



Parental Leave Policy

1. Purpose

This policy provides an overview of parental leave entitlements and important information in relation eligibility and the application process.

This Policy deals with unpaid parental leave which is governed by:

- the Fair Work Act 2009 (Cth) ('FW Act');
- the Australian Government Paid Parental Leave scheme governed by the Paid Parental Leave Act 2010 (Cth) ('PPL Act') incorporating changes as a result of the Paid Parental Leave and Other Legislation Amendment (Dad and Partner Pay and Other Measures) Act 2012 (Cth);
- the Fair Work Amendment Act 2013 (Cth).

KOI provides parental leave in accordance with the aforementioned legislation, as varied from time to time.

2. Scope

This Policy applies to all KOI staff and sets out employees' entitlements to leave and the manner in which leave must be requested by employees.

3. Related Documents

This Policy is to be read in conjunction with KOI's:

- Staff Handbook
- Staff Code of Conduct
- Time-In-Lieu Policy
- Fairness and Equal Opportunity Policy
- Prevention and Resolution of Bullying, Discrimination and Harassment Policy
- Family and Domestic Violence Policy
- Staff Complaints Policy
- Health, Safety and Wellbeing Policy
- Leave Policy

4. Definitions

Appropriate Safe Job is a job that has the same ordinary hours of work as the employee's present position, or a different number of hours, as agreed to by the employee.

Base Rate of Pay means the rate of pay the employee receives for their ordinary working hours. It does not include any of the following:

- a) Incentive based payments and bonuses;
- b) Loadings;
- c) Monetary allowances; and
- d) Overtime or penalty rates.

Child includes an adopted child, stepchild and an adult child.



<i>De facto partner</i>	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 difference sexes) and includes a former de facto partner of the employee.
<i>Employee couple</i>	means two employees who are spouses or de facto partners of each other.
<i>Immediate family</i>	means: <ul style="list-style-type: none">• a spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the employee; or• a child, parent, grandparent, grandchild or sibling of a spouse or de facto partner of the employee.
<i>PPL instalments</i>	are the payments made to the employee pursuant to the Australian Government Paid Parental Leave scheme which provides eligible working mothers and initial primary carers paid leave for the duration they are not working, to a maximum of 18 weeks at the National Minimum Wage.
<i>Spouse</i>	includes a former spouse, a de facto spouse or a former de facto spouse.

5. Policy Requirements

This Policy largely summarises the National Employment Standards on parental leave contained in the Fair Work Act, but is not intended to override that standard or provide any legal entitlements.

5.1. Parental Leave

5.1.1. Entitlement to Parental Leave

Employees may be able to access a period of unpaid leave when their child is born to themselves or their spouse/de facto partner (birth-related leave) or adopted (adoption-related leave).

Parental leave is leave that can be taken when:

- an employee gives birth
- an employee's spouse or de facto partner gives birth
- an employee adopts a child under 16 years of age
- an employee's child is stillborn or dies within the first 24 months of life.

Parental leave also includes:

- Concurrent leave – parental leave taken by a member of an employee couple at the same time as their spouse.
- Special maternity leave
- Adoption-related leave.



5.1.2. Eligibility for Parental Leave in accordance with the FW Act

Permanent Employees

A permanent employee (not a casual employee) will be eligible to take unpaid parental leave if the employee has (or will have) completed at least 12 months' continuous service with KOI immediately before:

- the date of birth of the child, or expected date of birth (for birth-related leave), including a stillbirth or death within the first 24 months of life; or
- the day of placement of the child, or expected day of placement (for adoption-related leave).

Casual employees

A casual employee will be eligible to take unpaid parental leave if:

- the employee has been (or will be) employed by KOI on a regular and systematic basis for a sequence of periods of employment during a period of at least 12 months prior to the taking of parental leave; and
- would have a reasonable expectation of employment by KOI on a regular and systematic basis but for the birth, the expected birth, the placement or the expected placement.

Adoption-related Leave

For employees accessing adoption-related leave, the child must, at the day of placement or expected day of placement:

- be under 16;
- not have lived continuously with the employee for at least 6 months; and
- not be a child of the employee's spouse or de facto partner.

