

# 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 provisions do not apply to casual employees.

(3) Casual employees will not be discriminated against in relation to employment at the University as a result of pregnancy or family responsibilities.

## Section 2 - Approval Authority

(4) The Head of Work Unit has the authority to approve Parental Leave, subject to the provisions of the Enterprise Agreement or appropriate industrial instrument, University Policies and Procedures.

## Section 3 - Definitions

(5) 'Parental Leave' includes: Primary Carer leave, Partner leave, adoption and permanent care order leave.

(6) 'Nominal Commencement Date' for the purposes of determining eligibility for payment of Parental Leave will be:

- a. Primary Carer leave: four weeks prior to the expected date of birth of the child for an employee who is pregnant, and within six weeks following the birth of the child for an employee who has not given birth but who will become the Primary Carer; and
- b. adoption and permanent care order leave: the notified date of placement of the child with the employee.

(7) 'Partner' means husband, wife, de-facto partner or same sex partner for the purposes of determining eligibility for Partner leave.

(8) 'Primary Carer' refers to the person who has major responsibility for the care of a child born less than 12 months ago, for the duration of the leave. For the duration of the leave, the employee's partner and/or other parent of the child (or children) must be:

- a. working on a continuing, fixed-term, casual or contractual basis and not on any form of paid or unpaid leave (other than partner leave) in relation to the child; or
- b. enrolled with an officially recognised education provider and studying on a full-time basis; or
- c. unable to be the primary carer of the child.

(9) The Primary Carer may not necessarily be the same individual for the total period of Parental Leave.

# Section 4 - Conditions

## Right to request

(10) Notwithstanding other Parental Leave provisions, an employee entitled to Parental Leave has the right to request the following:

- a. an increase in simultaneous Parental Leave (using unpaid parental leave) up to a maximum absence of eight weeks.
- b. an extension of unpaid Parental Leave from 52 weeks to 104 weeks; and
- c. to return to work on a part-time basis while the child is of school age or younger.

(11) 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.

(12) Where an employee requests to return to work on a part-time basis, the University may consider temporary placement to an alternative position within the University if the substantive position is not suitable for a part-time appointment.

(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.

(15) The University may extend a fixed-term contract to an employee whose fixed-term contract expires while she is pregnant, provided the University would reasonably expect the work being undertaken by the employee to continue, and subject to satisfactory performance.

## Parental Leave for both parents

(16) Where both parents are entitled to parental leave, leave must not be taken concurrently except for the two weeks of paid Partner or eight weeks unpaid 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

(17) 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.

(18) 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

(19) 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.

(20) 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) .

(21) First aid allowance will be paid during periods of paid parental leave.

### **Public holidays during periods of Parental Leave**

(22) 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**

(23) 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.

(24) Parental leave, whether paid or unpaid, must be taken in a single continuous period.

(25) Additional annual leave or long service leave may be used to supplement a period of parental leave, and must also be taken in a single continuous period.

(26) For employees who have not completed 10 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 10 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.

### **Antenatal leave**

(27) An employee who is pregnant may take personal leave to attend antenatal appointments .

### **Transfer to a safe job in pregnancy**

(28) A pregnant employee has an entitlement to be transferred to an appropriate safe job.

(29) An appropriate safe job is a job that has:

- a. the same ordinary hours of work as the employee's present position; or
- b. a different number of ordinary hours agreed to by the employee.

(30) If this requirement is met and there is an appropriate safe job available, the employee will be transferred to that job for the risk period, with no other change to the employee's terms and conditions of employment. The employee will continue to receive their full rate of pay for the position they were in before the transfer and for the hours they work during the risk period.

(31) If there is no appropriate safe job available, and the employee is entitled to Parental Leave then the employee is entitled to take paid 'no safe job leave' for the risk period, and be paid at their base rate of pay for ordinary hours of work during the risk period.

