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## PARENTAL LEAVE POLICY

### PURPOSE

is committed to supporting employees in being able to take time off to care for their child following a birth or recent adoption, and so offers a range of employee leave types for parents and expectant parents. Parental leave is part of the National Employment Standards (NES) and applies to all employees.

### SCOPE

complies with Australia's national workplace relations system established by the Fair Work Act. This policy covers all Australian based staff employed by . Full-time, part-time and casual employees are eligible for parental leave under this policy. Casual employees are eligible for parental leave if they have been working with on a regular and systematic basis for at least 12 months and have a reasonable expectation of ongoing employment.

### POLICY

This section pertains to Parental Leave in accordance with National Employment Standards (NES). This leave was introduced to allow expectant/new parents the opportunity to begin their family with the assurance that their return to the workforce would not be compromised or denied.

#### Who can take parental leave?

Full-time, part-time and casual employees can take unpaid parental leave if you are responsible to care for a newborn or newly adopted child under the age of 16; and you have (or will have):

- at least 12 months 'service' before the date of birth or adoption;
- or for casual employees who have worked on a regular and systematic basis for at least 12 months and have a reasonable expectation of ongoing employment.

#### What is the entitlement to parental leave?

Employees are entitled to up to 12 months of unpaid parental leave. You can request an additional 12 months of leave.

Where only one parent takes leave, the leave can be taken as a single continuous period, or as a single continuous period and a flexible period of up to 30 working days (6 weeks). An employee can take up to 24 months leave if approves the request for an additional 12 months of leave.

If both parents are employed (whether or not the other parent is an employee of ) and, at different times, each takes a period of parental leave, the total period of parental leave taken in respect of the same child cannot exceed 24 months, and:

- If the employee who takes leave first is pregnant or gives birth, they can start their leave up to 6 weeks before the expected date of birth, or earlier if agreed with the employer.
  - If the employee who takes leave first is not pregnant, their leave may start on the date of birth or placement.
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- Both parents can take leave at the same time (called 'concurrent leave') for a maximum period of 8 weeks within the first 12 months of the birth or adoption of a child.
  - Concurrent leave can be taken over multiple periods. Each period must be at least 2 weeks unless agreed in writing.
  - Concurrent leave counts as part of an employee's overall unpaid parental leave and is deducted from their overall entitlement of 12 months of leave.
  - Each eligible parent can take a separate period of up to 12 months of unpaid parental leave. The combined leave cannot be for more than 24 months.

### **How to apply for Parental Leave?**

To take unpaid parental leave, employees have to provide written notice. The notice has to:

- be given to at least 10 weeks before they plan to start leave, or, if they can't give 10 weeks' notice, as soon as possible
- include the dates they plan to start and end their parental leave

The employee must confirm the leave dates at least 4 weeks before their leave is due to start (unless it is not possible). If you need to make any changes to your leave dates, you must advise as soon as possible.

### **Flexible Parental Leave**

Employees eligible for parental leave are also eligible for Flexible Parental Leave. Flexible parental leave is 30 days (6 weeks) of unpaid parental leave which can be used 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
- separate periods of 1 day or longer each.

An employee who wants to take flexible parental leave needs to tell :

- at the same time you give notice of your continuous parental leave, or
- at least 10 weeks before starting flexible parental leave if you're only taking flexible parental leave.

Once flexible parental leave is taken, an employee can no longer take continuous parental leave, therefore employees wishing to take both continuous and flexible parental leave should not commence flexible leave until after their continuous leave has ended. Any flexible leave taken concurrently with a partner will contribute to the total maximum total of 8 weeks concurrent leave.

When giving notice, you must advise of the total number of days of flexible parental leave you intend to take.

may ask for evidence of the expected date of birth or adoption. Evidence may include a medical certificate, birth certificate or statutory declaration. Employees must meet these requirements to take parental leave under the National Employment Standards.

### **Paid parental leave**

Employees may be entitled to Government funded Parental Leave Pay paid parental leave on top of your unpaid

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leave entitlements.

Services Australia manage the Parental Leave Payment system. For further information including eligibility requirements for the scheme, visit [Parental Leave Pay](https://www.servicesaustralia.gov.au/parental-leave-pay): <https://www.servicesaustralia.gov.au/parental-leave-pay>.

### **Other leave and parental leave**

An employee is entitled to 2 days of compassionate leave if:

- A child who would have been part of your immediate family or household, is stillborn, or
- If you, or your current spouse or de facto partner, has a miscarriage.

If an employee (other than a casual employee) takes a period of compassionate leave, will pay you at your base rate of pay for the ordinary hours you would have worked during the period.

Casual employees are not entitled to any paid sick and carer's leave or compassionate leave under the NES. However, casuals are entitled to unpaid carer's leave and compassionate leave.

Annual leave and personal (sick) leave does not accumulate for Full Time or Part Time employees while you are on unpaid parental leave, or while receiving payments under the Australian Government's paid Parental Leave scheme, however you will not lose any leave that you have built up before taking parental leave.

### **Can employees use annual leave or personal leave while on unpaid parental leave?**

Employees can choose to use accrued annual leave while on parental leave. If you take annual leave, it is taken at the same time as the unpaid parental leave and is capped at 12 months. You can't use personal leave while on unpaid parental leave.

### **Does unpaid parental leave affect continuous service?**

Unpaid parental leave doesn't impact continuity of service. While unpaid parental leave doesn't count as service for other entitlements under the National Employment Standards, such as paid annual leave or paid personal leave, you are still considered to be employed with for the time you are taking unpaid parental leave.

