

## 1. Version Control

Version	Date	Author	Approved by	Initial
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2	12/08/2025	R. Ridd	Nick Somes	NS

## 2. Purpose

The purpose of this policy is to outline the types of leave available, establish guidelines to manage employee absences in a fair, consistent manner and to explain eligibility, duration and the procedure for applying and getting approval. This policy covers the following leave types:

- [Annual Leave](#)
- [Personal Leave](#) (including sick and carer's leave)
- [Compassionate Leave](#)
- [Long Service Leave](#)
- [Parental Leave](#)
- [Community Service Leave](#) (including Jury Service and Defence Service)
- [Family and Domestic Violence Leave](#)
- [Leave Without Pay](#)

## 3. Application

This Policy applies to all employees, contractors and other workers of ecoDynamics Group and its associated entities (as that term is defined under section 50 AAA of the Corporations Act 2001 (Cth)). This Policy applies at all times when employees and contractors are directly representing ecoDynamics in their role or indirectly representing ecoDynamics through association. It is not intended to override any existing employment contract, enterprise agreement, or award applicable to an employee.

## 4. Applying for Leave

Employees should:

- check their eligibility and entitlements under company policy and applicable agreements prior to applying for leave

- submit a Leave Application request in advance of the desired leave period. The leave application must state the type of leave requested, dates of absence, and include evidence required (where appropriate)
- is responsible for checking that their leave request has been approved. Employees should wait for approval before finalising any related travel or commitments.
- provide required documentation to substantiate absences for illness or compassionate reasons.

All planned leave must be mutually agreed, and consider business requirements, workloads and both ecoDynamics and the employee's needs. Leave must be approved in advance, except where the employee cannot reasonably anticipate the absence. For unscheduled absences, such as illness, the employee must complete a leave request, as soon as reasonably practicable. This policy set out additional notice and evidence requirements depending on the type of leave being applied for. If an employee does not comply with their obligations to provide notice or evidence in accordance with this policy, the employee should be aware that they may not be entitled to the leave, or payment for the leave and in some circumstances, be subject to disciplinary action.

## 5. References

- EcoDynamics Landscaping Enterprise Agreement 2024
- EcoDynamics Mulch and Services Enterprise Agreement 2024
- Gardening and Landscaping Services Award
- Waste Management Award
- Fair Work Act 2009 (FWA)
- Nursery Award?

Employees are encouraged to educate themselves on their rights and entitlements regarding leave, as outlined in the above resources. If there are any discrepancies between this policy and applicable laws or agreements, the latter shall prevail.

## 6. Annual Leave

An employee's annual leave entitlement is governed by the Fair Work Act 2009 (FWA). An employee may also have additional leave entitlements in accordance with a relevant award/agreement (including enterprise agreement), which are not summarised here. In this instance, the provisions under the award/agreement (including enterprise agreement), shall apply.

Typically, full-time employees accrue four (4) weeks paid annual leave for each year of service. Part-time employees accrue annual leave on a pro-rata basis based on the number of hours worked.

An employee's entitlement to annual leave accrues progressively during a year of service according to the employee's ordinary hours of work.

The FWA excludes casual employees from paid annual leave entitlements.

#### Applying for Annual Leave

All annual leave requests should be submitted at least four (4) weeks prior to the anticipated period of leave.

Annual leave must be approved by the line manager in advance unless it is in circumstances where the employee cannot anticipate the absence.

EcoDynamics is not liable for any cancellation fees relating to travel arrangements made prior to leave being approved.

Annual leave can only be taken with the approval of the line manager and at a mutually agreeable time having regard to the business requirements and a time convenient to ecoDynamics. Requests for annual leave may be refused on reasonable business grounds considering factors such as workloads, other leave, and business needs.

Requests for annual leave may be refused if:

- there is an insufficient accrued annual leave balance
- it would result in an insufficient annual leave balance to cover a shutdown period.

EcoDynamics encourages employees to take annual leave as it falls due, and not to accumulate more than four (4) weeks at any one time. EcoDynamics reserves the right to request employees to take annual leave in accordance with relevant statutory provisions, their contract of employment and/or any applicable award/agreement, where an employee's leave balance is excessive.

Annual leave accrued, but not taken, will be paid to employees upon termination of employment.

### Leave Loading

Annual leave is paid at the base pay rate. A loading of 17.5% may be added if required by the relevant industrial instrument.

### Illness during annual leave

If an employee falls sick during their annual leave, they can convert it into sick leave if they meet evidentiary requirements and provide a medical certificate.

