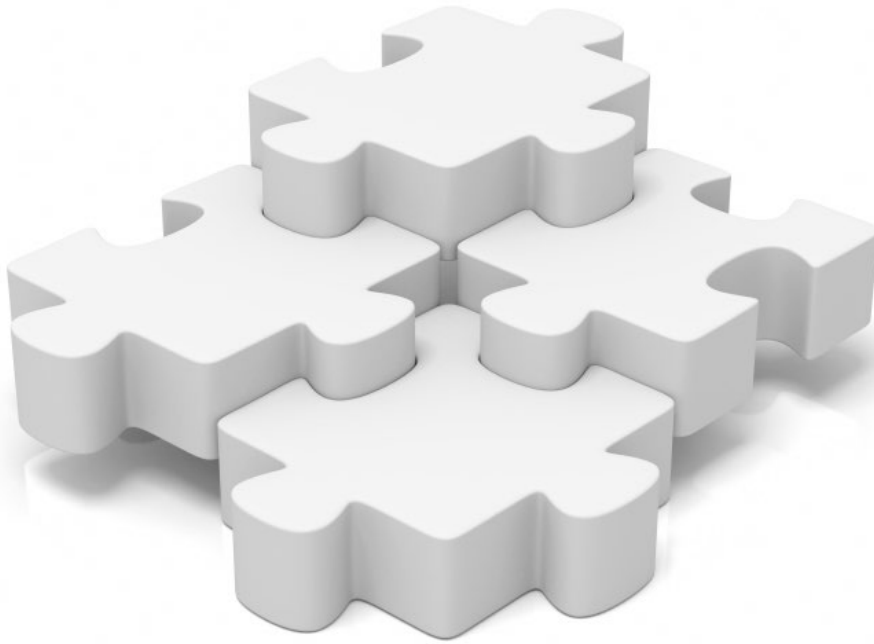


The WorkPac System

Leave Procedure - FTMs



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1. WHY WE DO IT

To provide the process for applying for leave to ensure that minimal disruption to the business occurs and that leave entitlement records are maintained accurately. This procedure also provides a framework for managing the attendance of FTMs and is aimed at assisting WorkPac to appropriately manage attendance issues.

The procedure is designed to complement the Industrial Instrument under which the Field Team Member (FTM) is engaged. For the avoidance of doubt, to the extent of any inconsistency between the procedure and the relevant Industrial Instrument, the provisions of the Industrial Instrument will prevail.

If you have any queries about the application of this procedure, please liaise with your WorkPac Representative or contact WorkPac on 1300 967 572 or contactus@workpac.com.

2. SCOPE

This procedure applies to all FTMs employed by WorkPac and any of its related entities.

3. DEFINITIONS

Act	Means the <i>Fair Work Act 2009</i> (Cth), as amended from time to time.
Client Representative	Means the relevant client Supervisor or Superintendent to whom the FTM reports to on Site.
FTM	Means Field Team Member - an employee of WorkPac who is currently assigned to undertake duties with a client of WorkPac.
Immediate Family	Has the same meaning as in the <i>Fair Work Act 2009</i> (Cth): <ul style="list-style-type: none"> ▪ A spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the FTM; ▪ A child, grandparent, grandchild or sibling of a spouse/de facto partner of the FTM; or ▪ A person as otherwise defined by the Act or Industrial Instrument.
Industrial Instrument	Means the Enterprise Agreement or Modern Award under which an FTM is employed. This is identified on the FTM's Notice of Offer of Employment.
Absence Request	Means the online Digital Absence Notification Form or <i>'FTM/CMW Absence Notification Form'</i> for FTMs engaged under an Industrial Instrument.
Modern Award	Means the Modern Award under which the FTM is employed. This is identified on the FTM's Notice of Offer of Employment.
NES	Means the National Employment Standards contained within the Act.
Regulations	Means the <i>Fair Work Regulations 2009</i> (Cth), as amended from time to time.
WorkPac	Means WorkPac Pty Ltd and any of its related bodies corporate, consistent with the <i>Corporations Act 2001</i> (Cth), including its subsidiaries or any holding companies.
WorkPac Representative	Means the FTM's direct WorkPac contact; this may include the FTM's Recruitment Coordinator, Business Development Manager, Site Manager or another operative.

