



# Human Resources Policy Schedule

## Parental Leave Australia

### 1. What is the purpose of this document?

The purpose of this document is to establish the rules and provisions of Parental 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 industrial agreement, the provision in the contract of employment or collective agreement will prevail.

BHP (or the "Company") is committed to supporting employees in being able to take time off to care for their child following a birth, recent adoption (including surrogacy arrangements), or grant of a long term guardianship order of a child under the age of 16.

### 2. Who does this Policy Schedule apply to?

Parental leave is available to all permanent full-time and part-time employees who have completed three months' continuous employment in Australia. Where an employee has transferred internationally with BHP from Australia either permanently or temporarily, their parental leave eligibility will be determined either in accordance with this policy, for temporary transfers, or to the Host country leave policy for permanent transfers.

Employees engaged on a fixed term contract or casual basis are not eligible for paid parental leave. However, if they have completed a minimum 12 months service by the time the baby is due, and in the case of casual employees, they are a 'regular casual employee', they are entitled to unpaid parental leave of 12 months in accordance with legislation.

This policy does not form part of, or is not incorporated in any way into, your contract of employment. The Company, in its absolute discretion, may amend, remove or change the basis upon which any of the benefits in the Policy are given.

*Note: There are also entitlements under a Commonwealth Government parental leave pay scheme which is separate from and not part of the arrangements included in this Policy.*

*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 Parental Leave Entitlement?

### 3.1 Unpaid Parental Leave

All permanent employees are eligible for a total period of parental leave (paid and unpaid) of 12 months related to the birth of a child, adoption of a child (including surrogacy arrangements) or grant of a long term guardianship of a child. The 12 month period may be extended by a further 12 months (up to 24 months in total) if an extension is granted.

- Paid or unpaid parental leave is inclusive of any public holidays that fall within the leave period.
- Unpaid parental leave can be taken at any time in the 24 months following the birth or placement of a child.
- Available annual leave or long service leave can be taken in conjunction with parental leave and should ordinarily be taken prior to commencing any period of unpaid leave. However, the total period of absence cannot be extended beyond 12 months, or 24 months if an extension is granted.
- Employees are not eligible for personal leave after the commencement of parental leave, even if they develop an illness related to the birth of the child.
- If the employee who takes leave first is pregnant or gives birth, they can start their leave up to 6 weeks before the expected date of birth or earlier if agreed with the Company. Employees can access unpaid flexible parental leave in the 6 weeks before the expected date of birth (see below).
- If the employee who takes leave first is not pregnant, their leave must start on the date of birth or placement of the child.
- If the pregnant employee wishes to work during the 6 weeks before the birth, the Company may request they provide a medical certificate confirming they are fit to continue work.

### 3.2 Paid Parental Leave

Employees are also entitled to **18 weeks paid parental leave** related to the birth of a child, or in the case of adoption (including surrogacy arrangements), or long term guardianship, immediately following the date of adoption, or grant of the guardianship order. The employee must have commenced permanent employment with the Company prior to the date of birth of the child, adoption or grant of guardianship occurs to be eligible for the paid parental leave benefit. The 18 weeks paid parental leave forms part of the total period of 12 months parental leave.

- The period of 18 weeks paid parental leave covers multiple births, adoptions (including surrogacy arrangements), or grant of long term guardianship occurring at the same time.
- Employees may opt for 18 weeks of parental leave to be paid at half pay over 36 weeks or a combination of both full pay and half pay, as long as the paid leave does not exceed the equivalent of 18 weeks full time pay.
- Paid parental leave will be paid within the normal BHP pay cycles and paid at the employees' normal rate of pay.
- Paid parental leave must be applied for and utilised within the first 24 months following the birth, adoption (including surrogacy arrangements), or grant of a long term guardianship order of a child under the age of 16.
- It is intended that parental leave is taken in one continuous period. However, it may be possible to take paid parental leave (up to a maximum of 18 weeks at full pay or 36 weeks at half pay in total) over two separate periods. For example, paid secondary parental leave (2 weeks) can be taken at the time of the birth or adoption, and then later access paid primary parental leave (16 weeks at full pay or 32 weeks at half pay). In circumstances where an employee takes less than the full paid primary carer leave entitlement, the remaining portion of paid primary carer parental leave is normally forfeited. However in the event of unforeseen and extenuating circumstances, and where an employee provides sufficient supporting evidence, the remaining portion of leave may be approved at the Company's discretion.

