Policy Redesign Project

All policies and procedures are being reviewed as part of this project. This document is pending review, but remains in effect until the review is carried out.

Parental Leave

Establishment: Council, November 2004
Last Amended: 7 August 2014 - Enterprise Agreement 2014 to 2017
Nature of Amendment: Provision for both partners to take up to 8 weeks’ unpaid parental leave at the same time (A21.6)
Date Last Reviewed:
Responsible Officer: Director, Human Resources

ENTERPRISE AGREEMENT 2014–2017, CLAUSE A21 PARENTAL LEAVE

A21.1 [Eligibility and entitlement] Any full-time or part-time staff member who completes 12 months or more of continuous service with the University before the expected date of birth or placement of a child is entitled to 52 weeks’ parental leave, comprised as follows:

<table>
<thead>
<tr>
<th>Type</th>
<th>Paid Component</th>
<th>Unpaid Component</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maternity</td>
<td>18 weeks</td>
<td>34 weeks</td>
</tr>
<tr>
<td>Antenatal</td>
<td>8 days*</td>
<td>-</td>
</tr>
<tr>
<td>Adoption</td>
<td>18 weeks</td>
<td>34 weeks</td>
</tr>
<tr>
<td>Adoption (pre placement)</td>
<td>-</td>
<td>5 days*</td>
</tr>
<tr>
<td>Partner</td>
<td>1 week at the time of the birth or adoption</td>
<td>51 weeks, provided the partner is the certified primary care-giver of the child</td>
</tr>
<tr>
<td>Medically defined late pregnancy miscarriage or stillbirth</td>
<td>6 weeks</td>
<td>46 weeks</td>
</tr>
</tbody>
</table>

* (leave accrual will be in hours and will be pro-rata for part-time staff)
A21.2 A staff member who completes 12 months of continuous service with the University during the first 18 or 6 weeks of paid absence respectively as prescribed in the table above is entitled to payment from the date of completion of the 12 months’ service for the balance of the 18 or 6 weeks’ absence. The remainder of the 52 weeks’ parental leave will be unpaid.

A21.3 A staff member who has been employed by the University for a continuous period of less than 12 months at the expected date of birth or adoption is entitled to 52 weeks’ unpaid maternity leave. A staff member who does not meet the 12 month service requirement is not entitled to partner or adoption leave, but may apply for leave without pay under the University's normal provisions for such leave.

A21.4 [Casual staff] Casual staff are not entitled to parental leave. However, a casual staff member must still comply with the requirements of A21.8 with respect to working before the expected birth and resuming employment afterwards.

A21.5 [Transfer to safe job] Where illness or risks arising out of pregnancy or hazards connected with the work assigned to the pregnant employee make it inadvisable for the employee to continue in her present duties, the duties will be modified or the employee may be transferred to a safe position at the same classification level until the commencement of maternity leave.

A21.6 [Both partners employed by University] Where both partners are employed by the University and wish to take parental leave, they will be eligible to take up to eight (8) weeks unpaid parental leave at the same time in addition to the one (1) week’s paid leave at the time of birth or adoption. The combined period of each partner's leave must not exceed 52 weeks.

A21.7 [Interruption of parental leave] Entitlement to parental leave does not depend on that leave being continuous. A staff member who, for any reason, returns to work after taking less than the full entitlement for maternity or adoption leave (either paid or unpaid) may apply to take the balance of the leave later within the 52 week period.

A21.8 [Maternity leave] A medical certificate of fitness for work from a registered medical practitioner or a certificated midwife must be provided if the staff member wishes to remain at work within the 6 weeks prior to the expected date of birth or recommence duties within the first 6 weeks after the birth.

A21.9 [Antenatal leave] Antenatal leave is available during the pregnancy and up to the time of commencing maternity leave for reasons associated with the pregnancy.

A21.10 [Adoption leave, pre-placement] Unpaid leave pre-dating the child’s placement is available to a staff member to attend interviews, workshops, court attendances or medical examinations required for the purpose of adopting a child. Where both partners are employed by the University, this leave is available to each staff member at the same time.

A21.11 [Partner leave] Partner leave associated with maternity leave ceases on the child’s first birthday. Partner leave associated with adoption leave ceases 52 weeks after the date of placement.

A21.12 [Employment during paid parental leave] A staff member will not be permitted to engage in University employment for additional payment during any period of paid parental leave, including parental leave on half-pay.

A21.13 [Payment for paid parental leave] Payment for parental leave will be at the staff member’s ordinary rate of pay and will be subject to adjustments for salary increments or increases during the period of paid leave.

A21.14 [Half-pay] Paid maternity or adoption leave may be taken on half pay, in which case the period of paid leave will be doubled. All entitlements will accrue at the appropriate pro-rata rate during this period. The maximum period of 52 weeks’ total leave available will not be altered or extended by this arrangement.

