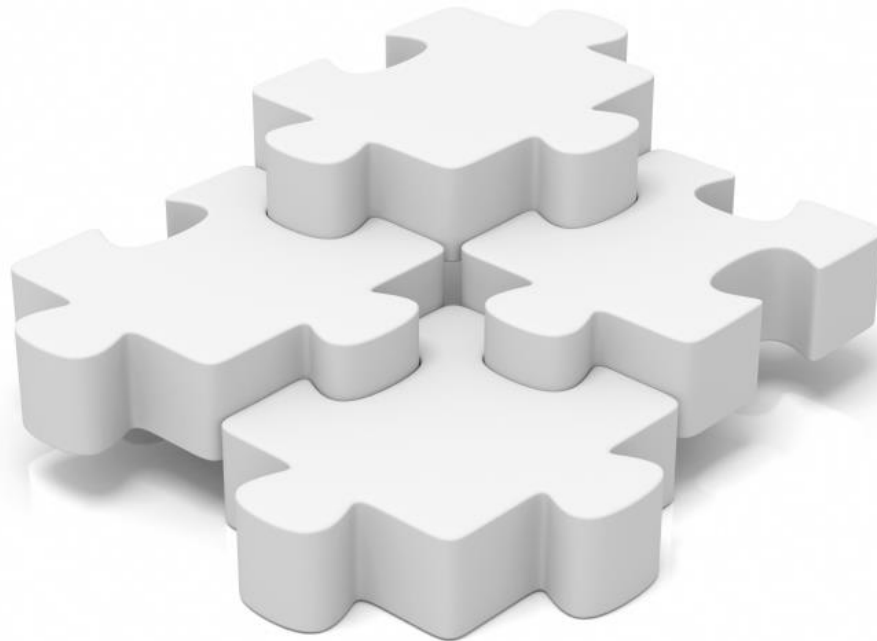




The WorkPac System

FTM Leave Procedure - Coal



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I. 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. The 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 provisions of the *WorkPac Coal Mining Agreement 2019*. For the avoidance of doubt, to the extent of any inconsistency between the Procedure and the *WorkPac Coal Mining Agreement 2019*, the provisions of the *WorkPac Coal Mining Agreement 2019* will prevail.

If you have any queries about the application of this procedure, please your WorkPac Representative or local WorkPac Business Centre.

2. SCOPE

This procedure applies to all FTMs employed by WorkPac and any of its related entities who are employed pursuant to the *WorkPac Coal Mining Agreement 2019*. For the avoidance of doubt, this includes all FTMs of WorkPac assigned to a Client of WorkPac's on a permanent basis. **The Procedure does not apply to casual FTMs.**

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 a Field Team Member. A FTM is a FTM of WorkPac, other than a casual FTM, who is employed under the <i>WorkPac Coal Mining Agreement 2019</i> . This includes WorkPac FTMs who are 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 <i>WorkPac Coal Mining Agreement 2019</i> .
Leave Request Form	Means the <i>CMW Leave Request Form</i> .
Modern Award	Means the <i>Black Coal Mining Industry Award 2010</i> , as amended from time to time.
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.
Shiftworker	A FTM will be classified as a Shiftworker in circumstances where they work a seven (7) day roster or a roster which requires ordinary shifts on public holidays and not less than 272 ordinary hours per year worked on Sundays.
WorkPac	Means WorkPac Pty Ltd and WorkPac Mining Pty Ltd.

WorkPac Representative

Means the FTM's direct WorkPac contact. This may include their Recruitment Coordinator, the WorkPac Site Account Manager or another WorkPac representative at the local WorkPac Business Centre.

4. ANNUAL LEAVE

A FTM's entitlement to Annual Leave is provided for by the Act and the Industrial Instrument.

4.1 Accrual of Annual Leave

A FTM will accrue Annual Leave during their employment.

A Full-Time FTM's total entitlement to Annual Leave per annum will be:

Roster	Annual Leave Entitlement - (Full Time Equivalent)
Shiftworker	210 ordinary hours per annum
All other FTMs	175 ordinary hours per annum

Part-time FTMs will accrue a pro-rata amount of the prescribed annual leave, depending on how many hours they work.

Annual leave is cumulative from year to year. Annual leave balances will be displayed on a FTM's payslip.

4.2 Applying for Annual Leave

A FTM must complete the *Leave Request Form* and submit it to their WorkPac Representative for consideration and approval.

A 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 the WorkPac Representative. A Leave Request Form that is not received within four (4) weeks of the requested leave dates may not be approved.

