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## APPLICABILITY TABLE

**X**

indicates the businesses, within the division, to which this document applies.

Australian Vinyls / ModWood	<input checked="" type="checkbox"/>	Kleenheat	<input checked="" type="checkbox"/>	WesCEF Shared Services	<input checked="" type="checkbox"/>
Ammonia / Ammonium Nitrate	<input checked="" type="checkbox"/>	Sodium Cyanide	<input checked="" type="checkbox"/>	CSBP Fertilisers	<input checked="" type="checkbox"/>
				Decipher	<input checked="" type="checkbox"/>

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## 1 PURPOSE

Wesfarmers Chemicals, Energy & Fertilisers (WesCEF) recognises the valuable role all parents play in the community and is committed to creating a workplace that is diverse and inclusive by supporting all employees to meet parental responsibilities.

The purpose of this policy is to outline employee entitlements to parental leave including time away from work, financial support and workplace practices to ensure employees can devote time to their children and encourage a successful return to work within WesCEF.

## 2 SCOPE

This policy applies to all employees of the WesCEF Division which includes all business units and departments.

The entitlements in this policy apply to all employees including single parents, same sex couples, employees becoming parents by surrogacy or adoption and employees who experience stillbirth.

## 3 RESPONSIBILITIES

### 3.1 Managers

- Read this policy and comply with leave approval processes.
- Maintain contact with employees on Parental Leave to continue the relationship and keep the employee in touch with work.
- Coordinate and facilitate the employee's return to work.

### 3.2 Employees

- Read this policy and comply with leave application processes.
- Notify their manager, as soon as practicable for them, of their intention to take leave and also for their return to work.
- Complete and submit all required paperwork.

## 4 DEFINITIONS

### **Unpaid Leave**

Refers to the entitlement to unpaid parental leave as per the Fair Work Act National Employment Standards (NES) taken by an employee who has met the eligibility requirements, as a Caregiver, in connection with the birth (including birth via surrogacy) or adoption of a child under 16 years of age.

### **Paid Leave**

Refers to the paid leave entitlement provided by WesCEF.

### **Caregiver**

An employee who has or will have a responsibility for the care of the child.

### **Employee Couple**

Where two employees (not necessarily of the same business unit) are in a spousal or de-facto relationship and are eligible to take Parental Leave.

### **Permanent Employee**

A full time or part time employee on a permanent contract of employment.

## Primary caregiver

Parent with primary responsibility for the care of the child who may be a birthing or non-birthing parent.

## Non-primary caregiver

The partner of the primary care giver and/or the child's other legal parent.

## Spouse

Includes de facto partnerships and same-sex partners.

## 5 SUMMARY OF ENTITLEMENTS

The below table summarises the entitlements available to WesCEF employees. For further information on eligibility please refer to the relevant sections below.

Entitlements	Eligibility	Primary Caregiver	Non-Primary Caregiver	Changing status from Non-Primary to Primary Caregiver	Relevant policy clause
Unpaid leave	Full-time or part-time employees with 12 months service at time of leave or, long term casuals who have been employed on a regular and systematic basis for a minimum of 12 months.	Up to 52 weeks	Up to 8 weeks	Up to 52 weeks	6
Paid leave	Permanent full-time or part-time employees with 12 months service at the time of leave.	16 weeks	2 weeks	8-16 weeks*	7
Superannuation	Permanent full-time or part-time employees with 12 months service at the time of leave.	Paid on unpaid leave capped at 8 months'	Not applicable	Paid on unpaid leave capped at 8 months'	8

\*Amount of leave available to employees is subject to the circumstances described in 7.7.

