



EMPLOYEE LEAVE POLICY

BA LIMITED (t/a BASKETBALL AUSTRALIA) | ABN 57 072 484 998 | ACN 072 484 998

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Effective

Effective 1 July 2016.

This policy supersedes and replaces all previous BA policies in relation to employee leave and time in lieu.

General Policy Statement

Staff members are provided with a variety of leave arrangements (paid and unpaid) that enable them to balance work with rest and recreation, family responsibilities and other specific purposes. A safe and healthy workplace enables and encourages staff members to take breaks from their employment and provides them with an opportunity to refresh themselves away from the work environment. It is in the best interests of staff members and of Basketball Australia (BA) that annual leave entitlements are taken each year.

All employees are entitled to accrue and take leave in accordance with the relevant legislation in their state/territory, including relevant awards (if applicable). This policy seeks to clarify the employee's entitlements and obligations in relation to leave as well as defining policy positions for those matters that are not governed by legislation.

In general, planned leave has to be mutually agreed, taking into account BA workloads and employee's needs. Except in cases where the employee could not anticipate the absence, leave must be approved in advance on the relevant paperwork. All documentation regarding leave entitlements and utilisation will be kept on the employees personnel file.

Unless specified otherwise, employees referred to in this policy are considered to be permanent full-time or part-time employees. Part-time employees who are employed on a fractional basis will accrue leave entitlements on a pro-rata basis.

Types of Leave

Basketball Australia recognises the following types of leave entitlements:

- Annual Leave
- Long Service Leave
- Personal Leave (Including Sick Leave & Carers Leave)
- Maternity & Parental Leave
- Compassionate Leave
- Community Service Leave
- Leave Without Pay

BA does not formally recognise, accrue or provide for "Time In Lieu" of overtime worked.

Policy Positions

Annual Leave

Each employee is entitled to a minimum of 20 days of paid annual leave per annum. Leave entitlements are calculated from an employee's first day of work with BA and accrue in accordance with the rules defined by Fair Work Australia (<https://www.fairwork.gov.au/leave/annual-leave>).

BA does not offer loading payments on annual leave.

In consultation with their direct manager/supervisor, staff are expected to monitor and manage their personal annual leave provision. BA will assist in this process by including annual leave balances on employee's payslips and by reporting annual leave balances to each senior manager for review on a monthly basis.

Unless a prior arrangement has been made to build-up annual leave with a view to taking a substantial break, employees with an annual leave balance of 30 days or more may be directed to take annual leave within the next three months.

Except in the situation where an employee is finishing up their employment, BA does not permit the 'cashing out' of annual leave.

In order to manage its accrued annual leave liability, BA may occasionally formally close-down an office for a period of time (eg. immediately prior to or following a public holiday), during which period employees are expected to take annual leave. Close-down periods will be no longer than five consecutive business days and will be notified to affected staff at least three months in advance.

In some circumstances, employees may be permitted to take more annual leave than they have accrued, conditional on the employee agreeing to the business deducting any remaining advance balance upon termination. Leave in advance must be negotiated with the employee's direct supervisor and approved by the CFO or Financial Controller.

Time in Lieu (of Overtime)

BA is a sporting organisation and as such much of the core work occurs outside of traditional business hours. It is expected that most roles will require some weekend or night-time work, particularly around major events, tours, competitions and camps.

In general, BA encourages an informal "give and take" arrangement between staff and management that balances the needs of the business with the health and wellbeing of staff members.

BA does not support the formal recording and taking of time in lieu of overtime and cannot compensate employees on an hour-for-hour (or similar) basis for excessive work hours. In situations where the demands of the role are extreme¹, BA encourages staff to schedule a small break (1-2 days) immediately after any such period. These breaks will be paid as normal and will not be considered annual leave but need to be taken within a fortnight of the event. This entitlement lapses after this two week window.

In place of a formal "time in lieu" system, BA will close the office for five business days across the Christmas period and will not charge annual leave for this break from work. Employees who cannot utilise the full five days (due to team or league responsibilities) can schedule time off during December/January in consultation with their manager. These days will be in addition to standard annual leave and will be reflective of the reality that no one at BA works

¹ Whilst not explicitly defined, "extreme" work demands may include 10+ consecutive days of work, 15+ hours worked in any given day, or two or more consecutive weekends away from home.

“standard hours”. This benefit will be available to employees with at least six months of consecutive service who have a calculated annual leave balance of 20 days or less as at 30 November.

Long Service Leave

Employees are entitled to long service leave (LSL) in accordance with the state/territory LSL laws or provisions (or applicable Award or Agreement).

Staff members will be eligible to take all or a portion of their long service leave at a mutually agreeable time, having regard to the operational requirements of BA. Employees intending to take their LSL must submit their request at least six months in advance of the leave period, noting that a request for LSL will not be unreasonably refused.

All requests for LSL must be reviewed and approved by the CEO.

Personal Leave (Including Sick Leave & Carers Leave)

Each employee is entitled to a minimum of 10 days of paid personal leave per annum. Personal leave enables staff to take time off when personally ill, injured or otherwise incapacitated, to attend necessary medical appointments or to care for or support a family or household member in similar circumstances.