4.3 Approval of Annual Leave Requests

A FTM's application for annual leave will not be unreasonably refused; however, WorkPac may refuse an application for annual leave if the absence would adversely effect its commercial or operational requirements.

In circumstances where a FTM's application for leave is refused, WorkPac will communicate this refusal and the basis for the refusal to the FTM and the FTM will be expected to attend work on the requested dates.

4.4 Amount of Annual Leave to be Taken

Unless otherwise agreed between the FTM and their WorkPac Representative, annual leave must be taken in blocks of not less than 35 hours.

4.5 Payment of Annual Leave

While on annual leave, a FTM will be paid at the rate of pay the FTM was receiving for ordinary hours worked immediately prior to the commencement of the period of annual leave.

4.6 Receiving Annual Leave Pay

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

4.7 Cashing out Annual Leave

A FTM may request to cash out a portion of their annual leave accrual where the FTM has more than one (1) years' worth of accrued annual leave (i.e. 175 hours or 210 hours dependent on the FTM's roster). The FTM must have a minimum of one (1) years' annual leave accrual (i.e. the amount specified in clause 4.1) remaining after the cash out.

FTMs can request to cash out personal leave by completing *CMW Request to Cash Out Annual Leave* and submitting the form to their WorkPac Representative in writing.

The *CMW Request to Cash Out Annual Leave* is available on the WorkPac website or upon request from a WorkPac Representative or local WorkPac Business Centre.

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 as per the terms of the Industrial Instrument and inform the FTM whether their request is approved.

4.8 Altering or Cancelling Annual Leave

If a 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 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 Leave Request Form with the amended leave dates for consideration by WorkPac.

4.9 Managing Excessive Annual Leave Accruals

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

In circumstances where a FTM has accrued more than 350 hours (10 weeks) paid annual leave or 420 hours (12 weeks) paid annual leave for Shiftworker, the FTM's WorkPac Representative will liaise with the FTM to agree on a way to reduce the FTM's leave balance. This may include arranging a time for the FTM to take annual leave in accordance with this procedure, or approving for the FTM to cash out leave under the Industrial Instrument.

If WorkPac and the FTM cannot reach an agreement to reduce the FTM's leave balance, WorkPac may direct the FTM to take leave in line with the provisions in the Modern Award.

4.10 Illness during Annual Leave

If a FTM becomes ill or sustains an injury during their period of annual leave, the FTM may apply for personal leave for the relevant 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.

4.11 Payment on Termination

Accrued annual leave will be paid out on termination of a FTM's employment. Generally, unless otherwise specified, annual leave will be paid as if worked.

5. PERSONAL/ CARERS LEAVE

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

A full-time FTM's total entitlement to personal/ carer's leave will be 105 hours, which is inclusive of the FTM's entitlement under the NES.

A part-time FTM will be eligible to receive a pro-rata amount of the prescribed personal/ carer's leave entitlement, depending on how many hours they work.

Personal leave is cumulative from year to year.

Leave balances will not be displayed on a FTM's payslip however, a FTM may forward requests for current leave balances to either their WorkPac Representative or their local WorkPac Business Centre.

5.1 Accrual of Personal / Carer's Leave

A FTM will be credited with their annual entitlement to personal/ carer's leave (i.e. 105 hours) at the commencement of their employment and on each anniversary of commencement thereafter.

Personal/ carer's leave that is not taken by the FTM will accumulate year to year, however, is not payable upon termination of employment.

5.2 Access to Personal/ Carer's Leave

Personal/ carer's leave is available where a FTM is unable to attend work:

- Because the FTM is not fit for work due to a personal illness or injury effecting 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 effecting the member; or
 - An unexpected emergency affecting the member (**Carer's Leave**).

5.3 Notification of Personal or Compassionate Leave

If the 'Direct Health Service' ('DHS') line has been implemented and 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 DHS line and there is no site specific absence notification procedure in place, then the following will apply.

- i. A FTM must notify their relevant client supervisor by telephone call (unless there are previously agreed alternative arrangements in place for absence notification procedures) prior to the start of an expected personal/ carer's leave absence. The FTM must advise the reason for their absence and provide an estimate of the duration of the absence;
- ii. A FTM must also notify their WorkPac Representative immediately after notifying the client representative. A 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
- iii. A FTM must give the client representative and their WorkPac Representative notice of an absence **prior to their rostered shift start time**. If a 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 by telephone call (unless there are previously agreed alternative arrangements in place for absence notification procedures), at the first available

opportunity. A FTM must also explain why they were unable to notify of the absence prior to their shift time, why they are absent and when they expect to return.

