

1. PURPOSE

This policy outlines the management of leave entitlements and discretionary provisions at Whitehaven Coal Limited and its subsidiaries (**Whitehaven**) in accordance with applicable legislation and relevant internal Whitehaven policies.

The objectives of this policy are:

- To ensure employees are aware of their leave entitlements, discretionary leave provisions and associated responsibilities.
- To promote a safe and healthy work environment that supports employees in balancing work and personal life commitments.
- To account for the operational needs of Whitehaven through appropriate work planning.

Whitehaven offers a variety of paid and unpaid leave options, allowing employees to effectively balance work, rest, recreation, well-being and family responsibilities.

2. SCOPE

This policy applies to all full-time and part-time employees of Whitehaven, except those covered by an enterprise agreement or individual employment contract that specify alternative leave arrangements.

Employees covered by an enterprise agreement are entitled to the terms contained within their agreement and therefore are not entitled to the provisions of this policy.

3. ANNUAL LEAVE

3.1. Entitlement

Annual leave is provided to employees in accordance with the National Employment Standards (NES) and applicable legislative requirements.

Annual leave currently accrues at the rate of 4 weeks per 12 months of continuous service for salaried employees.

Some employees may be entitled to additional annual leave entitlements based on their working location, roster or other specific conditions outlined in their individual employment contract or an applicable modern award. Employees should refer to their employment contract and any applicable modern award for details.

Part-time employees will accrue leave on a pro-rata basis based on the number of ordinary hours worked.

Casual employees are not entitled to annual leave.

3.2. Accruals

Annual leave accrues on a monthly basis in accordance with the employee's entitlement as specified in their employment contract and is cumulative from year to year.

If an employee's rate of accrual changes due to a change in their roster or working hours, the new accrual rate will apply effective the date of the change.

3.3. Taking Annual Leave

Employees may apply for annual leave provided they have sufficient accrual balance.

It is a requirement for employees to manage their leave to avoid negative leave balances. In exceptional cases, negative leave may be approved, but any request resulting in a negative leave balance must be approved by the relevant General Manager (GM) or Executive General Manager (EGM).

Annual leave should be taken within 12 months of the accrual. If leave is not taken within this period and excess leave is accrued, employees may be directed to take leave in accordance with legislation and any applicable modern award.

Annual leave should be requested at least 4 weeks prior to the applicable commencement date to ensure adequate planning and approval.

Annual leave must be taken at a mutually convenient time, agreed between the employee and their Line Leader, ensuring that it does not impact business requirements.

Employees are not permitted to accumulate more than 6 weeks of annual leave without written approval from their GM/EGM.

3.4. Illness or Injury whilst on Annual Leave

If an employee's annual leave is interrupted due to illness or injury and appropriate medical evidence is provided, the affected annual leave period may be reclassified and taken as personal/carer's leave.

Note: Employees must provide appropriate medical evidence for personal/carers leave as soon as practicable when the leave is taken, and not after the annual leave period has ended. If medical evidence supports the request, the employees' Line Leader may approve changing the employee's annual leave entitlement to personal/carers leave for the period of illness/injury. The change requires approval by the relevant GM or EGM.

3.5. Annual Shutdown Period

Whitehaven may direct employees to take annual leave during a shutdown period such as the Christmas and New Year period.

If employees do not have sufficient annual leave accrued to cover the shutdown period, they may access leave without pay.

In certain circumstances, Whitehaven may allow employees to take annual leave in advance if approved by the GM or EGM as follows:

- Employees with less than 6 months of service may have their annual leave balance overdrawn by up to 5 days
- Employees with more than 6 months of service may have their annual balance overdrawn by up to 7 days

Employees who do not have sufficient accrued annual leave and would need to take more leave in advance than allowed above, will be required to take leave without pay for any remaining part of the shutdown period.

3.6. Taking Annual Leave in Advance

Employees who have exhausted all available paid leave entitlements may be permitted to take annual leave in advance, up to a maximum of 5 days.

In exceptional circumstances, Whitehaven may, at its discretion, approve additional leave in advance. If an employee needs more than 5 days in advance, this must be pre-approved by the relevant EGM.

The employee will agree to repay any negative balances in full either by accruing the leave or payment in full upon termination.

3.7. Payment

Payment for periods of annual leave will be made at the applicable rate at the time the leave is taken.

Superannuation contributions will continue during the period of annual leave.

3.8. Cashing Out

Generally, Whitehaven does not approve requests to cash out annual leave and believes employees should take their full entitlement each year to ensure their well-being. However, in exceptional circumstances, Whitehaven may, at its discretion, consider requests to cash out a portion of annual leave, subject to applicable legislation.

