
PARENTAL LEAVE POLICY

PURPOSE

offers a range of employee leave types for parents and expectant parents. The types of leave include maternity (for mums), paternity (for dads and partners), and adoption leave in accordance with National Employment Standards (NES).

SCOPE

complies with Fair Work Australia as specified in the National Employment Standards (NES). This policy covers all Australian based staff employed by . Full-time, part-time and casual employees are eligible for parental leave under this policy. Casual employees will only be eligible for parental leave if they have been working with on a regular and systematic basis for at least 12 months and have a reasonable expectation of ongoing employment.

POLICY

This section includes maternity, paternity, and adoption leave in accordance with National Employment Standards (NES). This leave was introduced to allow working couples the opportunity to begin their family with the assurance that their return to the workforce would not be compromised or denied.

When are employees entitled to parental leave?

The minimum entitlement for parental leave is 12 months unpaid. This entitlement comes from the National Employment Standards and applies to all employees in Australia, even if they're not covered by the [National workplace relations system](#).

Who can take parental leave?

Full-time, part-time and casual employees can take unpaid parental leave if:

- they are responsible to care for a newborn or newly adopted child
- they have (or will have) at least 12 months 'service' before the date of birth or adoption
- or casual employees (they have been working with their employer on a regular and systematic basis for at least 12 months have a reasonable expectation of ongoing employment).

How to apply for Parental Leave?

To take unpaid parental leave, employees have to provide written notice. The notice has to:

- be given to at least 10 weeks before they plan to start leave, or, if they can't give 10 weeks' notice, as soon as possible
- have the dates they plan to start and end their parental leave.

The employee has to confirm the leave dates at least 4 weeks before their leave is due to start (unless it's not possible). If an employee needs to make any changes to their leave dates, they advise as soon as possible.

are within their right to ask the employee for evidence of the expected date of birth or adoption. Evidence includes a medical certificate or statutory declaration. Employees have to meet these requirements to take parental leave under the National Employment Standards.

Paid parental leave

Employees may be entitled to paid parental leave on top of their unpaid leave entitlements. Please contact the Family Assistance Office to check your eligibility of the Paid Parental Leave Scheme.

Australian Government Paid Parental Leave scheme

The Australian Government Paid Parental Leave scheme is for working parents of children born or adopted on or after 1 January 2011. The scheme provides a maximum of 18 weeks pay at the [National Minimum Wage](#). This applies to eligible primary carers of newborn or adopted children. The payments are made by the Government to , who will then pay it to the employee.

The payments can be paid before, after, or at the same time as existing entitlements such as annual leave, long service leave and employer-funded paid parental leave. Please visit the Human Services- Paid parental Leave Scheme website or call their Family and Parents line on 136 150 for eligibility information and/or to make a claim.

Dad and Partner Pay

From 1 January 2013, there will also be an entitlement to Dad and Partner Pay. This is up to 2 weeks at the [National Minimum Wage](#) for working dads or partners (including same-sex partners). These payments will be made by the Government directly into the employee's bank account once their claim has been finalised. Claims for Dad and Partner Pay can be made from 1 October 2012 for babies born or adopted on or after 1 January 2013. Visit the Human Services- Dad and Partner Pay website or call their Family and Parents line on 136 150 for eligibility information and to make a claim.

Other leave and parental leave

An employee's annual leave and personal (sick) leave doesn't accumulate when they are on unpaid parental leave, however employees don't lose any leave that they built up before taking parental leave.

This doesn't include the Australian Government Paid Parental Leave scheme - employees don't accumulate paid leave while they are receiving these payments.

Can employees use annual leave or personal leave while on unpaid parental leave?

Employees can choose to use their annual leave when they are on parental leave. If an employee takes annual leave, it is taken at the same time as the unpaid parental leave and is capped at 12 months. Employees can't use personal leave while they're on unpaid parental leave.

Does unpaid parental leave affect continuous service?

Unpaid parental leave doesn't break an employee's continuity of service. Though unpaid parental leave doesn't count as service for other entitlements under the National Employment Standards, such as paid annual leave or

paid personal leave. This means that the employee is still considered to be employed with for the time they take unpaid parental leave but they don't accumulate leave entitlements during this time.

Keeping in touch during leave

Employees who are being paid under the [Australian Government Paid Parental Leave Scheme](#) can use keeping in touch days. This means that they can come to work for up to 10 days during their parental leave, without it affecting their unpaid parental leave entitlements. An employee is entitled to be paid their normal wage for the day's (or part day's) work. The employee can work these days 1 at a time or all together.

Keeping in touch days have to be at least 42 days after the birth of the child and can only be earlier if an employee requests it. If an employee requests a keeping in touch day earlier, it can't be earlier than 14 days after the birth.

If an employee would like to use a keeping in touch day they first need to speak with their manager to make the necessary arrangements/approval.

