



OneHR Australia

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## Parental Leave - Adoption

BP is committed to providing advice and support to employees before, during and after parental leave.



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The aim of this Policy is to enable the rights of an employee adopting a child to be protected, as well as offer financial support for employees who take parental leave and to encourage their return to work.

### Adoption Leave Entitlements & Eligibility

1. An employee is eligible for pre-adoption leave and adoption leave if he or she is seeking to obtain approval to adopt an "eligible child", and is:
  1. permanently employed with BP and has a minimum of 12 months' continuous service; or
  2. an eligible casual employee (as that term is defined in the *Workplace Relations Act 1996* (Cth)).
2. "Eligible child" means a child:
  1. that is (or will be) under the age of 5 years as at the day of placement or the proposed day of placement; and
  2. has not (or will have not) previously lived continuously with the employee for a period of 6 months or more as at the day of placement or the proposed day of placement; and
  3. is not a child or step-child of the employee or the employee's partner.
3. Pre-Adoption Leave: an employee is entitled to take up to 2 days paid pre-adoption leave to attend any interviews or examinations required to obtain approval to adopt a child, except where the employee could take other authorized leave (eg annual leave) for that period and is directed to do so by BP.
4. Adoption leave consists of;
  1. short adoption leave (a single, unbroken period of leave up to three weeks, taken by the employee within the three starting on the day of placement of an eligible child with the employee for adoption); and
  2. long adoption leave (a single, unbroken period of leave, other than short adoption leave, taken by an employee after the day of placement of an eligible child with the employee for adoption so that the employee can be the child's primary caregiver.

An employee entitled to adoption leave may take short adoption leave, long adoption leave or both in accordance with this policy.

1. The employee must notify BP in writing of his or her intention to apply for adoption leave as soon as reasonably practicable after receiving notice of the approval of the placement of an eligible child with the employee ("approval notice").
2. The employee must notify BP in writing of the expected placement date as soon as reasonably practicable after receiving notice of the expected placement date

("placement notice").

3. The employee must notify BP in writing of the first and last days of the period/s of leave the employee intends to apply for because of the placement:
  1. If the employee receives a placement notice within eight weeks after receiving the approval notice – before the end of that eight week period; or
  2. If the employee receives a placement notice after the end of the period of eight weeks after receiving the approval notice – as soon as reasonably practicable after receiving the placement notice.
4. Applications for:
  1. Short adoption leave must be provided to BP no later than 14 days before the proposed day of placement; and
  2. Long adoption leave must be provided to BP no later than 10 weeks before the first day of the proposed start date of the long adoption leave applied for.
5. There is no minimum working period between each adoption leave of absence.
6. Long adoption leave may not be taken concurrently with any authorized leave (including adoption leave) taken by the employee's partner in relation to the placement. Short adoption leave may be taken concurrently with authorized leave (including adoption leave) taken by the employee's partner in relation to the placement.
7. An employee may commence:
  1. Short adoption leave at any time within three weeks starting on the day of placement of the child; and
  2. Long adoption leave at any time within 12 months after that day of placement of the child.
8. The maximum period of adoption leave is 52 weeks (this period is inclusive of any annual or long service leave taken by the employee). Any leave taken by the employee's partner (including adoption leave) in relation to the placement of the child reduces this period.
9. Whilst on adoption leave, employees will be entitled to receive 4 months' leave with full pay based on the employee's work status (e.g. Full time, Part time) directly prior to adoption leave being taken (subject to PAYE taxation). The balance of adoption leave is unpaid unless the employee chooses to utilise any accumulated annual or long service leave entitlements.

#### **Effect of adoption leave on employment**

- (a) The employee is entitled to return to the position held immediately prior to commencing adoption leave, or by mutual agreement, to a similar position of the same skills, status and remuneration, if the employee's position no longer exists.
- (b) To encourage employees who are the primary caregivers of the adopted child to return to work following long adoption leave, consideration will be given to employees wishing to change their work status e.g., from full time to part time employment. However, employees should note that it might not be possible to do so under their previous role and that the change in work status will impact their remuneration and benefits. Considerations will be based on the employee's needs as well as those of the company hence it is important to note any requested changes are not guaranteed.
- (c) If returning to part time employment, all benefits will be paid on a pro-rata basis i.e., salary, superannuation, leave, variable payments, etc. Employees returning to part time employment are also eligible to participate in the Share Plan Offer.
- (d) In the event of a re-organisation it is important to keep the employee on adoption leave informed of the changes that are occurring to their work area. Communication must be regular ensuring that the individual understands the changes and any likely impact on their job. If their position no longer exists as a result of re-organisation, the position for the employee on leave is the same as the position of any other permanent employee.
- (e) An employee taking adoption leave must not engage in any conduct inconsistent with their contract of employment with BP during the leave period.

**Company vehicles and adoption leave**

If an employee is in receipt of a company operated lease car prior to adoption leave, the car stays with the role and is to be returned to the BU prior to commencing adoption leave. If the employee is in receipt of a novated lease car, the ongoing payments remain the responsibility of the employee during adoption leave.