A21.15 [Other leave] Recreation leave and long service leave may be taken as part of the unpaid portion of parental leave. Sick leave may not be taken during a period of parental leave.
A21.16 [Continuity of service] Employment in the University (excluding casual service) where breaks in service do not exceed 8 weeks is recognised as continuous service for the purposes of this clause. Although not breaking continuity of service, the actual period of any such break(s) in service will not count as service for purposes of A21.1.

A21.17 [Continuous service] For the purposes of this clause, continuous service means a period of uninterrupted paid service with the University.

A21.18 Any period of paid parental leave will count as service with the University for all purposes.

A21.19 Any period of unpaid parental leave will not count as service for any purpose but will not break the staff member's continuity of service.

A21.20 [Return to work] A staff member who returns to work after a period of parental leave can expect to resume her/his previous position. If that position is unavailable, the staff member will be transferred to another position appropriate to her/his classification and salary.

A21.21 [Effect on fixed-term employment] The operation of this clause will not extend the original term of a staff member's fixed-term appointment (irrespective of the source of funds).

A21.22 [Support options for return to work] A staff member who is the certified primary care-giver of the child will be entitled to seek support on her/his return to work from parental leave in order to balance work and family responsibilities.

A21.23 Support for return to work will take the form of either subsidised salary to a maximum of 0.4 of substantive salary, including all leave entitlements and superannuation calculated on the basis of the salary paid, for a period of 16 weeks (all staff), or financial support (academic staff only) of up to $7,000 (pro-rata for part-time staff).

A21.24 [Training] Appropriate training will be provided to a staff member returning to work from an extended period of parental leave.

A21.25 [Extension of parental leave] A staff member may request an extension of unpaid parental leave for a further period of up to 12 months immediately following the end of the available parental leave period, in accordance with section 76 of the Fair Work Act.

1. Overview

Parental leave, which includes maternity, adoption and partner leave, provides the means for University staff to care for their children following birth or adoption.

2. Maternity leave

2.1 Commencement

Maternity leave itself will normally commence no later than six weeks before the expected birth. However, the staff member may negotiate with the responsible officer to remain at work until no later than two weeks before the expected birth, subject to the provision of:

2.1.1 medical certificate(s) as required under A21.8; and
2.1.2 a written statement from the staff member's responsible officer verifying that the staff member's workplace and practices meet worker safety requirements.

2.2 Use of sick leave

A staff member who has negotiated to remain at work under clause 2.1 may apply to take sick leave under the University's normal provisions for such leave if she subsequently falls sick due to non-pregnancy related medical reasons.

2.3 Inability to continue to work

Notwithstanding clauses 2.1 and 2.2, where a staff member who, having negotiated to remain at work later than six weeks before the expected date of birth, is subsequently unable to continue to work due to pregnancy-related medical reasons, maternity leave will commence with immediate effect.

2.4 Premature birth

If a staff member gives birth earlier than 6 weeks before the expected date of birth, maternity leave will commence with immediate effect.

2.5 Miscarriage/stillbirth

Any staff member who has a medically defined late pregnancy miscarriage or stillbirth is entitled to six weeks' leave from the date of the miscarriage or stillbirth in accordance with clause 2.6 and in addition remains eligible to take the balance of the 52 weeks' entitlement prescribed.

2.6 Return to work following birth

Maternity leave will normally include a 6 week period after the actual birth. However, if a medical certificate as required under A21.8 is provided, the staff member may return to work within 6 weeks of giving birth.

3. Rate of pay

For the purposes of A21.13, a staff member's ordinary rate of pay is defined as her/his fortnightly rate of pay as at the date of commencement of the leave, excluding overtime, shift premiums and penalty rates.

4. Subsequent periods of parental leave

A staff member who converts her/his appointment to part-time under the University's provisions for conversion of appointments to part-time for family care purposes will be eligible for future paid parental leave but any payment for the leave will be made at the rate applicable to the part-time appointment.

5. While on parental leave

5.1 Restructuring of an area

Should a bona fide restructuring of an area which is likely to affect the staff member's position occur while she/he is on parental leave, the staff member will be treated as though she/he were occupying the position at the time.

5.2 Appointment/transfer to vacant position

While on parental leave, a staff member may apply for appointment or transfer to a vacant position(s) within the University, and will not be deprived of the opportunity of appointment or transfer to a position on the basis of her/his absence.

5.3 Superannuation
During a period of paid parental leave, a staff member who is a member of a superannuation scheme approved by the University will continue to pay her/his employee contributions, and the University will continue to pay employer contributions to that scheme in relation to the staff member. Contributions to the staff member's superannuation scheme will normally be suspended for any period of unpaid parental leave.

6. Return to work

6.1 Alteration to dates and duration of absence

A staff member may at any time during or before commencement of parental leave alter the dates and/or the duration of the absence provided that other conditions relating to the leave are observed, the maximum of 104 weeks is not exceeded, and the Director, Human Resources approves such changes.

6.2 Notice of intention to return to work earlier than nominated

Should a staff member wish to return to work earlier than the nominated date of return, at least one month's notice of an intention to return must be given and where possible this will be accommodated.

