Parental Leave

Policy

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Approver Vice-Chancellor

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# Purpose

The purpose of this **Policy** is to —

support **Employees** with family responsibilities by providing generous **Parental Leave** entitlements; and

set out eligibility criteria and conditions that apply to Parental Leave and **Partner** leave.

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This Policy is to be read in conjunction with the following —

apply for Parental Leave Service Directory entry; and

apply for Partner Leave Service Directory entry.

# Scope

## Institutional Scope

The scope of this Policy applies to the entire **University**.

## Individual Scope

The scope of this Policy applies to Employees.

# Parental Leave

Parental Leavemeans both paid and unpaid Parental Leave.

Employees, excluding **Casual Employees**, may be entitled to paid or unpaid Parental Leave if the leave is associated with —

the birth of a **Child** of the Employee or the Employee’s Partner; or

the placement of a Child with the Employee for adoption, provided the Child —

is under the age of 16;

has not lived continuously with the Employee for six months or longer; and

is not (otherwise than by the adoption) a Child of the Employee or the Employee’s Partner.

Partnermeans a person who is a spouse or de facto partner of a Primary Care Giver.

# Unpaid Parental Leave

Employees (excluding Casual Employees) who have or will have a responsibility for the care of the Child are entitled to unpaid Parental Leave of up to 24 months, regardless of the length of their continuous service with the University.

Unpaid Parental Leave does not break continuous service. However, it is not taken into account when calculating a period of service.

Casual Employees who are **Regular Casual Employees**, and who have been employed on that basis for at least 12 months, may be entitled to unpaid Parental Leave in accordance with the Fair Work Act, 2009 (Cth) (the Act).

Employees (including Casual Employees) are entitled to flexible unpaid Parental Leave in accordance with the Act.

# Paid Parental Leave

## Entitlement

Employees (excluding Casual Employees) who are or will be the **Primary Care Giver** of the Child are eligible for paid Parental Leave of —

for Employees with at least 12 months but less than 5 years of continuous service, 26 weeks at full pay;

for Employees with at least 12 months but less than 5 years of continuous service, 52 weeks at half pay;

for Employees with 5 years or more of continuous service, 36 weeks at full pay; or

for Employees with 5 years or more of continuous service, 72 weeks at half pay.

Part-time Employees will be eligible for pro-rata paid Parental Leave.

Paid Parental Leave will count towards an Employee’s period of service with the University.

Primary Care Giver means the Employee who will assume the principal role for the care and attention of the Child or Children.

## Pay

Paid Parental Leave will be paid at the salary rate the Employee is receiving at the time of commencing Parental Leave.

Employees on any form of paid leave during the 104-week Parental Leave period may apply for payment in the following way —

on a fortnightly basis;

in advance; and/or

at double the period of entitlement on half pay (by agreement with their **Supervisor** / **Manager**).

Employees will receive paid Parental Leave at full pay for the relevant period of entitlement if they do not apply for an alternate payment arrangement.

An alternate payment arrangement must be confirmed in writing and is not subject to alteration once confirmed. Employees must advise Staff Resources if they intend to apply for an alternative payment arrangement. Once agreed by the University, the payment arrangement will not be altered unless exceptional circumstances apply.

Employees may elect to access their paid Parental Leave at half pay, with superannuation contributions made on a pro rata basis.

Employees may elect to maintain superannuation contributions at the notional full-time rate, the Employee will be responsible for maintaining the difference between the full-time rate and the University’s pro rata contribution.

# Subsequent Periods of Paid Parental Leave

To be eligible for a full subsequent period of paid Parental Leave —

Professional and General Employees;

Academic Employees;

Child Care Employees;

ELICOS Employees; and

Employees not covered by an enterprise agreement;

must return to work with the University after each previous Parental Leave occasion —

for at least 12 months of continuous service (except where a pregnancy ended in stillbirth, miscarriage or neonatal death); and

at 50% or more of the fraction of employment the Employee held prior to commencing paid Parental Leave (provided that the return fraction is not less than 0.4 FTE).

Employees who do not meet the requirements for a full period of subsequent paid Parental Leave in accordance with clause 6(A) above, are entitled to 14 weeks paid Parental Leave for a second or subsequent period of paid Parental Leave.