(32) To access transfer to a safe job , evidence must be provided that would satisfy a reasonable person that they are fit for work, but that it is inadvisable for them to continue in their present position because of:

- a. illness or risks arising out of the pregnancy; or

- b. hazards connected with that position.

### **Employee's responsibilities**

(33) 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.

(34) 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.

### **Employer's responsibilities**

(35) The University will inform employees on Parental Leave of decisions that will have a significant effect on the status, pay or location of their pre-Parental Leave position. All reasonable steps will be taken to give the employee information about (and an opportunity to discuss) the effect of any such decisions on the employee's position.

### **Keeping in touch days**

(36) A keeping in touch day is when an employee performs work on a day or part of a day while on a period of approved Parental Leave if:

- a. the purpose of performing work is to enable the employee to keep in touch with their employment (this will also assist when the employee returns to work once their leave has ended);
- b. both the employee and the employer consent to the employee performing specific work on that day;
- c. the day is not within 42 days of the date of birth or placement of the child to which the period of leave relates (if requested by the employer);
- d. 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 employee); and
- e. the employee has not already performed 10 keeping in touch days of work during the period of leave.

(37) An employee who performs work on a keeping in touch day is entitled to payment in accordance with their contract of employment or appropriate industrial instrument.

(38) A keeping in touch day will not break the single continuous period of unpaid parental leave.

### **Return to work**

(39) 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.

(40) Where an employee requests to return to work on a part-time basis, the University may consider temporary placement to an alternative position within the University if the substantive position is not suitable for a part-time appointment.

(41) At least five weeks prior to their return to work, the employee must provide written notice either:

- a. confirming their intention to return to work ; or
- b. requesting an extension to the period of leave.

## **Early return to work**

(42) 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 work .

# **Section 5 - PRIMARY CARER LEAVE**

## **Eligibility**

(43) Employees are entitled to paid Parental Leave providing they have 12 months or more continuous paid service:

- a. four weeks prior to the expected date of birth of the child for an employee who is pregnant; or
- b. within six weeks following the birth of the child for an employee who has not given birth but who will become the Primary Carer.

## **Entitlement**

(44) Eligible employees are entitled to either:

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

(45) 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 Primary Carer leave will be based on the average appointment fraction worked during the preceding 12 months.

(46) An employee who gives birth to a stillborn child is entitled to Primary Carer leave for up to six weeks following the date of birth.

## **Pro-rata entitlement**

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

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

## **Second or subsequent periods of Primary Carer leave**

(49) Employees who wish to proceed on a second or subsequent period of Primary Carer leave who have at least 12 months continuous paid service immediately prior to the Nominal Commencement Date are eligible for further paid Primary Carer leave in accordance with clause 44.

(50) Employees with less than 12 months continuous service will receive payment on a proportionate basis. Payment for the paid portion of the Primary Carer 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**

(51) 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.

(52) Employees who return to work on a part-time basis within the child's first year are entitled to the provisions of clause (51) on a pro-rata basis to the nearest 15 minutes until the child's first birthday.

## **Conditions**

(53) At the time of applying for Primary Carer 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) and evidence of work, study or other activity undertaken by their Partner;
- 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.

(54) The employee is obliged to immediately notify the University of any changes to the information provided in the statutory declaration. Primary Carer leave normally commences four weeks prior to the expected date of birth of the child for pregnant employees. Pregnant 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.

(55) The University will consider requests from employees to commence Primary Carer leave up to 20 weeks prior to the expected date of birth of the child.

(56) If the employee's Partner is also employed by the University:

- a. Primary Carer 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 Primary Carer leave; and
- b. Paid Primary Carer leave may be shared between the two parents, provided the combined total paid Parental Leave is no more than that provided in clause 44. Where the employee's Partner takes paid Partner leave, the total absence may be extended by two weeks.

## **Notice and documentation required**

(57) A pregnant employee is required to give the University at least six weeks' notice of the date on which she wishes to commence Primary Carer 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 53 .

(58) 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 53.