**Returning to work & company vehicles**

There are two scenarios upon the employee's return to work

- If the employee returns to full time employment, standard Car Policy terms and conditions apply.
- If the employee returns to Part-Time employment (and was Part-Time prior to the commencement of adoption leave), they will return to the same car policy conditions as applied prior to their adoption leave.

**Salary payments while on adoption leave**

The employee's salary will continue to be paid on the 15th of each month, for as long as the employee is entitled to payment, based on:

- four months of paid adoption leave; and
- any accumulated annual or long service leave entitlements utilized during the adoption leave period.

**Annual & Long Service Leave**

Employees may utilise any accumulated annual or long service leave entitlements during the adoption leave period. Employees with in excess of 5 years service may, by mutual agreement with their Line Manager, be granted their pro-rata long service leave entitlement.

The total period of adoption leave (as reduced by any leave taken by the employee's partner in relation to the placement), annual leave, and long service leave taken by the employee must not exceed 12 months.

**Education Assistance**

Where it is essential for the employee to update or maintain specialist or technical skills required for the job, the Company will sponsor the employee to attend the appropriate training whilst on adoption leave.

At the Team Leader's discretion, the Company may continue to reimburse employees for subscription fees to professional societies / bodies to ensure employees are kept up to date with any technical or market developments which may affect their job during their leave period.

**Superannuation**

Superannuation contributions will continue during the period of any **paid** adoption leave, including during any annual or long service leave taken during the adoption leave period. Defined benefits will continue to accrue during that period.

All contributions will cease during any **unpaid** adoption leave. Any unpaid adoption leave will not be deemed to be Special Leave as defined under the rules of the BP Superannuation Fund and therefore the membership period used for calculating defined benefits will exclude any period of any unpaid adoption leave. Defined benefits will therefore cease to accrue during unpaid adoption leave.

Any existing insurance cover provided to you by the BP Superannuation Fund with respect to Total and Permanent Disablement, Ill Health and Death continues during paid and unpaid adoption leave. Employees who are not members of the BP Superannuation Fund should

confirm the impact of adoption leave upon any insurance cover with their chosen fund.

Refer to the Superannuation web page for further details>>

#### **Share plan & BP staff card**

Employees on adoption leave are eligible to participate in any annual Share Plan offer and retain their BP Plus Staff card.

#### **Individual lump sum & team bonus payments**

Employees on adoption leave will be entitled to a pro-rata VPP payment based on the period of time worked (including any paid leave taken) during the performance year.

#### **Relocation benefits**

Any transfer benefits currently being paid will need to be approved and discussed with the employee's Line Manager and Human Resource Adviser.

#### **Keeping in touch**

(a) Employees are encouraged to keep in contact with their Team Leader and local areas while on adoption leave. This may be through attendance at local work groups, receipt of Company newsletters and videos, or working half days before returning to work on a permanent basis.

(b) It may also be possible to return for a period of part-time work before commencing full-time to assist with the transition back to work.

(c) Employees are able to retain their security passes whilst on adoption leave, however, ongoing building access will be deactivated for the duration of the adoption leave. Temporary access will be granted by Global Property Management and Services should the employee have reason to attend a work function, visit their Team Leader, etc. Employees with car parking access attached to their security pass prior to adoption leave will retain the same access.

(d) If the employee wishes to retain computer access to company email and Intranet facilities whilst on adoption leave there are 2 options.

Option 1. The employee may retain his or her current laptop and if required, the team can access the pool or purchase an additional laptop for the employee in their role.

Option 2. If the employee already has internet access from their home computer, they can use iLink to gain access to the BP network. iLink is the corporate standard for non-COE devices. The cost of iLink is approximately \$500 p.a. per user and is charged to your department who/why/what codes (line manager approval will be required). After registering with iLink, users receive a security token. The token is a small security device (the size of a key chain fob) that displays a passcode that changes every 60 seconds. To open an iLINK session, the User will have to enter a personal PIN number followed by the SecurID 6-digit passcode.

To register for this service and to receive your security token, please visit the Web site: <http://ait.bpweb.bp.com/ilinkreg.htm> and register as "BP Staff". You will need to specify the profile to be used as "ANZ\_WTS\_Access". Once you have registered and received your security token, you then access the web site: <http://ilink.bp.com/> and follow the login procedures. You will then access a terminal server via your Web browser which will give you access to most of what you require. If you would like more information on the iLINK service, please visit the Web site: <http://ras.bpweb.bp.com/iLINK/iLINK.asp>

#### **Return to work**

(a) Adoption leave legislation allows employees to make one change to their return to work date. BP shall endeavour to accommodate any subsequent changes to an employee's return to work date however consideration will be based on the employee's needs as well as

those of the company. Therefore, it is important to note, any subsequent changes to an employee's return date cannot be guaranteed.

(b) An employee must provide their Team Leader with 1 month's written notice of his or her intended return to work date. The Team Leader will then notify HR Operations to arrange the appropriate letter of offer, including any agreed changes to employment conditions.

(c) If the employee requests to extend their adoption leave beyond 52 weeks, the employee will be classified to be on Leave Without Pay (refer Leave without Pay policy below).