4. ANNUAL LEAVE

A permanent FTM's entitlement to annual leave is provided for by the Act and the Industrial Instrument.

4.1 Accrual of Annual Leave

An FTM will accrue annual leave during their employment. The rate at which annual leave is accrued is provided in the Industrial Instrument for full-time FTMs.

Part-time FTMs will accrue a pro-rata amount of the prescribed annual leave, depending on their hours worked.

Annual leave is cumulative from year to year.

Annual leave balances will be displayed on an FTM's payslip.

4.2 Applying for Annual Leave

An FTM must complete a Digital Absence Notification Form via the "My Absences" Tab on myWorkPac. Digital requests will automatically be sent to the appropriate WorkPac Representative for consideration and approval. Alternatively, if the FTM is unable to complete this request online, an FTM Absence Notification Form will need to be completed and submitted to the appropriate WorkPac Representative for consideration and approval.

An FTM must submit any application for annual leave no less than four (4) weeks in advance of the proposed commencement date of the annual leave unless otherwise agreed between the FTM and WorkPac. A Leave Request that is not received within four (4) weeks of the requested leave dates may not be approved.

WorkPac will advise an FTM in writing if their request for planned leave is approved.

An FTM's application for planned leave will not be unreasonably refused, however WorkPac may refuse an application for planned leave if the absence would adversely affect its commercial or operational requirements. In those circumstances, the FTM will be notified in writing that their request for leave was denied and that they are expected to attend work on the requested dates.

NB: Whilst casual FTMs are not entitled to annual leave, they must comply with applicable notification requirements with respect to absences from rostered shifts.

4.3 Amount of Annual Leave to be Taken

An FTM can take a period of annual leave pursuant to the provisions in the relevant Industrial Instrument (i.e. the Industrial Instrument may provide that FTMs can only apply for annual leave in blocks of not less than 35 hours, or a one (1) week block per occasion).

4.4 Payment of Annual Leave

Unless otherwise provided for in the Industrial Instrument, while on annual leave, the FTM will be paid at the normal hourly rate of pay that the FTM was receiving for ordinary hours worked immediately prior to the commencement of the period of annual leave.

FTMs employed on a flat hourly rate will receive their regular pay rate for the ordinary hours of leave taken. FTMs employed on a base rate hourly rate may be entitled to receive additional leave loadings only where this is expressly provided for under the relevant Industrial Instrument. FTMs are not entitled to be paid higher duties allowances or overtime whilst on annual leave, except where expressly provided for in the Industrial Instrument.

4.5 Receiving Annual Leave Pay

FTM wages during periods of annual leave will be paid in the normal pay run instalments.

4.6 Cashing out Annual Leave

FTMs do not have the option to cash out annual leave, unless this is expressly provided for under the Industrial Instrument.

If the Industrial Instrument allows for annual leave to be cashed out, an FTM must submit a written request to their WorkPac Representative to cash out annual leave, or by submitting a *CMW Request to Cash Out Annual Leave (Coal)* (for FTMs engaged under the *WorkPac Coal Mining Agreement 2019*). All requests for cashing out annual leave must be submitted consistent with the terms of the Industrial Instrument.

The FTM's WorkPac Representative will consider the request and determine whether the FTM is eligible to cash out the requested portion of annual leave in line with the terms of the Industrial Instrument. The WorkPac Representative will then inform the FTM whether their request is approved.

4.7 Altering or Cancelling Annual Leave

If an FTM needs to cancel the dates of their annual leave prior to the leave being taken, the FTM must inform their WorkPac Representative in writing, as soon as they become aware that they no longer require the annual leave. If a Digital Absence Notification was completed by the FTM, the leave request may be cancelled by logging in to myWorkPac, this can also be completed by the FTM's WorkPac Representative through the Digital Leave Whiteboard.

If an FTM needs to alter the dates of their annual leave prior to the leave being taken, the FTM must inform their WorkPac Representative in writing and submit a new FTM/CMW Absence Notification Form with the amended leave dates for consideration by WorkPac. If a Digital Absence Notification was completed by the FTM, the leave request may be altered by logging in to myWorkPac for consideration and approval by their WorkPac Representative.

4.8 Managing Excessive Annual Leave Accruals

WorkPac expects that accrued annual leave will be enjoyed within the year it is accrued.

