



**TOMAX**  
L O G I S T I C S

*Providing safe & secure, end-to-end supply chain solutions since 1987*

## **Tomax Logistics Australia Leave Policy**

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**Reviewed: December 2023**

**Next Review: December 2025**

**Authorised: Group Human Resources & Compliance Manager**

### **PURPOSE**

This policy is designed to provide staff with guidelines when planning leave arrangements and to ensure all employees are aware of their minimum entitlements under the National Employment Standards. This policy applies to all forms of leave including annual, sick, carer's, personal and long service leave.

### **ANNUAL LEAVE**

#### **Timing**

Tomax Logistics prefers that staff take annual leave wherever possible in the quieter period of the year from January through to June. Traditionally job volumes are at levels approximately 25% lower than during the peak period from July to December. By observing this policy, you will assist your colleagues and the business to function smoothly.

#### **Duration**

It is preferred that a maximum of twenty (20) consecutive workdays are spent away from the office during any leave period. Leave taken over a longer period places additional strain on your colleagues. Requests for extended leave periods will be considered in special circumstances but are more likely to be approved during the first half of the calendar year.

#### **Applications**

The annual leave applications can be found on the Tomatrix > Fillable Online Forms > Australia > Staff Leave Form. The following table provides details of notice periods required for annual leave and long service applications:

<b>PROPOSED ANNUAL/LONG SERVICE LEAVE PERIOD</b>	<b>REQUIRED NOTICE PERIOD</b>
Up to three (3) days	Seven (7) calendar days
Four (4) – twenty (20) days	Thirty (30) calendar days
Twenty-One (21) days or more	Ninety (90) calendar days

Applications via the Tomatrix will be forwarded to your immediate supervisor to approve and the HR department to action. Once the leave is approved it will be added to the staff leave calendar which can be found on the Tomatrix > Tomax Calendar.

### **Excessive Accrual of Leave**

If a staff member's combined accrued balance of annual leave and long service leave exceeds 300 hours (8 weeks), they may be required to take leave at an agreeable time. If the employee does not agree to take leave after the company has genuinely tried to reach agreement, then the company may direct the employee to take one or more periods of paid annual leave subject to the following:

- The employee may retain six weeks annual leave taking into account any other approved paid leave arrangements
- The leave period may not be less than one week
- The employee must not be forced to take leave beginning less than 12 weeks, or more than 12 months, after the direction is given; and
- The direction is not contrary to any other provisions within this policy.

### **Encashment of Leave**

Although it is allowable in certain circumstances to exchange annual leave for cash payment, it is a requirement that a minimum of five (5) days annual leave be kept in reserve. A minimum of fourteen (14) working days must be allowed for the processing of these requests.

## **SICK, PERSONAL, CARER'S & COMPASSIONATE LEAVE Policy**

Under the National Employment Standards (NES) all full-time employees are entitled to ten (10) days paid personal leave and pro-rata for part time employees, which includes sick leave and carer's leave and accrues progressively during an employee's tenure.

### **Personal/Carer's Leave**

An employee can take paid personal/carers' leave:

- if they are unfit for work because of their own personal illness or injury (including pregnancy-related illness), or
- to provide care or support to a member of their immediate family or household, because of a personal illness, injury or unexpected emergency affecting the member. A member of the employee's immediate family means a spouse (or former spouse), de facto partner (or former de facto partner), child, parent, grandparent, grandchild or sibling of an employee; or a child, parent, grandparent, grandchild or sibling of the employee's spouse or de facto partner (or former spouse or de facto partner).

Additionally, employees are entitled to two (2) days unpaid carer's leave per occasion (if paid leave has been used) for a member of their family or household who is sick or affected by an unexpected emergency.

Any pre-planned appointments that are unable to be booked outside of work hours need to be discussed with your immediate manager. We require that you provide as much notice as possible to lessen the impact on your department and fellow employees.

### **Compassionate Leave**

An employee is entitled to two (2) days of compassionate leave (per occasion) to spend time with a member of their immediate family or household who suffers a life-threatening illness or injury. An employee is also entitled to take compassionate leave:

- after the death of a member of the employee's immediate family or household

- if a child who would have been part of the employee's immediate family or household, is stillborn, or
- if an employee, or the employee's current spouse or de facto partner, has a miscarriage.

If all personal/carer's leave has been exhausted, Tomax will notify the employee and they have the option to take the leave as either annual leave or unpaid leave.