The cashing out requirements are as follows and subject to approval by the relevant EGM.

- Each cashing out of accrued annual leave is considered a separate agreement between Whitehaven and the employee.
- The agreement must be in writing and retained in the employee record.
- The agreement must specify the amount of accrued leave to be cashed out and requested payment date.
- The agreement must be signed by both Whitehaven and the employee. If the employee is under 18 years of age, the agreement must be signed by the employee's parent or guardian.
- The employee must be paid the full amount that would have been payable had the employee taken the leave at the time it is cashed out.
- The employee must retain a minimum of at least 4 weeks' accrued leave after cashing out.
- Employees may not cash out more than 2 weeks accrued annual leave in any 12-month period.

3.9. Termination of Employment

Upon termination of employment, employees will be paid any remaining accrued annual leave entitlements.

If an employee has a negative annual leave accrual balance at termination, the employee will be required to repay the equivalent value in full to Whitehaven.

4. PERSONAL/CARER'S LEAVE

4.1. Entitlement

Personal/carers leave is provided to employees in accordance with the National Employment Standards legislative requirements.

Currently, personal/carers leave is provided at the rate of 10 days per 12 months service.

Some employees may be entitled to additional personal/carers leave entitlements based on their working location, roster or other specific conditions outlined in their individual employment contract or an applicable modern award. Employees should refer to their employment contract for details or any applicable modern award.

Permanent part-time employees will be provided leave on a pro-rata basis based on the number of ordinary hours worked compared to a full-time employee.

Casual employees are entitled to unpaid carers leave of up to 2 days per occasion.

4.2. Accruals

Personal/Carers leave is provided to employees upon commencement and on each anniversary of their employment and is cumulative from year to year.

Personal/Carer-s leave does not accrue for casual employees.

If an employee's rate of accrual changes due to a change in their roster or working hours, the new accrual rate will apply effective at the date of the change.

4.3. Taking Personal/Carers Leave

Personal/Carers leave is provided in the event of genuine personal illness or injury, or to provide care or support for a member of the employee's immediate family or household, who is sick, injured or has an unexpected emergency.

The employees' immediate family or household includes:

- spouse or former spouse
- de facto partner or former de facto partner
- child (*includes adopted child and adult child*)
- parent
- grandparent
- grandchild
- sibling
- child, parent, grandparent, grandchild or sibling of the employee's spouse or de facto partner (or former spouse or de facto partner)

An "unexpected emergency" is an unforeseen or sudden and urgent event or situation that requires immediate action.

Paid personal/carers leave does not include pre-planned events or appointments.

4.4. Notification of Leave

Employees required to take personal/carers leave, must advise their Line Leader before the start time or start of shift. Employees should provide the reason for the absence and indicate the estimated duration of the leave.

4.5. Evidence

As soon as practical and no later than the first day of returning to work, employees are required to complete a leave request in the HR Information System.

In the case of personal illness/injury, Whitehaven may require the employee to provide evidence of the illness/injury. A medical certificate may be requested for any period of absence but must be always provided for 2 days or more of leave.

When taking leave to care for a member of their immediate family or household who is sick and requires care and support, Whitehaven may request a medical certificate confirming the sickness of the person concerned and that the employee's care is necessary.

If the leave is taken due to an unexpected 'emergency' affecting an immediate family member or member of the household, Whitehaven may request a statutory declaration or other evidence from the employee.

4.6. Payment

Payment for periods of personal/carers leave will be made at the base salary rate applicable at the time the leave is taken. Superannuation contributions will continue while on paid personal/carers leave.

4.7. Unpaid Carers Leave

Where an employee has exhausted all paid personal/carers leave entitlements, they are entitled to take up to 2 days of unpaid carers leave to care for members of their immediate family or household who are sick and require care and support, or who require care due to an unexpected emergency.

Whitehaven may approve a request to take any accrued annual leave (or, in some cases, long service leave) and in other cases, leave will be taken as leave without pay (see section 3).

Note: the notification and documentary requirements will still apply when taking unpaid carers leave. Additional unpaid or extended personal/carers leave may be granted at the discretion of the GM or EGM.

4.8. Termination of Employment

Generally, accrued but unused paid personal/carers leave is not paid out upon termination and cannot be cashed out.

The exception applies to employees who have different provisions set out in their contract of employment.

4.9. Effect of Workers' Compensation

Employees receiving workers' compensation payments are not entitled to paid personal/carers leave during this period.