Unless otherwise provided for in the Industrial Instrument, in circumstances where an FTM has more than two (2) years' worth of annual leave entitlements accrued, their WorkPac Representative will liaise with them to agree on a way to reduce their leave balance. This may include arranging a time for the FTM to take annual leave in accordance with this procedure. Any agreement between the FTM and WorkPac in relation to managing excessive annual leave balances will be in accordance with the provisions of the Industrial Instrument.

If WorkPac and the FTM cannot reach an agreement to reduce the FTM's annual leave balance, WorkPac may direct the FTM to take leave in line with the provisions of the relevant Industrial Instrument.

4.9 Illness during Annual Leave

If an FTM becomes ill or sustains an injury during their period of annual leave, the FTM may apply for personal leave for the affected days. The FTM must follow the usual process to apply for personal leave, including providing the appropriate supporting documentation. If the FTM's personal leave application is approved, their annual leave balance will be credited at the time of the personal leave being deducted from their accruals.

4.10 Payment on Termination

Accrued annual leave will be paid out on termination of an FTM's employment. Generally, unless otherwise specified, annual leave will be paid as if it had been taken.

5. PERSONAL/CARER'S LEAVE

A permanent FTM will accrue personal/carer's leave during their employment.

A Full-Time FTM's entitlement to personal/carer's leave will be in accordance with the Act and the relevant Industrial Instrument.

A Part-Time FTM will be eligible to receive a pro-rata amount of the prescribed personal/carer's leave entitlement, depending on their hours worked.

Personal leave is cumulative from year to year.

Leave balances are not displayed on an FTM's payslip however, an FTM may forward requests for current leave balances to their WorkPac Representative.

Casual FTMs are entitled to unpaid personal/carer's leave.

5.1 Accrual of Personal/Carer's Leave

Personal/carer's leave is available to the FTM pursuant to the provisions of the relevant Industrial Instrument.

Personal/carer's leave that is not taken by the FTM will accumulate year to year, however, unless otherwise provided for in the Industrial Instrument, personal leave is not payable upon termination of employment.

5.2 Access to Personal/Carer's Leave

Personal/carer's Leave is available where an FTM (including a casual FTM) is unable to attend work:

- Because the FTM is not fit for work due to a personal illness or injury affecting the FTM (excluding an illness or injury covered by workers' compensation) (Personal leave); or
- To provide care or support to a member of the FTM's immediate family, or a member of the FTM's household, who requires care or support because of:
 - A personal illness or injury affecting the member; or
 - An unexpected emergency affecting the member (Carer's Leave).

5.3 Notification of Personal/Carer's Leave

If there is a site-specific absence notification procedure in place, then the FTM must follow the process prescribed in that procedure to notify WorkPac and the Client of their absence.

If the site does not have a site-specific absence notification procedure in place, then the following must apply:

- An FTM is to notify the relevant Client representative by telephone call (unless there are previously agreed alternative arrangements in place for absence notification) prior to the start of a personal/carer's leave absence. The FTM must advise the reason for their absence and provide an estimate of the duration of the absence;
- An FTM is to also notify their WorkPac Representative immediately after notifying the Client Representative. An FTM must contact their WorkPac Representative by telephone call (unless there are previously agreed alternative arrangements in place for absence notification procedures), advise of the reason for their absence and provide an estimate of the absence duration; and
- The FTM is to give the Client Representative and their WorkPac Representative notice of an absence prior to their rostered shift start time. If the FTM is unable to call before their shift for any reason, the FTM must notify the Client Representative and their WorkPac Representative of their absence at the first available opportunity. The FTM must explain why they were unable to notify of the absence prior to their shift start time, why they are absent and when they expect to return.

During prolonged absences, the FTM must contact their Client Representative and WorkPac Representative at least one (1) day prior to the commencement of each shift block to keep them updated on the circumstances behind the FTM's absence and provide an updated estimate of the absence duration. The FTM must continue to provide the appropriate documentation in support of their ongoing absence.

5.4 Evidence Requirements

An FTM must provide a medical certificate or other such evidence to ensure WorkPac's reasonable satisfaction that the absence from work was for a reason/s set out in the NES. This documentation must be provided to WorkPac by the end of the FTM's first shift back on Site following the absence.