5.1.3. Paid and Unpaid Parental Leave

5.1.3.1. Paid Parental Leave

Female employees who are employed on a permanent basis and have at least completed 12 months of continuous service with KOI, are entitled to request paid maternity leave.

In accordance with the Paid Parental Leave Act 2010 (Cth) ('PPL Act'), an employee may be entitled to paid parental leave from the Commonwealth Government – Services Australia.

The PPL Act is an Australian Government scheme which provides partnered couples with a maximum of 20 weeks between them at the National Minimum Wage ('PPL Instalments'). This entitlement applies to children born or placed in the care of the partnered couple on or after 1 July 2023. Parents who are single at the time of their claim can access the full 20 weeks.

Partners can claim a maximum of 20 weeks between them with each partner taking at least 2 weeks (except in some circumstances). The former Dad and Partner Pay entitlement has been removed (the additional 2 weeks' pay has been combined with the existing entitlement to 18 weeks Parental Leave Pay).

The payment arrangements are flexible so that eligible employees can claim the entitlement in multiple blocks until the child turns 2. There is no longer a requirement for the employee to return to work to be eligible for the paid parental leave scheme.

Employees are required to make their own request for PPL Instalments to the Services Australia who will make an independent assessment of an employee's eligibility. More detailed information can be found at the Services Australia website – <https://www.servicesaustralia.gov.au/parental-leave-pay>.



Employees are encouraged to obtain independent advice in relation to the Australian Government's PPL scheme.

5.1.3.2. Unpaid Parental Leave

Male employees who are employed on a permanent basis are entitled to request unpaid parental leave in accordance to the National Employment Standards (NES) if they have completed at least 12 months of continuous service with KOI.

5.1.4. Amount of Parental Leave that an Employee is Entitled To

5.1.4.1. Total Entitlement to Parental Leave

Except as noted below, the amount of parental leave that an eligible employee is entitled to take is 12 months (the Guarantee Period), less any leave taken as outlined below:

- any period of leave that the employee has taken concurrently with the other member of the employee couple;
- any period of parental leave taken by the employee's spouse;
- any period of birth-related leave the employee has been required to take under the 'Timing of Parental Leave' section of this Policy;
- any period of paid leave the employee has taken while taking unpaid parental leave (called the 'Deducted Leave').

Leave may be taken as follows:

- Continuous period parental leave - With the exception of special maternity leave, concurrent leave and keeping in touch days, any parental leave may be taken in either a single continuous period, or a single continuous period followed by a flexible period of up to 30 days.
- Flexible unpaid parental leave - Parents entitled to unpaid parental leave may take up to 30 days (6 weeks) of their maximum 12-month unpaid parental leave period on a flexible basis.

An employee's entitlement to continuous period unpaid parental leave, except for flexible unpaid parental leave, will end on the first day that the employee takes flexible unpaid parental leave. This means that if an employee is planning on taking a continuous period of unpaid parental leave, they should do so before they take any flexible unpaid parental leave.

Further details regarding flexible leave are set out in Section 5.1.4.6 below.

An employee may not take paid personal/carer's leave or be paid community service leave while taking unpaid parental leave.

5.1.4.2. Concurrent Parental Leave Entitlement

If an employee wishes to take a period of leave at the same time as their spouse/de facto partner, that concurrent parental leave period must not be for more than 8 weeks. Concurrent leave is deducted from the total entitlement to unpaid parental leave.

This leave may be taken from:

- the date of birth (for birth-related leave) or
- the date of placement (for adoption-related leave).

KOI may extend the period of Concurrent Parental Leave at its discretion. If an employee wishes to take a longer period of concurrent leave or take multiple periods of concurrent leave at the same time as their spouse, that concurrent period must not be for more than 8 weeks, which may be taken:



- from the date of birth (for birth-related leave) or
- the day of placement (for adoption-related leave) or
- in periods of at least two weeks each with four weeks' notice for the second and subsequent periods.

5.1.4.3. Special Maternity Leave Entitlement

Special Maternity Leave is leave available to be taken by a female employee as a result of a pregnancy related illness or whose pregnancy ended (other than by the birth of a living child) within 28 weeks of the expected date of birth.