5. PUBLIC HOLIDAYS

Employees who are required to work on public holidays as part of their roster receive remuneration as part of their salary that compensates them for this work.

5.1. Leave deductions for employees with additional annual and personal/carer's leave entitlements

For employees who have additional annual and personal/carer's leave entitlements (that is, leave entitlements in excess of the NES minimums), the following will apply:

- Where a public holiday falls during an employee's period of annual or personal/carer's leave, and the employee was rostered to work on that public holiday, one day of leave will be deducted from the employee's relevant leave balance.
- This deduction will only apply to leave entitlements that are in excess of the NES minimums. Accordingly, deductions from leave will be from the additional annual leave (received on top of NES entitlements) or from the additional personal/carer's leave (received on top of NES entitlements).

5.2. All other employees

The above does not apply to employees who are entitled to annual and personal/carer's leave entitlements in accordance with the NES minimums. For these employees, no leave deduction will be made where a public holiday falls during an employee's period of annual or personal/carer's leave.

6. COMPASSIONATE AND BEREAVEMENT LEAVE

6.1. Entitlement

Employees are entitled to 2 days paid compassionate leave for each occasion when a member of their immediate family or household:

- A member of their immediate family or household dies, or contracts or develops a life threatening illness or injury; or
- A baby in their immediate family or household is stillborn.
- They experience a miscarriage.
- Their current spouse or de facto partner experiences a miscarriage.

To be eligible for payment during a period of Compassionate Leave, Whitehaven may request evidence of the illness, injury or death.

Casual employees are entitled to unpaid leave under the same conditions.

7. LEAVE WITHOUT PAY

Leave without pay is typically granted when all applicable accrued paid leave entitlements have been exhausted. Personal/Carers leave, unpaid carers leave and unpaid parental leave are not covered by this section and addressed separately under the relevant sections of this policy.

7.1. Short Periods of Leave Without Pay

Employees who exceed their annual leave entitlement, may request access to short periods of leave without pay (no more than 2 consecutive days). Applications will be assessed on a case-by-case basis and are subject to the relevant GM or EGM approval.

7.2. Extended Leave Without Pay

Whitehaven recognises that, at times, circumstances may arise in your professional or personal life where you may wish to plan for an extended period of time away from the workplace for travel or study overseas or personal matter requiring time off.

All requests for extended leave without pay will be considered on a case-by-case basis and will be approved at the discretion of the relevant EGM.

7.3. Interaction with Other Leave

Provided the leave is approved, leave without pay does not break your continuity of service.

However, periods of leave without pay generally do not count as service and, accordingly, no leave or other employment entitlements will be accrued during the period of unpaid leave..

7.4. Public Holidays During Leave Periods

Public holidays that occur during extended leave without pay shall form part of the leave and will not be paid.

8. COMMUNITY SERVICE LEAVE

Employees, including casuals, are entitled to be absent from work to perform certain community service activities, such as providing services as a member of a 'recognised emergency management body' (such as SES or RFS).

There is no set limit on the amount of community service leave an employee can access. Applications will be assessed on a case-by-case basis and are subject to the relevant GM or EGM approval.

8.1. Taking Community Service Leave

If you are a member of a recognised emergency management body you can be absent from work:

- When you are engaging in an eligible community service activity;
- For any reasonable travelling time associated with the activity; and
- For any reasonable rest time immediately following the activity (in consultation with your Line Leader).

Your absence must be reasonable in all circumstances.

8.2. Notification and Documentary Evidence

Employees wishing to take community service leave must notify their Line Leader (via telephone or face to face) as soon as practicable. Employees should provide their Leader the expected period of absence and reasonable evidence that they are engaged in a community service activity.

An employee's absence from the workplace will not be covered by Community Service Leave unless the employee complies with the notice and evidence requirements under the Fair Work Act 2009.

8.3. Payment

There is no payment for community service leave and will therefore be leave without pay.

9. JURY DUTY

Employees, other than casuals, who are absent from work due to jury duty are entitled to paid jury service leave, of up to 10 days.

9.1. Notification and Documentary Evidence

Employees must inform their Line Leader of the period or expected period of leave as soon as possible. If requesting leave, the employee must provide evidence showing their attendance at jury selection or jury service.

9.2. Payment

An employee, other than a casual, will receive 'make-up pay' for the first 10 days of jury selection and service. Make-up pay is the difference between any jury service payment the employee receives (excluding any expense-related allowances) from the court and the employee's rate they would have worked.

Whitehaven will pay the employee's usual salary for the first 10 days.

