

Parental Leave Procedures

Section 1 - Preamble

(1) These provisions apply where employment is governed by the University's current [Enterprise Agreement](#). Parental leave provisions under other industrial instruments may differ.

(2) Parental leave includes: maternity leave, partner leave and adoption leave.

Section 2 - Approval Authority

(3) The Head of Work Unit has the authority to approve parental leave, subject to the availability of entitlement, within the provisions of the Enterprise Agreement or appropriate industrial instrument, University Policies and Procedures.

Section 3 - Definitions

(4) 'Primary caregiver' refers to the person who has major responsibility for the care of a child. This person may not necessarily be the same individual for the total period of parental leave.

(5) 'Partner' means husband, wife, defacto partner or same sex partner for the purposes of determining eligibility for partner leave.

Section 4 - Eligibility and Conditions

Eligibility

(6) Employees with less than 12 months continuous paid service are entitled to unpaid parental leave.

(7) Continuing and fixed-term employees are entitled to paid parental leave providing they have 12 months or more continuous paid service as at the following dates:

Maternity leave

- a. Prospective mothers: four weeks prior to the expected date of birth of the child;
- b. Primary caregivers: at the date of birth of the child.

Partner leave

- a. Two weeks prior to the expected date of birth of the child.

Adoption leave

- a. At the notified date of placement of the child with the employee.

Conditions

Right to request

(8) Notwithstanding other parental leave provisions, an employee entitled to parental leave has the right to request the following:

(9) An increase in simultaneous parental leave (using unpaid parental leave) up to a maximum absence of eight weeks.

(10) An extension of unpaid parental leave from 52 weeks to 104 weeks; and

(11) To return to work on a part-time basis until the child reaches school age.

(12) The University will consider the request, having regard to the employee's personal circumstances, and provided the request is genuinely based on the employee's parental responsibilities, may only refuse the request on reasonable grounds related to the effect on the workplace.

(13) Written requests for additional periods of leave must be received at least five weeks before the approved period of parental leave ends.

Fixed-term employment and parental leave

(14) Employees with a fixed-term appointment are not entitled to parental leave extending beyond the date on which their contract expires.

Parental leave for both parents

(15) Where both parents are entitled to parental leave, leave must not be taken concurrently except for the two weeks of paid partner leave which can be taken during the period two weeks prior to and three months after the expected date of birth or the expected date of placement of the child.

Pay arrangements during parental leave

(16) Payment for parental leave is made on the fortnightly pay days that fall during the period of paid parental leave. There is no provision for payment in advance for periods of parental leave.

(17) Employees must make their own arrangements for salary deductions such as housing loan repayments and medical insurance during periods of unpaid parental leave.

Payment of allowances during periods of parental leave

(18) Relieving allowance and additional responsibilities allowance will continue to be paid during periods of paid parental leave if the employee is in the higher position for six months or more. Relieving allowance will not be paid when the total continuous period in the higher position is less than six months. In such cases, should the period in the higher position subsequently be extended beyond six months, the allowance will only be paid during periods of paid parental leave taken after an extension beyond six months has been approved and six months in the higher position has been served.

(19) Both relieving allowance and additional responsibilities allowance will be paid at the same rate as the approved parental leave, for example 50% parental leave would result in payment of 50% relieving allowance or additional responsibilities allowance.

Public holidays during periods of parental leave

(20) A public holiday which falls during a period of parental leave is reflected as part of that leave. Salary for the holiday is paid at the same rate as the parental leave in which it falls.

Effect of parental leave on entitlements

(21) Parental leave on full pay counts as 100% service and parental leave on half pay counts as 50% service for the accrual of annual leave. Service for part-time employees will be assessed on a pro-rata basis.

(22) For employees who have not completed ten years' service, all parental leave without pay does not count as service for long service leave (LSL) purposes but does not break continuity of service for the purposes of LSL. Where ten years' service has been completed, parental leave without pay shall count as service provided the leave does not exceed six months. If the period of leave exceeds six months the whole period of parental leave without pay does not count as service.