## **6 UNPAID LEAVE ENTITLEMENTS UNDER THE FAIR WORK ACT**

- 6.1 An employee is entitled to 12 months (52 weeks) of unpaid parental leave if the employee has or will have responsibility for the care of the child as a result of:
- 6.1.1 The birth of a child of the employee or the employee's spouse or de facto partner; or
  - 6.1.2 The placement of a child for adoption who is under the age of 16;
- 6.2 To be eligible for unpaid parental leave an employee must:
- 6.2.1 Be a full-time or part-time employee who has or will have, completed at least 12 months continuous service with WesCEF at the date the leave commences; or
  - 6.2.2 Be a long term casual who has been employed on a regular and systematic basis for a minimum of 12 months with WesCEF before the date the leave commences and there is a reasonable expectation of continuing employment on a regular and systematic basis.
- 6.3 Leave can commence on:
- 6.3.1 The date of birth, or the expected date of birth, of the child; or
  - 6.3.2 For a pregnant employee, up to 6 weeks or earlier before the expected date of birth; or
  - 6.3.3 For adoptions, the day of placement, or the expected day of placement, of the child; or
  - 6.3.4 A date within 12 months of the birth or placement of the child; or
  - 6.3.5 For a member of an employee couple who both intend to take unpaid leave, the date on which the employee's leave is to start and their partner has ceased unpaid parental leave.
- 6.4 An employee can take any accrued annual leave, lifestyle leave and/or long service leave at the same time as their Parental Leave. Any paid leave taken does not extend the total absence beyond 52 weeks.
- 6.5 An Employee Couple may choose to share the period of Parental Leave, as outlined in clause 6.1, subject to the following:
- 6.5.1 There can only be one employee on parental leave at any one time, except for a concurrent leave of up to 8 weeks which can be taken in separate minimum periods of not less than 2 weeks.
  - 6.5.2 Each employee must take the leave in a single continuous period except for concurrent leave.
- 6.6 An employee accessing adoption leave may take up to two days of unpaid pre-adoption leave to attend any interviews or examinations required to obtain approval for the adoption.
- 6.7 A pregnant employee can attend a reasonable number of medical appointments concerning their pregnancy during work hours with prior approval from their manager.
- 6.8 Parental Leave will not affect the continuity of service however any period of unpaid Parental Leave will not be counted as service to calculate service-related entitlements.
- ## **7 WESCEF PAID LEAVE ENTITLEMENT**
- 7.1 To be eligible for WesCEF Paid Parental Leave an employee must be a permanent full-time or part-time employee (not on a fixed term or casual contract), and has or will have, completed 12 months' service at the time of taking the leave.

- 7.2 The amount of leave an employee will be eligible for will be dependent on their caregiver status.
- 7.3 An employee cannot take parental leave concurrently with their partner, except non-primary caregiver leave and concurrent unpaid leave of up to 8 weeks.
- 7.4 Paid primary caregiver leave can be taken as a lump sum payment, or as weeks of leave at full or half pay. Lump sum payments of leave will be paid at the employee's base rate of pay. Employer super contributions will be made on paid leave including lump sum payments.
- 7.5 Employees can take annual leave, unpaid leave, lifestyle leave and/or long service leave in addition to WesCEF Paid Leave entitlements.

## 7.6 Primary Caregiver Leave

Employees who will be the primary caregiver within the first 12 months of the child's birth or placement are entitled to 16 weeks of paid parental leave. Leave is normally taken in one single block but can be taken in shorter periods subject to approval from the employee's manager.

The amount of leave paid to an employee cannot exceed the amount of leave taken, e.g. to receive 16 weeks of paid leave the employee must take a minimum of 16 weeks leave.

It is the intention of this policy that the maximum parental leave payment to members of an employee couple will be 16 weeks (excluding paid non-primary caregivers leave), however, the leave can be shared amongst both members.

Employees may be required to provide evidence that they are or will be the primary caregiver.

## 7.7 Non-primary Caregiver Leave

An employee who is a non-primary caregiver will be entitled to 2 weeks of paid non-primary caregiver leave. The leave will normally be taken in one single block of leave, unless agreed otherwise with the employee's manager, and can be taken at any time within the first 12 months of the child's birth or placement.

## 7.8 Change of Carer Status

Where an employee who was initially the non-primary caregiver is to become the primary carer for the child within the first 12 months from the child's birth or placement, they may apply for primary caregiver leave. Where paid non-primary caregiver leave has previously been accessed, the amount of primary caregiver leave will be reduced by the period of leave already paid.

Further, where the original primary caregiver (a WesCEF employee's partner who works externally to WesCEF) has received paid parental leave from their employer, the employee will be eligible for up to 8 weeks of paid parental leave less any non-primary caregiver leave already taken under this policy. Where the original primary caregiver has not received any employer paid parental leave entitlement, the employee will be eligible for up to 16 weeks of paid primary caregiver leave. For members of an employee couple, the amount of leave available will be dependent on the paid leave already accessed.

