the person who has parental responsibilities for the child but is not the primary caregiver. In relation to a child, it also means that they are the spouse or de facto (including same sex) partner of the primary carer.

Eligible Employee - refers to Full-time and Part-time employees that have completed at least 12 months of continuous service with their employer. This includes casuals that have completed at least 12 months of continuous service with their employer on a regular and systematic basis and

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who would reasonably have expected to continue working on a regular and systematic basis had it not been for the birth a child.

General Principles

ANC provides for leave in line with relevant legislation, the relevant employment agreement, and any other relevant industrial instruments.

Parental leave is the term used to describe leave provided to employees in connection with the birth (**birth related leave**) or adoption (**adoption related leave**) of a child.

Unpaid Parental Leave

Full-time and Part-time employees are eligible for unpaid parental leave of up to 12 months if they have completed at least 12 months of continuous service with their employer.

This includes casual employees if they:

- have been employed by the employer on a regular and systematic basis for at least 12 months
- would reasonably have expected to continue working for their employer on a regular and systematic basis, had it not been for the birth (or expected birth) or adoption (or expected adoption) of a child.

Employees are entitled to birth related leave if:

- the employee, the employee's spouse, or the employee's de facto partner gives birth; or
- the employee adopts a child under 16

and the employee has or will have a responsibility for the care of the child.

An employee is entitled to adoption related leave if the child

- is under 16 and has not lived continuously with the employee for a period of 6 months or more; and
- is not (otherwise than because of the adoption) a child of the employee or the employee's spouse.

and the employee has or will have a responsibility for the care of the child.

Parents who experience a stillbirth or the death of an infant during the first 24 months of life can also take unpaid parental leave.

An employee's 'de facto partner' is someone who lives with the employee in a relationship as a couple on a genuine domestic basis. The employee's partner can be the same sex or different sex to the employee, and either a current or former de facto partner of the employee.

Where an employee has paid leave available (annual or long service), the employee can take this paid leave while on unpaid parental leave.

Employees eligible to take unpaid parental leave are provided with special employment protections under the *Fair Work Act 2009*. These protections guarantee that an employee's position will be held open and that they will be protected from discrimination or disadvantage as a result of taking unpaid parental leave.

Further provisions regarding unpaid parental leave can be found in this policy and in the National Employment Standards.

Birth related leave

Unpaid parental leave may start:

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- up to 6 weeks before the expected date of birth of the child; or
 - earlier, if the employer and employee agree; or
 - anytime during the 24 month period starting on the date of the birth of the child
- and must end during the 24 month period after the child is born.

The leave can be taken as a single continuous period, or as a single continuous period and a flexible period of up to 100 days.

If a pregnant employee continues to work during the 6 week period before the expected date of birth, ANC may request that the employee provide a medical certificate establishing fitness to continue to work. If the medical certificate is not provided or the employee is not fit for work, ANC may require the employee to commence unpaid parental leave as soon as practicable.

Adoption related leave

Unpaid parental leave must start and end during the 24 month period starting on the day of placement of the child.

An employee is entitled to up to 2 days of unpaid pre-adoption leave to attend any interviews or examinations required in order to obtain approval for the adoption of the child. This leave can be taken as a single continuous period of up to 2 days or any separate periods agreed with ANC.

However, an employee is not entitled to take a period of unpaid pre-adoption leave if the employee could instead take some other form of leave (e.g. annual leave) and instead must take that other form of leave.

Flexible unpaid parental leave

Employees can take up to 100 days of their unpaid parental leave flexibly at any time within 24 months of a child's birth or adoption.

Flexible unpaid parental leave can be taken as:

- a single continuous period of 1 day or longer; or
- separate periods of 1 or more days each.

An employee's entitlement to unpaid parental leave, except for flexible unpaid parental leave, will end on the first day that the employee takes flexible unpaid parental leave. Once an employee takes flexible unpaid parental leave, they can't later take a period of continuous unpaid parental leave. This means that if an employee is planning on taking a period of continuous unpaid parental leave they should do so before they take any flexible unpaid parental leave.

However, pregnant employees can take flexible unpaid parental leave during the 6 weeks prior to the expected birth of the child without affecting their entitlement to unpaid parental leave.

