

PARENTAL LEAVE POLICY

This Policy sets out the requirements to Parental Leave and Group-Provided Paid Parental Leave (**Group PPL**) across CIMIC Group Limited and entities it controls (**the Group**).

This Policy should be read in conjunction with the [Diversity and Inclusion](#), [Anti-Bullying, Harassment and Discrimination](#), [Flexible Working](#) and [Redundancy](#) Policies.

This Policy applies to **Staff, Workforce and Eligible Casual employees** of the Group and may be amended from time to time at the Group's discretion.

Any employee of the Group found to have breached this Policy may be subject to disciplinary action.

Definitions

Primary Carer	The person with the principal role of providing care and attention to a child.
Partner	A person who is a: <ul style="list-style-type: none"> ▪ Spouse of an eligible employee; or ▪ De facto partner of an eligible employee (that is, a person who is not legally married to the employee, but lives with them in a relationship as a couple on a genuine domestic basis, regardless of gender).
Staff	Salaried staff that are not covered by an enterprise agreement engaged either on a full time or part time basis.
Workforce	Employee whose employment is covered by an enterprise agreement engaged either on a full time or part time basis.
Eligible Casual	Employees who have completed 12 months of continuous service with a Group company on a regular and systematic basis and, but for the birth or adoption, would have a reasonable expectation of continuing employment on that basis.

1. Parental Leave

Parental Leave is a continuous period of unpaid leave that can be taken when:

- An eligible employee gives birth;
- An eligible employee's Partner gives birth; or
- An eligible employee adopts a child under 16 years of age.

Parental Leave cannot be split; that is, employees cannot take parental leave, return to work and then resume parental leave.

1.1. Eligibility

The following employees are eligible for Parental Leave:

- Full time and part time employees with a minimum of 12 months of continuous service with the Group at:
 - The date of birth, or expected date of birth, of a child, or
 - The date of placement, or expected date of placement, of an adopted child;
- Eligible Casual employees; and
- Employees who are engaged under a maximum-term or a fixed-term contract with a minimum of 12 months of continuous service with the Group at:
 - The date of birth, or expected date of birth, of a child, or
 - The date of placement, or expected date of placement, of an adopted child.

If the contract ends while the employee is on Parental Leave, the employee is not entitled to return to work. If the contract ends after the employee returns from Parental leave, the employee is entitled to return to work and complete their contract.

An employee's maximum-term contract will not be extended because of a period of Parental Leave.

If local legislation varies the eligibility criteria for Parental Leave outlined above, then the local legislation will apply.

1.2. Legal entitlement

The Group provides entitlements to Parental Leave according to local legislative requirements.

In Australia, these requirements are currently defined in the National Employment Standards (NES) set out in the *Fair Work Act 2009* (Cth).

Where an industrial instrument applies to an eligible employee and is more generous than the Parental Leave provisions in the NES, then the employee's entitlement will be determined in accordance with that instrument to the extent of any inconsistency.

1.3. Length of Parental Leave

In Australia, eligible employees are entitled to 12 months of unpaid Parental Leave, and can request an additional 12 months' leave (refer to Requesting to extend beyond 12 months).

Both parents can take Parental Leave of up to 12 months each but not exceeding 24 months at different times but in a single continuous period. That is, if one parent finishes Parental Leave, the other parent starts the next business day.

1.4. Applying for Parental Leave

An employee who wishes to take Parental Leave must submit a formal Leave Application to their manager to provide notice of the intention to take Parental Leave and the intended start date and end dates of the Parental Leave:

- At least ten (10) weeks before starting the leave, or
- If ten (10) weeks' notice is not practicable, as soon as is practicable.

The employee must provide the evidence with their application which may include:

- Date of birth / expected date of birth, for example, a medical certificate; or
- Day of placement / expected day of placement and that the child is or will be under 16 as at this day, for example a statutory declaration;
- A statutory declaration from the employee stating that the employee will be the child's Primary Carer during the period;
- Details of any Parental Leave to be taken by the employees' Partner;
- Confirmation of employment status of employee's pregnant partner.

If appropriate evidence is not provided, the employee will be ineligible for Parental Leave. Employee information must be managed confidentially (refer to [Privacy Policy](#)).

Before approving, managers must inform their relevant Human Resources representative of the employee application.

Human Resources will:

- Confirm employee's Parental Leave eligibility and entitlement for Paid Parental Leave;
- Consider the employee's application with the manager;
- Request appropriate evidence and documentation from the employee;
- Advise the manager and the employee whether the employee's application is approved or declined.