For an employee to access paid leave under this clause, the employee's partner must have returned to work and no longer be on a period of paid or unpaid parental leave.

In the event a non-primary caregiver's status changes to a primary caregiver, the employee may be required to provide proof of a primary caregiver status. This may require the employee to provide a statutory declaration confirming their change in status from non-primary caregiver to primary

caregiver and a letter from the employee's partner's employer confirming their return to work and stating the entitlements already received.

## 7.9 Flexible working arrangements & part time primary caregiver status

Subject to approval by the employee's manager, an eligible employee can request to access the primary caregiver leave under clause 7.8 flexibly on a part-time basis. For example, where an employee's partner who was the original primary caregiver is returning to work on a part-time basis, the employee may be the primary caregiver for the time that their partner is at work. The employee could apply for primary caregiver leave for the portion of the week their partner is at work.

Example:

*Employee A took 2 weeks of non-primary caregiver leave after the birth of their child. Before the first birthday of their child, Employee A's partner was going to return to work at 0.6 FTE after being the primary caregiver. As a result, Employee A would take on primary caregiver responsibility for 0.6 FTE of the week whilst their partner returned to work with their employer.*

*Employee A has sought approval to take primary caregiver leave pro-rated at 0.6FTE less any leave already taken as non-primary caregiver leave.*

*For the remainder of the week (0.4 FTE) Employee A has the following options:*

- 1. Apply for other paid leave, such as annual leave, long service leave or lifestyle leave; or*
- 2. Use unpaid leave; or*
- 3. Request an individual flexibility arrangement\* to work 0.4 FTE for the relevant period*

*\* Flexibility requests require approval from an employee's manager in consultation with HR taking into consideration business requirements, the practicality of the request and the impact it may have on the team and business as a whole.*

Due to the nature of WesCEF's operations access to part-time primary caregiver leave may not be possible and therefore requires specific approval. The leave applicable under 7.6, 7.7 and 7.8 does not require specific approval as long as eligibility and notice requirements are met.

Employees may be requested to provide evidence that they are providing part-time primary care, such as a letter from their partner's employer confirming the return to work details.

## 7.10 Subsequent period of paid parental leave

To access a subsequent period of paid parental leave the employee must have returned to work for a minimum of 3 months before the start of the next period of parental leave.

## 8 PAID SUPERANNUATION CONTRIBUTIONS ON UNPAID PARENTAL LEAVE

To be eligible for paid superannuation on unpaid parental leave, an employee must be a permanent full-time or part-time employee (not on a fixed term or casual contract), and has or will have, completed 12 months' service at the time of taking the leave.

Employer superannuation contributions will continue to be paid on periods of unpaid parental leave for primary caregivers up to a maximum of 8 months. The amount of superannuation payable cannot exceed the amount of unpaid leave taken e.g. if an employee is taking 6 months of unpaid parental leave they will be eligible for 6 months of superannuation payments.

Superannuation is calculated and paid based on the employee's current remuneration and pay cycle.

## **9 GOVERNMENT PROVIDED ENTITLEMENTS**

Employees may be eligible for government parental entitlements in addition to the entitlements under this policy. Please refer to [www.humanservices.gov.au](http://www.humanservices.gov.au) for information including eligibility and application processes. Accessing these benefits does not impact the ability of employees to access the WesCEF benefits discussed in this policy.

## **10 OTHER EMPLOYEE BENEFITS**

- 10.1 Employees on Parental Leave will continue to have existing entitlements to incentive programs (e.g. Short Term Incentive Plan) on a pro-rata basis based on the percentage of the period that the employee was not on paid or unpaid Parental Leave or lifestyle leave, subject to the terms and conditions of the incentive programs. Any other paid leave taken such as annual leave or long service leave will not impact the Short Term Incentive Plan calculation.
- 10.2 Employees on Parental Leave with existing entitlements to the Wesfarmers Employee Share Acquisition Plan (Tax Exempt or Tax Deferred) will remain eligible to receive share issues during their absence, subject to the terms and conditions of the plan.
- 10.3 Company property (e.g. vehicle, laptop, mobile) will be returned to WesCEF during the period of Parental Leave unless otherwise agreed by the manager.
- 10.4 Employees on Parental Leave will have their remuneration reviewed during the annual salary review process.