An employee who wishes to apply for unpaid special maternity leave should submit a Request for Leave form together with a medical certificate indicating the potential period that the employee will be absent from work. Special maternity leave taken does not affect an employee's entitlement to unpaid parental leave or the "Guarantee Period" of parental leave.

5.1.4.4. Adoption Leave Entitlement

In addition to parental leave entitlements specified in Section 5.1.4.1, prospective adoptive employees are entitled, subject to the conditions in the following paragraph, to up to 2 days of unpaid pre-adoption leave to attend any interviews or examinations that are required in order to obtain approval for the employee's adoption of a child.

An employee is not entitled to take unpaid pre-adoption leave if:

- the employee could instead take some other form of leave; and
- the Company directs the employee to take that other form of leave.

An employee must provide their manager with written notification of their intention to take the unpaid pre-adoption leave. This written notification must be given to their manager, HR Manager, and Payroll as soon as possible and must advise of the period and dates of the leave to be taken.

5.1.4.5. Flexible Leave Entitlement

An employee can take up to a maximum of 30 days of their 12-month unpaid parental leave entitlement on a flexible basis.

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.

Flexible unpaid parental leave can be taken within the first 24 months of the birth or placement of an adopted child.

However, the 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. This means that if an employee is planning on taking a continuous period of unpaid parental leave, they should do so before they take any flexible unpaid parental leave.

An employee can take flexible unpaid parental leave after taking one or more periods of continuous unpaid parental leave. The total of both periods can't be longer than 12 months.

Where both parents are employees of KOI and one parent is taking flexible leave and one parent is taking continuous period parental leave, the employee taking flexible unpaid parental leave is able to take that leave on the same day(s) as the other parent is on unpaid continuous period parental leave. The two employees can only take a total of up to 8 weeks of unpaid parental leave each at the same time.



5.1.5.Procedural Requirements for Applying for and Taking of Parental Leave

5.1.5.1. Notification of Intentions Regarding Birth-related Parental Leave

Notification of Intention to take Birth-related Parental Leave:

In all instances where an employee intends to take birth-related parental leave, the following notifications of intention must be provided:

- **At least 10 weeks prior to the intended start date of the leave**, the employee must provide their manager, HR Manager and Payroll, with written notification of their intention to take unpaid parental leave. The notification must include a medical certificate from an appropriate certified medical practitioner stating that the employee or their partner is pregnant and confirming the expected date of birth of the child. This written notification must specify the intended start and end dates of the leave.
- **At least 4 weeks before the intended start date of the leave** specified in the earlier written notification, the employee must confirm the intended start and end dates of the leave with their manager and advise of any changes to these dates.

If any of the information provided by an employee who applies for parental leave changes, the employee must notify KOI of the change as soon as practicable.

Notification of Return to Work:

- **At least 4 weeks prior to the agreed return to work date** the employee is required to provide written notification to their manager, HR Manager and Payroll of their intention to return to work.
- In the event that an employee ceases to be responsible for the care of a child while they are on parental leave, they must provide written notification to their manager of their change of circumstances, and agree their return-to-work date, which must be within a reasonable period and no longer than 4 weeks following the cessation of care of the child. In the event that KOI becomes aware that an employee ceases to be responsible for the care of a child, KOI may give the employee 4 weeks' notice from the date that the employee's responsibility for the child ceased directing the employee to return to work.

5.1.5.2. Notification of Intentions Regarding Adoption-related Parental Leave

Notification of Intention to take Adoption-related Parental Leave:

In all instances where an employee intends to take adoption-related parental leave, the following notifications of intention must be provided:

- **At least 10 weeks prior to the intended start date of the leave**, the employee must provide their manager, HR Manager and Payroll, with written notification of their intention to take unpaid parental leave. The notification must include a document stating the expected placement date of birth of the child. This written notification must specify the intended start and end dates of the leave. KOI will consider the request and whether the employee is eligible for leave and will, advise the employee whether the request is granted or declined.
- **At least 4 weeks before the intended start date of the leave** specified in the earlier written notification, the employee must confirm the intended start and end dates of the leave with their manager and advise of any changes to these dates.