## Section 6 - PARTNER LEAVE

### Entitlement

(59) An eligible employee whose Partner has given birth to a child or adopted a child is entitled to two weeks paid Partner 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.

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

(61) Partner leave, whether paid or unpaid, must be taken in a single continuous period.

(62) Notwithstanding the provisions of clause 59 above, additional annual leave or long service leave may be used to supplement a period of Partner leave, and must also be taken in a single continuous period.

### Notice and documentation required

(63) 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.

(64) Applications for paid and 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 either :
  - i. 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
  - ii. in the case of adoption or permanent care order leave, a statement from the adoption or out of home care agency advising the proposed date of placement of the child.

(65) The employee is obliged to immediately notify the University of any changes.

## Section 7 - ADOPTION AND PERMANENT CARE ORDER LEAVE

### Entitlement

(66) Employees who are adopting a child or who are given permanent care orders for a child who has not lived with the employee for six months or more, are the primary care-giver, and have 12 months or more continuous paid service at the Nominal Commencement Date of adoption or permanent care order leave are entitled to:

- a. adoption or permanent care order leave on full pay for the first 26 weeks of their absence; or
- b. If requested by the employee, adoption or permanent care order leave at half pay for the first 52 weeks of their absence; and
- c. Additional adoption or permanent care order leave without pay to bring the aggregate period of leave up to a maximum of 12 months from the date of commencement of adoption or permanent care order leave.  
Employees with less than 12 months continuous paid service are entitled to unpaid parental leave.

## **Pro-rata entitlement**

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

(68) 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 or permanent care order leave will be based on the average appointment fraction during the preceding 12 months.

## **Second or subsequent periods of adoption or permanent care order leave**

(69) Employees who wish to proceed on a second or subsequent period of adoption or permanent care order leave who have at least 12 months continuous paid service immediately prior to the nominal commencement date , are eligible for further paid adoption or permanent care order leave in accordance with clause 66.

(70) Employees with less than 12 months continuous service will receive payment on a proportionate basis. Payment for the paid portion of the adoption or permanent care order 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**

(71) 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.

(72) Employees who return to work on a part-time basis within the child's first year are entitled to the provisions of clause 71 on a pro-rata basis to the nearest 15 minutes until the child's first birthday.

(73) 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 or permanent care order leave on a pro-rata basis.

## **Conditions**

(74) Adoption or permanent care order leave commences on the notified date of placement of the child.

(75) Adoption or permanent care order leave, whether paid or unpaid, must be taken in a single continuous period.

(76) Notwithstanding the provisions of clause 66, additional annual leave or long service leave may be used to supplement a period of adoption or permanent care order leave, and must also be taken in a single continuous period.

## **Notice and documentation required**

(77) Employees requiring adoption or permanent care order leave are encouraged to discuss their plans with their supervisor at the earliest opportunity.

(78) Applications for adoption or permanent care order 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 or out of home care agency advising the proposed date of placement of the child ;
- 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 or permanent care order leave which the employee's Partner intends to apply for, or has applied for; and
- v. the employee will be the child's primary caregiver throughout the period of adoption leave.

(79) Employees are obliged to immediately notify the University of any changes that occur

## Section 8 - Application and Approval Process

(80) A leave application is to be completed prior to commencing the leave (MyHR cannot be used to apply for parental, adoption or permanent care order leave).

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

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

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

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

(85) 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

(86) [NSW statutory declaration](#)

(87) [Qld statutory declaration](#)

(88) [Leave application](#)

(89) SCU Enterprise Agreement

## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	20th April 2020
<b>Review Date</b>	26th July 2026
<b>Approval Authority</b>	Head, Governance Services
<b>Approval Date</b>	20th April 2020
<b>Expiry Date</b>	13th September 2023
<b>Responsible Executive</b>	Kim Franks Vice President (People and Culture)
<b>Head of Work Unit</b>	Kath Drew Director, Human Resources
<b>Enquiries Contact</b>	HR Services