

Human Resources Policy Schedule

Public Service Leave - Australia

1. What is the purpose of this document?

The purpose of this document is to establish the rules and provisions of Public Service Leave in Australia.

In the event of any inconsistency between a provision of this document and a provision of an employee's contract of employment or applicable collective agreement, the provision in the contract of employment or collective agreement will prevail.

BHP (or the "Company") is committed to providing employees with support to complete and attend public service activities.

2. Who does this Policy Schedule apply to?

This Policy Schedule applies to all employees in Australia.

*This Policy shall be applied free from discrimination based upon personal attributes unrelated to job performance, such as race, age, ethnicity, nationality, gender identity, sexual orientation, intersex status, physical or mental disability, mental health condition, relationship status, religion, political opinion and industry/union affiliations, pregnancy, breastfeeding or family responsibilities**

*Subject to BHP's requirement to comply with local laws in jurisdictions in which we operate

3. What is the Public Service Leave Entitlement?

Public Service Leave entitlements are determined by the National Employment Standards under the Fair Work Act as well as additional BHP entitlements.

Employees are entitled to Public Service Leave entitlements under three key areas:

1. Community Service Leave
2. Defence Services Leave
3. Jury Service Leave

3.1 Community Service Leave

Under the National Employment Standards (NES) of the Fair Work Act, the State Emergency Management Act 2005 WA and Public Safety Preservation Act 1986 QLD, employees are entitled to take Community Service Leave for certain activities such as voluntary emergency management activities and Jury Service (including attendance for jury selection).

An employee engages in a "voluntary emergency management activity" if they:

- engage in an activity that involves dealing with an emergency or natural disaster;
- engage in the activity on a voluntary basis;
- are member of, or have a member like association with, a "recognised emergency management body"; and
- were requested by or on behalf of the body to engage in the activity or it would be reasonable to expect that, if the circumstances had permitted the making of such a request, would have been made.

Emergency management leave does not include engaging in activities such as preparation, prevention or recovery from an emergency. Employees engaging in these activities would need to access other forms of leave such as annual leave.

Entitlement

Under the NES, there is no specified amount or limit of Community Service Leave an employee is entitled to. The employee may be required to be away from the workplace for several days or weeks.

An employee is entitled to be absent from work;

- for the time that they are engaged in the eligible community service activity, including reasonable travelling time associated with, and reasonable rest time following, the activity; and
- if the absence is reasonable in all the circumstances (Jury Service is taken to always being reasonable).

Employees applying for Community Service Leave should first discuss with their Line Leader whether the leave will be paid or unpaid. Line Leaders have the ability to ask for evidence i.e. Local Councillors to provide meeting Schedules.

An employee who is absent from employment because of a relevant direction is entitled to be paid for the period of the employee's absence at the employee's ordinary rate of pay for the hours they would ordinarily have been rostered to work.

The period will be entered as paid leave and they will continue to accrue all leave entitlements whilst absent and engaged in emergency management activity.

NiW:

Employees are able to receive reasonable unpaid leave for involvement in community activities such as volunteer fire fighting, emergency services and search and rescue.

Where applicable, Line Leaders have the discretion to grant appropriate paid leave for employees engaged in Community Service Leave.

Coal:

Employees on Community Service Leave will be paid their normal salary, less any fees paid to the employee for performing the community service activity.

For an employee to be paid for community service leave, the Company requires evidence of what the employee was paid for performing the community service. This receipt should be provided as soon as possible, but no later than one week after the employee's return to work.

WAIO:

Reasonable paid leave may be approved by your department manager for you to attend to State Emergency Service call-outs, blood donation, volunteer fire fighting or other community services. In cases where paid leave is not approved, unpaid community service leave will be granted provided the absence is reasonable in consideration of business requirements. Casual employees will not be entitled to paid leave but will be eligible for unpaid community service leave.

In any case where you are approved to be absent on paid or unpaid community service leave, you must give notice to your Line Leader as soon as practicable. You must advise your line leader of your expected period of absence and upon return to work, BHP may require you to provide evidence of having engaged in community service activity.

Additionally, if you are elected to local Government, a maximum of five working days paid leave is permitted per financial year for you to attend to relevant activities. The days selected should be negotiated between you and your department manager. Any additional leave that is required and approved should be taken as either annual leave or unpaid leave. If you wish to request this leave you should provide a minimum of ten days' notice to your Line Leader.

OD:

Employees, including casual employees, are entitled to unpaid community service leave in accordance with the National Employment Standards under the Fair Work Act to participate in voluntary emergency management, where the employee is assisting in an emergency or natural disasters, (e.g. firefighting, civil defence or rescue organisations), provided that the employee's absence is reasonable in all the circumstances. Note: Participation in training or exercises does not entitle access to Community Service leave.

The Company may at its absolute discretion, approve community service leave for an employee to participate in another activity that the Company considers is of a community service nature.