If any of the information provided by an employee who applies for parental leave changes, the employee must notify KOI of the change as soon as practicable.

Notification of Return to Work:



- **At least 4 weeks prior to the agreed return to work date** the employee is required to provide written notification to their manager, HR Manager and Payroll of their intention to return to work.
- In the event that an employee ceases to be responsible for the care of an adopted child while they are on parental leave, they must provide written notification to their manager of their change of circumstances, and agree their return-to-work date, which must be within a reasonable period and no longer than 4 weeks following the cessation of care of the adopted child. In the event that KOI becomes aware that an employee ceases to be responsible for the care of an adopted child, KOI may give the employee 4 weeks' notice from the date that the employee's responsibility for the adopted child ceased directing the employee to return to work.

5.1.5.3. Premature birth and birth-related complications

In circumstances of premature birth and birth-related complications, an employee can agree with their employer to put their unpaid parental leave on hold if:

- they experience a premature birth or gestational or other birth-related complications, and
- their newborn has to stay in hospital or be hospitalised immediately after birth.

This means that while their newborn is in hospital, parents can return to work and the period when they are back at work will not be deducted from their unpaid parental leave.

If the employee has yet to commence their unpaid parental leave and they wish to continue working, they should to give written notice to their manager, HR Manager and Payroll of the cancellation or deferral of their parental leave as soon as possible.

If the employee decides to return to work after commencing their leave, they should provide their manager, HR Manager and Payroll with at least 4 weeks' written notification before returning to work. KOI and the employee have the option to agree on an earlier return date.

The employee can resume their unpaid parental leave at the earliest of:

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

5.1.5.4. Extension of Unpaid Parental Leave within the Guarantee Period

First Extension

Where an employee has initially applied for a period of less than the Guarantee Period, they may extend the period of unpaid parental leave once without requiring the consent of KOI. The period of unpaid parental leave may be extended by giving KOI (the manager, HR Manager and Payroll) written notification of the extension at least 4 weeks before the end of the original leave period (the First Extension).

The written notification must specify the new end date for the First Extension. The total period of leave, including the First Extension and all Deducted Leave, must not total more than 12 months.

Additional Extensions

During the Guarantee Period, if an employee wishes to extend their period of parental leave after the First Extension, they may do so only by providing KOI (the manager, HR Manager and Payroll) with a written application for the extension and obtaining KOI's written consent to the extension.

5.1.5.5. Extension of unpaid parental leave after the expiration of the Guarantee Period



An employee may request that their period of unpaid parental leave be extended for up to an additional 12 months following the expiry of the Guarantee Period (the Extended Leave Period). The employee must provide their request for additional extended leave to their manager, HR Manager and Payroll, in writing at least 4 weeks before the expected end date of the parental leave covered by the Guarantee Period.

In circumstances where the application for extension of parental leave has been requested by one or both members of an employee couple, the written application should specify:

- the length of the proposed extension;
- the amount of unpaid parental leave that the other member of the employee couple has taken up to the time of making the request;
- the amount of time that the other member proposes to take after submission of the request;
- that they will be responsible for the care of the child during the Extended Leave Period;
- that the amount of Extended Leave Period for the couple will not exceed 12 months.

A written response will be provided to the employee's request no later than 21 days after the date on which the request is received. Employees should be aware that KOI does not have to grant the request for the Extended Leave Period. However, KOI commits that these requests will only be refused on reasonable business grounds.

Factors relevant in determining reasonable business grounds include:

- the effect on the workplace and the business of approving the request, including the financial impact and the impact on efficiency, productivity and customer service;
- the capacity to organise work among existing staff;
- the capacity to recruit a replacement employee or the practicality of the arrangements that may need to be put in place to accommodate the request.

5.1.5.6. Reduction in approved unpaid parental leave

An employee may make a written request to KOI (manager, HR Manager and Payroll) to reduce their approved unpaid parental leave and return to work earlier than originally agreed with KOI.

If KOI agrees to the employee's written request to an early return to work, then the amount of leave deducted from the Guarantee Period entitlement will comprise the actual amount of unpaid parental leave that an employee whose period of unpaid parental leave has taken.