Employee's responsibilities

(23) Where the circumstances relating to a period of parental leave change, the employee is obliged to inform their supervisor and the details of the parental leave may be varied.

(24) It is also the employee's responsibility to remain informed of University activities in which they may have an interest, for example, calling for applications for academic promotion.

Suspension of administrative duties

(25) During an extended absence on parental leave, an employee is to suspend membership on all University committees and relinquish all activities of an administrative nature. The employee should arrange for the chairperson of each committee to be notified as soon as practicable after the leave is approved.

Return to work

(26) The employee is entitled to return to the substantive position they held immediately prior to proceeding on parental leave. If that position no longer exists, and the employee is qualified for and can perform the duties of other positions in the institution, the University is obliged to place the employee in a position at the same status and remuneration to the substantive position held prior to proceeding on leave. Should a position at the same status and remuneration not be available, the University is obliged to place the employee in a position nearest in status and remuneration to the substantive position held prior to proceeding on leave.

(27) At least five weeks prior to their return to work, the employee must provide written notice confirming their intention to return to work. If an employee fails to comply with this requirement, they may be deemed to have terminated their employment on the day after the last day on which the notice is due.

Early return to work

(28) Where the circumstances relating to the grant of parental leave change, the employee may request that consideration be given to shorten the period of approved parental leave. Such requests must be provided in writing at least five weeks before the proposed date of return to duty.

(29) The University may inform the employee that they must return to work in situations where:

- a. The employee ceases to be the child's primary caregiver;
- b. In the case of maternity and partner leave, where either the pregnancy terminates otherwise than by the birth of a living child or the child dies; or
- c. The employee has undertaken work that the University deems to be inconsistent with their employment.

(30) In such cases, the University will inform the employee in writing that they must return to work on a specified day that is not less than 4 weeks after the notice is given. The balance of leave will be cancelled and the employee's record amended.

Section 5 - MATERNITY LEAVE

Entitlement

(31) Eligible employees are entitled to:

- a. Either maternity leave on full pay for the first 26 weeks of their absence; or
- b. If requested by the employee, maternity leave at half pay for the first 52 weeks of their absence; and
- c. Additional maternity leave without pay to bring the aggregate period of leave up to a maximum of 12 months from the date of commencement of maternity leave.

(32) Where a full-time employee has worked part-time or a part-time employee's hours of work have been varied in the 12 month period immediately prior to:

- a. The nominal commencement date (for prospective mothers); or
- b. The child's birth (for primary caregivers),

(33) payment for the paid portion of the maternity leave will be based on the average appointment fraction worked during the preceding 12 months.

(34) Where a child is stillborn, maternity leave is available for the birth mother for up to four weeks following the date of birth. If the employee wishes to return to work sooner than four weeks following the birth, a medical certificate confirming her fitness to return to work is required.

Pro-rata entitlement

(35) Employees who have 12 months continuous employment at the time they commence maternity leave, but have not been continuously paid during this time, are entitled to paid maternity leave on a pro-rata basis.

(36) Part-time employees who are eligible for paid maternity leave are entitled to payment for that leave on a pro-rata basis.

Second or subsequent periods of maternity leave

(37) Employees who wish to proceed on a second or subsequent period of maternity leave who have at least 12 months continuous paid service immediately prior to:

- a. The nominal commencement date (for prospective mothers); or
- b. The child's birth (for primary caregivers),

(38) are eligible for further paid maternity leave in accordance with clause 31.

(39) Employees with less than 12 months continuous service will receive payment on a proportionate basis. Payment for the paid portion of the maternity leave will be based on the average appointment fraction worked during the preceding months since their return to work.

Returning to work in the child's first year

(40) Employees who return to work on a full-time basis within the child's first year will also be entitled to up to nine hours paid leave per week, or alternative arrangements for equivalent amounts of time (as approved by the Head of Work Unit) on a fortnightly basis, to be taken up until the child's first birthday.

(41) Employees who return to work on a part-time basis within the child's first year are entitled to the provisions of clause 31 on a pro-rata basis until the child's first birthday.