### Cashing Out Annual Leave

Cash-out of annual leave is permissible if covered by workplace relations legislation or an applicable industrial instrument. A minimum of four (4) weeks of accrued annual leave must be retained.

### Shut Down

EcoDynamics may temporarily shut down all or part of its operations over the Christmas/New Year period and may shut down at other times during the year if business circumstances require it. Employees may be required to take accrued annual leave during a shutdown period. The specific annual shut down period will be determined each year based on the operational needs of the business.

Employees wishing to work during an official shut down period must seek approval from their Line Manager. Requests to work must be justified based on work commitments and deadlines.

If an employee does not have sufficient leave to cover the shutdown, ecoDynamics may direct the employee to take unpaid leave.

## **7. Personal Leave**

An employee's personal leave entitlement is governed by the Fair Work Act 2009 (FWA). An employee may also have additional leave entitlements in accordance with a relevant award/agreement (including enterprise agreement), which are not summarised here. In this instance, the provisions under the award/agreement (including enterprise agreement), shall apply.

The FWA excludes casual employees from paid personal leave entitlements.

Full-time employees typically accrue ten (10) days paid personal leave for each year of service. Part-time employees accrue paid personal leave on a pro-rata basis based on the number of hours worked.

An employee's entitlement to personal leave accrues progressively during a year of service according to the employee's ordinary hours of work.

If an employee exhausts their personal leave accrual, all personal leave requested and approved will be processed as unpaid personal leave. In these circumstances, an employee may request to use their annual leave accrual instead of defaulting to unpaid personal leave.

#### Applying for personal leave

Personal leave may be taken where absent from work in the following circumstances:

- due to personal illness or injury ("**sick leave**"); or
- to care for a member of the employee's immediate family or household member who
  - has a personal illness or injury, or
  - has an unexpected emergency. ("**carer's leave**")

For the purposes of this policy, **immediate family** has the meaning given in the FWA. The definition currently includes:

- a spouse or former spouse
- de facto partner or former de facto partner
- child
- parent
- grandparent
- grandchild
- sibling or a child, parent, grandparent, grandchild or sibling of an employee's spouse or de facto partner (or former spouse or de facto partner).

It also includes step-relations (e.g. stepparents and stepchildren) as well as adoptive relations.

A **household member** is any person who lives with the employee.

It is ecoDynamic's preference that employees take personal leave as necessary to recover from illness or injury, or to care for a member of their immediate family or household.

#### Unpaid personal leave

If an employee has used all paid personal leave, and a member of the employee's immediate family or household requires care or support because of a personal illness, injury or emergency, they are entitled to take up to two (2) days of unpaid carer's leave for each permissible occasion. These two days can be taken consecutively or as separate periods as agreed. This entitlement applies to full-time, part-time and casual employees.

Additional unpaid personal leave will require a medical certificate or statutory declaration within a reasonable time period after the commencement of the absence.

#### Evidentiary/notice requirements

EcoDynamics requires an employee to promptly notify their line manager by telephone of their absence, the reason and expected duration. If this is not practical in the circumstances, notification may be made via voicemail, email, text message or other accepted form of communication.

EcoDynamics may require an employee to provide evidence, such as a medical certificate or a statutory declaration, in support of the need for personal leave. A medical certificate is a certificate signed by a registered or licensed medical practitioner (this does not include allied health professionals such as physiotherapists, chiropractors, or osteopaths).

EcoDynamics will usually require a medical certificate, or other suitable evidence, for

- any absences of two(2) or more consecutive days, or
- if the leave is taken a day before or after a weekend, public holiday or rostered day off.

EcoDynamics otherwise reserves the right to require an employee to provide a medical certificate and/or other documentary evidence as it deems necessary.

Personal leave accrued, but not taken, will not be paid to employees upon termination of employment.

## 8. Compassionate Leave

An employee's entitlement to compassionate leave is governed by the Fair Work Act 2009 (FWA). An employee may also have additional leave entitlements in accordance with a relevant award/agreement (including enterprise agreement), which are not summarised here. In this instance, the provisions under the award/agreement (including enterprise agreement), shall apply.

All employees (including full-time, part-time and casual) are entitled to compassionate leave.

Employees are entitled to two (2) paid days of compassionate leave for each occasion where a member of the employee's immediate family or household:

- contracts or develops a personal illness that poses a serious threat to their life; or
- sustains a personal injury that poses a serious threat to his or her life; or
- dies; or
- a child is stillborn, where the child would have been a member of the employee's immediate family, or a member of the employee's household, if the child had been born alive.