5.1.6. Timing of taking Parental Leave

5.1.6.1. Birth-related leave

Female Employees

Birth-related parental leave for a female employee who is pregnant may commence up to **6 weeks** before the expected date of birth of their child. The female employee's parental leave must not start later than the actual day of the birth of the child, or the previously agreed commencement date of parental leave, whichever is the earlier.

Up to 6 weeks prior to the expected date of birth of the child, KOI may request that a pregnant employee provides a medical certificate or other evidence that would satisfy a reasonable person stating:

- that the employee is fit for work, and
- if the employee is fit for work – whether specific conditions should be placed on their continuance in work or whether it is inadvisable for the employee to continue working, taking into account such factors as illness, risks arising from the pregnancy or hazards connected with the role that the employee performs.



KOI may require the pregnant employee to take unpaid parental leave during the 6-week period prior to the expected date of birth if:

- the employee has not provided the requested medical evidence within 7 days after the request and KOI has concerns regarding the employee's ability to perform their work effectively and safely; or
- the employee has provided the medical evidence but the evidence states that it is inadvisable for her to continue in her present position during the stated risk period, and there is no safe job available to transfer the employee to.

Male Employees

Birth-related leave for a male employee must not commence earlier than the date of commencement of their spouse's/de facto partner's parental leave.

5.1.6.2. Adoption-related Leave

An employee who applies for and is granted unpaid adoption-related leave must, as a condition of the leave, commence the leave on the day of the placement of the child. However, if the spouse/de facto partner has responsibility for the care of the child from the day of the placement, the employee may take the unpaid adoption related leave from the date their spouse/de facto partner's leave finishes.

5.1.7. Employment Commitments during Parental Leave

5.1.7.1. Contract of Employment Obligations during leave

An employee's employment contract remains in force during periods of parental leave. An employee must not engage in any conduct during the period of parental leave which is inconsistent with the employee's contract of employment or their general employee obligations to KOI. This includes but is not limited to:

- engaging in other employment
- using or disclosing confidential information.

Employees can also obtain further guidance regarding their entitlements to parental leave and obligations to KOI during any period of parental leave from Human Resources.

5.1.7.2. Contact during periods of Parental Leave

KOI may be required to consult with employees while they are on parental leave about significant work matters. An employee must confirm their contact details with the HR Manager no less than 2 weeks before the commencement of the first period of leave and whenever these details change during the period of parental leave.

Contact by KOI with an employee during periods of parental leave must be respectful of the employee's parental role and circumstances. Initial contact should initially be by text message or email sent to the employee requesting a response. In the event that a phone call is necessary, then a mutually agreeable time for the call should be determined beforehand.

5.1.7.3. 'Keeping in touch days' during parental leave

An employee on parental leave may return to the workplace and perform work during the period of parental leave for the purposes of keeping in touch with work.

An employee must not have more than ten 'keeping in touch days' during the Guarantee Period of paid parental leave.



An employee must be paid in accordance with their contract of employment for “keeping in touch” days.

Employees may work ten ‘keeping in touch days’ consecutively or on selected days throughout their period of parental leave.

“Keeping in touch” days are not considered to be part of parental leave and are not to be applied against the Guaranteed Period.

“Keeping in touch” days should not be taken within the first 42 days following the birth of a child, unless exceptional circumstances exist. In the event that an employee wishes to work a “keeping in touch” day prior to the completion of the first 42 days following the birth of a child, then the employee can apply to their manager and the HR Manager to take an earlier “keeping in touch” day. The manager and HR Manager should assess whether granting of an early “keeping in touch” day is appropriate.

An early “keeping in touch” day within the first 14 days following the birth of a child is not permitted.

5.1.8. Return to work from Parental Leave

5.1.8.1. Return to Work Entitlements

Upon return to work from parental leave, an employee is entitled to:

- return to the position that they held immediately before going on parental leave; or
- if the employee was promoted or voluntarily transferred to a new position during the period of parental leave, be employed in the new position; or
- if, before commencing parental leave, the employee began working part time because of her pregnancy (or because of his spouse or de facto partner’s pregnancy) or was transferred to a safe job because of her pregnancy, to the position the employee held immediately before working part time or being transferred to a safe job; 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.