### **Procedure**

If an employee is unable to attend work, they should contact their department manager by phone to confirm their non-attendance. If their department manager is not available, staff can contact the Group Human Resources & Compliance Manager as first preference or Human Resources Coordinator as an alternative.

When an employee returns to work, they need to complete the staff leave form which is available in the Tomatrix > Fillable Online Forms > Australia > Staff Leave Form. This form must be completed and submitted on the employee's first day back at work.

Employees applying for sick leave are required to provide a medical certificate if they are absent from work on any workday either side of a public holiday or if the sick leave period is longer than two consecutive workdays. Employees applying for carer's leave are required to provide a certificate from the medical practitioner stating that they attended the appointment. On the staff leave form it must state the person they are caring for and that the person is having a personal illness or injury.

Employees can instead provide a statutory declaration if it's impractical for them to provide a medical certificate. Statutory declarations can be signed by an authorised witness at police stations, pharmacies and some post offices. If no documentary evidence is supplied, Tomax reserves the right to adjust the type of leave taken to either annual leave or unpaid leave.

### **LONG SERVICE LEAVE**

Long Service Leave accrues at a rate of one week for every 60 weeks of continuous service – approximately 0.866 of a week each year. Staff qualify for long service leave if they have worked continuously with Tomax for at least seven (7) years. Employment will be deemed continuous providing there is no absence of more than twelve (12) weeks between any two instances of employment.

After at least 7 years' continuous employment with Tomax, an employee is entitled to:

1. take their long service leave; and
2. be paid any unused long service leave entitlement if employment ends.

An employee can request to take long service leave at any time after becoming entitled to take the leave. Leave can be taken for any period of not less than one day at a time. Tomax may direct an employee to take Long Service Leave by giving at least twelve (12) weeks' written notice. The relevant Act does not permit Long Service Leave being 'cashed out'.

## **PARENTAL LEAVE**

Parental leave entitlements include:

- maternity leave
- paternity and partner leave
- adoption leave
- special maternity leave

Parental leave is leave that can be taken after:

- an employee gives birth
- an employee's spouse or de facto partner gives birth
- an employee adopts a child under 16 years of age.

Employees are entitled to up to twelve (12) months of unpaid parental leave. They can also request up to an additional twelve (12) months of leave.

Employees can take parental leave if they have worked for their employer for at least twelve (12) months:

- before the date or expected date of birth if the employee is pregnant
- before the date of the adoption, or
- when the leave starts (if the leave is taken after another person cares for the child or takes parental leave)
- have or will have responsibility for the care of a child.

### **Parental Leave Pay (PLP)**

Employees who are the primary carer of a newborn or newly adopted child get up to twenty (20) weeks' PLP, which is paid by the Commonwealth Government at the National Minimum Wage. Eligible employees can claim PLP for multiple flexible periods.

Please consult with the Human Resources team to discuss your planned unpaid Parental Leave and any Parental Leave Pay (PLP) periods that may involve Tomax (proof of work, payroll, etc).

### **Returning to work from Parental Leave**

Tomax understands it can be a challenging time when an employee returns from parental leave. The company will work collaboratively with any returning employee to make the transition back to work as smooth as possible.

## **FAMILY & DOMESTIC VIOLENCE LEAVE**

All employees are entitled to (five) 5 days unpaid family and domestic violence leave each year. Family and domestic violence means violent, threatening or other abusive behaviour by an employee's close relative that:

- seeks to coerce or control the employee
- causes them harm or fear.

A close relative is an employee's:

- spouse or former spouse
- de facto partner or former de facto partner
- child
- parent
- grandparent
- grandchild
- sibling
- an employee's current or former spouse or de facto partner's child, parent, grandparent, grandchild or sibling, or
- a person related to the employee according to Aboriginal or Torres Strait Islander kinship rules.

## **COMMUNITY SERVICE LEAVE – including Jury Duty**

Employees can take community service leave for activities such as voluntary emergency management activities or jury duty. Except for jury duty, community service leave is unpaid. An employee is entitled to take community service leave while they are engaged in the activity and for reasonable travel and rest time.

### **Voluntary emergency management activity**

An employee engages in a voluntary emergency management activity if:

- the activity involves dealing with an emergency or natural disaster
- the employee engages in the activity on a voluntary basis
- the employee was either requested to engage in an activity, or it would be reasonable to expect that such a request would have been made if circumstances had permitted, and
- the employee is a member of or has a member-like association with a recognised emergency management body.

