

Policy

- 13.11.01** Parental leave is available to all staff members, other than casual staff members. Parental leave may be paid or unpaid, and includes
- maternity/primary carer leave,
 - partner/leave,
 - adoption leave,
 - foster parenting leave,
 - child rearing leave
- 13.11.02** The University will not refuse employment, or affect the employment of a staff member, or take any other action that disadvantages a staff member on the grounds of pregnancy, possible pregnancy, a request for parental leave or a possible request for leave essential to addressing work and family responsibilities.
- 13.11.03** A part-time staff member is entitled to paid parental leave at a rate proportional to their fraction of full time employment.
- 13.11.04** If requested by the staff member, any paid proportion of maternity or adoption leave may be paid as a lump sum. Staff members will be advised that this may have a negative effect on their superannuation.
- 13.11.05** All leave accruals and employer superannuation contributions during the period of paid parental leave at half pay will be on a pro rata basis.
- 13.11.06** A fixed-term staff member will only be granted that proportion of paid and/or unpaid parental leave where the period of leave falls within the time span of their contract of employment. If the fixed-term staff member is subsequently employed under another contract, he or she may extend the date for return from parental leave over the second contract.
- 13.11.07** Parental leave cannot be taken in broken periods, unless otherwise mutually agreed for career development purposes. Once a staff member has returned to work, any further variations will be arranged through the flexible and family working arrangements provided within this Agreement.
- 13.11.08** Approved parental leave will not break continuity of employment. However, the portion of leave taken as unpaid leave will not count as service for the purposes of calculating any annual, long service or sick leave entitlements.
- 13.11.09** Appropriate certification relating to the birth or adoption of the child must be produced if required by the University.

Definitions

- 13.11.10** In this clause,
- (a) “parent” includes step-parent, co-parent, biological, adoptive or foster parent.
 - (b) “estimated date of confinement” (EDC) means the day certified by a medical practitioner to be the day on which the medical practitioner expects the staff member or the staff member’s partner, as the case may be, to give birth to a child

Maternity/primary carer leave

- 13.11.11** A staff member, other than a casual staff member, who becomes pregnant is entitled to a period of up to 52 weeks maternity/primary carer leave. This maternity/primary carer leave will be taken within the period from 20 weeks before the expected date of delivery to 52 weeks after the commencement of the period of paid leave.

- 13.11.12** Such leave may be made up of a combination of:
- (a) 26 weeks maternity leave at full pay, with 26 weeks optional unpaid leave; or
 - (b) 52 weeks maternity leave at half pay; or
 - (c) any combination of full pay, part pay and/or leave without pay that the staff member might wish, including the option to salary average across all or part of the period; or
 - (d) such other arrangement as is mutually agreed between the staff member and the University which is equivalent to 26 weeks full pay.

as long as the total period of leave taken does not exceed twelve (12) months for any one confinement. The paid component of maternity/primary carer leave must be taken first, and cannot be broken and interspersed with other types of leave.

- 13.11.13** The provisions of **13.11.12** will apply to those staff members who commence parental leave on or after 1 January, 2005. For staff members who commenced parental leave prior to this date, the provisions of the predecessor Agreement will apply.

- 13.11.14** In order to extend the period of paid leave, the staff member will be entitled to utilise any accrued annual leave, or long service leave.

- 13.11.15** If the staff member’s partner is also employed by the University
- (a) the paid leave as primary carer of the child may be shared by the two staff members provided the total paid parental leave of both staff is no more than provided in **13.11.12**.

The exception would be where the partner is eligible for parental/partner leave, in which case the total leave is extended by the five working days partner leave.

- (b) Parental leave is to be available to only one parent at a time except that both parents may simultaneously take maternity and partner leave.

13.11.16 Additional unpaid leave beyond the 52 weeks may be negotiated if the staff member's pregnancy results in a multiple birth, or a child with a severe disability or congenital illness.

13.11.17 Where a pregnant staff member wishes to work beyond six weeks prior to the expected date of confinement (EDC), she will be required to produce a medical certificate certifying her fitness to work, and stating the date that she is able to work up until.

13.11.18 Where a pregnant staff member requires leave to deal with sickness as a result of pregnancy and is within six (6) weeks of the expected confinement date she will normally commence maternity/primary carer leave.

13.11.19 A female staff member may not return to work prior to six (6) weeks following the birth unless she has a medical certificate certifying her fitness to return to work.