For the avoidance of doubt, the provision of a medical certificate or other such evidence accepted by WorkPac must be provided by the FTM in the following circumstances:

- Where the FTM is absent for more than two (2) consecutive days;
- Where the FTM is absent on the first or last day of their shift block (or for Monday to Friday FTMs, absences that are on a Monday or Friday);
- Where the FTM is absent on a public holiday that they were required to work; or
- Where the FTM's WorkPac Representative has requested evidence due to a reasonable suspicion that the FTM's absence was not for a reason/s set out in the NES.

A medical certificate from an accredited Medical Practitioner (i.e. Doctor/GP) is the primary evidence requirement. If it is not reasonably practical to obtain this evidence (due to remote location or inability to visit a Doctor), other evidence which may be requested and accepted at WorkPac's discretion includes but is not limited to:

- Statutory Declarations;
- Confirmation document from a Chemist/Pharmacy; or
- Documentation executed by the Site Medic/ESO.

5.5 Applying for Personal/Carer's Leave

Immediately upon the FTM's return to work, the FTM must complete a Digital Absence Notification Form via the "My Absences" Tab on myWorkPac. If the FTM is unable to complete this request online, an FTM/CMW Absence Notification Form will need to be completed. All requests must include required supporting documentation (if applicable) prior to approval.

If a leave request is not completed and submitted to WorkPac by the end of the FTM's first day back at work, then the period of absence may be considered uncertified leave and an FTM may not be paid for the absence. Repeated uncertified leave absences may be deemed unacceptable attendance in accordance with section 5.9 of this procedure.

5.6 Deduction and Payment of Personal/Carer's Leave

An FTM's personal/carers leave balance will be deducted in line with the provisions of the relevant Industrial Instrument.

An FTM who takes personal/carers leave will be paid at their hourly rate of pay for the ordinary hours not worked. The ordinary hours are as defined in the relevant Industrial Instrument.

Casual FTMs are not entitled to paid personal/carers leave.

5.7 Cashing Out Personal/Carer's Leave

FTMs do not have the option to apply to cash out personal/carers leave, unless the Industrial Instrument expressly provides for it, in which case the FTM must comply with the provisions of the Industrial Instrument to apply to cash out personal/carers leave.

If the Industrial Instrument allows for personal/carer's leave to be cashed out, an FTM must submit a written request to their WorkPac Representative to cash out personal/carer's leave, or by submitting a *CMW Request to Cash Out Personal Leave (Coal)* (for FTMs engaged under the *WorkPac Coal Mining Agreement 2019*).

The FTM's WorkPac Representative will consider the request and determine whether the FTM is eligible to cash out the requested portion of personal/carer's leave in line with the terms of the Industrial Instrument. The WorkPac Representative will then inform the FTM whether their request is approved.

5.8 Unpaid Carer's Leave

Provided all conditions for taking carer's leave are satisfied, casual FTMs, or permanent FTMs who have exhausted their entitlement to paid carer's leave, are entitled to up to two (2) days' unpaid carer's leave on each occasion an immediate family or household member requires care or support because of a personal illness, personal injury, or unexpected emergency affecting the member.

An FTM's application for unpaid carer's leave must be made by completing the *FTM/CMW Absence Notification Form*. The FTM may be requested to provide supporting documentation in support of the absence to WorkPac's reasonable satisfaction that the absence from work was for a reason/s set out in the NES (i.e. a medical certificate for the family or household member).

5.9 Managing Attendance

The attendance records of all FTMs may be reviewed by WorkPac on a regular basis.

If an FTM has exhausted their allocated personal leave entitlements, as provided by the relevant Industrial Instrument, in a 12-month period, the WorkPac Representative may conduct a review regarding their attendance. The purpose of this review is to assist WorkPac to understand the reason for the absences; the effect it may have on an FTM's capacity to perform the job or its effect on others; the likelihood of a further request (for example, for a period of medical treatment) and whether additional support from WorkPac may be required.

Where an FTM's attendance appears to be unacceptable, the FTM's WorkPac Representative may also initiate a review. Examples of "Unacceptable Attendance" may include but are not limited to the following:

- Repeated absences in a consistent pattern;
- Absences immediately prior to or following weekends, public holidays, long service leave or annual leave without supporting documentation;
- Absences in excess of two (2) days without supporting documentation;
- Continual lateness in attending work or work organised activities, including but not limited to training, toolbox meetings and offsite activities;
- Failure to notify the FTM's WorkPac Representative and Client Representative of absences or lateness to work;
- Leaving work early without authorisation; or
- Failure to provide documentation when requested.