The employee will:

- Confirm Parental Leave dates with their manager at least four (4) weeks before the specified intended commencement of Parental Leave;
- Provide their manager as much notice as possible if they cannot provide four (4) weeks' notice;
- Notify their manager of the change as soon as practicable if any of the information provided by an employee who applies for Parental Leave changes.

1.5. Rules for taking Parental Leave where one employee takes leave

- Leave must be taken in a single continuous period.
- In the case of a pregnant employee, leave can start up to six weeks before the expected date of birth, or earlier if approved by the relevant Human Resources representative.
- If the employee is not giving birth to the child, leave starts on the date of birth or placement of the child.
- Leave may start at any time within 12 months after the birth or placement of the child if:
 - the employee has partner who is not an employee; and
 - the partner has responsibility for the care of the child.

1.6. Rules for taking Parental Leave where both members of an employee couple taking leave

- The employees are entitled to no more than 24 months of leave between them, which generally must be taken separately in a single continuous period.
- If the employee who takes leave first is pregnant or gives birth, they may start their leave up to 6 weeks before the expected date of birth, or earlier if approved by the relevant Human Resources representative.
- If the employee who takes leave first is not pregnant, their leave must start on the date of birth or placement of a child.

For international operations, local legislative entitlements apply.

1.7. Concurrent Parental Leave

Employees can take up to eight (8) weeks Parental Leave at the same time as their partners if they are working at the same or different employers (**Concurrent Leave**).

Concurrent leave can start:

- On the birth or placement of the child, or
- Within 12 months of the birth or placement of the child.

Concurrent leave can be taken in separate periods. Each period has to be at least two (2) weeks unless otherwise approved by the relevant Human Resources representative.

Concurrent leave forms part of the employee's total unpaid leave entitlement.

1.8. Requesting to extend beyond 12 months

An eligible employee may request an extension of Parental Leave of an additional 12 months (which will commence immediately following the end of the initial parental leave period which was taken), subject to approval.

Any extended period of Parental Leave will be reduced by any period of Parental Leave taken by the employee's partner. It will not be reduced by unpaid Special Maternity Leave (see below).

The request for extension to Parental Leave must be made in writing to the relevant Human Resources representative at least four (4) weeks before the initial Parental Leave period ends.

The relevant Human Resources representative will consult with the manager, and respond to the employee in writing advising whether the extension is approved or refused no later than 21 days after the request is received. The response will include reasons for refusal, if applicable. Any refusal will be on reasonable business grounds.

1.9. Health & Safety of Pregnant Employees

An employee may work during the six (6) week period before the expected birth date but must provide the relevant Human Resources representative with a medical certificate confirming that she is fit for work and listing any work limitations.

An employee who is taking unpaid Special Maternity Leave or No Safe Job Leave will be required to commence Parental Leave if they:

- Are unable to provide a medical certificate confirming that they are fit for work (in their position); or
- Provide a medical certificate which confirms that although the employee is fit for work, it is inadvisable for them to continue in their position.

If at any point the employee is unfit for work prior to the six (6) week period before birth, the employee may take Personal Leave. If accrued Personal Leave and Annual Leave are exhausted, the employee may be eligible for unpaid Special Maternity Leave.

1.10. Special Maternity Leave

An employee who, based on medical reasons, cannot work during her pregnancy can use accrued Personal Leave entitlements if a medical certificate is provided to the relevant Human Resources representative.

If all accrued leave is used, the employee can take unpaid Special Maternity Leave to cover absences, supported by a medical certificate where:

- The employee is not fit for work due to a pregnancy related illness, or
- Where a pregnancy ends after twelve (12) weeks of the expected birth date of the child resulting in miscarriage, termination or stillbirth.

The employee's entitlement to twelve (12) months' Parental Leave will not be reduced by the unpaid Special Maternity Leave taken.

1.11. Pre-Adoption Leave

An employee may take up to two (2) days of unpaid leave prior to the adoption of a child (Pre-Adoption leave). This is in order to attend interviews or examinations required in order to obtain approvals for adoption.

Human Resources will require evidence of requirements to attend interviews or examinations. If evidence is not provided, the employee will not be entitled for Pre-Adoption Leave.

1.12. Other Leave during the Parental Leave period

An employee does not accumulate other types of paid leave (such as Annual or Personal Leave) while on Parental Leave.