Immediate family has the same meaning referred to in personal leave above.

Compassionate leave is unpaid for casual employees.

Additional unpaid leave may be granted at ecoDynamic's discretion.

### Applying for compassionate leave

An employee may take compassionate leave as a single continuous 2-day period or two (2) separate 1-day periods, or as otherwise agreed by the employee and EcoDynamics (for example, this may include periods of less than one (1) day).

Compassionate leave does not accrue and is not paid out to employees upon termination of employment.

### Evidentiary/notice requirements

EcoDynamics requires an employee to promptly notify their line manager by telephone of their absence, the reason and expected duration. If this is not practical in the circumstances, notification may be made via voicemail, email, text message or other accepted form of communication.

EcoDynamics reserves the right to require an employee to provide a medical certificate and/or other documentary evidence as it deems necessary.

### 9. Long Service Leave

ecoDynamics employees are entitled to long service leave (LSL) according to the applicable State Legislation.

#### **In Victoria**

Employees have an LSL entitlement after seven (7) years minimum service. Employees are eligible for pro-rata payment after seven (7) years.

Employees accrue 1 week of LSL for every 60 weeks of service i.e. 0.8666 of a week per year.

#### **In NSW**

Employees have an LSL entitlement after ten (10) years continuous service. Employees have limited pro rata entitlement after five (5) years.

Employees accrue 2 months leave after 10 years of service.

#### **In SA**

Employees have an LSL entitlement after ten (10) years continuous service. Employees are eligible for pro rata entitlement after (seven) 7 years if employment ends.

Employees accrue 13 weeks after 10 years of service.

#### **Taking LSL**

Employees can take LSL as soon as practicable after becoming entitled to LSL. ecoDynamics can direct an employee to take LSL with 12 weeks' written notice.

Payment is calculated using the employee's weekly pay earned from working normal weekly hours at an ordinary time rate of pay.

In Victoria, the ordinary hours are calculated as the average over the last 12 months, 5 years or entire work period, whichever is higher.

In NSW, the ordinary hours are calculated as the ordinary pay rate at the time of leave or the average over the last 12 months, whichever is higher

In SA, the ordinary hours are calculated as the average over the last 3 years or the entire work period, whichever is higher.

#### Break in service

In Victoria, employees who leave the company and subsequently return will have their prior period of employment considered for long service leave entitlements, provided that their break in service does not exceed 12 consecutive weeks. Should the break in service surpass this duration, previous tenure will not contribute towards the calculation of long service leave accruals.

In NSW and SA, any break in service breaks the continuity of employment.

#### Applying for long service leave

Leave applications for long service leave should be made well in advance of the leave being taken.

In Victoria, there are no minimum periods of time that LSL can be taken.

In NSW, LSL can only be taken in whole days, unless otherwise agreed.

In SA, LSL can only be taken in whole weeks, unless otherwise agreed

LSL will generally be agreed between the employee and their line manager.

#### Paying out LSL

Generally, LSL cannot be paid out while an employee is still employed unless there is coverage by an enterprise agreement or Award that allows it to be cashed in.

## 10. Parental Leave

Parental Leave is an employee's entitlement to time off work to care for a child. There are two types of parental leave entitlements:

- paid parental leave
- unpaid parental leave

Employees may be entitled to paid parental leave through the Federal government's Paid Parental Leave (PPL) scheme and/or any applicable award/agreement.

Employees may be entitled to unpaid parental leave under the Fair Work Act 2009 (FWA) and/or any applicable award/agreement.

All full-time and part-time employees are eligible to apply for parental leave if they have completed at least 12 months of continuous service with EcoDynamics, in accordance with applicable statutory provisions, their contract of employment and/or any applicable award/agreement.

### Paid Parental Leave scheme

Under the PPL, a family can get up to 100 days of PPL or 20 weeks based on a 5-day work week. PPL is shared between partners and the most one parent in a couple can use is 90 days. It can be claimed up to 3 months before birth or adoption. PPL eligibility is determined by Federal government criteria and eligible employees must apply to Centrelink to participate in the scheme.

The period of PPL is not in addition to the period of unpaid parental leave available under the FWA.

### Unpaid Parental Leave scheme

An employee will be entitled to unpaid parental leave under the FWA if:

- the child is a child of the employee or the employee's spouse or de facto partner
- the employee has or will have responsibility for the child
- the employee provides relevant notice and documentation, and

- the employee has (or will have) completed at least 12 months continuous service before the proposed leave is set to start (or the birth or placement of the child).