- Paid primary carer parental leave cannot be taken concurrently (at the same time) between an employee and the employee's partner.
- Where both caregivers are employees of BHP, each is entitled to separate periods of up to 18 weeks paid parental leave provided the paid leave is applied for and utilised at a time when that parent is the primary carer.
- Paid parental leave doesn't need to be taken consecutively (immediately following) between each partner and can be taken at separate times during the 24 months, provided the leave is utilised within this period.
- If an employee gives birth, adopts (including surrogacy arrangements) or is granted long term guardianship of another child whilst on paid parental leave they are eligible to access a second entitlement to paid and unpaid parental leave without the requirement to return to work.

*A parent will be accepted as the primary carer of a child if, in the reasonable opinion of BHP, the employee has assumed the principal role of providing care and attention to the child. There can only be one primary carer at any one time. For example, a parent might be the primary carer where the partner has gone back to substantially full-time work or if BHP is satisfied on reasonable grounds that the partner is incapable of fulfilling the role of primary carer and the employee will fulfil that role.*

### 3.3 Eligibility for Primary Parental Leave for medical reasons

Partners of employees who have given birth via a caesarean section, may in exceptional circumstances only, be eligible for primary parental leave if they can satisfy the Company that they will be the primary carer for the child. In most instances, when a caesarean section is performed, the mother is still able to provide primary care for the baby as they can still feed, change and care for the baby despite some medical restrictions.

For an employee to be entitled to Primary Parental Leave, the mother must be incapable of providing primary care for the child;

- BHP is entitled to require evidence to satisfy itself that the partner of the child is the primary carer of the child and that evidence is not limited to a statutory declaration;
- If the reason that the mother is incapable of providing care due to a medical incapacity, BHP is permitted to require a medical certificate regarding the mother's physical incapacity; and
- A medical certificate saying the mother needs care is not sufficient as that does not mean that they cease to be the primary carer of the child.

For further guidance on satisfying the requirements to be the primary carer of the child due to medical reasons, please contact HR (via myHR+). Employees who are not eligible for Primary Carer Parental Leave may apply for other types of leave to support the mother, the child, or their other children (with appropriate medical certification).

### 3.4 Flexible parental leave

Employees can take up to 100 days (20 weeks) of their unpaid primary parental leave flexibly at any time within 24 months of a child's birth, or adoption (including surrogacy arrangements), or grant of a guardianship order.

Flexible unpaid parental leave can be taken as:

- a single continuous period of 1 day or longer,
- before or after a continuous period of Primary Parental Leave; or
- separate periods of 1 day or longer each.

Pregnant employees can access flexible parental leave in the 6 weeks' prior to the expected birth of their child.

The 20 weeks flexible parental leave forms part of the total period of 12 months unpaid parental leave.

### 3.5 Secondary Parental Leave

The secondary caregiver is the legally recognised partner, spouse or de facto spouse of the primary care giver, who does not have primary care giving responsibilities.

The secondary care giver may apply **for two weeks paid parental leave** (14 consecutive days) at any time within 12 months of the birth or placement of the child (following adoption, surrogacy or grant of a long term guardianship order). Where the secondary care giver wants to take a full rostered block, the remaining time should be taken from accrued leave entitlements or unpaid leave.

Additionally, the secondary care giver may access unpaid parental leave (see section 3.1 above).

