

# Parental Leave - Procedures

## 1. Definitions

Please refer to the University's Glossary of terms for policies and procedures. Terms and definitions identified below are specific to these procedures and are critical to its effectiveness:

Eligible Staff means all staff who have completed 12 months continuous service except those appointed on a casual basis.

New Child means a new baby, newly adopted baby or newly fostered baby up to one year of age.

Child means a newly adopted child or newly fostered child between 1 and 5 years of age except where the staff member is able to demonstrate a special need to care for an older child.

Primary Carer is a staff member who has full-time responsibility for the day-to-day care of a new child or child. This can include where a fostering arrangement is intended to be long-term, or for whom the staff member has recently become a guardian where the guardianship is intended to be long-term.

Significant Carer is a staff member whose partner has become a primary carer of a new child.

Parental Leave is the different types of leave available to care for a new child or child and includes primary carer leave, adoption leave, partner leave and unpaid parental leave.

Primary Carer Leave is used for the birth and primary care of a new child.

Adoption Leave is used for the primary carer of a new child or child. Adoption leave can also be used by a staff member who becomes the primary carer for long-term fostering or guardianship of a child.

Partner Leave is used for the significant carer of a new child.

Unpaid parental leave is used for the primary or significant carer of a new child.

## 2. Primary Carer Leave

Eligible staff who are about to give birth to a baby and/or have become the primary carer of a new child are entitled to primary carer leave. The leave is available as paid leave for up to 26 weeks, unpaid parental leave or a combination of both up to a maximum of 52 weeks, depending on the length of service. Staff on fractional appointments will be entitled to primary carer leave on a proportionate basis.

Primary carer leave is an individual entitlement and there is no restriction on the number of times a staff member can take primary carer leave. However, to be eligible for a second or subsequent period of paid primary carer leave, a staff member must serve a 12 month qualifying period from their return to work from their previous primary carer leave.

### 2.1 Notification of intention to take Primary Carer Leave

A leave form must be completed, notifying of an intention to take primary carer leave and the duration of the leave. This form must be directed to the Cost Centre Manager, at least 12 weeks before the proposed commencement of leave and must be accompanied by a certificate from a registered medical practitioner or certified midwife stating the expected date of birth. The staff member must also commit in writing to the Cost Centre Manager that they intend to return to work at the end of the period of leave, the expected date of return to work, and if they are electing to receive the 26 weeks paid primary carer leave at half pay over 52 weeks.

### 2.2 During Pregnancy

A staff member may seek to work on a fractional basis prior to commencing parental leave. Approval will depend on the requirements of the work area and the mutual agreement of the Cost Centre Manager, supervisor and the staff member.

APPROVAL AUTHORITY

Chief Operating Officer

RESPONSIBLE EXECUTIVE MEMBER

Chief Operating Officer

DESIGNATED OFFICER

Director, People and Culture

FIRST APPROVED

31 October 2007

LAST AMENDED

16 February 2022

REVIEW DATE

7 December 2022

STATUS

Active

The staff member should discuss any workplace health and safety risks associated with pregnancy with her registered medical practitioner and her supervisor. If, in the opinion of a registered medical practitioner or the supervisor, illness or risks arising out of the pregnancy or hazards connected with the work make it inadvisable for the staff member to continue in her job, the staff member may request a transfer to another job. The position to which the staff member is transferred will be as close as possible in status to her substantive position and will be mutually agreeable to the staff member, supervisor and Cost Centre Manager. If no suitable position is available, the staff member may take sick leave (if deemed appropriate by a registered medical practitioner), recreation leave or may be required to commence primary carer or parental leave.

Sick leave, recreation leave, time off in lieu or hours accrued under the flexible hours arrangement can be used for medical check-ups or illness directly related to the pregnancy. It is not intended that sick leave will be used to duplicate, replace or extend parental leave.

### 2.3 Commencement of Parental Leave

A staff member may commence parental leave at any stage of pregnancy provided that they give 4 weeks' notice to their Cost Centre Manager and the medically certified expected date of birth is included in this period of leave. The leave must also be taken in one continuous period. Staff on parental leave are normally required to remain absent for a minimum of 6 weeks after the actual date of birth. If a medical certificate of fitness is provided, a staff member may return to duty earlier than 6 weeks after the birth.