## **11 TRANSFER TO A SAFE JOB**

- 11.1 Where a medical practitioner has advised that a pregnant employee is fit for work however, their ordinary role is deemed unsafe for the employee to continue, WesCEF will endeavour to transfer the employee to an alternate role until the commencement of Parental Leave with no change to status or remuneration.
- 11.2 If no suitable alternative position is available, the employee is entitled to take the time off for this period until the commencement of Parental Leave at their base rate of pay for ordinary hours of work.
- 11.3 The employee may be requested to produce subsequent certification from a registered medical practitioner and/or be required to attend a review with the WesCEF Medical Centre's Occupational Physician.
- 11.4 Pregnant employees who work in operational roles or major hazard facilities may be required to attend regular reviews at the medical centre with the Occupational Physician.

## **12 SPECIAL MATERNITY LEAVE (UNPAID)**

- 12.1 In addition to, or in lieu of any paid sick leave entitlements, a pregnant employee who has not commenced Parental Leave may take special unpaid maternity leave under any of the following circumstances:



- 12.1.1 The pregnancy ends within 28 weeks of the expected date of birth otherwise than by the birth of a living child.
  - 12.1.2 The employee suffers illness related to the pregnancy.
  - 12.1.3 The employee is certified unfit for work by a registered medical practitioner during the period of pregnancy.
- 12.2 The period of special maternity leave will be as recommended by written certification from a registered medical practitioner.
- 12.3 The entitlement of 52 weeks unpaid Parental Leave, will not be reduced by the period of special maternity leave.

## **13 PARENTAL LEAVE FOR STILLBIRTH, PREMATURE BIRTH OR INFANT DEATH**

- 13.1 Employees who experience stillbirth can take up to 12 months of unpaid parental leave and have access to WesCEF's Paid Parental Leave.
- 13.2 After a stillbirth or death of a child (during the first 24 months of life), an employee cannot:
- be called back to work
  - have their unpaid or paid parental leave cancelled.
- 13.3 Employees can choose to return to work after experiencing a stillbirth or death of a child. If they decide to return to work after starting parental leave, 4 weeks' written notice must be provided before returning. If they haven't started leave, only written notice about their return to work is required. Employees and their manager can agree to the employee returning to work on an earlier date.
- 13.4 After experiencing a stillbirth or death of a child, an employee parent may be entitled to take compassionate leave while on unpaid parental leave.
- 13.5 Employees who experience premature births or other birth-related complications that result in their newborn having to stay in hospital or being hospitalised immediately after birth can agree with their manager to put their parental leave on hold. This means that while their newborn is hospitalised, parents can return to work and the period when they are back at work will not be deducted from their parental leave. The employee can then resume their parental leave at the earliest of:
- a time agreed with their manager
  - the end of the day when the newborn is discharged from the hospital or
  - if the newborn dies, the end of the day when the newborn dies.

## **14 FLEXIBLE PARENTAL LEAVE**

- 14.1 An employee can take up to 30 days of their 12 month unpaid parental leave flexibly up to their child's second birthday or the second anniversary of their adopted child's placement.
- 14.2 Flexible unpaid parental leave can be taken as:
- a single continuous period of 1 day or longer or
  - separate periods of 1 day or longer each.
- 14.3 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.

- 14.4 An employee can take flexible unpaid parental leave after taking 1 or more periods of continuous unpaid parental leave. The total of both periods can't be longer than 12 months.
- 14.5 An employee who wants to take flexible parental leave needs to seek approval from their manager:
- at the same time they give notice of their continuous parental leave; or
  - at least 10 weeks before the start of their flexible parental leave, if they're only taking flexible parental leave.
- 14.6 Notice can also be provided later if the employee's manager agrees.
- 14.7 An employee requesting flexible parental leave should provide the total number of days of flexible parental leave they intend to take (up to 30 days).
- 14.8 An employee must confirm their flexible parental leave dates with their manager at least 4 weeks before they start their flexible parental leave. If there have been any changes to the dates, the employee should tell their manager as soon as possible.
- 14.9 If an employee cannot give 4 weeks' notice, they need to give as much notice as possible.