## 4.0 Other entitlements related to parental leave

### 4.1 Unpaid special parental leave

An eligible pregnant employee may take personal leave, or where this is exhausted, unpaid special parental leave before ordinary parental leave begins if they are not fit for work because:

- of a pregnancy-related illness,
- or if
  - they have been pregnant,
  - their pregnancy ends after at least 12 weeks because of a miscarriage or termination,
  - the infant isn't stillborn.

If an employee takes special parental leave because of a pregnancy related illness, the leave will end when the pregnancy or illness ends, whichever is earlier. If they take leave because of miscarriage or termination, it can continue until they are fit for work.

An employee must advise the Company if they are taking unpaid special parental leave as soon as possible (which may be after the leave has started) including the expected period of leave.

The employee must provide supporting medical evidence for any extended absence associated with a pregnancy-related illness.

The entitlement to paid or unpaid parental leave isn't reduced by the amount of any unpaid special parental leave taken by the employee while they are pregnant.

In addition to the unpaid special parental leave, an employee or the employee's spouse or de facto partner, who has experienced a miscarriage may be eligible under the Personal Leave – Policy Schedule – Australia (see Miscarriage).

### 4.2 Still birth or infant death

In the unfortunate case of a still birth (post 20 weeks of gestation) or an infant death during the first 24 months of life, the pregnant employee is entitled to 18 weeks paid parental leave. Eligible employees are still entitled to take up unpaid parental leave even if they haven't previously given notice to the Company (as long as notice is provided as soon as practicable).

An employee whose partner has a still birth post 20 weeks of pregnancy or an infant death during the first 24 months of life are entitled to 2 weeks of paid secondary parental leave and unpaid parental leave.

An employee can also choose to return to work if they want to through reducing or cancelling their planned parental leave:

- If the unpaid parental leave hasn't started, the employee can cancel the leave with written notice.
- If the leave has started, the employee can give at least 4 weeks written notice cancelling the leave and providing a return to work date.

### 4.3 Unpaid pre-adoption leave

All employees (regardless of how long they've worked for the Company) are entitled to up to 2 days of unpaid pre-adoption leave to attend any interviews or examinations related to the adoption.

This unpaid leave can be taken as a continuous period or flexibly as agreed between the employee and BHP.

If the employee has other leave entitlements available, such as annual leave, BHP may direct them to use this leave before taking unpaid pre-adoption leave.

The employee must give notice as soon as possible and if required, provide evidence that would satisfy a reasonable person.

### 4.4 Alternative duties - transfer to a safe job or 'no safe job leave'

A pregnant employee is entitled to be transferred to an 'appropriate safe job' in the event the employee is unable to continue in their current position.

The employee must provide evidence (for example a medical certificate) that confirms they are fit for work, but that it is inadvisable for them to continue in their current position during a period because of illness or risks arising from the pregnancy, or hazards connected with the position in which they are employed.

If there is an 'appropriate safe job' available, the employee must be transferred to that job for the risk period (until it is safe to go back to their normal job or until they give birth), with no other change to the employee's terms and conditions of employment.

If there is no 'appropriate safe job' available and the employee is entitled to unpaid parental leave, they are entitled to paid 'no safe job leave' for the risk period. They need to be paid at their normal rate of pay for ordinary hours of work during the risk period.

If there is 'no appropriate safe job' available and the employee is not entitled to unpaid parental leave, they are entitled to unpaid 'no safe job leave' for the risk period.

If the employee is on paid 'no safe job leave' during the 6 week period before the expected date of birth, BHP may ask the employee to provide a medical certificate within 7 days after the request advising of the employee's fitness to work. In the absence of this, BHP can require them to take unpaid parental leave as soon as practical (if they are eligible).

The 'no safe job leave' ends when the period of unpaid parental leave starts.

#### Olympic Dam

For employees in Olympic Dam, please refer to the Parental Leave Guide (section 2.5) requirements on consultation with Site Health team.