Public holidays which fall in the period of leave form part of the leave. Leave may not be granted in broken periods separated by public holidays or by periods of long service or recreation leave.

If a staff member applies for parental leave for a subsequent new child whilst already on parental leave, the new period of leave supersedes the initial period of leave granted and will not be in addition to that leave.

## 3. Adoption Leave

Adoption leave is available for eligible staff who become the primary carer of a new child or child. There are two categories of adoption leave. The leave is available as paid leave, unpaid parental leave or a combination of both up to a maximum of 52 weeks, depending on the length of service.

Category A – is available to an eligible staff member becoming the primary carer of a new child. The staff member is entitled to 26 weeks paid adoption leave, depending on the length of service.

Category B – is available to an eligible staff member becoming the primary carer of a child. The staff member is entitled to 13 weeks paid adoption leave, depending on the length of service.

The period of paid adoption leave is reduced by any amount of paid adoption leave taken by a spouse for the primary care of the same child. Staff on fractional appointments will be entitled to adoption leave on a proportionate basis. Adoption leave is an individual entitlement and there is no restriction on the number of times a staff member can take adoption leave.

### 3.1 Notification of intention to take Adoption Leave

A leave form must be completed notifying of an intention to take adoption leave and must be directed to the Cost Centre Manager, at least 12 weeks before the proposed commencement of leave. Notification must be accompanied by satisfactory evidence advising of the date the staff member will become the primary carer. The staff member must also indicate in writing to the Cost Centre Manager that they intend to return to work at the end of the period of leave and the expected date of return to work.

### 3.2 Commencement of Adoption Leave

A staff member can commence adoption leave at any stage of the adoption, long-term fostering or guardianship arrangement provided they give 4 weeks notice to their Cost Centre Manager and the expected date of adoption, long-term fostering or guardianship arrangement is included in this period of leave. The leave must also be taken in one continuous period.

The leave can be used to attend interviews, court or examinations related to the application for adoption, long-term fostering or guardianship, or to travel to collect the new child, or any other event directly related to the placement of the child. Leave will normally be available as one continuous period. Shorter periods of leave may be available in special circumstances at the discretion of the Cost Centre Manager. Public holidays which fall in the period of leave form part of the leave. Leave may not be granted in broken periods separated by public holidays or by periods of long service or recreation leave.

## 4. Partner Leave

Partner leave is available to eligible staff whose partner has become the significant carer of a new child.

### 4.1 Notification of Intention to take Partner Leave

Notification of an intention to take partner leave is to be directed to the Cost Centre Manager, as soon as practicable before the proposed commencement of leave.

#### 4.2 Commencement of Partner Leave

A leave form must be completed to take partner leave and must be directed to the Cost Centre Manager, as soon as practicable.

### 5. Unpaid Parental Leave

Unpaid parental leave is available to eligible staff to be the primary carer of a new child for a maximum of 52 weeks inclusive of any paid parental leave.

#### 5.1 Notification of Intention to take Unpaid Parental Leave

Notification of an intention to take unpaid parental leave must be directed to the Cost Centre Manager at the same time as notification of any paid parental leave.

#### 5.2 Commencement of Unpaid Parental Leave

Commencement of unpaid parental leave will normally occur after paid parental leave has been exhausted.

### 6. Amending parental leave

If the original application for parental leave is for less than 52 weeks, the staff member may seek an extension up to the maximum period of 52 weeks inclusive of any paid leave. Staff must provide a written request to their Cost Centre Manager not less than 8 weeks before the anticipated return date.

### 7. Early Return to Work

If the staff member wishes to return to work earlier than the anticipated date or cancel an application for parental leave, the staff member must notify their Cost Centre Manager and provide 8 weeks' notice of the requested change. Approval will depend on the requirements of the work area and the University and the mutual agreement of the Cost Centre Manager, supervisor and staff member. Other arrangements may be agreed upon between the Cost Centre Manager, supervisor, and the staff member.