# Employee Couples

**Employee Couples** may share up to a maximum of 104 weeks paid and/or unpaid Parental Leave, when in the role of Primary Care Giver.

Employee Couples may take paid or unpaid Parental Leave and Partner leave concurrently for a maximum of 8 weeks.

An Employee Couple means two Employees of the University who are the spouse or de-facto partner of the other.

# Commencement of Parental Leave

## Pregnant Employee

Pregnant Employees must commence Parental Leave —

up to 6 weeks before the expected due date of their child; and

not later than the birth date of their child.

## Primary Care Giver

Primary Care Giver Employees (other than a pregnant Employee) must commence Parental Leave —

For Employees with less than 5 years continuous service, within 26 weeks of the birth date or placement of child; or

For Employees with 5 years or more continuous service, within 36 weeks of the birth date or placement of child;

Employees (other than a pregnant Employee) must commence unpaid Parental Leave —

on the birth date or date of placement of child; or

or immediately following their Partner’s Parental Leave (if they are sharing the entitlement).

Employees who are adopting a Child must commence Parental Leave —

on the date of placement of the child; or

if an Employee’s Partner has taken a period of Parental Leave first, on the date immediately following the conclusion of the first Employee’s period of leave taken.

Pregnant Employees may apply to the Director, Human Resources to start paid Parental Leave up to 20 weeks before the expected birth date, on either medical or compassionate grounds on the provision of satisfactory evidence from a Registered Health Practitioner with care of the pregnancy; such requests will not be unreasonably refused.

Paid Parental Leave must be taken in a single continuous period and run concurrently with the period of unpaid Parental Leave.

If a full Parental Leave entitlement is not used, the unused portion of the paid or unpaid Parental Leave is not preserved or paid in lieu.

# Transfer to a safe job

Where illness or risks arising out of pregnancy or hazards connected with the work assigned to a pregnant Employee make it inadvisable for that Employee to continue in their duties and on presentation of a certificate from a certified medical practitioner —

their duties will be modified; or

they may be transferred to a safe position at the same classification level until the Employee commences Parental Leave.

Where there is no safe position available, a pregnant Employee may access No Safe Job Leave.

**No Safe Job Leave** means a paid entitlement in addition to paid Parental Leave which can be accessed where illness or risks relating to pregnancy or hazards relating to an employee’s duties make it inadvisable for an Employee to continue in their role.

# Notice Required for Application for Parental Leave

Employees will be required to give —

at least 10 weeks notice, in writing to their Supervisor/Manager, of the date they intend to commence and end Parental Leave; and

reasonable evidence, to the satisfaction of the University, of the birth date or date of placement of the Child including but not limited to —

a medical certificate confirming the pregnancy and the expected birth date; or

a statutory declaration stating that the Employee will take the period of Parental Leave to become the primary carer of the child, and the Child is, or will be, under the age of 16 as at the date, or expected date, of placement.

A shorter notice period is acceptable —

in the case of a premature birth;

if the adoption agency requires an earlier placement of the Child; or

in accordance with the Act.

The exact timing and duration of the Parental Leave will be arranged in consultation with the Employee’s Supervisor/Manager.

Employees will continue discussions with their Supervisor/Manager about the precise timing of the expected Parental Leave throughout the relevant pregnancy or adoption process.

# Adoption of a Child

Employees adopting a Child will be entitled to reasonable unpaid leave to attend interviews or examinations required for the adoption procedure. Other accrued leave can be taken in lieu of this entitlement.

Employees who have been granted leave for an adoption which does not eventuate will have their Parental Leave terminated. Paid or unpaid personal leave for a period certified by a medical practitioner will be granted, or the Employee may return to work.

# Other Leave Entitlements

Employees may substitute unpaid Parental Leave with any combination of accrued annual leave or long service leave or time off in lieu for all or part of the period, provided that the aggregate of leave does not exceed 104 weeks.

Employees may access annual leave at full pay or half pay as part of the 104 weeks unpaid Parental Leave period.

Employees do not have to exhaust all other leave entitlements before applying for leave without pay within a Parental Leave period.

Employees who have used all other leave entitlements may apply for leave without pay following the 104 week Parental Leave period. The University’s approval is required for this additional leave and will be conditional on the particular circumstances pertaining to an Employee and the operational requirements of the University.