Partner leave

13.11.20 Outside of clause **13.11.15** above, a staff member (other than a casual staff member) will be entitled to paid leave to give care and support to the mother during the period immediately prior, at the time of, or following the birth (refer to clause **13.11.23**).

13.11.21 Partner leave comprises a total of five (5) consecutive working days paid leave. Where clause **13.11.15** above does not apply, an additional period of up to fifty-one (51) weeks unpaid leave may be available where the staff member is to be the primary caregiver of the newborn child.

13.11.22 Appropriate documentation will be required to prove the relationship to the child. (A Statutory Declaration would be sufficient for this purpose.)

13.11.23 Paid partner leave may be taken during the period three months (3) before the anticipated date of birth to three (3) months after the birth. Eligibility for unpaid partner leave ceases on the child's first birthday.

Adoption Leave

- 13.11.24** For the purpose of this clause a “staff member” will mean the person who will be the primary caregiver.
- 13.11.25** “adoption”, in relation to a child, is a reference to a child who:
- (a)** is not the natural child or the step-child of the staff member or the staff member’s partner
 - (b)** has not lived continuously with the staff member for 6 months or longer.
- 13.11.26** A staff member, other than a casual staff member, who adopts a child is entitled to a period of up to 52 weeks adoption leave, commencing from the date of placement of the child.
- 13.11.27** Such leave may be made up of a combination of
- (a)** twelve (12) full-time weeks paid leave, or
 - (b)** twenty-four (24) half-time weeks paid leave,
 - (c)** parental leave without pay,
- as long as the total period of leave taken does not exceed twelve (12) months for any one adoption. The paid component of adoption leave must be taken first, and cannot be broken and interspersed with other types of leave.
- 13.11.28** In order to extend the period of paid leave, the staff member will be entitled to utilise any accrued annual leave, or long service leave.

Foster Parent Leave

- 13.11.29** A staff member who newly commences acting as the primary care giver of a foster child on a long term placement will be entitled to:
- (a)** the child is younger than five, three weeks on full pay (or six weeks on half pay);
 - (b)** if the child is five and over, eight days on full pay (or three weeks on half pay)
- from the time that the child enters their care.

Child Rearing Leave

- 13.11.30** Subject to the operational needs of the University, in addition to and following on from any other form of parental leave, a further 52 weeks child-rearing leave without pay will be made available to staff members for the care of pre-school age children, up to the age of 6 years.

- 13.11.31** A request for child rearing leave must be made at least three months in advance of the planned commencement of leave.
- 13.11.32** Staff may apply for an extension to child rearing leave beyond the 52 weeks entitlement. Applications for any such extension must be made at least three months prior to the expiration of the period of child rearing leave, and will be assessed taking into account any special circumstances that may apply and will only be rejected on the basis of further leave creating significant difficulties for the work unit. If any such extension is granted, the University and the staff member will negotiate arrangements for return to work, and clause **13.11.40 & 13.11.41** below will not apply.

Procedures

- 13.11.33** A staff member must provide notice to the University in advance of the expected date of commencement of parental leave. The notice requirements are:
- (a)** of the expected date of confinement (EDC) - at least 10 weeks;
 - (b)** of the date on which the staff member proposes to commence parental leave and the period of leave to be taken - at least 4 weeks.
- 13.11.34** A staff member may commence parental leave prior to providing such notice, where through circumstances beyond the control of the staff member, the confinement or adoption/fostering of a child takes place earlier than the expected date.
- 13.11.35** A female staff member who has given notice of her intention to take maternity/primary carer leave, is to provide to the University a certificate from a medical practitioner stating her estimated date of confinement (EDC).
- 13.11.36** A staff member is entitled to extend the period of parental leave, provided that:
- (a)** at least 14 days notice is given prior to the end of the original period of leave stating the period of extended leave to be taken and
 - (b)** the total period of leave is no greater than that provided for in this Agreement.
- 13.11.37** A staff member will confirm her/his intention to return to work by notice in writing to the employer not less than four weeks prior to the expiration of the period of parental leave.
- 13.11.38** Provided that alternative arrangements have not been made for the filling of the position, a staff member may apply to return to

work from parental leave earlier than the leave dates indicated if the staff member and supervisor mutually agree on an earlier return date.