During prolonged absences, a 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 absences and provide an updated estimate of the absence duration. A FTM must continue to provide the appropriate documentation in support of their ongoing absence.

5.4 Evidence Requirements

If requested, a FTM must provide a medical certificate or other such evidence as will provide to 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 a FTM in the following circumstances:

- Where a FTM is absent for more than two (2) consecutive days;
- Where a 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 a FTM is absent on a public holiday they were required to work; or
- Where a 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.

Other evidence (as referenced above) which may be accepted includes but is not limited to:

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

5.5 Leave Application Forms

Any absence will require the completion of a *Leave Request Form* in order to process the deduction from a FTM's personal/ carer's leave balance.

The *Leave Request Form* must be completed by a FTM and presented for approval to the WorkPac Representative with supporting documentation immediately upon a FTM's return to work.

If a *Leave Request Form* is not completed and submitted to WorkPac by the end of the FTM's first day back at work, along with the relevant evidence (if applicable), then the period of absence may be considered uncertified leave and a FTM may not be paid for the absence. Repeated uncertified leave absences may be deemed unacceptable attendance in accordance with section 4.9 of this procedure.

5.6 Payment of Personal / Carer's Leave

A FTM who takes personal/ carer's 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.

5.7 Deduction of Personal / Carer's Leave

A FTM's personal/ carer's leave will be deducted in line with the provisions of the Industrial Instrument as follows:

- i. Where the absence is for fewer than half the ordinary hours of the relevant shift - no deduction to the FTM's personal/ carer's leave balance will be made; or

- ii. In all other cases - the full ordinary hours component of the shift will be deducted from the FTM's personal/ carer's leave balance.

5.8 Cashing Out Personal / Carer's Leave

WorkPac will agree to a FTM's request to have their personal/ carer's Leave paid out in the following circumstances:

- i. The FTM retains a balance of more than 210 hours of untaken paid personal/ carer's leave; and
- ii. The FTM's request to cash out a portion of their personal/ carer's leave is in writing to their WorkPac Representative and has been approved.

Where the circumstances above are satisfied, a FTM will be entitled to cash out up to:

- i. 25 hours of personal/ carer's leave after the second anniversary of their employment with WorkPac; and
- ii. 50 hours of personal/ carer's leave per year for every anniversary of their employment with WorkPac thereafter.

FTMs can request to cash out personal leave by completing *CMW Request to Cash Out Personal Leave* and submitting the form to their WorkPac Representative in writing.

The *CMW Request to Cash Out Personal Leave* is available on the WorkPac website or upon request from a WorkPac Representative or local WorkPac Business Centre.

The FTM's WorkPac Representative will consider the request and determine whether the FTM is eligible to cash out the requested portion of personal leave as per the terms of the Industrial Instrument and inform the FTM whether their request is approved.

Once approved, the cashed out personal/ carer's leave will be paid to the FTM at the rate of pay the FTM would have received had the FTM taken the leave.

For the avoidance of doubt, nothing prevents WorkPac, at its discretion, from approving the cashing out of additional personal/ carer's leave, providing that a minimum balance is maintained in accordance with the Act.

5.9 Unpaid Carer's Leave

Provided all conditions for taking carer's leave are satisfied, a FTM who has exhausted their entitlement to paid carer's leave, is 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 effecting the family member.

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

5.10 Managing Attendance

The attendance records of all FTMs may be reviewed by WorkPac.

If a FTM has exhausted their allocated personal/ carer's leave entitlements, as provided by the Industrial Instrument, in a twelve (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 a 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 a FTM's attendance, on review, 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 leave documentation when requested.

Following a review, a 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 a FTM's attendance history is reviewed.

If, following a review, the WorkPac Representative determines that a FTM's attendance is unacceptable; it will be dealt with in accordance with WorkPac's *Managing Performance and Misconduct Procedure - FTMs*.

The *Managing Performance and Misconduct Procedure - FTMs* is available to a FTM on the WorkPac website, from their WorkPac Representative or local WorkPac Business Centre.

6. COMPASSIONATE LEAVE

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

- i. A member of the employee's immediate family or household:
 - a) Contracts or develops a personal illness that poses a serious threat to their life;
 - b) Sustains a personal injury that poses a serious threat to their life; or
 - c) Dies; or
- ii. A child that would have been a member of the employee's immediately family or household is stillborn.

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

- i. For the purpose of spending time with the employee's immediate family member or household in the circumstances provided immediately above; or
- ii. After the death of the member of the employee's immediate family or household or the stillbirth of the child referred to in clause 6 (b) above.