An employee should notify his/her direct supervisor as soon as possible if they're unable to attend work due to an illness or injury and should, if possible, provide an estimate of the duration of the leave.

At its reasonable discretion, management may request evidence of the personal leave in the form of a certificate from a registered medical practitioner stating that the staff member is/was unable to attend duties on the days of absence due to illness or injury. If such evidence cannot be provided, then such leave may be treated as annual leave or as unpaid sick leave.

In situations of extended inability to attend work, staff will be entitled to convert personal leave on full pay to personal leave on half pay. In such cases, the employee's leave entitlement will diminish at the corresponding rate. Similarly, if an employee's provision for personal leave is completely exhausted, BA will allow the employee to utilise any unused annual leave balance or to utilise leave without pay, noting that an employee cannot take leave without pay whilst any applicable accrued leave balances are available.

Maternity & Parental Leave

Maternity & parental leave is granted on the basis that an individual's career will not be disadvantaged by having a child.

Employees (including de-facto partners, same-sex couples and single parents) with at least 12 months of continuous service (or 'regular and systemic service' in the case of casual employees) are entitled to 52 weeks of unpaid maternity and parental leave, which must be associated with:

- the birth of a child to the employee or the employee's spouse or partner, or
- the placement of a child under 16 with the employee for adoption, or
- a situation where a permanent care order is made by the Children's Court, granting custody and guardianship to the employee, their spouse or partner for a child under 16.

Maternity & parental leave is governed by Fair Work Australia and will be implemented accordingly by BA:

<https://www.fairwork.gov.au/leave/maternity-and-parental-leave>

Compassionate Leave

Compassionate leave is paid leave taken by an employee to spend time with an immediately family member (or household member) who has a personal illness or injury that poses a serious threat to his/her life, and/or after the death of an immediate family or household member.

Each employee is entitled to a period of up to three days of compassionate leave on each occasion where a family or household member has died or the employee needs to spend time with a seriously ill family or household member. In such circumstances, additional unpaid leave may be granted at the discretion of CEO.

Casual employees are entitled to two days of unpaid compassionate leave in each circumstance.

Community Service Leave

As a community-led sporting organisation, BA encourages employees to be active members of their local and national community organisations. Community service leave entitles staff to be absent from work when engaging in eligible activities.

Some elements of community service leave are governed by Fair Work Australia:

<https://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/minimum-workplace-entitlements/community-service-leave>

At BA, community service leave encompasses the following activities:

- Jury Duty
- Defence Reserve
- Blood Donations
- Voluntary Service
- Sporting Events
- Cultural, Ceremonial or Religious Observance
- Professional Development

Employees are entitled to be absent from his or her employment for the following periods:

- a reasonable amount of time for the engagement of the service (in the case of Jury Duty, the employee's period of absence is reasonable in all circumstances),
- reasonable travelling time associated with the activity, and
- reasonable rest time immediately following the activity.

Jury Duty – Employee leave for jury service is required under federal and state/territory legislation. BA will not deduct any fees paid to the staff member for jury duty during their first 10 days of service. If required for more than 10 days, the employee will be deemed to be on unpaid leave.

Defence Reserve – Additional leave rights for Defence Reservists are governed by Fair Work Australia (<https://www.fairwork.gov.au/ArticleDocuments/723/Defence-reservists-rights-and-responsibilities-at-work.pdf.aspx>). In cases where employee reservists are required for training or education duties, BA will 'top-up' the employee's salary to their normal level.

Blood Donations – Any employee who donates blood will be granted paid leave for each such attendance.

Voluntary Service – An employee whose services are required as a member of a voluntary organisation called upon by government (or competent authority) to assist in fire-fighting, other emergency assistance or auxiliary emergency operations, or who responds to an appeal for volunteers for such assistance, will be granted paid leave for the duration of those operations plus an additional day for recovery.

Sporting Events – An employee who participates as a competitor or accredited official in the Olympic Games, Paralympic Games, Commonwealth Games, World Cup/Championship or equivalent international-level event shall be required to take annual leave for the duration of the event (including travel time). However, if the employee is attending the event representing Basketball Australia or basketball in general or is engaged in the management of an event on behalf of Basketball Australia or the sport of basketball, they shall be paid their normal salary and wages.

Cultural, Ceremonial or Religious Observance – Up to five days of unpaid leave will be granted to an employee for the purposes of cultural, ceremonial or religious observance, subject to the submission of satisfactory evidence.

Professional Development – An employee shall be entitled to normal salary and wages for up to five days per annum to attend training courses or seminars beneficial to the employee's personal and/or professional development that are also deemed to be mutually beneficial to BA. BA will also assist and support applications for scholarships, grants and endowments that will assist to reduce the education costs to the individual. BA may also financially contribute to the cost of the education or professional development activity but will not contribute to university (or similar) fees.

Leave Without Pay

In special circumstances, BA's CEO has the discretion to approve leave without pay that an employee is not specifically otherwise entitled to. In general, leave without pay will not be granted in a situation where an employee has an applicable entitlement for paid leave (eg. annual leave, personal leave, long service leave).