Parental Leave will not break an employee's continuity of service however it will not be counted as service for the accrual of certain entitlements. An employee can take unpaid leave or Jury Service Leave while on Parental Leave, but cannot take Personal Leave, Compassionate Leave or any leave associated with community service (other than jury service).

An employee may be able to take Long Service Leave if it is permissible under relevant legislation.

The Parental Leave period is inclusive of other types of leave taken.

1.13. Safe Job and No Safe Job Leave

If at any point in time during pregnancy, the employee has a medical certificate stating that she is fit for work but advises against continuing in her current role during a certain period (Risk Period) because of:

- Illness or risks arising from her pregnancy;
- Hazards connected with the role, then

the employee may be transferred to a Safe Job, if there is one available. There will be no changes to the employee's terms and conditions, and the same ordinary hours of work as the employee's current role will apply, unless otherwise agreed with the employee.

Where no appropriate Safe Job is available, the employee may be placed on No Safe Job Leave. During this time she will be paid her TFR (Staff), or her Base Rate of Pay (Workforce), plus superannuation.

1.14. Contact during Parental Leave

An employee can, by mutual agreement, have up to ten (10) Keeping in Touch Days to assist in their transition back to work after a period of Parental Leave. Keeping in Touch Days can be used for training, planning days, conferences, or to perform work. The employee will be paid for Keeping in Touch days as if it was ordinary work.

Keeping in Touch Days cannot be requested or worked within 42 days of the birth of a child, or date of placement of an adopted child, unless the employee makes the request and it is not within the first (2) weeks of the date of birth or date of adoption of the child.

If a period of Parental leave is extended beyond 12 months, up to an additional ten (10) Keeping in Touch Days will be available by agreement.

1.15. Early Return to Work

An employee can shorten the period of Parental Leave through a written request to the relevant Human Resources representative prior to the proposed return to work date. If this is not approved the employee must return on the approved date.

The employee can be requested to return to work earlier than the approved date if the employee no longer has carer responsibilities for the child. The relevant Human Resources representative must give the employee notice. The return to work date must be:

- No less than four (4) weeks after written notice, and
- No less than six (6) weeks after the birth of the child.

In the case of still birth or infant death before the scheduled Parental Leave commences:

- The Parental Leave can be cancelled by written notice; and
- The leave will be taken as personal/carers leave, compassionate leave or Special Maternity Leave.

In the case of still birth or infant death whilst on Parental Leave, the employee is entitled to be on Parental Leave until either the employee or employer end the leave:

- **The employee ends the leave:** The employee must provide the employer with four (4) weeks' notice and the employer must respond with the return to work date within four (4) weeks, or
- **The employer ends leave:** The employer must provide the employee with six (6) weeks' notice in writing requesting that the employee return on a specific day.

1.16. Changes to Job while on Parental Leave

Significant changes (e.g. status, pay or location) to an employee's pre-Parental Leave position will be discussed with the employee.

If an employee's job has changed or no longer exists, then they may be offered a suitable available job that:

- The employee is qualified and suited to work in; and
- Is then nearest in pay and status to their previous job.

If their job ceases to exist after they come back from Parental Leave, and there is no suitable role, this may mean a redundancy has taken place and the employee is retrenched (refer to [Redundancy Policy](#)).

1.17. Returning to work

Employees returning to work from Parental Leave have the right to request flexible working arrangements (refer to *Flexible Working Policy*).

2. Group Provided Paid Parental Leave

In countries other than Australia, local legislative conditions apply.

Australia

Group Provided Paid Parental Leave ('**Group PPL**') is a continuous period of paid leave that forms part of, and is not in addition to, approved Parental Leave.

Group PPL must be taken in one continuous period:

- From the time of birth or no earlier than 6 weeks before birth; and
- From the date of placement of an adopted child under the age of 16 years.

Employees are not eligible for any extension of the Group PPL if a public holiday falls within the period.

2.1 Eligibility

Only full time and part time employees with a minimum of 12 months of continuous service with the Group at:

- The date of birth, or expected date of birth, of a child, or
- The day placement, or expected day of placement, of an adopted child, are eligible for Group PPL.

2.2 Applying for Group provided Paid Parental Leave

An employee must apply for Group PPL at the same time as applying for Parental Leave, that is, ten (10) weeks before the intended date of Parental Leave. This application should be resubmitted if the date of the Parental Leave changes after initial submission.