Stillbirth or infant death

In the case of a stillbirth or an infant death during the first 24 months of life, an eligible employee is still entitled to take unpaid parental leave.

The employee can also take unpaid parental leave even if they haven't previously given notice to their employer (as long as they notify ANC as soon as practicable).

An employee can also choose to return to work if they want to. They can reduce or cancel their planned parental leave if their pregnancy ends due to stillbirth or infant death.

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If the unpaid parental leave hasn't started, the employee can cancel the leave with written notice. If the leave has started, the employee can give at least 4 weeks written notice cancelling the leave and providing a return to work date. This date must be at least 4 weeks after the employer receives the notice.

Parents who experience a stillbirth or an infant death may take compassionate leave while on parental leave. Another employee may also be entitled to take compassionate leave where the child was, or would have been, their immediate family or household member.

Premature birth and birth-related complications

An employee can agree with ANC to put unpaid parental leave on hold if a child has to remain in hospital after birth or is hospitalised immediately after birth. This includes if the child was premature or developed a complication or contracted an illness during birth or following birth.

This means that while their baby is hospitalised, a parent can return to work and the period where they are back at work will not be deducted from their unpaid parental leave. The parent can then resume their unpaid parental leave at the earliest of:

- a time agreed with their employer
- the end of the day when the child is discharged from the hospital or
- if the child dies, the end of the day when the child dies.

The period the employee works doesn't break their period of continuous unpaid parental leave.

Unpaid special parental leave

Unpaid special parental leave is unpaid leave taken when an employee is ill because of a pregnancy or where the employee has been pregnant and the pregnancy ends after at least 12 weeks because of miscarriage or termination, and the infant isn't stillborn.

The duration of unpaid special parental leave is determined by the length of time the employee's medical practitioner certifies is necessary for the employee to remain away from work. This period of leave may extend to the date which the employee commences parental leave.

An employee must provide ANC with notice of the need to take special maternity leave as soon as practicable. The employee must provide a medical certificate stating the need to take special maternity leave and the expected duration of the leave.

If the employee has an entitlement to paid personal/carer's leave, she may take that leave instead of or before taking unpaid special maternity leave.

Extending unpaid parental leave

An employee who has elected to take less than 12 months unpaid parental leave, may request to extend up to 12 months of unpaid parental leave by providing at least 4 weeks' notice before the end of the original period of unpaid leave.

An employee who takes 12 months unpaid parental leave may request ANC to agree to an extension of unpaid parental leave for the employee for a further period of up to 12 months (which equates to 24 months in total).

The request must be in writing and must be given to ANC at least 4 weeks before the end of the original 12 month period.

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Once a request is received, the manager will discuss the request with the employee to genuinely try and reach an agreement with the employee and accommodate their circumstances. ANC will also consider whether there are alternative arrangements that it could offer the employee that may support their circumstances while meeting the needs of the business and will consult with the employee on these alternative options.

Only where an agreement has not been reached between the employee and ANC having given due consideration and regard to the consequences of refusing the request for an extension, can it be refused on reasonable business grounds.

Managers will respond in writing to requests within 21 days, advising whether the request has been approved or denied. If the request has been denied the reasons for the refusal will be included in the correspondence, including:

- an explanation of the reasonable business grounds for refusing the request and how these grounds were applied to the request
- other changes the employer is willing to make that would accommodate the employee's circumstances or states that there aren't any changes that can be made
- information about resolving a dispute internally and referring a dispute to the Fair Work Commission

Despite any other provision in this policy, an employee is not entitled to extend the period of unpaid parental leave beyond 24 months after the date of birth or day of placement of the child.

Paid Parental Leave

In conjunction with the unpaid parental leave provisions outlined in this policy, ANC also provides paid parental leave to employees. If an eligible employee is the:

- Primary carer of the child, ANC will provide twelve (12) regular working weeks paid parental leave to that employee; or
- Secondary carer of the child, ANC will provide two (2) regular working weeks paid parental leave to that employee.

Any paid parental leave payment made by ANC will be the equivalent of the employees regular working week. Any penalties or loading that is typically incurred will be paid, however there will be no payment for overtime. Paid parental leave must be taken within the employee's initial period of parental leave (ie within 12 months of the birth or placement of the child).