Following a review, the FTM's WorkPac Representative may determine that the FTM's absenteeism is for genuine reasons and therefore the review does not need to be progressed any further. Supporting documentation will be taken into account when an FTM's attendance history is reviewed.

If, following a review, the WorkPac Representative determines that the FTM's attendance is unacceptable, it will be dealt with in accordance with WorkPac's *Managing Performance and Misconduct Procedure – FTMs* (a copy of which can be made available from the FTM's WorkPac Representative).

6. COMPASSIONATE LEAVE

An FTM is entitled to up to two (2) days' compassionate leave on each occasion that:

- A member of the FTM's immediate family or household:
 - Contracts or develops a personal illness that poses a serious threat to their life;
 - Sustains a personal injury that poses a serious threat to their life; or
 - Dies; or
- A child that would have been a member of the FTM's immediately family or household is stillborn; or
- The employee, or a spouse or de facto partner of the employee, has a miscarriage.

An FTM is entitled to compassionate leave if the leave is taken:

- For the purpose of spending time with the FTM's immediate family or household member in the circumstances provided immediately above; or
- After the death of the member of the FTM's immediate family or household or the stillbirth of the child referred to above; or
- After the FTM, or the FTM's spouse or de facto partner, has a miscarriage referred to above.

Compassionate leave is paid leave for permanent FTMs only. Compassionate leave is unpaid for casual FTMs.

6.1 Notification and Evidence Requirements

An FTM is required to give WorkPac any evidence that WorkPac reasonably requires of the illness, injury or death. For example, appropriate evidence may include a death certificate, a medical certificate confirming the illness/injury of the family or household member, or a statutory declaration.

An *FTM/CMW Absence Notification Form* must be completed by the FTM and submitted to WorkPac, along with the applicable evidence, as soon as practicable and by no later than the end of the FTM's first day back at work following the absence.

6.2 Payment of Compassionate Leave

A permanent FTM who takes compassionate leave will be entitled to payment at the rate at which the FTM would reasonably have expected to have been paid had the FTM worked for that period of compassionate leave, up to a maximum of two (2) days per occasion.

7. COMMUNITY SERVICE LEAVE

7.1 Planning Community Service Leave

An FTM (including a casual FTM) is entitled to be absent from work for the purpose of performing an eligible community service activity. An eligible community service activity includes:

- Jury service; or
- A voluntary emergency management activity; or
- Australian Defence Force Reserve Service Leave.

An FTM must advise their WorkPac Representative as soon as they become aware of the community service activity they are required to perform. An FTM's absence will not be covered by this leave unless they comply with the notice and evidence requirements in section 7.5.

The WorkPac Representative will review the request and liaise with relevant internal departments in relation to its eligibility and feasibility per current business requirements.

Payment for Community Service Leave, inclusive of Jury Duty, will be in accordance with the relevant State legislation in circumstances where the notification and evidence requirements prescribed by this section are satisfied.

7.2 Jury Service

Permanent FTMs may be eligible for payment from WorkPac for a period of leave for jury service in accordance with State Legislation.

To be eligible for payment from WorkPac for jury service, the FTM must give evidence:

- That they have taken all necessary steps to obtain any jury service pay they are entitled to receive from the Court; and
- Of the total amount of jury service pay that has been paid, or is payable, to the FTM by the Court for the period of jury service (including evidence if the amount payable is \$0.00).

On receipt of the above evidence, a full-time or part-time FTM that is absent from their employment because of jury service will be eligible to be paid their base rate of pay for their ordinary hours of work for the first ten (10) days of their absence. The amount payable to the FTM will be reduced by the total amount of jury service pay that has been paid, or is payable, to the FTM by the Court.

7.3 Voluntary Emergency Management Activity

A voluntary emergency management activity includes circumstances where:

- The FTM engages in an activity that involves dealing with an emergency or natural disaster;
- The FTM engages in the activity voluntarily;
- The FTM is a member of, or has a member-like association with, a recognised emergency management body (as defined in The Act); and
- The FTM was requested by the body to engage in the activity or a request to engage in the activity was not made but it is reasonable to expect that such a request would have been made if the circumstances permitted.