### **Recognised emergency management body**

A recognised emergency management body is:

- a body that has a role or function under a plan that is for coping with emergencies / natural disasters (prepared by the Commonwealth or a state or territory)
- a firefighting, civil defence or rescue body
- any other body which is mainly involved in responding to an emergency or natural disaster.

An employee who takes community service leave must give notice of the absence as soon as possible (this may be after the leave starts) and detail the period or expected period of absence.

Tomax may request an employee who has given notice, to provide evidence that they're entitled to community service leave.

### **Jury Duty**

Also known as jury service, is a type of community service leave. Employees can take leave to attend jury selection and jury duty. Employees must advise their employers of the period or expected period of leave as soon as possible. If an employee requests leave, they need to provide evidence showing they attended jury selection or jury duty.

Employees will be paid 'make-up pay' for the first ten (10) days of jury selection and jury duty. Make-up pay is the difference between any jury duty payment the employee receives (excluding any expense-related allowances) from the court and the employee's base pay rate for the ordinary hours they would have worked.

Before paying make-up pay, Tomax may request evidence from the employee to show:

- that the employee has taken all necessary steps to obtain jury duty pay
- the total amount of jury duty pay that has been paid or will be payable to the employee for the period.

If requested by the organisation and an employee can't provide evidence, they won't be entitled to make-up pay.

### **PURCHASED LEAVE**

Purchased Leave provides flexibility for staff seeking to 'purchase' leave in addition to the four weeks provided annually by the organisation. Staff can purchase one (1) or two (2) weeks additional leave – this leave is to be accrued between 1 January and 30 June and must be used by 31 July each year. Purchased Leave is calculated using the formulas detailed in the following examples:

#### ***One (1) Week Purchased Leave***

Annual Salary - \$70,000

First ½ year salary - \$35,000

Divided by 26 weeks = \$1,346.15 per week

Multiply by 25 weeks (minus the one week of Purchased leave) = \$33,653.85

Divided by 26 weeks = \$1,294.37 per week

#### ***Two (2) Weeks Purchased Leave***

Annual Salary - \$70,000

First ½ year salary - \$35,000

Divided by 26 weeks = \$1,346.15 per week

Multiply by 24 weeks (minus the two weeks of Purchased leave) = \$32,307.60

Divided by 26 weeks = \$1,242.60 per week

\* In simple terms, your gross pay is reduced for a period of 26 weeks, by a total amount equal to the leave you're looking to purchase.

\*\**Purchased Leave is not subject to any Leave Loading provisions.*

To assist business continuity and to ensure adequate staffing during our busier period of July to December each year, Purchased Leave must be used between 1 February and 31 July each year. Any Purchased Leave not utilised by 31 July will be paid out and the employee will not be permitted to apply for future Purchased Leave.

Staff wishing to apply for Purchased Leave must discuss it with and seek approval from their department manager. Assessment of any Purchased Leave application will include consideration of current Annual Leave balances and the business interests of the organisation.

Applications are to be made prior to 7 December each year and confirmed by no later than 21 December each year. Staff with an Annual Leave balance greater than six weeks as of 7 December will not be entitled to apply for Purchased Leave for the following calendar year. The Group Human Resources & Compliance Manager is responsible for the final approval of any Purchased Leave application.

### **LEAVE WITHOUT PAY**

In exceptional circumstances, staff with no accrued personal or annual leave may apply for Leave Without Pay. Staff wishing to apply for Leave Without Pay must discuss it with and seek approval from their department manager. Assessment of any Leave Without Pay application will include consideration of the business interests of the organisation.

Under the Fair Work Act (2009) an employee is not entitled to be paid for any public holiday that falls during an employee's period of Leave Without Pay.

#### Scenario 1:

*Jo applies for and has approved a period of Leave Without Pay – Tuesday to Thursday  
ANZAC Day falls on the Wednesday – Jo is **not** entitled to be paid for the Wednesday public holiday as it is within a period of Leave without Pay.*

#### Scenario 2:

*Jo applies for and has approved a period of Leave Without Pay – Monday to Wednesday  
ANZAC Day falls on the Thursday – Jo **is** entitled to be paid for the Thursday public holiday as it does not fall within a period of Leave without Pay.*

The Group Human Resources & Compliance Manager and/or Chief Executive Officer are responsible for the final approval of any Leave Without Pay application.