Conditions

(42) At the time of applying for maternity leave, the employee is required to provide a statutory declaration which provides the following information:

- a. Their partner's leave arrangements, including evidence of approved leave from the partner's employer (where applicable);
- b. Confirms that the employee will be the child's primary caregiver; and
- c. States that the employee will not undertake other work inconsistent with their employment.

(43) The employee is obliged to immediately notify the University of any changes to the information provided in the statutory declaration.

(44) Prospective mothers normally commence maternity leave four weeks prior to the expected date of birth of the child. Employees who wish to continue working beyond the four weeks prior to the expected date of birth of the child must provide a supporting medical certificate which indicates their fitness for duty. The University will consider requests from prospective mothers to commence maternity leave up to 20 weeks prior to the expected date of birth of the child.

(45) Primary caregivers may commence maternity leave at the time of the child's birth or within 12 weeks of the child's date of birth.

(46) If the employee's partner is also employed by the University:

- a. Maternity leave is available to only one parent at a time. However, one parent may take partner leave while the other parent is absent on a period of maternity leave; and
- b. Paid maternity leave may be shared between the two parents, provided the combined total paid parental leave is no more than that provided in clause 27. Where the employee's partner takes paid partner leave, the total absence may be extended by two weeks.

(47) An employee who has given birth may not return to work earlier than six weeks after the date of birth of their child unless a medical certificate confirming their fitness for duty is provided.

(48) Requests to take additional leave such as annual leave either before or after a period of maternity leave will be considered.

Notice and documentation required

(49) A prospective mother is required to give the University at least six weeks' notice of the date on which she wishes to commence maternity leave. The following documentation is required:

- a. Leave application specifying both the date of commencement of the leave and the date the employee intends to return to work;
- b. Medical certificate which indicates the expected date of birth of the child; and
- c. Statutory declaration providing the information specified in clause 40.

(50) Where possible, six weeks' notice is also required from the primary caregiver. The following documentation is required:

- a. Leave application specifying both the date of commencement of the leave and the date the employee intends to return to work; and
- b. Supporting statutory declaration providing the information specified in clause 40.

Section 6 - PARTNER LEAVE

Entitlement

(51) An eligible employee whose partner has given birth to a child or adopted a child is entitled to two weeks paid leave to be taken during the period two weeks prior to and three months after the expected date of birth or the expected date of placement of the child.

(52) Additional partner leave without pay is available to bring the aggregate period of leave up to a maximum of 12 months from the date of commencement of partner leave.

(53) Paid partner leave will be based on the rate of pay at the time of proceeding on leave.

(54) Requests to take additional leave such as annual leave either before or after a period of partner leave will be considered.

Notice and documentation required

(55) An employee is required to give the University at least four weeks' notice of the date on which they wish to commence partner leave. Where an extended period of unpaid partner leave is being considered, employees are encouraged to discuss their plans with their supervisor at the earliest opportunity.

(56) Applications for paid partner leave require:

- a. A leave application specifying both the date of commencement of the leave and the date the employee intends to return to work; and either
- b. A medical certificate that specifies the expected date of birth of the baby or the actual date of birth as the case may be; or
- c. In the case of adoption leave, a statement from the adoption agency advising the proposed date of placement of the child.

(57) Applications for unpaid partner leave require:

- a. A leave application specifying both the date of commencement of the leave and the date the employee intends to return to work; and
- b. A supporting statutory declaration which provides the following information:
 - i. Their partner's leave arrangements;
 - ii. Confirms that the employee will be the child's primary caregiver;
 - iii. States that the employee will not undertake other work inconsistent with their employment; and
 - iv. Where the employee is adopting a child, a statement from the adoption agency advising the proposed date of placement of the child.

(58) The employee is obliged to immediately notify the University of any changes to the information provided in the

statutory declaration.