### 4.5 Restrictions on Fly-In-Fly Out (FIFO) employees

If, at any time, the employee can no longer continue working to FIFO arrangements as advised by a medical practitioner, alternative duties in a location not requiring air travel will be provided if available and if reasonably practicable. In such cases, there will be no other change to the employee's terms and conditions of employment and the employee will continue to be eligible for payment of their ordinary allowances while still at work.

### Daunia and Caval Ridge

In addition to the above conditions regarding alternative duties for pregnant employees, where a pregnant employee is employed on a FIFO basis, they will be required to obtain written approval from their doctor to continue flying from 28 weeks to 36 weeks of pregnancy and flying is prohibited after 36 weeks.

### WAIO

In addition to the above conditions regarding alternative duties for pregnant employees, where a pregnant employee is employed on a FIFO basis, they will be required to obtain written approval from their doctor to continue flying from 26 weeks to 36 weeks of pregnancy.

## 4.6 Keeping in touch days

Prior to commencing leave, employees are encouraged to finalise performance-related discussions for the relevant performance year, including a discussion on development and career opportunities for the future.

Employees can access up to **10 days** for **Keeping in Touch** during a period of parental leave. The Keeping in Touch days are intended to assist employees to stay connected with the company and their team, be involved in planning discussions or meetings that may affect their role and ease the transition back to work.

To access a Keeping in Touch day, the following applies:

- The purpose of performing the work is to enable the employee to keep in touch with their team and the Company.
- If requested by the employee, the day is not within 14 days of the date of birth or placement of the child to which the period of leave relates.
- If requested by the employer, the day is not within 42 days of the date of birth or placement of the child to which the period of leave relates.
- Keeping in Touch days can be worked as a part day, one day at a time, a few days at a time or all at once as long as the total number of days does not exceed 10 days during their period of parental leave.
- The employee is entitled to receive their normal pay and accumulates leave entitlement for each Keeping in Touch day (or part day).
- No additional payment will be provided if the employee is on a period of paid leave.
- Paid parental leave is not extended by any Keeping in Touch days.

## 4.7 Consultation

Employees on parental leave are entitled to be kept informed of any decisions that will have a significant effect on the status, pay or location of their pre-parental leave position. All reasonable steps must be taken to provide the employee information about, and an opportunity to discuss, the effect of any such decisions on the employee's position.

The employee's pre-parental leave position is the position they held before starting the unpaid parental leave, or the position they held before they were transferred to an 'appropriate safe job' or reduced their hours due to the pregnancy.

## 4.8 Return to work guarantee

An employee returning from parental leave is entitled to return to their pre-parental leave position or an available position for which they are qualified and suited, which is nearest in status and pay to their pre-parental leave position, if their pre-parental leave position doesn't exist anymore, or to the position to which they were promoted or voluntarily transferred during their parental leave. This does not include any 'appropriate safe job' the pregnant employee was transferred to prior to commencing leave.

If the employee does not resume their former position or returns to work in a different employment capacity, new terms and conditions will be established to reflect the nature of the new role.

## 5.0 Parental leave – Return to Work

### 5.1 Flexible work arrangements

BHP is committed to reasonably accommodating flexible work requests to assist employees with work arrangements and parental responsibilities. Current examples of flexible work arrangements for employees returning from parental leave include graduated return to full-time or part-time work, work from home days, and flexible work hours to accommodate work and family commitments. Please refer to the [Ways of Working Framework](#) for more information.

### 5.2 Temporary return to work

If BHP determines that it would be desirable for an employee who is on parental leave to temporarily return to work to attend to critical business needs, the following steps must be taken:

- It should be clearly explained to the employee that returning to work is voluntary and, if agreed to, would end or suspend the parental leave period.
- The employee should be advised of the nature and expected duration of the temporary assignment. The employee should receive their normal pay for time worked.
- BHP should provide an amount of unpaid or paid leave, as applicable, equal to the period of the employee's parental leave period foregone. This leave should be available at the conclusion of the temporary assignment.
- The arrangements should be confirmed in writing.