5.1.8.2. Request for flexible working arrangements

Flexible working arrangements can vary depending upon the circumstances and may take any form but typically relate to the hours of work and arrangements for the performance of work including examples such as the timing of meal breaks, span of hours, a temporary or permanent shift to part-time employment or working from home arrangements.

An employee who has returned from parental leave wishing to move to flexible working arrangements should make the request in writing to their manager and HR Manager for consideration.

KOI will consider the request and respond in writing within 21 days to advise the employee of the outcome of the request. KOI will make a reasonable attempt to accommodate the employee’s request for flexible working arrangements.

In instances where the request for flexible work arrangements cannot be accommodated due to the operational needs of the business, the employee with their manager and the HR Manager, and with the CEO’s approval, may come to alternate arrangements that are reasonable so that disruption to the operation of the business and/or the employee’s leave needs are minimised.

5.2. Workplace Health and Safety



KOI is committed to the provision of a safe working environment and has an obligation to actively monitor the safety of its employees. When a female employee becomes pregnant, circumstances may exist within a normal working environment that could jeopardise the health and safety of the employee and/or their unborn child. In these circumstances KOI undertakes to make reasonable and appropriate arrangements to protect the well-being of the employee and/or their unborn child. KOI may direct a pregnant employee to provide medical information concerning her pregnancy to determine whether it is safe for the employee to perform her role and/or work during her pregnancy.

5.2.1. Pregnant employees unfit for work

If a pregnant employee provides a medical certificate stating that she is unfit to work, the employee may be entitled to unpaid special maternity leave, as set out in Section 5.1.4.4. KOI will actively consult with the employee and consider appropriate arrangements having regard to the particular circumstances.

5.2.2. Pregnant employees able to work, subject to limitations

If a pregnant employee provides a medical certificate stating that she is fit to work, but that it is inadvisable for her to continue in her present position because of illness, risks resulting from the pregnancy, or hazards in the workplace connected with that position, KOI may:

- transfer the employee to a safe job if there is an appropriate safe job available. The employee's terms and conditions of employment will otherwise remain unchanged; or
- limit the scope of work conducted by the employee in order to avoid hazards in the workplace; or
- require the employee to take paid leave, subject to the availability of paid leave. The paid leave will cease at the end of the risk period in the medical certificate, when the employee gives birth, or when the pregnancy otherwise ends. This leave will be paid at the base rate of pay for the employee's ordinary hours in the risk period.

In the event that an employee who:

- is **not eligible** to take a period of unpaid parental leave; and
- is unable to perform their job; and
- there is no 'safe job' to be transferred into,

then they will be entitled to take a period of unpaid 'no safe job' leave.

In the event that an employee who:

- **is eligible** to take a period of unpaid parental leave; and
- is unable to perform their job; and
- there is no 'safe job' to be transferred into,

then they will be entitled to a period of paid 'no safe job' leave.

In order to be entitled to transfer to a safe job and/or 'no safe job' leave (paid or unpaid) in these circumstances, must comply with the documentation requirements outlined in this Policy.

5.3. Continuity of service and accruals

Any period of parental leave does not break an employee's continuity of service.

However, a period of parental leave does not count as service for the calculation of entitlements and benefits. This includes calculation of payment in lieu of notice, redundancy/severance payments and bonuses and incentives.

During the period of time while the employee is absent from work on parental leave and receiving PPL Instalments, the employee will not accrue any form of paid leave including annual leave, personal carers leave and long service leave.



6. Associated Information

Leave Request Form

Document control

Policy title	Parental Leave Policy
Policy owner	HR Manager
Policy version date	24 February 2024
Policy approver	Council, on the recommendation of the Audit & Risk Committee
Date of approval	1 March 2024
Date of implementation	4 March 2024
Date of next review	1 January 2027
Changes in this version	New Policy

KOI amends its policies periodically and printed copies of this document, either in part or whole, are considered as uncontrolled and should not be relied upon as the most current document. It is the responsibility of individuals printing the document to always refer to the KOI website for the current version.

*****END OF POLICY*****