Note: in cases of adoption, the child must be under 16 years of age as at the day of placement.

Casual employees' eligibility to unpaid parental leave is defined in the FWA.

The FWA provides an unpaid parental leave entitlement of 12 months plus a further period of up to 12 months if approved by the employer.

#### Supplemental financial support

EcoDynamics provides two-weeks of supplemental financial support of top-up to government funded leave to ensure average full weekly pay is maintained for both permanent and long-term casual employees across all genders as below:

Top-up Capped at:

- Employment tenure 12+ months - \$1000
- Employment tenure 2-5 years - \$1500
- Employment tenure over 5 years to max - \$2000

#### Evidentiary/notice requirements

Employees must provide a written notice stating their intention to take the leave.

The notice must:

- specify the start and end dates for any period of continuous unpaid parental leave the employee intends to take, and
- must be provided 10 weeks prior to commencing unpaid leave if practicable.

Employees must confirm the intended start date and end date of the leave at least 4 weeks before commencing unpaid leave if practicable.

ecoDynamics may require the employee to provide documentation or evidence, such as a medical certificate or statutory declaration, prior to taking parental leave in accordance with relevant statutory provisions, their contract of employment and/or any applicable award/agreement. For

example, this may be in relation to the date of birth (or expected date of birth), or the date of placement (or expected date of placement) of the child (if the leave is adoption-related).

#### Varying period of unpaid leave

Employees can request an additional period of unpaid parental leave of up to 12 months immediately following the initial 12-month parental leave period. Unpaid leave cannot extend beyond 24 months of the child's birth or placement (in cases of adoption).

ecoDynamics prefers all periods of parental leave (including where combined with periods of paid leave) are taken in a continuous, unbroken period of leave.

Employees on unpaid parental leave who wish to return to work earlier than the intended return date, may do so by providing at least 4 weeks' written notice.

Pregnant employees can take 30 days of their unpaid parental leave in the 6 weeks prior to the expected date of birth of the child.

Pregnant employees who wish to continue to work during the 6-weeks before the expected date of birth, may be required to provide a medical certificate stating they are fit to continue working in their present role. If the employee fails to provide a requested medical certificate or the certificate indicates they are not fit to work, ecoDynamics may direct the employee to start their parental leave as soon as possible.

#### Transfer to a safe job

A pregnant employee may be entitled to be transferred from their current job to an appropriate safe job for an interval before they start unpaid parental leave.

#### Special Parental Leave

Special parental leave is available to a pregnant employee:

- who is not fit to work because they have a pregnancy related illness; or
- who has had a pregnancy loss after 12 weeks.

Parents who experience difficult situations before, during or after a pregnancy have entitlements to special consideration that is defined in the FWA.

### Keeping in Touch Days

A keeping in touch day is time in which an employee performs work to keep in touch with their employment to facilitate their return to that role. Keeping in touch days can be a full or part day of work. Work may include:

- participating in a planning day
- undertaking training; or
- attending a conference.

An employee on unpaid parental leave can take up to 10 keeping in touch days without it affecting the continuity of FWA entitlements.

ecoDynamics is not obliged to offer keeping in touch days and an employee is not obliged to work any keeping in touch days if they don't wish to.

An employee is paid their normal wage and accumulates leave entitlements for each keeping in touch day or part day.

### **11. Community Service Leave**

Community service leave is an entitlement to be absent from employment when engaging in an eligible community service activity. Eligible community activities include:

- Voluntary Emergency Management Activities (VEMAs) where the employee is a member of a recognised emergency management body and the body requests the employee to engage in an activity (e.g. CFA, SES)
- Jury service
- Defence service

Employees are entitled to community service leave in accordance with relevant statutory provisions, their contract of employment and/or any applicable award/agreement.

Employees should provide EcoDynamics with notice of leave as soon as practicable, including notification of the expected period of leave.

EcoDynamics will support such activities wherever possible as an important community service.

EcoDynamics may require reasonable evidence of these activities at its discretion.

## 12. Jury Service Leave

The *Fair Work Act 2009* (FWA) entitles employees who are on community service leave for jury service to their base rate of pay for the first 10 days. Casuals are excluded.

Employees should provide EcoDynamics with as much notice as is reasonably practicable of the period of the jury service. An employee on jury service should supply their line manager with:

- notice of the official request to attend jury service;
- the details of attendance and expected duration of the jury service;
- evidence of the employee taking all the necessary steps to obtain jury service pay they are entitled to from the court system; and
- evidence of the total amount of jury service pay that has been paid or will be payable by the court system to them for the relevant period.