Employees may request for paid parental leave to be paid at half pay. Where this occurs, only the original period of paid leave will be counted as service (rather than the doubled leave).

This entitlement is paid in addition to the Government Paid Parental Leave Scheme. Employees will need to provide documentation of when they intend to take the Australian Government paid parental leave to ensure there is not an overlap of dates, and to confirm that the employee is the primary carer. If you are seeking to be paid as the secondary carer of the child, the Australian Government Paid parental leave letter and child's birth certificate must be supplied.

Government-funded Paid Parental Leave

Eligible employees who are the carer of a newborn or adopted child can get certain payments at the national minimum wage. Visit [Services Australia - Parental Leave Pay Scheme](#) for more information about eligibility requirements, making a claim and arranging payments.

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Transfer to safe job

A pregnant female employee may in certain circumstances be transferred to an appropriate safe job, if she is fit to work but it is inadvisable for her to continue in her existing position because of illness or risks arising out of her pregnancy, or hazards connected with that position. Medical evidence should be provided to assist with providing duties to accommodate the change. This is a temporary transfer.

If there is no appropriate safe job available and the employee is entitled to unpaid parental leave, the employee is entitled to paid 'no safe job leave' for the risk period. Payments will be made at the base rate of pay for ordinary hours of work during the risk period.

If there is no appropriate safe job available and the employee isn't entitled to unpaid parental leave, the employee is entitled to unpaid 'no safe job leave' for the risk period.

If an employee has any concerns or has received any medical advice to this effect, they should speak to their Manager and the People & Capability team to discuss options.

'No safe job leave' ends when the period of unpaid parental leave commences.

Reducing the period of unpaid parental leave

A period of unpaid parental leave, once started, can only be reduced if ANC agrees. Requests to shorten a period of unpaid parental leave will be considered only if ANC can reasonably accommodate the request.

If an employee ceases to have responsibility for care of child

If an employee ceases to have responsibility for the care of a child they should contact ANC as soon as practicable.

Accrual of leave

An employee does not accrue any leave while on unpaid parental leave. All Parental Leave without pay does not count as service for long service leave (LSL) purposes but does not break continuity of service for the purposes of service recognition/ tenure.

However, leave is accrued during periods of paid leave such as paid parental leave, annual leave, long service leave (LSL) and personal/carer's leave.

Interaction with other types of leave

An employee can take paid annual leave or long service leave instead of taking unpaid parental leave. While an employee is taking unpaid parental leave, an employee cannot take:

- paid personal/carer's leave; or
- compassionate leave, unless the permissible occasion is the stillbirth or death of the child in relation to whom the employee is taking parental leave.

Allowances and Tools of Trade while on parental leave

Generally, all allowances and tools of trade items are cancelled or must be returned during parental leave periods.

Tax and Superannuation

Payments made under the Australian Government Paid Parental leave and the Employer paid parental leave are taxable.

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Superannuation is not paid whilst taking Australian Government Paid Parental leave or unpaid parental leave. You can however continue making voluntary superannuation contributions. Super is paid whilst you are on ANC's paid parental leave.

Keeping in Touch Days

Keeping in touch days allow an employee on unpaid parental leave to go back to work for very short periods. This can be a good way for the employee to stay up to date with their workplace, refresh skills or transition back to the workplace. Performing work on a keeping in touch day can include attending a conference, planning days or training.

An employee can request a keeping in touch day no earlier than 2 weeks after the birth or adoption of a child. ANC will not ask an employee to participate within the first 6 weeks after the birth or adoption of a child.

An employee can access up to 10 keeping in touch days during their period of unpaid parental leave without affecting their entitlement. An employee does not have to use any keeping in touch days if they do not wish to. Keeping in touch days can be worked as full days, part days, a few days at a time or all at once.

An employee will be paid their normal wage and entitlements for each keeping in touch day (or part day) they work.

Returning to Work

On completing unpaid parental leave, an employee is entitled to return to:

- the employee's pre-parental leave position; or
- if that position no longer exists, an available position for which the employee is qualified and suited nearest in status and pay to the pre-parental leave position.