### 8. Taking of Other Leave

Eligible staff may apply for all or part of accrued recreation leave or long service leave to be taken in addition to or in place of parental leave. Sick leave cannot be used for medical check-ups or illness during the period of unpaid parental leave or to duplicate, replace or extend parental leave.

Following a period of parental leave a staff member may apply for a further period of leave without pay in accordance with the University's leave without pay guidelines.

### 9. Payment During Parental Leave

The University provides the option to receive payment for paid primary carer leave at half pay over the full 52 week parental leave period. This change may affect a staff member's superannuation, banking disbursements and other payroll deductions. Payroll should be contacted to discuss individual situations. This payment option cannot be accessed once a period of parental leave has commenced.

Salary will be paid at the rate applicable for the last pay period immediately prior to commencing paid parental leave. Where a staff member has, during the 12 months prior to taking paid parental leave, worked a mix of full-time and fractional hours or different fractional appointments, the average service fraction will be used to calculate the rate of payment of paid parental leave.

Where a staff member was full-time and sought a fractional appointment during their pregnancy for medical reasons and in accordance with section 2.2 of these procedures, the staff member will be entitled to parental leave on their full-time salary.

Leave entitlements accrued during the period of parental leave will accrue at the employment fraction applicable to the period of parental leave.

### 10. Continuity of Service During Parental Leave

A period of parental leave granted will count as service for all purposes, however any period of unpaid leave will not count towards the accrual of leave entitlements

The University is not required to extend a fixed-term appointment solely due to a period of parental leave. However, the Cost Centre Manager, supervisor and staff member may, by mutual agreement, suspend a probationary period if a period of parental leave occurs during the probationary period.

A staff member on parental leave can apply for appointment to a vacant position, promotion and staff development activities and programs and will not be denied appointment or access solely on the basis of being on parental leave.

## 11. Unplanned Cessation of Parental Leave

If parental leave has commenced, or has been applied for but not commenced, and the pregnancy of the staff member terminates other than by the birth of a living child after the twentieth week of pregnancy, or upon the death of the child during the period of leave, the staff member will be entitled to the full period of approved parental leave. In addition, the staff member may apply for unpaid leave up to a maximum of 52 weeks, if certified by a medical practitioner.

If unpaid parental leave has commenced, and the staff member's child dies during the period of leave, then the staff member may apply for unpaid leave up to a maximum of 52 weeks, if certified by a medical practitioner.

## 12. Returning to Work

Parental leave is granted on the understanding that the staff member will return to work at the end of the leave period for a minimum period equivalent to the period of leave.

A staff member must confirm the expected date of return to work with their supervisor and Cost Centre Manager at least 8 weeks before the original nominated date.

Staff returning from parental leave will normally return to the position occupied immediately prior to commencement of leave. When this is not possible, the staff member will be offered another comparable position with no loss of salary, tenure or level. Negotiations on an alternative position will occur between the staff member, supervisor and Cost Centre Manager.

Staff may request to return to work on a fractional basis until the child is of school age. Approval will depend on the requirements of the work area and the mutual agreement of the Cost Centre Manager, supervisor and staff member. Other arrangements may be agreed upon between the parties.

## 13. Replacement staff during Parental Leave

The work area from which the leave is granted may fill the vacated position for the period of leave on a fixed term basis only. Replacement staff will be advised that their appointment is on a fixed term basis as they are replacing a staff member on parental leave. They will also be advised of the maximum length of appointment and that the staff member on leave can request an earlier return to work and that there may be a variation to the appointment with a minimum of 4 weeks' notice.

END

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### RELATED DOCUMENTS

- Anti-Discrimination and Freedom from Bullying and Harassment - Governing Policy
- Equity, Diversity and Inclusion - Governing Policy
- Parental Leave - Operational Policy

### LINKED DOCUMENTS

- Parental Leave - Operational Policy

### RELATED LEGISLATION / STANDARDS

- University of the Sunshine Coast Enterprise Agreement