2.3 Primary Carer Entitlement

The Group provides up to eight (8) weeks of Paid Parental Leave to the Primary Carer of a child or adopted child under the age of 16 years. This is at the rate of the employee's average Total Fixed Remuneration (TFR)/Base Rate of Pay plus superannuation.

If less than eight (8) weeks of Parental Leave is taken, the Group PPL will be pro-rated in accordance with the period of Parental Leave taken.

Where an industrial agreement or award provides a more generous entitlement, those conditions will prevail.

Group PPL must be taken in one continuous period:

- From the time of birth or no earlier than 6 weeks before birth; and
- From the date of placement of an adopted child under the age of 16 years.

The Group will provide an additional **Return to Work Incentive** to the value of 2 weeks' TFR (Staff)/ Base Rate of Pay (**Workforce**) plus superannuation upon return to work by the employee which is paid in the first pay cycle after return to work.

2.4 Partner Entitlement

The Group will provide partners of primary carers up to 5 continuous working days paid leave at TFR (Staff)/Base Rate of Pay (Workforce) plus superannuation upon the date of birth or placement of the child which is paid in the ordinary pay cycle.

Group PPL will be repaid to the Group if the employee resigns or is terminated with cause within the first six (6) months of return and will be a debt immediately due and payable.

Where both parents are employees of the Group, only one employee is eligible for Group PPL.

Where an industrial agreement or award provides a more generous entitlement, those conditions will prevail to the extent of any inconsistency.

All payments referred to above are inclusive of any payments that are provided under any local or international government parental leave scheme.

3. Superannuation

While Group PPL does not constitute ordinary time earnings for the purposes of the Superannuation Guarantee Charge (SGC), PPL is based on Total Fixed Remuneration (Staff)/Base Rate of Pay (Workforce) plus superannuation and therefore superannuation contributions are continued for the period of Paid Parental Leave.

4. Tool of Trade Vehicles

If an employee has paid for the private use of their tool of trade vehicle (partial tool of trade), they will retain the vehicle for the period of Group PPL, but must return it for the period of Parental Leave which does not overlap with the period of Group PPL.

If the employee does not have an arrangement for the private use of tool of trade vehicle, they must return it prior to commencing Parental Leave.

5. Novated Leases

An employee with a novated lease will need to make arrangements to continue lease payments prior to commencing unpaid Parental Leave and Group PPL.

6. Company ICT Equipment

Employees are generally required to return ICT equipment to the Group prior to commencing Parental Leave or at any time upon request by the Group. To facilitate Keep in Touch days, the employee may make their personal email address or phone number available to their manager.

If written approval is given by both the relevant general manager and head of IT, ICT equipment may be retained during Parental Leave on the basis that it must be used for Group business and in accordance with Group policies and procedures.

Summary of entitlements

Parental Leave and Group PPL terms for eligible employees are summarised below.

PRIMARY CARER		PARTNER	
Parental Leave (Unpaid)	Group Paid Parental Leave	Parental Leave (Unpaid)	Group Paid Parental Leave
<p>Australia: Up to 12 months, and the ability to apply for up to 12 months extension, as defined in the NES.</p> <p>International: Local legislative requirements for unpaid Parental Leave apply.</p> <p>Where an industrial instrument is more generous, that entitlement prevails to the extent of any inconsistency.</p>	<p>Australia: Up to 8 weeks paid at the average rate of Total Fixed Remuneration (TFR) (Staff)/ Base Rate of Pay (Workforce) plus superannuation taken over the three months prior to taking leave.</p> <p>Payment is according to the ordinary pay cycle while on Parental Leave.</p> <p>If Parental Leave taken is less than 8 weeks, then the payment is pro-rated.</p> <p>An additional <i>Return to Work Incentive</i> to the value of 2 weeks TFR (Staff)/ Base Rate of Pay (Workforce) plus superannuation is paid in the first pay cycle after return to work.</p> <p>Group PPL will be repaid to the Group if the employee resigns or is terminated with cause within the first six (6) months of return and will be a debt immediately due and payable.</p> <p>Must have served full 12 months at work prior to applying for another period of Group Paid Parental Leave.</p> <p>International: Local legislative requirements for paid Parental Leave apply.</p> <p>Where an industrial instrument is more generous, that entitlement prevails to the extent of any inconsistency.</p>	<p>Australia: the employee couple is not entitled to take more than 24 months of leave between them, as defined in the NES. That is, if one partner take 12 months leave the other partner can only take 12 months leave.</p> <p>Further, an employee can have up to 8 weeks leave at the same time as their partner (concurrent leave) which forms part of the employees total unpaid leave entitlement above.</p> <p>International: Local legislative requirements for unpaid Parental Leave apply.</p> <p>Where an industrial instrument is more generous, that entitlement prevails to the extent of any inconsistency.</p>	<p>Australia: Up to 5 continuous working days paid at TFR (Staff)/Base Rate of Pay (Workforce) plus superannuation paid in ordinary pay cycle.</p> <p>Group PPL will be repaid to the Group if the employee resigns or is terminated with cause within the first six (6) months of return and will be a debt immediately due and payable.</p> <p>International: Local legislative requirements for paid Parental Leave apply.</p> <p>Where an industrial instrument is more generous, that entitlement prevails to the extent of any inconsistency.</p>