If the employee was working in a safe job immediately before taking unpaid parental leave, then they are entitled to return to the position they had before the transfer to a safe job.

Employees on unpaid parental leave must provide ANC with confirmation in writing of their intention to return to work at least 4 weeks prior to their return date. Once notification is received, the company will make contact to discuss return to work arrangements.

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Summary of Leave Entitlements

Leave	Leave Type	Entitlement	Notice requirements
Unpaid Parental Leave	Birth or adoption	Up to 12 months	10 weeks written notice 4 weeks prior to the intended start date, confirm or change the intended dates of leave
	Extension of unpaid parental leave	Up to 24 months	For second and subsequent periods, 4 weeks written notice prior to the end of initial leave period
	Flexible parental leave	Up to 100 days within 24 months of birth or adoption	Combined with continuous parental leave, 10 weeks written notice Or Flexible parental leave only, at least 10 weeks written notice
	Stillbirth or infant death	Up to 24 months	If 10 weeks written notice hasn't been given yet, as soon as is practicable Parental leave can be cancelled with 4 weeks written notice
	Premature birth or birth related complications	Parental leave can be put on hold if the child has to remain in hospital or is hospitalised immediately after birth.	Parental leave can be resumed at a time agreed with employer, the end of the day the child is discharged from hospital or if the child dies, the end of the day when the child dies.
Unpaid Special Parental Leave	Unpaid Special Parental Leave Or If: - she has been pregnant - her pregnancy ends after at least 12 weeks because of miscarriage or termination - the infant isn't stillborn	If an employee is not fit for work because of a pregnancy related illness Or If: - she has been pregnant - her pregnancy ends after at least 12 weeks because of miscarriage or termination - the infant isn't stillborn	As soon as possible
Unpaid pre-adoption leave	Unpaid pre-adoption leave	Up to 2 days	As soon as possible
Paid parental leave	Australian Government	As of the date of this policy creation: 20 weeks	Applications to Centrelink no more than 40 weeks after the birth or adoption of a child
Paid parental leave	Company funded	Twelve (12) working weeks of paid leave for primary carers, and two (2) working weeks paid leave for secondary carers.	10 weeks written notice No later than 4 weeks prior to the intended start date, confirm or change the intended dates of leave

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Applying for unpaid and paid parental leave

Employees must provide their manager with written notice of their intent to take leave at least 10 weeks prior to the first day of leave. Notice must specify the intended start and end dates of the leave.

At least 4 weeks before the intended start date, an employee must confirm the intended start and end dates in cases where the date may have changed.

Where it is not possible for an employee to provide 10 weeks of notice, for example, due to a health issue, a pregnancy complication or an unexpected change in the employee's childcare arrangements, the employee must provide notice as soon as possible.

After providing written notice to their manager, the manager will inform the People & Capability team as well as the Payroll team of the intended leave dates. Employees must apply for their unpaid and paid parental leave via the [Parental Leave Application Form](#) and submit this to their manager, P&C team as well as the Payroll team (refer to the application form for this information).

Where to go if you need more information

If you are an employee or a manager and you need assistance with understanding the entitlements under this policy, please contact the People & Capability team.

Variation and review

ANC reserves the right to vary, replace or terminate this policy from time to time.

Unless altered earlier, this policy will be reviewed every 2 years.

Application of this policy

This policy outlines employees' entitlements to leave as set out in the National Employment Standards (NES). Nothing in this policy is intended to override, change or substitute for the provisions of the NES.

To the extent that there is any inconsistency between this policy and the NES, and enterprise agreement or a modern award, the provisions of the NES, enterprise agreement or modern award will apply. To determine an employee's rights and obligations in relation to leave, the NES and any applicable enterprise agreement modern award should be consulted directly, and employees should not rely on this policy alone.

This policy is subject to review by ANC and may be changed or revoked at any time. This policy creates no right or contractual entitlement for an employee and does not form part of any employment agreement.

If an employee has a valid reason for not complying with this policy, they should contact management so management can consider whether to grant an exception in conjunction with the People & Capability team.

Associated Policies & Documentation

1. Flexible Work Policy
2. Parental Leave Application Form

Authorised by: Joe Sofra

Signature:



Position Title: CEO

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