7.4 Australian Defence Force Reserve Service Leave

WorkPac recognises its legal obligation to release and not prevent or hinder an FTM Reservist from undertaking various Defence Service obligations, including training activities and/or deployment.

An FTM Reservist must notify WorkPac immediately after they become aware that they are required to be absent from work for the purposes of Defence Service, including advising the start and end dates of the period for which they will be absent.

7.5 Applying for Community Service Leave

FTMs must complete the *FTM/CMW Absence Notification Form* and submit it to their WorkPac Representative for consideration and approval.

An FTM must submit the *FTM/CMW Absence Notification Form* as soon as they become aware that they will need to be absent for a community service activity or Defence Force Reserve service. The application must be accompanied by relevant supporting documentation, such as the summons for jury service or documentation from the Australian Defence Force confirming the FTM's required attendance.

8. PARENTAL LEAVE

An FTM's eligibility for parental leave and the process for taking parental leave is provided for in the WorkPac's *Parental Leave and Return to Work Procedure - FTMs*, a copy of which is available on the WorkPac website or upon request from a WorkPac Representative or local WorkPac Business Centre.

9. LONG SERVICE LEAVE

An FTM's eligibility for long service leave and relevant entitlements are as specified in the relevant state-based Long Service Leave Legislation.

An FTM must complete the *FTM/CMW Absence Notification Form* and submit it to their WorkPac Representative for consideration and approval for any request to take long service leave. WorkPac will consider the request for long service leave in line with WorkPac's operational and commercial requirements.

10. FAMILY AND DOMESTIC VIOLENCE LEAVE

Eligibility for Family and Domestic Violence Leave and the process for this leave is dealt with in the WorkPac's *Family and Domestic Violence Policy and Procedure - FTMs*.

11. LEAVE WITHOUT PAY/UNPAID LEAVE

Generally, and subject to the FTM's Industrial Instrument, leave without pay or unpaid leave will not be available for approval until all accrued annual leave entitlements have been exhausted (excluding parental leave, Community Service leave and Australian Defence Force Reserve service leave, where applicable).

Leave without pay or unpaid leave is approved at the discretion of WorkPac and only in circumstances where an FTM finds it necessary to be absent from work but has exhausted all their accrued paid annual leave entitlements.

11.1 Applying for Leave without Pay/Unpaid Leave

FTMs must complete the *FTM/CMW Absence Notification Form* and submit it to their WorkPac Representative for consideration and approval.

The FTM must submit any application for leave without pay unpaid leave as soon as practicable. Unpaid leave applications must be accompanied by supporting documentation as reasonably required, that confirms the FTM's absence is for the reason(s) specified.

11.2 Approval of Leave without Pay/Unpaid Leave Requests

Approval of requests for leave without pay/unpaid leaves remain at the discretion of WorkPac.

12. ABSENT WITHOUT LEAVE (AWOL)

An FTM who has not met the notification and evidence requirements for any type of leave, will be marked as absent without leave (AWOL) until the leave type has been determined, supporting documentation supplied and/or relevant authorisation issued.

Leave marked as AWOL will not be paid, unless specified in the FTM's Industrial Instrument.

12.1 Abandonment of Employment

Where an FTM has been marked as AWOL and has failed to make contact with their WorkPac Representative, the FTM may be deemed as having abandoned their employment. This will be managed pursuant to the relevant provisions in the Industrial Instrument and the WorkPac's *Abandonment of Employment Procedure - FTMs*.

13. EXTENDED PERIODS OF LEAVE

Where an FTM has been absent from work on unpaid leave for a period of at least three (3) calendar months, the Employer may terminate the FTM's employment, pursuant to the provisions of the Industrial Instrument, the Act and the Regulations (as amended from time to time).

14. DOCUMENTS THAT RELATE TO THIS PROCEDURE

- FTM/CMW Absence Notification Form
- CMW Request to Cash Out Annual Leave (Coal)
- CMW Request to Cash Out Personal Leave (Coal)
- Parental Leave and Return to Work Procedure - FTMs
- Family and Domestic Violence Policy and Procedure - FTMs
- Managing Performance and Misconduct Procedure - FTMs
- Abandonment of Employment Procedure - FTMs