In an emergency event whereby Fire Fighting and Search & Rescue volunteers are required the Department Manager has the discretion to grant the leave as paid time off to the employees involved.

An employee must give notice of the absence as soon as practicable, advising the Company of the period, or expected period, of the absence, and providing evidence that the employee is engaging in eligible community service.

3.2 Defence Service Leave

The Company will grant community service leave, with make-up pay, for mandatory Defence Force obligations up to a maximum of **10 days paid** in the form of top-up pay in any financial year, providing the employee provides a letter from their local regiment stating:

- whether the leave is for mandatory Defence Force obligations;
- the period of leave required; and

- the daily rate paid by the Australian Defence Force to the employee.

The Company will top up any of the shortfall from the Australian Defence Force up to 10 days. Un-used defence leave cannot be carried over from the previous year.

Defence service leave is treated as continuous service in the calculation of other entitlements.

Any further leave required to attend mandatory Defence Force obligations will be reviewed and considered and may be granted as annual leave, long service leave, or special unpaid leave. When an employee elects to use leave without pay, the employee will continue to accrue sick leave, long service leave, and annual leave while undertaking their Australian Defence Force (ADF) reserve service.

Employer Support Payments can only be claimed where an employee has three months or more service with the Company. They can only be made where leave is for a minimum of five consecutive days and where the employee has already served a qualifying period of two weeks of Defence Service (in a single period or blocks of five consecutive days or longer) in the current financial year.

APU:

Members of the General Reserves of the ADF must attend mandatory training courses and camps. In particular, six weeks of training is required when a person joins the General Reserves, and a total of six additional weeks of training in shorter periods is required over the next 18 months.

BHP provides leave to permanent employees who are or have become members of the General Reserves for mandatory attendance at training courses and camps. The Company will provide make-up pay for the leave period (i.e., the difference between any payments the employee receives from the ADF for the period of leave and their base salary for that period). This amount will be calculated and paid when the employee returns from leave. The employee must supply evidence of their attendance at the course or camp and of any remuneration received. Annual leave and long service leave will continue to accrue during absences for which make-up pay is provided.

Coal:

Defence force reserve leave will be granted for a maximum of sixteen (16) consecutive days each year to enable employees to meet their regular annual training requirements. This leave will be extended to a maximum of 28 consecutive days where employees are required to join a Special Conditions Unit. Leave of absence for extended active military duty (e.g. call up of a Reservist) in the event of any emergency will be for the period of active duty, plus ninety days.

When applying for this leave, employees are required to provide evidence of the reason for the leave, and the period of leave required. Notification of the commencement of defence force reserve leave should be provided by the employee as soon as practicable, but at least four weeks before the leave commences. The Company will make a top up payment in addition to any fees paid to employees whilst on defence force so employees are paid their normal salary. For an employee to be paid for defence force reserve leave, the Company requires evidence of what the employee was paid for the period of the service. This receipt should be provided as soon as possible, but no later than one week after the employee returns to work.

3.3 Jury Service Leave

Community Service Leave taken for the purpose of Jury Service is to be paid leave (Paid Absence).

The following applies to permanent employees:

- Whilst the Company is able to claim back salaries paid to employees participating in Jury Service from the Government (Employer Claim), given the small number of claims and the administration involved, it has made a decision not to do so where attendance is less than 10 days per year.
- Where employees attend Jury Service for less than 10 days per year, they must provide evidence from the Court, where they have made a claim for payment so the Company only pays a top-up amount. Where no claim for payment from the Court has been made, a Statutory Declaration must be provided to support payment of standard pay to the employee.

Any additional Jury Service required by the court exceeding 10 days will be treated as unpaid leave. The Line Leader in consultation with HR will have the discretion to consider on a case by case basis and approve payment for Jury Service outside of the 10 days.

OD:

Casual employees are entitled to unpaid leave for the duration of any required Jury Service.

4. What are the related documents to this Policy Schedule?

Policies and Processes related to this Policy Schedule are detailed in the below table:

Type	Code	Document
Policy	LEAVE.006.001.001	<u>Public Service Leave – Policy</u>
Process	LEAVE.008.006.001	<u>Leave - Apply for Leave – Process</u>

5. Are there Legislation or other requirements related to this Policy Schedule?

Legislation or other requirements
Fair Work Act 2009
State Emergency Management Act 2005 WA
Public Safety Preservation Act 1986 QLD

6. What is the governance for this Policy Schedule?

This section details the ownership, approval and review details of the Policy Schedule.

Policy Name: Public Service Leave - Australia		Document Code: LEAVE.006.002.009	
Policy Owner: Head of Reward Australia and Asia		Policy Approver: Vice President Reward	
Last Reviewed by: Head of Reward Australia and Asia			
Date last reviewed: 19 June 2020		Date of next review: 19 June 2023	
This Policy must be reviewed at minimum every three years and will be updated with legislation changes.			

7. What are the exceptions to this Policy Schedule?

Any exceptions to this Policy Schedule must be approved by the Vice President Reward.