Summary of Parental Leave Entitlements & Procedure

Australia

Type of Leave	Entitlement	Start	Notice required	Group Paid Parental Leave
Employee gives birth and is the primary carer	Up to 12 months unpaid parental leave and the ability to apply for up to 12 months extension.	<ul style="list-style-type: none"> ▪ On the birth of the child, or ▪ Up to 6 weeks before the expected birth of the child. 	<ul style="list-style-type: none"> ▪ the employee must give notice of their intention to take unpaid parental leave by giving at least 10 weeks written notice (unless it is not possible to do so): <ul style="list-style-type: none"> • specify the intended start and end dates of the leave ▪ at least four weeks before the intended start date: <ul style="list-style-type: none"> • confirm the intended start and end dates or • advise the employer of any changes to the intended start and end dates (unless it is not possible to do so) 	<ul style="list-style-type: none"> ▪ a payment of up to 8 weeks (inclusive of any payments provided under a government scheme) ▪ a Return to Work incentive representing a payment of 2 weeks
Employee's partner gives birth and the employee is the primary carer	Up to 12 months unpaid parental leave and the ability to apply for up to 12 months extension.	<ul style="list-style-type: none"> ▪ On the birth of the child, or ▪ After the birth of the child if their pregnant partner is not employed but must start within 12 months of the child's birth or placement. 	<ul style="list-style-type: none"> ▪ the employee must give notice of their intention to take unpaid parental leave by giving at least 10 weeks written notice (unless it is not possible to do so): <ul style="list-style-type: none"> • specify the intended start and end dates of the leave ▪ at least four weeks before the intended start date: <ul style="list-style-type: none"> • confirm the intended start and end dates or • advise the employer of any changes to the intended start and end dates (unless it is not possible to do so) 	<ul style="list-style-type: none"> ▪ a payment of up to 8 weeks (inclusive of any payments provided under a government scheme) ▪ a Return to Work incentive representing a payment of 2 weeks

<p>Employee's partner gives birth and the employee is not the primary carer</p>	<p>Up to 8 weeks concurrent leave</p>	<p>Concurrent leave can start:</p> <ul style="list-style-type: none"> ▪ On the birth or placement of the child, or ▪ Within 12 months of the birth or placement of the child. 	<p>The above notice requirements apply to the first period of that leave (if taken in separate periods).</p> <p>For any second and subsequent periods, the employee must provide the employer with 4 weeks' notice.</p>	<p>The employee will receive five (5) continuous working days of paid leave</p>
<p>Employee adopts a child and is the primary carer</p>	<p>Up to 12 months unpaid parental leave</p>	<p>On the date of placement of the child.</p>	<ul style="list-style-type: none"> ▪ the employee must give notice of their intention to take unpaid parental leave by giving at least 10 weeks written notice (unless it is not possible to do so) <ul style="list-style-type: none"> • specify the intended start and end dates of the leave ▪ at least four weeks before the intended start date: <ul style="list-style-type: none"> • confirm the intended start and end dates or • advise the employer of any changes to the intended start and end dates (unless it is not possible to do so) 	<ul style="list-style-type: none"> ▪ a payment of up to 8 weeks (inclusive of any payments provided under a government scheme) ▪ a Return to Work incentive representing a payment of 2 weeks

International: Local legislative requirements for paid Parental Leave apply.

Policy Information

Owner:	Chief Human Resources Officer, CIMIC
Approved by:	Chief Executive Officer, CIMIC
Effective date:	12 February 2016 as reformatted 1 November 2016

Note: This Policy may be reviewed, amended or withdrawn by the Group at any time and at the Group's sole and absolute discretion. This Policy, and any amendments to it, do not form part of any employee's employment contract.