The employee is required to:

- take all necessary steps to obtain any amounts to which they are entitled for jury service from the Government or relevant authority, and
- either nominate Whitehaven as the payee of these amounts, or reimburse amounts received to the Company within 14 days of receiving payment.

Whitehaven may also request the employee:

- provide evidence that they have taken all necessary steps to obtain any amount they are entitled for jury service from the Government or relevant authority; and
- provide evidence of the amount that has been paid or is payable by the Government or relevant authority.

If the employee is unable to provide evidence of payment from the government or related authority, they will not be entitled to make-up pay from Whitehaven.

Further leave required for the purpose of jury service beyond ten days is unpaid unless annual leave or long service leave is taken.

10. AUSTRALIAN DEFENCE FORCE (ADF) RESERVE SERVICE

Employees are entitled to take leave for defence reserve service under the *Defence Act 1903 (Cth)* and the *Defence Reserve Service (Protection) Act 2001 (Cth)*.

10.1. Notification and Documentary Evidence

Employees must inform Whitehaven at the beginning of each working year of their anticipated ADF Reserve service commitments for the next 6-12 months, even if specific dates are not yet available. Once specific dates are confirmed, the employee is required to notify Whitehaven as soon as practicable. Applications will be assessed on a case-by-case basis and are subject to the relevant General Manager or EGM approval.

10.2. Payment

Employees are required to provide written notification of their ADF commitments before and after the period of service. The written notification must be submitted along with the leave application.

If an employee's absence due to ADF Reserve service is expected to cause significant disruption to Whitehaven's operational requirements, the company may contact the relevant ADF Unit point of contact (provided by the employee) to explore potential alternative options.

ADF Reserve Service Leave is considered leave without pay, however absence due to ADF Reserve Service will not affect continuity of service.

11. LONG SERVICE LEAVE

11.1. Entitlement

Whitehaven provides long service leave in accordance with the provisions of the relevant legislation which varies based on the conditions of employment and working location.

The Coal Mining Industry (Long Service Leave) Administration Act 1992

Eligible NSW and QLD employees under this LSL act are generally provided 13 weeks leave after 8 years' service in the coal mining industry.

Long Service Leave Act 1955 (New South Wales)

Eligible NSW employees under this act are generally provided 8.67 weeks leave after 10 years continuous service with a single employer.

Industrial Act 2016 (Queensland)

Eligible QLD employees under this act are generally provided with 8.6667 weeks' leave after 10 years continuous service with a single employer.

11.2. Taking Long Service Leave

Long service leave can be taken in one continuous period of leave if the employee and their Line Leader agree or in 2, 3 or 4 separate periods. The minimum period of Long Service Leave that will usually be authorised is seven (7) consecutive calendar days.

Whitehaven will consider requests to use accrued long service leave in a flexible manner, however any such arrangement will be subject to the applicable long service leave legislation.

11.3. Termination of Employment

The acts provide for the employer requirements when leaving the business and payments are made in line with applicable legislation.

12. SUSPENSION LEAVE

Employees who are suspended as result of a performance or disciplinary process in accordance with the Misconduct and Performance Management Procedure will be paid "as if at work" during this period. Suspension Leave will be entered by the employees' Line Leader and will be approved by the relevant GM or EGM.

13. PARENTAL LEAVE

Whitehaven provides parental leave in accordance with the Whitehaven Parental Leave policy and further details on eligibility and entitlements can be found in the Policy. Applications are subject to the relevant GM or EGM approval.

14. STUDY LEAVE

Whitehaven provides study leave in accordance with the Whitehaven Employee Development and Study Assistance Policy and further details of eligibility and entitlements can be found in the Policy. Applications are subject to the relevant GM or EGM approval.

15. DOMESTIC & FAMILY VIOLENCE LEAVE

Whitehaven provides domestic and family violence leave in accordance with the Whitehaven Domestic and Family Violence Policy and further details of eligibility and entitlements can be found in this policy.

Applications are subject to the relevant GM or EGM approval.

16. REFERENCES**16.1. Internal Reference:**

- Whitehaven Parental Leave Policy
- Whitehaven Parental Leave Guidelines
- Whitehaven Employee Development & Study Assistance Policy
- Whitehaven Domestic and Family Violence Policy

16.2. External Reference:

- [Coal Mining Industry \(Long Service Leave\) Administration Act 1992](#)
- [Long Service Leave Act 1955 \(New South Wales\)](#)
- [Industrial Relations Act 2016 \(QLD\)](#)
- [Fair Work Act 2009](#)
- [National Employment Standards \(NES\)](#)