- 13.11.39** In circumstances where
- (a) the pregnancy terminates otherwise than by the birth of a living child; or
 - (b) the staff member gives birth to a living child but the child later dies; the staff member may return to work subject to giving four weeks notice.

Replacement staff members

- 13.11.40** A replacement staff member is a staff member specifically engaged or temporarily promoted or transferred, as a result of a staff member proceeding on parental leave.

- 13.11.41** All replacement staff members recruited to fill a vacancy due to parental leave, are to be informed, upon recruitment, that employment is the result of a vacancy due to parental leave and is subject to termination or variation according to the parental leave arrangements exercised by the staff member being replaced.

Resumption of duty

- 13.11.42** Except in the case of a position being made redundant, a staff member returning to duty from parental leave will be entitled to return to the position held immediately before taking parental leave, except that:

- (a) if the staff member was transferred to a “safe” job because of her pregnancy, the relevant position is the position held immediately before the transfer;
- (b) if the staff member began working part-time because of the pregnancy, the relevant position is the position held immediately before the staff member began working part-time;
- (c) if immediately before starting parental leave the staff member was acting in or temporarily performing the duties of a position for a period equal to or less than the parental leave, then the relevant position is the position held by the staff member immediately before taking the acting or temporary position.

- 13.11.43** If the substantive position no longer exists, the University will employ her/him in a position commensurate with the classification and duties for which s/he is qualified, provided that

position is at the substantive grade held prior to commencement of parental leave.

- 13.11.44** A staff member during their parental leave will be consulted concerning any significant change in responsibilities proposed for her/his position (i.e. the position she or he held before commencing parental leave).
- 13.11.45** A staff member may choose to return to work part-time for a nominated period of up to two years following parental leave, before resuming full-time work. After this the staff member can negotiate for future part time work, in accordance with policy **11.14** Flexible and Family Working Arrangements.
- 13.11.46** The University will not unreasonably withhold consent to part-time work.

Implementation

- 13.11.47** All paid parental leave entitlements pursuant to this clause will be centrally funded by the university.
- 13.11.48** Employer contributions to superannuation, consistent with the full-time or part-time leave being taken, will continue during any period of paid parental leave.
- 13.11.49** Whilst a staff member is on parental leave, where requested relevant university information such as newsletters and minutes of meetings will be sent to the staff member's home address (or nominated alternative, e.g. e-mail).
- 13.11.50** Staff returning from Parental Leave will receive a briefing from their supervisor on the latest changes and developments in their position and work area.

OH&S Considerations and Reasonable Adjustment

- 13.11.51** If, for any reason, a pregnant or a breastfeeding staff member is having difficulty in performing normal duties or, in the opinion of a registered medical practitioner, there is a risk as a result of the pregnancy or breastfeeding to her health or that of her unborn or new born child, the supervisor should, in consultation with, and with the agreement of, the staff member, take all reasonable measures to arrange safer alternative duties.
- 13.11.52** Where clause **13.11.51** applies, the supervisor will arrange for a risk assessment of the workplace and work related activities and if there is a risk, will temporarily adjust the staff member's

working conditions and/or hours of work in order to reduce exposure to the risk.

- 13.11.53** These adjustments include, but are not confined to, greater flexibility in when and where duties are carried out, a temporary change in hours and/or duties, retraining, and work design.
- 13.11.54** If an adjustment is not feasible or cannot reasonably be made, the supervisor will transfer or arrange to transfer the staff member to such other appropriate work at the same level as will not expose the staff member to the risk.
- 13.11.55** If the above adjustments cannot reasonably be made, the supervisor must grant the staff member sick leave or parental leave until the child is born or for as long as it is necessary to avoid exposure to that risk, as certified by a medical practitioner.

Antenatal Leave

- 13.11.56** A staff member who is pregnant will be entitled to paid Antenatal Leave of one day per month during the final three months of the pregnancy, up until the commencement of parental leave.

Postnatal Arrangements

- 13.11.57** A staff member who is breastfeeding will be entitled to regular breaks in paid time for lactation purposes.
- 13.11.58** Clean, private space will be provided to breastfeeding staff members for the purpose of breast feeding and/or expressing milk during these breaks.

Further Information

Remuneration, Benefits and Systems Team, ext. 3496, 3181, 3433 or 3145

Refer to HRS Contact List at:

<http://www.une.edu.au/hrs/handbook/01/01.06C.pdf>

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