## **15 EXTENSION OF PARENTAL LEAVE PERIOD**

- 15.1 An employee on Parental Leave may request for an extension of a further 52 weeks period of unpaid Parental Leave.
- 15.2 An employee wishing to extend their period of parental leave is required to submit a written request to their manager at least four weeks before the end of their current parental leave period.
- 15.3 WesCEF may refuse the request on reasonable business grounds.
- 15.4 Where an employee is requesting an extension of parental leave beyond the initial 52 weeks as provided for under the NES, the manager will consider the request in line with business operational requirements and respond, in writing to the employee no later than 21 days after the request is made. Managers are required to discuss the reason for refusal with Human Resources before responding in writing. Reasons for the refusal must be outlined in the letter.

## **16 REDUCTION OR CANCELLATION OF PARENTAL LEAVE**

- 16.1 An employee on Parental Leave may request to return to work earlier than the date requested, by agreement from their manager. The request must be made in writing to their manager.
- 16.2 A pregnant employee who has requested but not yet started Parental Leave and whose pregnancy ends by reason other than the birth of a living child, may give written notice to cancel the Parental Leave. WesCEF may also cancel the leave with written notice. The notice is to be given no later than the date the Parental Leave was due to commence.
- 16.3 An employee who has commenced Parental Leave, and no longer has caring responsibilities for a child due to the death of that child, is entitled to return to work on four weeks' written notice. If WesCEF wishes for the employee to return to work because the employee no longer has caring responsibilities for the child for any reason, a minimum of six week's written notice is required to be provided to the employee.

- 16.4 In the circumstances described in clause 14.2 and 14.3 above, an employee's eligibility to WesCEF's paid parental leave will be assessed on a case by case basis. WesCEF will consult with the employee on returning to work taking into consideration the employee's health and wellbeing during this time.
- 16.5 If an employee has been recruited to cover for the period of Parental Leave and that leave has been cancelled as per clause 14.2 or 14.3, it is the manager's responsibility to inform the replacement employee of their rights and obligations and manage the transition process (if any).
- 16.6 Any changes to the duration of an employee's Parental Leave must be notified to Human Resources along with the details of the return to work. Human Resources will confirm changes in writing to the employee.

## **17 KEEPING IN TOUCH**

- 17.1 Whilst an employee is on Parental Leave, the manager shall be responsible for keeping in regular contact with the employee and the employee is responsible for keeping abreast of important initiatives and changes in the workplace.
- 17.2 During the period of Parental Leave, unless under circumstances as specified in clause 15.5, an employee may be paid for work for up to 10 days without breaking the continuity of their parental period (i.e. deemed to have completed Parental Leave and returned to work). These work days are known as "keeping in touch days".
- 17.3 The work performed on a "keeping in touch" day must be to facilitate a return to work after the end of the period of leave and must be by mutual consent of WesCEF and the employee.
- 17.4 If an employee performs work on a "keeping in touch" day, the employee or the manager is to notify Human Resources to ensure the relevant remuneration is paid for the work.
- 17.5 The "keeping in touch" day must not occur:
- Within 14 days of the birth of the child or the day of the adoption placement, if the work is requested by the employee.
  - Within 42 days of the birth of the child or the day of the adoption placement, if the work is requested by WesCEF.

## **18 RETURN TO WORK**

- 18.1 The employee is entitled to return to their pre-parental leave position.
- 18.2 Where the employee's pre-parental leave position no longer exists, an employee may be transferred to an available position for which the employee is qualified and suited nearest in status and pay to the pre-parental leave position. Where a pregnant employee was transferred to a 'safe job' for medical reasons before the commencement of Parental Leave, they are entitled to resume the position held before this transfer, subject to the above statement on job availability.
- 18.3 The employee's manager is responsible for coordinating the employee's transition back to work. This will involve, as a minimum, discussing and confirming the employee's position and work arrangements and working through the transition process with replacement employees who are no longer required following the employee's return from Parental Leave.
- 18.4 The employee is to confirm in writing to their manager of their intention to return to work no later than four weeks before the end of the period of Parental Leave.

- 18.5 The manager is to notify Human Resources of the details of the return to work as soon as practicable and complete the necessary paperwork, initiated by Human Resources.
- 18.6 Human Resources will confirm in writing to the employee the details of the return to work.