## 6.0 Notice Requirements

Activity	Notice required	Requirements
<b>Request for Primary parental leave</b>	Minimum of 10 weeks prior to commencing parental leave	Employee to review the <a href="#">Parental Leave Guide</a> and submit request in myHR+ portal
<b>Request for Secondary parental leave</b>	Minimum of 10 weeks prior to commencing parental leave	Employee to review the <a href="#">Parental Leave Guide</a> and submit request in myHR+ portal
<b>Request for Flexible Unpaid Parental Leave</b>	Advise at same time as requesting continuous parental leave; or  At least 10 weeks before the start of their flexible parental leave or later if BHP agrees.  Where there is a separate request for a flexible parental leave day at least 4 weeks before the start of the leave or otherwise as practicable.	Written notice provided to Line Leader and submit request in myHR+ portal. Need to advise total number of flexible days intended to be taken and when.
<b>Return to work</b>	Minimum of 8 weeks prior to return to work date	Written notice provided to Line Leader
<b>Reducing parental leave period</b>	Minimum of 4 weeks prior to desired return to work date	Written request provided to Line Leader  Subject to approval by BHP

Activity	Notice required	Requirements
<b>Extending agreed parental leave up to 12 months</b>	Minimum of 4 weeks prior to initially agreed return to work date	<p>Written notice provided to Line Leader</p> <p>Total period of leave must not exceed 12 months</p> <p>BHP must respond in writing within 21 days.</p>
<b>Request to extend agreed parental leave beyond 12 months</b>	Minimum of 4 weeks prior to initially agreed return to work date	<p>Written request provided to Line Leader.</p> <p>Subject to approval by BHP</p> <p>BHP must respond in writing within 21 days stating whether it grants or refuses the request, or if following discussion with the employee a different period of leave is agreed, the response must state the agreed extended period.</p> <p>BHP may refuse the request only if:</p> <ul style="list-style-type: none"> <li>• BHP has discussed the request with the employee, and genuinely tried to reach agreement about an extension to the period of leave (but no agreement has been reached);</li> <li>• BHP has had regard to the consequences of refusal for the employee; and</li> <li>• The refusal is on reasonable business grounds.</li> </ul> <p>The response to the employee must :</p> <ul style="list-style-type: none"> <li>• include the reasons for the refusal in the written response*;</li> <li>• set out the business grounds for refusal, and how they apply to the extension request;</li> <li>• either set out an alternative extension period, or state that no extension period is acceptable to BHP; and</li> <li>• set out the employee's rights to access dispute resolution and arbitration in the Fair Work Commission under section 76B and 76C of the Fair Work Act 2009 (Cth).</li> </ul>



\*Reasonable business grounds for refusing a request may include, without limitation, factors such as:

- The effect on the workplace (e.g. the impact on finances, efficiency, productivity, customer service);
- The capacity to manage the workload among existing staff;
- The necessity to recruit or redeploy a replacement employee and the practicality of doing so.

If an extension request is denied or not responded to, and the matter cannot be resolved at the workplace level, the matter may be referred by either BHP or the employee to the Fair Work Commission. If a dispute is raised in the Fair Work Commission, the Fair Work Commission must first deal with the dispute by means other than arbitration (unless there are exceptional circumstances) but may then deal with the dispute by way of arbitration.

## 7.0 Eligibility for Benefits while on Parental Leave

### 7.1 Accrual of service-related entitlements

Annual leave and long service leave continue to accrue during paid parental leave.

Employees will not accrue annual or long service leave entitlements whilst on unpaid parental leave unless stipulated in their Industrial Agreement. Further, periods of unpaid parental leave do not count as service for the purpose of calculating severance payments in the event of redundancy.

Paid personal, carers and compassionate leave are not available during parental leave.