Subject to the employee providing the required evidence, EcoDynamics will pay the employee as per the requirements, in accordance with relevant statutory provisions, their contract of employment and/or any applicable award/agreement.

## 13. Defence Service Leave

Defence service leave is leave in which members of the defence reserve are entitled to attend military training if called upon to undertake defence reserve duties in 'times of exceptional need'. Employees are entitled to take defence service leave under the *Defence Act 1903* (Cth) and the *Defence Reserve Service (Protection) Act 2001* (Cth).

An employee should notify ecoDynamics, in writing, of their Reserve status when they first become an employee, or, when they first become a member of the Reserves if they are already employed by ecoDynamics.

An employee must inform their line manager of their Reserve service commitments annually (at the beginning of each year). If specific dates are unknown, the employee must provide anticipated dates and confirm with their line manager the specific dates as soon as practicable.

An employee who is taking defence service leave should also advise the expected period of leave.

The employee must provide reasonable evidence that the absence from work is because they are engaging in compulsory defence service activity.

Employees engaged in defence service activities as members of the Reserves are entitled to unpaid leave if they are absent from work.

#### 14. Family and Domestic Violence Leave

Employees are entitled to Family and Domestic Violence (FDV) leave in accordance with relevant statutory provisions, their contract of employment and/or any applicable award/agreement.

For the purpose of this leave entitlement, FDV may include violent, threatening, or other abusive behaviour by an employee's family member, close relative, a current or former intimate partner, or a member of their household that seeks to coerce or control and causes harm or fear.

Under the *Fair Work Act 2009* (FWA), all employees (including full-time, part-time and casual employees) are entitled to ten (10) days of non-cumulative paid FDV leave in a 12-month period. Leave does not have to be taken in a single block and may be taken for less than one (1) day at a time.

FDV leave is intended to enable employees to maintain their employment and financial security while dealing with the effects of FDV.

This may include, for example, the employee:

- making arrangements for their safety, or the safety of a close relative (including relocation)
- attending court hearings
- accessing police services
- attending counselling, and/or
- attending appointments with medical, financial, or legal professionals.

Employees will be paid their full rate of pay for the hours they would have worked had they not taken the leave.

##### Applying for FDV leave

Employees must notify their line manager or Human Resources as soon as is practicable, of their intention to take paid FDV leave. This may be after the leave period has already commenced.

##### Evidentiary requirements

EcoDynamics may request the employee provide evidence that would satisfy a reasonable person of the need to take FDV leave. This might be a document issued by police, court service or a statutory declaration.

EcoDynamics will take all reasonable practical steps to keep any information about an employee's situation confidential when we receive it as part of an application for leave. We recognise the information is sensitive however privacy laws will not prevent EcoDynamics from disclosing information provided by the employee if we're required by law or it's necessary to protect the life, health or safety of the employee or another person.

For employees experiencing family & domestic violence, confidential support is available internally via our Employee Assistance Program provider, Converge International on 1300 687 327.

### 15. Leave Without Pay

Leave without pay is when an employee is granted approval to be absent from work without pay. Some types of unpaid leave are an entitlement under the Fair Work Act 2009 (FWA). They include unpaid parental leave, unpaid carer's leave, unpaid community service leave and unpaid compassionate leave (casuals).

Requests to take leave without pay for other reasons (e.g. because an employee has insufficient annual leave) will be considered on a case-by-case basis.

Leave without pay for reasons not covered in the FWA is not a right or entitlement.

At its discretion, EcoDynamics may approve periods of leave without pay that employees are not otherwise entitled to.

Employees are expected to use all available paid leave before requesting any periods of unpaid leave.

Employees do not accrue other types of leave (such as personal leave and annual leave) while taking an approved period of leave without pay (except where there is an entitlement to accrue leave under the FWA).

### 16. Policy Review

EcoDynamics reserves the right to modify or amend this policy, from time to time and in accordance with statutory entitlements.

## 17. Related Policies

- Code of Conduct
- Group Grievance Resolution Policy

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*Please be advised that any amendments to this document require formal authorisation and must be distributed through official channels to ensure it is an approved and correct version.*

*This policy serves as a mandatory directive for all personnel affiliated with ecoDynamics Group, whether employed directly or indirectly. This document is to be regarded as an addition to the other ecoDynamics Group's policy and procedures.*

*Should you require additional information or have inquiries concerning this policy, employees currently associated with ecoDynamics are encouraged to consult the comprehensive resource at <https://www.fairwork.gov.au/> and to engage in discussions with their supervisors or Human Resources*

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