

## Human Resources Policy Schedule

# Personal Leave Australia

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

The purpose of this document is to establish the rules and provisions of the Personal 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 for their health, wellbeing and independence.

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

This Policy Schedule applies to all permanent full-time and part-time, and fixed-term employees in Australia, excluding employees under a Collective Agreement.

*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 Personal Leave Entitlement?

Personal Leave includes a number leave types to support an employee with their health and wellbeing, along with that of their families. This Policy Schedule outlines entitlements available to employees under the following categories:

- Personal Leave
- Carers Leave
- Discretionary Sick Leave
- Compassionate Leave.

#### 3.1 Personal Leave

Employees will receive a personal leave accrual of **10 days per year of service** which may be used in the event the employee is **sick or for carers leave**. This entitlement accrues annually, and payment for personal leave absences is based on total fixed remuneration including shift payments.

- Fixed-term or part-time employees will be provided with paid pro-rata personal leave on the basis of 10 days per annum.
- Casual employees are not entitled to paid personal leave however are entitled to up to two days unpaid carers leave for each occasion in accordance with the carers leave requirements.

Accrued paid personal/carers leave may not be cashed out during employment, and is not payable on termination, unless otherwise stated in individual agreements or collective agreements.

Personal and carers leave entitlements are determined by the National Employment Standards under the Fair Work Act. The 1SAP system and pay records describe personal/carers leave as 'sick leave'.

Personal leave is approved time off work due to personal illness or injury, and is available to an employee if the employee is not fit to work because:

- of a personal illness or injury; or
- the employee needs to provide care or support to a member of their immediate family or household because of a personal injury or personal illness affecting the immediate family member; or
- of an emergency affecting their immediate family member.

An employee is required to provide medical evidence from a qualified medical practitioner to support any absence of two days or more, if requested by the Company.

##### 3.1.1 Carers Leave

Carers leave is used where an employee has to care for an immediate family member or a member of the employee's household. Subject to the evidentiary requirements, Line Leaders will approve paid leave in circumstances where the employee needs to provide care or support because of:

- a personal illness or personal injury, affecting the member; or
- an unexpected emergency affecting the member.

An employee is not eligible for carers leave where another person is caring for the same person or another person has taken leave to care for the same person. 'Immediate Family member' includes:

- Grandparent, parent, or parent-in-law;
- Sibling;

Internal

- Partner; or
- Child or grandchild.

*Note: Step, foster, and adopted relationships are all included.*

If you have exhausted your personal/carer's leave entitlement and you require carer's leave, you must apply for unpaid leave. The Line Leader in consultation with Human Resources may approve unpaid carer's leave. You may be required to provide a medical certificate for periods of absence on personal/carer's leave.

## 3.2 Discretionary Sick Leave – Asset specific

### WAIO employees

Where employees have exhausted their personal leave entitlement, eligible employees may apply to use discretionary sick leave for personal illness or injury. Discretionary Sick Leave may also be approved where employees have some capacity to work alternative or restricted duties and/or reduced hours/shifts to assist in the employee's recovery as part of a return to work program.

Discretionary sick leave of up to 12 months is not an automatic entitlement for all eligible employees and approval is at the discretion of the Line Leader in consultation with Human Resources.

An initial period of approval does not guarantee future or ongoing approved discretionary leave. Employees should not view Discretionary Sick Leave as a guaranteed temporary source of income.

Employees should consider their own personal circumstances and whether income protection insurance is required.

If discretionary sick leave is approved, full-time and part-time permanent employees will continue to receive their total salary during their absence from work.

#### **Serious Illness:**

A serious illness or injury is where the person has no capacity to attend the workplace or perform any work. It is not a serious illness or injury if the person can perform alternative or light duties or reduced hours.

A serious injury or illness occurs when an employee:

- requires in-patient hospitalisation care as a result of an illness or injury;
- requires continuing treatment by a health care provider in relation to an illness or injury that is of sufficient severity that the employee would be unable to perform alternative or light duties in the workplace;
- requires a period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider;
- undertakes surgery or other treatment that is medically required (whether elective or otherwise) and/or
- otherwise suffers from a condition that the Company determines to warrant the provision of Discretionary Sick Leave.

Where an employee has sustained a serious illness or injury that falls within the above definition it is the practice of the Company that discretionary leave is generally approved in standard circumstances.

In the case of serious illness or injury and where employees have more than 12 months service, a maximum of 12 months paid discretionary leave will be considered. When Discretionary Sick Leave is approved it will be subject to regular review.

Internal

Eligibility criteria includes but is not limited to:

- have more than 12 months' service
- have exhausted all paid Personal/Carers leave entitlement
- have a serious illness or injury
- prognosis indicates the employee is likely to return to pre-injury/illness duties; and
- employee adheres to all absenteeism requirements

Where employees have been employed for less than 12 months, paid discretionary leave beyond four weeks and up to a maximum of 12 months may be considered in special circumstances.

### All other employees

Discretionary paid sick leave in excess of an employee's accrued entitlement can be granted subject to the approval of the relevant General Manager or Head of Function.

## 3.3 Compassionate Leave

An employee may take up to **two working days as paid compassionate leave** (except for casual employees where Compassionate Leave is unpaid) for each permissible occasion when a member of the employee's immediate family or household:

- contracts or develops a personal illness that poses a serious threat to their life;
- sustains a personal injury that poses a serious threat to their life; or Dies.

The immediate family member is a:

- spouse/partner, child, parent, grandparent, grandchild or sibling of the employee; or
- a child, parent, grandparent, grandchild or sibling of a spouse/partner of the employee.

It is recognised that the application of this Policy may vary for Indigenous employees where kinship systems mean that extended family can be defined as being quite closely related and participation in funerals and mourning processes is an important part of Indigenous culture.

At its discretion, the Company may provide up to three additional days paid compassionate leave per occasion, subject to approval by the employee's Line Leader.

Employees must inform their Line Leader as soon as possible of their intention to take compassionate leave and the expected duration of their absence.

### Miscarriage

When an employee, or the employee's spouse or de facto partner, has experienced a miscarriage (before a period of 20 weeks gestation), an employee may take up to **two working days as paid compassionate leave** (except for casual employees where Compassionate Leave is unpaid). At its discretion, the Company may provide up to three additional days paid compassionate leave per occasion, subject to approval by the employee's Line Leader.

In circumstances of still birth (post 20 weeks gestation) or infant death, in addition to Compassionate leave, employees may also be entitled to Parental Leave (see Parental Leave Policy Schedule - Australia - Still Birth or Infant Death).

Internal

#### 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.002.001.001 | <u>Personal Leave – Policy</u>           |
| Policy  | LEAVE.001.001.001 | <u>Annual 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                |

#### 6. What is the governance for this Policy Schedule?

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

| Policy Name: Personal Leave Policy - Australia   |  | Document Code: LEAVE.002.002.009                           |  |
|--|--|--|--|
| Policy Owner: Head of Reward   |  | Policy Approver: Vice President Human Resources Operations |  |
| Last Reviewed by: Head of Reward   |  |  |  |
| Date last reviewed: 18 November 2021   |  | Date of next review: 18 November 2024                      |  |
| This Policy must be reviewed at minimum every <b>three years</b> 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 Human Resources Operations.