## 19 APPLYING FOR LEAVE

### 19.1 Parental leave (paid and unpaid)

- 19.1.1 An employee is required to give written notice to their manager of their intention to take Parental Leave no later than 10 weeks before the start of the leave.
- 19.1.2 The written notice must include:
  - A completed Parental Leave Application form; and
  - Certification from a registered medical practitioner stating that the employee or employee's partner or surrogate is pregnant and the expected date of birth, or in the case of adoption, reasonable evidence confirming expected placement date. If the leave is being taken within the first 12 months then confirmation of the child's birth or placement date should be provided.
- 19.1.3 The manager may request certification from a registered medical practitioner stating that the employee is fit to work if a pregnant employee wishes to continue working within six weeks of the expected date of birth of the child.
- 19.1.4 The employee is to confirm any changes to the arrangements, in writing no later than four weeks before the date on which the leave is due to commence.
- 19.1.5 Once approved, the manager is required to notify Human Resources and submit a copy of the leave form and accompanying documentation.
- 19.1.6 Human Resources will confirm the employee's eligibility to paid Parental Leave and confirm, in writing, the details of the employee's period of Parental Leave and other relevant information.

### 19.2 Non-primary caregiver leave

- 19.2.1 An employee eligible for non-primary caregiver leave can apply for 2 weeks of leave by completing a Parental Leave Application form.
- 19.2.2 The employee may also apply for other leave (annual leave, long service leave, lifestyle leave or unpaid leave) through HR21 or by using the Parental Leave Application form.

### 19.3 Change of carer status

- 19.3.1 Where an eligible employee, becomes the primary caregiver within 12 months of the birth or adoption of the child the employee is required to complete the leave application process as per 17.1.
- 19.3.2 With the written notice to include:
  - A completed Parental Leave Application form;
  - Confirmation of the child's birth date or placement date; and
  - Documentation which confirms the employee's status as the primary caregiver.
- 19.3.3 Documentation under this sub clause includes:
  - A letter from the employee's partner's employer confirming the partner has returned to work or the date they will return to work and the amount of employer paid parental leave accessed; and
  - A statutory declaration completed by the employee confirming that they will be the primary caregiver and for what period.

## 19.4 Requesting to take primary caregiver leave part-time

- 19.4.1 An employee wishing to take leave as per clause 7.9, must submit a written request to their manager no later than 10 weeks before the commencement date of the leave, however, employees should aim to provide as much notice as possible to allow for arrangements to be made to facilitate the request.
- 19.4.2 These requests will be considered in the same way a Flexible Work Arrangement is requested.
- 19.4.3 The written request should specify:
- The number of days per week the employee will be the primary caregiver;
  - How the remainder of the week will be managed (i.e. other leave or working part-time);
  - Thoughts on the practicality of the arrangement and how it might work i.e. how the customer or business needs might be met, or how the work could be redistributed or covered.
- 19.4.4 The request will be considered by the manager in consultation with HR and an outcome will be communicated in writing within 21 days of making the request, or earlier if possible.

## 19.5 Special Maternity Leave (unpaid)

- 19.5.1 An employee eligible for Special Maternity Leave, must submit documentation from their registered medical practitioner along with a completed leave application form that states the duration of the leave.

## 20 RELEVANT DOCUMENTS

- Leave Policy
- WesCEF Parental Leave Application form
- Flexibility Guidelines

## 21 DOCUMENT MANAGEMENT

### **Supersession**

This policy supersedes all previous Human Resources policy on Parental Leave.

### **Currency**

This policy applies from the date of issue until it is replaced by another policy.

*For further information please contact Human Resources.*

# Parental Leave Policy and Procedure

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<b>Title:</b>	<b>PARENTAL LEAVE POLICY AND PROCEDURE</b>
<b>Number:</b>	<b>WCEF-PO-HRS-0007</b>
<b>Version Number:</b>	<b>4.0.0</b>
<b>Date Revised:</b>	<b>31/01/2024</b>
<b>Owner:</b>	<b>Jessica Vidoni</b>
<b>Authoriser:</b>	<b>Liane Unewisse</b>
<b>Reasons for Creating or Amending Document:</b>	<b>Full Review of Document and Profile - No Change</b>
<b>Actual Change Details:</b>	<b>Full review of document and profile carried out - No Changes Required</b>