Section 7 - ADOPTION LEAVE

Entitlement

(59) Employees who are adopting a child aged five years or younger, are the primary caregiver and have 12 months or more continuous paid service at the nominal commencement date of adoption leave are entitled to:

- a. Adoption leave on full pay for the first 26 weeks of their absence; or
- b. If requested by the employee, adoption leave at half pay for the first 52 weeks of their absence; and
- c. Additional adoption leave without pay to bring the aggregate period of leave up to a maximum of 12 months from the date of commencement of adoption leave.

Pro-rata entitlement

(60) Part-time time employees who are eligible for paid adoption leave will be entitled to payment for that leave on a pro-rata basis.

(61) Where a full-time employee has worked part-time or a part-time employee's hours of work have been varied in the 12 month period immediately prior to the nominal commencement date, payment for the paid portion of the adoption leave will be based on the average appointment fraction during the preceding 12 months.

Second or subsequent periods of adoption leave

(62) Employees who wish to proceed on a second or subsequent period of adoption leave who have at least 12 months continuous paid service immediately prior to the nominal commencement date, are eligible for further paid adoption leave in accordance with clause 57.

(63) Employees with less than 12 months continuous service will receive payment on a proportionate basis. Payment for the paid portion of the adoption leave will be based on the average appointment fraction during the preceding months since their return to work.

Returning to work in the child's first year

(64) Employees who return to work on a full-time basis within the child's first year will also be entitled to up to nine hours paid leave per week, or alternative arrangements for equivalent amounts of time (as approved by the Head of Work Unit) on a fortnightly basis, to be taken up until the child's first birthday.

(65) Employees who return to work on a part-time basis within the child's first year are entitled to the provisions of clause 57 on a pro-rata basis until the child's first birthday.

(66) Employees who have been continuously employed by the University for 12 months at the nominal commencement date but have not been continuously paid during that time are entitled to paid adoption leave on a pro-rata basis.

Conditions

(67) Adoption leave commences on the notified date of placement of the child.

(68) Requests to take additional leave such as annual leave either before or after a period of adoption leave will be considered.

Notice and documentation required

(69) Employees requiring adoption leave are encouraged to discuss their plans with their supervisor at the earliest opportunity.

(70) Applications for adoption leave require:

- a. A leave application specifying both the date of commencement of the leave and the date the employee intends to return to work;
- b. A statement from the adoption agency advising the proposed date of placement of the child: and
- c. A supporting statutory declaration which provides the following information:
 - i. States that the employee will not undertake other work inconsistent with their employment; and
 - ii. The child is not a child or stepchild of the employee or the employee's partner;
 - iii. The child will not have lived with the employee for a continuous period of six months or more at the date of placement;
 - iv. Any periods of adoption leave which the employee's partner intends to apply for, or has applied for;
 - v. The employee will be the child's primary caregiver throughout the period of adoption leave; and
 - vi. The employee will not engage in conduct inconsistent with their contract of employment.

(71) Employees are obliged to immediately notify the University of any changes to the information provided in the statutory declaration.

(72) Employees requiring adoption leave are encouraged to discuss their plans with their supervisor at the earliest opportunity.

Section 8 - Application and Approval Process

(73) A leave application is to be completed prior to commencing the leave [MyHR cannot be used to apply for parental leave].

(74) The completed leave form, together with the required supporting documentation must be provided to the employee's supervisor before the leave can be approved.

(75) Before approving any form of paid parental leave, the delegated officer should confirm with HR Services that the employee is eligible for the leave.

(76) As soon as the application is approved it is sent to HR Services for recording in Aurion (the University's Human Resource Information System).

(77) Professional employees should ensure their attendance records reflect the period of their absence.

(78) If parental leave is being taken at half pay, the employee should contact their superannuation fund to discuss the implications on their superannuation contributions.

Section 9 - Links and Forms

[NSW statutory declaration](#)

[Qld statutory declaration](#)

[Leave application](#)

[SCU Enterprise Agreement](#)

[Government paid parental leave scheme](#)

[Government paid Dad and Partner pay](#)

Status and Details

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Effective Date	23rd June 2015
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Head of Work Unit	Kath Drew Director, Human Resources
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