Extending leave beyond the initial 12 months

An employee can request to extend the first 12 months of unpaid parental leave by up to an extra 12 months.

This request must:

- be made to in writing
- be made at least 4 weeks before the date they're due to go back to work.

If the employee's partner has also taken unpaid parental leave, their request to extend their leave also has to specify the amount of leave their partner took (or will take). The amount of additional leave an employee can request is reduced by the amount of leave their partner takes.

will reply in writing as soon as possible and no later than 21 days after the employee made the request.

Refusing requests to extend unpaid parental leave

can only refuse to extend the leave beyond the first 12 months on reasonable business grounds. The response will be in writing within 21 days after the request was made. The response will clearly explain why the extension is being refused. Whether there are reasonable business grounds depends on:

- the effect that approving the request will have on the workplace and the business, including the financial impact and the impact on efficiency, productivity and customer service
- the ability to organise work among existing staff
- the ability to recruit a replacement employee.

Changing leave within the initial 12 months

If an employee didn't originally plan to take 12 months unpaid parental leave, they can extend their leave once, without approval from their employer. To extend their leave, the employees needs to advise in writing at least 4 weeks before they're due to go back to work. This needs to include the new date that they'll be going back to

work. The new end date can't be more than 12 months from the date they started their parental leave. Any further requests to extend unpaid parental leave must be agreed between and the employee.

Going back to work early

There is not an automatic entitlement to return to work before the planned date. If an employee wants to reduce their leave and come back to work early, needs to agree. can only require an employee to come back to work early if they no longer have responsibility to care for a child. If this is the case, the employer needs to give the employee 4 weeks' written notice. A mother who has given birth can't be required to return to work earlier than 6 weeks after the date of birth. All of the changes mentioned above will be in writing.

Note: reducing parental leave may affect an employee's eligibility for Parental Leave Pay under the Australian Government Paid Parental Leave scheme. You can find information about the scheme on the human services website.

Returning to work

When employees come back from parental leave, they are entitled to return to the job they were in before they went on leave. If the job doesn't exist anymore, will offer the employee a suitable available job. This will be a job the employee is qualified for and that is nearest in pay and status to their original job.

Flexible Working Arrangements

Employees can request flexible working arrangements when they come back to work. This could include returning to work on a part-time basis or with different starting and finishing times. Employees need to make these requests in writing. Refer to the Work Life Balance Policy [POL06](#).

Replacement Employee

A replacement employee is the person who's hired to replace another employee while they're on unpaid parental leave.

Employers have to tell replacement employees:

- that their engagement is temporary
 - the rights of the person who is on unpaid parental leave, including their right to return to work
 - the rights of the employer to cancel the parental leave in some circumstances (e.g. [Still birth or infant death](#)).
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Special maternity leave

A female employee can take unpaid special maternity leave if she can't work because:

- she has a pregnancy related illness
- if her pregnancy ends for a reason other than the birth of a living child, within 28 weeks of the expected birth date (for example, if a child is still born).

If an employee needs to use unpaid special maternity leave, she needs to give notice as soon as she can (which may be after the leave has started). She also needs to advise how long she expects to be on leave. If the special maternity leave is taken for a pregnancy related illness, it ends either when the pregnancy ends or the illness ends (whichever is earlier). If an employee is taking special maternity leave because of a miscarriage or still birth, the leave can continue for as long as she is not fit for work. If this situation occurs may ask for evidence for the leave (e.g. a medical certificate).

Any unpaid special maternity leave an employee takes while she is pregnant reduces the total amount of unpaid parental leave she can take.

Still birth or infant death

An employee has special entitlements if her pregnancy ends either by stillbirth or if the child dies after being born. This applies to an employee who is taking, or will be taking, unpaid parental leave.

Before unpaid leave has started

If the employee hasn't started her unpaid parental leave, the employee or can cancel the unpaid parental leave with notice. Where this happens, the employee isn't entitled to take unpaid parental leave. If the employee isn't able to work she could be entitled to use her personal leave or take special maternity leave. See [Personal, carer's and compassionate leave](#) and [Special maternity leave](#) for more information.

After unpaid leave has started

If the employee has started her unpaid parental leave, and she loses her child, she is still entitled to take unpaid parental leave. If she wants to go back to work, she can by giving 4 weeks' notice. After getting the notice, can give her written notice requiring her to start on a specific day within the 4 weeks.

can also give at least 6 weeks written notice requesting the employee to return to work on a specific day. The day they want the employee to come back to work must be at least 6 weeks after they give the notice.

Feel free to discuss any concerns or queries with your Manager at any time regarding this policy, as we are here to support you through this important time.

DOCUMENTATION

Application-to-extend-parental-leave-beyond-12-months	FOR23
Parental-leave-request	FOR24
Application-to-vary-parental-leave-within-12-months	FOR25
Extension-of-parental-leave-refusal-letter	FOR26
Extension-of-parental-leave-approval-letter	FOR27