6.3 Replacement staff member

Any staff member engaged on a contract to replace a staff member during a period of parental leave will be informed of the reason for, and the nature of, the contract. This includes the right of the staff member on parental leave to return to the position at any time during such leave after notice, and the fact that this may cause termination of the replacement staff member’s contract before the completion of its term.

7. Effect of potential/actual pregnancy/adoption on employment

In fulfilling its legislative obligations the University will ensure that no action will be taken to refuse employment to an applicant or dismiss a staff member or take other action disadvantageous to such a staff member on the basis of potential or actual pregnancy or adoption.

8. Occupational Health & Safety

A staff member must discuss with her/his responsible officer or the University's Occupational Health and Safety section any occupational health and safety risks associated with pregnancy, eg heavy lifting, chemicals, radiation, work with animals.

9. Applications for Parental Leave

9.1 Lodging applications

Applications must be submitted on the appropriate form through the head of the relevant Faculty/Portfolio to the Director, Human Resources and must be accompanied by appropriate documentation, including:

9.1.1 Maternity leave a certificate from a registered medical practitioner or certificated midwife indicating the expected date of birth of the applicant's child and, if appropriate, any additional documentation required under clause 2.1;

9.1.2 Adoption leave a statement from an approved adoption authority/agency indicating the expected date of placement of the child;

9.1.3 Partner leave a statutory declaration stating that the applicant will be the primary care-giver of the child for any period of unpaid leave.

9.2 Timing of lodgement
Applications must normally be lodged no later than 6 weeks before the expected date of commencement of leave. However, at the discretion of the Director, Human Resources, immediate leave may be granted particularly in cases involving overseas adoptions.

9.3 Application for extension of parental leave beyond 52 weeks in accordance with A21.25

In accordance with A21.25, a staff member on parental leave may extend the period of unpaid parental leave beyond the initial 52 weeks for a period of up to 12 month. Requests to do so must be submitted, on the appropriate Parental Leave form, to the Director, Human Resources, at least one month in advance of the end of the initial 52 week period. This clause does not apply to staff under clause 2.5.

9.4 Applications for extension of absence following a period of parental leave

Any staff member who has exhausted her/his entitlements to parental leave, including the provision for extension of unpaid parental leave for a further 12 months under 9.3, and wishes to extend her/his period of absence from the University for any reason, may apply to do so under the University's normal provisions for leave without pay or any other paid leave entitlement.

10. Support Options for Return to Work

10.1 Time Release – Academic and Professional Staff

10.1.1 Purpose Time-release enables a phased-in return to work after a period of parental leave.

10.1.2 Eligibility Time-release is available to any full-time or part-time staff member (excluding casual staff) who is eligible for and has taken paid parental leave and who returns to work following a period of parental leave. Notwithstanding, time-release is only available to the certified primary care-giver where both parents are employed by the University.

10.1.3 Entitlement Under the time-release arrangement, the staff member may return to work on a reduced employment fraction, and the University will maintain her/his substantive salary for a maximum period of 16 weeks. Irrespective of the time-fraction worked, this top-up will be limited to a maximum of 0.4 of the substantive salary (eg 2 days per week for a full-time staff member). For this purpose, substantive salary is defined as the salary paid at the time of commencing parental leave.

10.1.4 Notification of future working intentions The staff member will be required to indicate to the responsible officer her/his future working intentions at least one month prior to the expiry of the time-release period.

10.1.5 Applications Applications for time-release must be made in writing through the Executive Dean/Portfolio Head of the relevant Faculty/Portfolio to the Director, Human Resources as far in advance as possible of the date on which it is proposed that the arrangement will become effective.

10.2 Financial Support – Academic Staff Only

10.2.1 Purpose As an alternative to time-release (refer clause 10.1), an academic staff member who meets the eligibility criteria under clause 10.1.2 may apply for financial support for the 12 months immediately following her/his return to work from parental leave. The financial support may be used to manage workload, including:

- the employment of casual teaching staff to enable a reduction in teaching load for one or two semesters; and/or
- a contribution to a research program, eg research assistance;
- and/or for professional/academic development purposes.

10.2.2 Applications An application may be made for financial support up to an amount of $7,000 (pro-rata for part-time staff). Such financial support will be managed locally by negotiation between the academic
staff member and her/his responsible officer and will normally be linked to the staff member's professional development plan.

**Related Links**

- [Personal / Carer's and Compassionate Leave Policy and Procedures](#)
- [Annual Recreation Leave Policy and Procedures](#)
- [Long Service Leave Policy and Procedures](#)
- [Conversion of Appointments to Part-time for Family Care purposes](#)
- [Application for Parental Leave](#)
- [Maternity Leave Return to Work Support Fund - Application Form](#)
- [Maternity Leave Replacement Fund (Recurrent Funded Staff) - Application Form](#)
- [Maternity Leave Replacement Fund (Grant Funded Staff) - Application Form](#)