### **Staying connected during leave**

Employees who are being paid under the [Australian Government Paid Parental Leave Scheme](#) can use keeping in touch days. This means that you can come to work for up to 10 days during your parental leave without it affecting your unpaid parental leave entitlements. You are entitled to be paid your normal wage for the day's (or part day's) work. You may work these days one at a time or all together.

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Staying connected days must be at least 42 days after the birth of the child, or at least 14 days after the birth at the request of the employee.

If you would like to use a keeping in touch day please speak with your manager to make the necessary arrangements/approval.

### **Extending leave beyond the initial 12 months**

An employee can request to extend the first 12 months of unpaid parental leave by up to an extra 12 months.

This request must:

- be made to in writing
- be made at least 4 weeks before the date they're due to go back to work.

If your partner has also taken unpaid parental leave, your request to extend your leave must specify the amount of leave your partner has taken (or will take) from their employment. The amount of additional leave you can request is reduced by the amount of leave your partner takes.

will reply in writing as soon as possible and no later than 21 days after you make a request. Before a decision is made, you will be given reasonable opportunity to discuss your request

### **Refusing requests to extend unpaid parental leave**

can only refuse to extend the leave beyond the first 12 months on reasonable business grounds. The response will be in writing within 21 days after the request was made. The response will clearly explain why the extension is being refused. Whether there are reasonable business grounds depends on:

- the effect that approving the request will have on the workplace and the business, including the financial impact and the impact on efficiency, productivity and customer service
- the ability to organise work among existing staff
- the ability to recruit a replacement employee.

### **Changing leave within the initial 12 months**

If an employee didn't originally plan to take 12 months unpaid parental leave, they can extend their leave once, without approval from .

To extend your leave, you must advise in writing at least 4 weeks before you're due back at work. Your request

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needs to include the new date you'll be going back to work. The new end date can't be more than 12 months from the date you started parental leave. Any further requests to extend unpaid parental leave must be agreed with as outlined in this policy.

### **Going back to work early**

There is not an automatic entitlement to return to work before the planned date. If you wish to reduce your leave and come back to work early, it must be agreed with in writing.

can only require you to come back to work early if you no longer have responsibility to care for a child. If this is the case, will provide you with 4 weeks' written notice. will not make such a request earlier than 6 weeks after the date of birth if you are the parent who has given birth.

Reducing parental leave may affect your eligibility for Parental Leave Pay under the Australian Government Paid Parental Leave scheme.

### **Returning to work**

When employees come back from parental leave, they are entitled to return to the job they were in before they went on leave.

If your job no longer exists upon your return from parental leave, will offer you an available job that you are qualified for, and that is comparable in pay and status to your original job.

### **Flexible Working Arrangements**

Employees can request flexible working arrangements when they return to work from parental leave. This could include returning to work on a part-time basis or with different starting and finishing times.

You need to make these requests in writing, and will respond in writing within 21 Business days. will only refuse flexible working arrangements on reasonable business grounds, and will ensure you are given a reasonable opportunity to discuss your request and, where possible, reach an agreement that balances your needs with those of the business. Refer to the Flexible Working Arrangements Policy [POL06](#).

### **Replacement Employee**

A replacement employee is the person who's hired to replace another employee while they're on unpaid parental leave.

Employers have to tell replacement employees:

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- that their engagement is temporary
  - the rights of the person who is on unpaid parental leave, including their right to return to work
  - the rights of the employer to cancel the parental leave in some circumstances (e.g. [Still birth or infant death](#)).

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## Special maternity leave

An employee can take unpaid special maternity leave if they can't work because:

- they have a pregnancy related illness
- if their pregnancy ends for a reason other than the birth of a living child (i.e. in the case of a miscarriage or still birth).

If you require unpaid special maternity leave, you must give notice as soon as you can (which may be after the leave has started). You also need to advise how long you expect to be on leave.

If the special maternity leave is taken for a pregnancy related illness, it ends either when the pregnancy ends, or the illness ends (whichever is earlier).

If you are taking special maternity leave because of a miscarriage or still birth, the leave can continue for as long as you are not fit for work. If this situation occurs may ask for evidence for the leave (e.g. a medical certificate).

Special maternity leave does not reduce the amount of unpaid parental leave that an employee can take.

## Still birth or infant death

An employee has special entitlements if her pregnancy ends either by stillbirth or if the child dies after being born. This applies to an employee who is taking, or will be taking, unpaid parental leave.

### Before unpaid leave has started:

- If you have not commenced unpaid parental leave, you or can cancel the unpaid parental leave with notice. Where this happens, you are not entitled to take unpaid parental leave.
- If you are unable to work, you could be entitled to use personal leave or take special maternity leave. See [Personal, carer's and compassionate leave](#) and [Special maternity leave](#) for more information.

### After unpaid leave has started:

- If you have commenced unpaid parental leave, and suffer the loss of a child, you are still entitled to take unpaid parental leave.
- If you wish to go back to work, you can by giving four weeks' notice.
- After receiving notice, will provide written notice advising of a specific day to return to work within the four
- Rimfire Resources can also give (at least) six weeks written notice requesting you return to work on a specific day. The date of return must be at least six weeks after the written notice is provided.

Feel free to discuss any concerns or queries with your Manager at any time regarding this policy, as we are here to support you through this important time.

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## DOCUMENTATION

Application-to-extend-parental-leave-beyond-12-months	<a href="#">FOR23</a>
Parental-leave-request	<a href="#">FOR24</a>
Application-to-vary-parental-leave-within-12-months	<a href="#">FOR25</a>
Extension-of-parental-leave-refusal-letter	<a href="#">FOR26</a>
Extension-of-parental-leave-approval-letter	<a href="#">FOR27</a>

## LINKS

<https://www.fairwork.gov.au/tools-and-resources/fact-sheets/minimum-workplace-entitlements/parental-leave-and-related-entitlements>

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