
PARENTAL LEAVE POLICY

PURPOSE

offers a range of employee leave types for parents and expectant parents. The types of leave include maternity and parental leave in accordance with National Employment Standards (NES).

SCOPE

is compliant with Australia's national workplace relations system established by the Fair Work Act 2009, including 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.

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).

What is the entitlement to parental leave?

The minimum entitlement for parental leave is 12 months unpaid leave.

Where only one parent takes leave, the leave can be taken as a single continuous period, or as a single continuous period and a flexible period of up to 30 days (6 weeks). An employee can take up to 24 months if their employer agrees.

If both parents take unpaid parental leave:

- Employees are entitled to a total of up to 24 months of leave between them, which generally must be taken separately in a single continuous period.
 - If the employee who takes leave first is pregnant or gives birth, they can start their leave up to 6 weeks before the expected date of birth or earlier if agreed with the employer.
 - If the employee who takes leave first is not pregnant, their leave must start on the date of birth or placement.
 - Both employees of an employee couple can take leave at the same time (called 'concurrent leave') for a maximum period of 8 weeks. This leave must be taken within 12 months of the birth or adoption of a
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child.

- The concurrent leave can be taken in separate periods. Each period must be at least 2 weeks unless the employer agrees to a shorter period.
- Concurrent leave counts as part of an employee's overall unpaid parental leave and is deducted from their overall entitlement of 12 months of leave.
- Each eligible member of a couple can take a separate period of up to 12 months of unpaid parental leave. The combined leave cannot be for more than 24 months.

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
- include the dates they plan to start and end their parental leave

The employee must confirm the leave dates at least 4 weeks before their leave is due to start (unless it is not possible). If an employee needs to make any changes to their leave dates, they advise rimfire 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 must 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 60 days Parental Leave Pay plus 30 days Flexible Paid Parental Leave 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

Eligible working dads and partners (including same-sex partners) get 2 weeks leave paid at the National Minimum Wage. These payments are made directly to the employee by the Australian Government once their

claim has been finalised.

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

The Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021 provides up to two days compassionate leave if an employee, or an employee's spouse or de facto partner, has a miscarriage. Miscarriage is defined as the spontaneous loss of the embryo or fetus before 20 weeks gestation.

Employees are eligible for up to two days paid compassionate leave if they miscarry, or their spouse or de facto partner miscarries.

Compassionate leave for casual employees will be unpaid, in line with the Fair Work Act 2009.

Annual leave and personal (sick) leave does not accumulate for Full Time and Part Time employees when they are on unpaid parental leave, however employees do not lose any leave that they built up before taking parental leave.

This does not include the Australian Government Paid Parental Leave scheme - employees do not 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.

Staying connected 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.

Staying connected days must 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 cannot 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 must 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 employee 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 the employer 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, they need to agree. An employer 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. An employee 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, the employer 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
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- 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

An employee can take unpaid special maternity leave if they can't work because:

- they have a pregnancy related illness
- if their pregnancy ends for a reason other than the birth of a living child, in the case of a miscarriage or still birth

If an employee needs to use unpaid special maternity leave, they need to give notice as soon as they can (which may be after the leave has started). They also need to advise how long they expect 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).

Special maternity leave does not reduce the amount of unpaid parental leave that an employee 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 has not started her unpaid parental leave, the employee or rimfire can cancel the unpaid parental leave with notice. Where this happens, the employee is not entitled to take unpaid parental leave. If the employee is not 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 their unpaid parental leave, and they loses their child, they are still entitled to take unpaid parental leave. If they wants to go back to work, they can by giving four weeks' notice. After getting the notice, rimfire can give them written notice requiring them to start on a specific day within the four weeks.

can also give at least six 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 six 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

LINKS

<https://www.fairwork.gov.au/tools-and-resources/fact-sheets/minimum-workplace-entitlements/parental-leave-and-related-entitlements>