Pregnant Employees not yet on Parental Leave who —

have an illness related to their pregnancy; or

are required to undergo a pregnancy related medical procedure

may access paid or unpaid personal leave for these purposes.

# During Parental Leave

Employees on Parental Leave may undertake —

occasional casual employment with the University while on unpaid Parental Leave; or

fractional employment with the University combined with paid leave to a maximum of 1 (FTE), where the substantive position is less than 1 FTE. The FTE of an Employee’s substantive position plus any additional fractional appointment must not exceed 1 FTE.

Employees may resign, in writing, at any time during a period of Parental Leave.

On ending a period of Parental Leave Employees are entitled to return to their pre-Parental Leave position or, if that position no longer exists, a position equivalent in pay, conditions and status commensurate with the Employee’s skills and abilities required in their pre-Parental Leave position. Hiring Managers will inform **Prospective Employees** about the fixed-term nature of a position advertised to fill a vacancy resulting from Parental Leave, including the entitlement of the Employee to return to work.

# Return to Work

Employees may apply to extend a period of Parental Leave referred to on their original application by providing a minimum of 4 weeks written notice in accordance with the Apply for Parental Leave Information. An employee’s request will be responded to in accordance with the requirements of the Act.

Employees may apply to end their Parental Leave early, in accordance with the Apply for Parental Leave Service Directory entry.

Any application by an employee to return to work within 6 weeks after the day on which the pregnancy ends must be supported by a certificate from a registered medical practitioner or midwife, indicating that the Employee is fit to resume duty.

Heads of School, Directors or equivalent may approve an early return to work from Parental Leave; this will not be unreasonably denied.

Employees returning from Parental Leave will be entitled to —

the same position; or

a position equivalent in pay, conditions and status commensurate with the Employee’s skill and abilities required in the substantive position held immediately before their period of Parental Leave.

If the same position no longer exists due to structural or similar changes, the University will discuss these changes with the Employee on leave, as well as other available positions of comparable status and pay.

Where an Employee was transferred to a safe job, the employee is entitled to return to their substantive position.

## Using Flexible Paid Parental Leave to Return to Work

Academic Employees and Professional and General Employees may apply to return to work on a part-time basis after taking at least 18 weeks of paid Parental Leave and use their remaining entitlement to paid Parental Leave to maintain payment of their salary as if they were working their hours of work before commencing the period of paid Parental Leave.

Any application made by an employee to return to work within 18 weeks of their paid Parental Leave will be subject to the approval of their Supervisor/Manager and the operational requirements of the University.

Employees who do not use their full entitlement to paid Parental Leave within 52 weeks of first commencing paid Parental Leave or before commencing a subsequent period of paid Parental Leave, will have any remaining entitlement expire under this arrangement.

# Flexible Working Request

Employees returning from Parental Leave will be entitled to make a flexible working request in accordance with the Act, the applicable enterprise agreement and the Mobility and Flexibility Policy.

Supervisors / Managers may approve a flexible working request following return from Parental Leave; this will not be unreasonably denied.

Employees who return to work on a part-time basis may revert to full-time hours at the same classification within 2 years of returning from Parental Leave. However, where the return to work on a part-time basis was agreed for a specific period, the Employee may apply to return to full-time hours before the end of that period and the University may only refuse such a request on reasonable business grounds.

# Stillbirth, Miscarriage and Neonatal Death

If the pregnancy of an Employee who is eligible for paid Parental Leave ends by stillbirth or neonatal death, the Employee will retain an entitlement to up to 14 weeks paid Parental Leave.

If the pregnancy of an ELICOS Employee who is eligible for paid Parental Leave ends by stillbirth, late term miscarriage or neonatal death, the Employee will retain an entitlement to up to 14 weeks paid Parental Leave

Employees whose pregnancy ends by stillbirth may be entitled to up to 12 months unpaid Parental Leave in accordance with section 77A of the Act.

# Flexible Unpaid Parental Leave

Employees will be entitled to flexible unpaid Parental Leave in accordance with section 72A of the Act.

Flexible unpaid Parental Leave will be available for up to 100 days during the 24 month period starting on the birth date or date of placement of the Child and can be taken as a single period or separate periods of 1 day or more.