### 7.2 Shareplus

An employee may continue to participate in Shareplus, by way of payroll deduction, during paid parental leave.

When an employee takes unpaid parental leave, their Shareplus deductions will cease. To maximise an employee's ability to continue to build their BHP share portfolio, employees will be given the opportunity to make Advance or Catch-up Contributions to Shareplus. Further details on this option can be found on [bhpshareplus.com](http://bhpshareplus.com). Alternatively, employees can contact Shareworks directly via [BHPBShareplus@shareworks.com](mailto:BHPBShareplus@shareworks.com) or phone 1800 260 907 (10am – 4pm Australian Eastern Standard Time).

### 7.3 Superannuation

BHP superannuation contributions will continue during periods of unpaid parental leave for up to two years.

An employee should consult with their superannuation fund in relation to information about superannuation contributions and the options that are available during a period of parental leave.

## 7.4 Housing Assistance, Home Ownership Scheme (HOS)/Rental Repayments

For information regarding housing arrangements while on parental leave, refer to your local accommodation contact.

For HOS/Rental Repayments, arrangements must be made to ensure payments continue during periods of unpaid parental leave

## 7.5 Novated Leases

An employee will be responsible to meet the cost of providing and running a novated lease vehicle during parental leave.

## 7.6 Other Deductions

Should an employee have deductions (e.g. Company rental deductions, overpayment repayments), the employee is responsible to ensure that the payment is covered from an alternative source during periods of unpaid parental leave.

## 7.7 Annual Leave Travel Assistance (ALTA) (WAIO Employees only)

Parental Leave may be broken to take annual leave for the purpose of claiming ALTA but this does not extend the 12 months duration.

## 8.0 Circumstances where Parental Leave may not be available

In circumstances where an Employee needs to provide care or support to their partner or children (other than the newborn/adopted child) because of personal illness or injury, Employees should access personal/carer's leave. The application for personal/carer's leave needs to state the requirement to care for the immediate family member and include supporting medical certification.

Employees should access personal/carer's leave or other forms of leave (e.g. Annual Leave, Long Service Leave) as applicable to the circumstances where employees are fostering a child/children, or are required to provide care or support to children for whom they have foster caring responsibilities (other than Long Term Guardianship), or in surrogacy arrangements, where the birth mother needs to take leave for the purposes of maternal recovery (after relinquishing care to the new parents – i.e. where they are no longer the primary carer).

## 9.0 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.005.001.001	<a href="#">Parental Leave - Policy</a>
Policy	LEAVE.002.009.009	<a href="#">Personal Leave - Australia</a>
Policy	LEAVE.002.001.001	<a href="#">Personal Leave – Policy</a>
Policy Schedule	LEAVE.002.002.009	<a href="#">Personal Leave - Policy Schedule - Australia</a>
Guide	LEAVE 005.013.001	<a href="#">Parental Leave Guide</a>
Process	LEAVE.005.006.001	<a href="#">Leave - Parental Leave – Process</a>

## 10.0 Are there Legislation or other requirements related to this Policy Schedule?

### Legislation or other requirements

Fair Work Act 2009

*Minimum entitlements (where applicable) are taken from the Parental leave and related entitlements - Fact sheets - Fair Work Ombudsman*

## 11.0 What is the governance for this Policy Schedule?

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

**Policy Name: Parental Leave - Australia**    **Document Code: LEAVE.005.002.009**

**Policy Owner:** Head of Reward

**Policy Approver:** Manager Reward Global Functions, Policy & Recognition

**Last Reviewed by:** Manager Reward Global Functions, Policy & Recognition

**Date last reviewed:** 20 June 2023

**Date of next review:** 31 October 2025

This Policy must be reviewed at minimum every **3 years** and will be updated with legislation changes.

## 12.0 What are the exceptions to this Policy Schedule?

Any exceptions to entitlements in this Policy Schedule must be approved by the Manager Reward Global Functions, Policy & Recognition.