6.1 Notification and Evidence Requirements

A FTM will be 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.

A *Leave Request 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 on Site following the absence.

6.2 Payment of Compassionate Leave

A 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

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

- Jury service; and
- A voluntary emergency management activity.

A FTM must advise their WorkPac Representative as soon as they become aware of the community service activity they are required to perform. A FTM's absence will not be covered by this leave unless they comply with the notice and evidence requirements in section 7.3.

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

Community service leave is unpaid, with the exception of jury service.

7.1 Jury Service

Permanent FTMs may be eligible for payment from the Company for a period of leave for jury service.

To be eligible for payment from the Company for jury service, the FTM must give the Company 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.

7.2 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; and
- The FTM engages in the activity voluntarily; and
- 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.

7.3 Australian Defence Force Reserve Service Leave

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

A 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.

7.4 Applying for Community Service or Defence Leave

FTM's must complete the *Leave Request Form* and submit it to their WorkPac Representative for consideration and approval.

A FTM must submit the *Leave Request 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 duty or documentation from the Australian Defence Force confirming the FTM's required attendance.

8. PARENTAL LEAVE

A FTM's eligibility for parental leave and the process for taking parental leave is provided in the *WorkPac Parental Leave and Return to Work Procedure - FTMs*.

The *WorkPac Parental Leave and Return to Work Procedure - FTMs* is available on the WorkPac website or upon request from a WorkPac Representative or local WorkPac Business Centre.

9. LONG SERVICE LEAVE

A FTM's eligibility for long service leave and relevant entitlements are as specified in the relevant state-based and/or industry specific long service leave legislation.

A FTM must complete the *Leave Request 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.

A FTM must submit any application for long service leave no less than four (4) weeks in advance of the proposed commencement date of the long service leave. A *Leave Request Form* that is not received within four (4) weeks of the requested leave dates may not be approved.

10. FAMILY AND DOMESTIC VIOLENCE LEAVE

A FTM is eligible for unpaid family and domestic violence leave if they:

- a) Are experiencing family and domestic violence;
- b) Need to take action to deal with the impact of the family and domestic violence; and
- c) It is impractical for such action to be taken outside of the FTM's ordinary working hours.

Further eligibility for family and domestic violence leave is outlined in the Act.

A FTM is entitled to five (5) days of unpaid family and domestic violence leave in a twelve (12) month period. Domestic violence leave is available on the commencement of employment and every anniversary thereafter and does not accumulate year to year. Family and domestic violence leave may be taken in a single continuous period, or separate periods.

10.1 Applying for Family and Domestic Violence Leave

FTMs must complete the *Leave Request Form* and submit it to their WorkPac Representative for consideration and approval. The *Leave Request Form* must state the period (or expected period) of the leave. A FTM must submit an application for family and domestic violence leave to their WorkPac Representative as soon as practicable.

FTMs applying for family and domestic violence leave must provide their WorkPac Representative with supporting evidence that would satisfy a reasonable person that the leave is for the reason(s) specified in the Act.

11. LEAVE WITHOUT PAY/UNPAID LEAVE

Generally, and subject to the Industrial Instrument, leave without pay or unpaid leave will not be available for approval until all accrued paid annual leave entitlements have been exhausted (excluding unpaid leave that is taken for the purposes of 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 a 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 *Leave Request Form* and submit it to their WorkPac Representative for consideration and approval.

A 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.

11.2 Approval of Leave without Pay / Unpaid Leave Requests

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

12. ABSENT WITHOUT LEAVE (AWOL)

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

Leave classified as AWOL will not be paid, unless otherwise specified in the Industrial Instrument

12.1 Abandonment of Employment

Where a FTM has been absent for a continuous period of three (3) rostered working days without:

- a) The consent of WorkPac; or
- b) A reason acceptable to WorkPac; or
- c) Notification to WorkPac;

such conduct may be regarded as prima facie evidence that the FTM has abandoned their employment and will be managed in accordance with the *Abandonment of Employment Procedure - FTMs*.

13. EXTENDED PERIODS OF LEAVE

Where a 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

- CMW Leave Request Form (Coal Only)
- CMW Request to Cash Out Annual Leave (Coal Only)
- CMW Request to Cash Out Personal Leave (Coal Only)
- Parental Leave and Return to Work Procedure - FTMs
- Managing Performance and Misconduct Procedure - FTMs
- Abandonment of Employment Procedure - FTMs

15. EMPLOYEES REFERENCED IN THIS PROCEDURE

- Full-Time Employees
- WorkPac Representative
- Site Manager