Employees are entitled to flexible unpaid Parental Leave whether or not they have taken unpaid or paid Parental Leave under another provision of the Act, or this Policy, or applicable enterprise agreement, provided that the total of the period(s) of unpaid or paid Parental Leave is not more than 24 months, less the flexible period.

Any period of flexible unpaid Parental Leave must only be accessed after an Employee has exhausted all other unpaid Parental Leave entitlements in relation to the same birth or adoption.

# Partner Leave

Employees who are the Partner of the pregnant Employee or adoptive parent and who are not the Primary Care Giver are entitled to a period of up to 8 weeks Partner Leave as follows —

for Employees with less than 12 months of continuous service, up to 3 weeks unpaid Partner Leave; or

for Employees with at least 12 months of continuous service, up to 2 weeks paid Partner Leave and up to 6 weeks unpaid Partner Leave.

Employees who wish to take Partner Leave must notify the University no later than within 3 months from the date of birth or placement of the Child of the date they wish to elect for the leave to be taken.

Employees (other than ELICOS Employees) may take Partner Leave at any time during the first 12 months of the birth or placement of the Child.

ELICOS Employees may take Partner Leave, between the date of birth up to 3 months after the date of birth.

Partner leave may be taken as a minimum of 1 day at a time.

# Keeping in Touch Days

**Keeping in Touch Days** means an entitlement provided under sections 79A and 79B of the Act to enable Employees to stay up to date with the workplace, refresh their skills and assist in their return to work following Parental Leave.

Keeping in Touch Days will be determined by discussion and agreement between the Employee and the Employee’s Supervisor/Manager and may be taken 42 days after the birth date or date of placement of a Child (unless the Employee specifically requests to work a Keeping in Touch Day earlier).

Employees taking unpaid Parental Leave will be paid for the work performed on the day or days agreed as Keeping in Touch Days between the Employee and Employee’s Supervisor/Manager and will accrue paid leave entitlements on those days at the Employee’s ordinary rate of accrual.

Keeping in Touch Days will not be paid if taken during paid Parental Leave.

Keeping in Touch Days may be taken as a part or full day, either one day at a time or a few days at a time, or all at once.

# Unpaid Special Parental Leave

Pregnant Employees may be entitled to a period of unpaid special Parental Leave in accordance with section 80 of the Act, where that Employee is not fit for work during that period because —

they are pregnant and have a pregnancy-related illness; or

they have been pregnant;

their pregnancy has ended after 12 weeks’ gestation other than by the birth of a living Child and the Child is not stillborn; and

their child is not stillborn.

# Other Leave

Academic Employees and Professional and General Employees (including Casual Employees) may access up to 3 days paid (2 days paid for all other Employees and 2 days unpaid for all other Casual Employees) compassionate leave on each occasion where —

their Child is stillborn, where the Child would have been the Employee’s **Immediate Family Member** if the Child had been born alive; or

where the Employee or Employee’s Partner has a miscarriage;

in accordance with the Leave (Excluding Parental Leave) Policy.

Definitions

**Academic Employee** is defined in the Policy Framework Policy.

**Casual Employee** isdefined in the Policy Framework Policy.

**Child** is defined in the Child Protection Policy.

**Child Care Employee** is defined in the Policy Framework Policy.

**ELICOS Employee** is defined in the Policy Framework Policy.

**Employee** is defined in the Policy Framework Policy.

**Employee Couple** is defined in section 7

**Full-time Equivalent** is defined in the Policy Framework Policy.

**Immediate Family Member** is defined in the Policy Framework Policy.

**Keeping in Touch Days** is defined in section 19

**Manager** is defined in the Policy Framework Policy.

**No Safe Job Leave** is defined in section 9

**Parental Leave** is defined in clause 3

**Partner** is defined in section 3

**Policy** is defined in the Policy Framework Policy.

**Primary Care Giver** is defined in section 5.1

**Professional and General Employee** is defined in the Policy Framework Policy.

**Prospective Employee** is defined in the Policy Framework Policy.

**Regular Casual Employee** is defined in the Policy Framework Policy.

**Supervisor** is defined in the Policy Framework Policy.

**University** is defined in the Policy Framework Policy.

End