



## Policy – Parental Leave

### Purpose

[Company] is committed to supporting employees when they are starting and raising a family. The purpose of this document is to outline employee entitlements to parental leave and other related entitlements.

This policy applies to all eligible employees of [Company] in accordance with the FWA Act (the Act).

In summary, permanent full-time and part-time employees with at least 12 months' continuous service with [Company] immediately before the expected date of birth or day of placement of the child (in the case of adoption) are eligible for unpaid parental leave as described in this policy. Casual and fixed-term employees may be eligible for unpaid parental leave in accordance with the Act.

### Definitions

**Parental Leave** - A general term for all types of parental leave that an employee is eligible to take. It includes initial maternity leave, paternity leave, partner leave, additional parental leave and special maternity leave.

**Initial Parental Leave** - The first period of parental leave that an eligible employee takes, up to a maximum of 12 months from the date the leave commences (and inclusive of all leave types).

**Eligible Employee** - An employee who is eligible for parental leave under the Act.

**Primary Carer** - Person who has assumed, or will assume, the principal role of providing care to the child. There can only be one primary carer for the child at any one time.

**Secondary Carer** - Person who is the spouse or de facto (including same sex) partner of the Primary Carer and who does not have the principal role of providing care to a child.

**Additional Parental Leave** - Extra parental leave that an eligible employee can request in addition to their initial parental leave, up to a maximum of 12 months. Additional parental leave is unpaid.

**Comparable Role** – A job, role or position which an employee may be offered on return to the workplace where:

- the terms and conditions of employment are substantially similar to, and, considered on an overall basis, no less favourable than, the terms and conditions of an employee's role with [Company]

- the employee's base pay or fixed salary (whichever is relevant to the employee's classification) is not less than the base pay or fixed salary the employee was receiving immediately prior to commencing parental leave; and
- the employee's period of continuous service with [Company] will be recognised.

## Government Funded Parental Leave

Government Paid Parental Leave is available for eligible employees (as determined by the Department of Human Services) and will be processed by Payroll upon receipt of the funds from Centrelink. Government Paid Parental Leave is currently paid at the National Minimum Wage as determined by Fair Work Australia and is subject to change.

## Dad and Partner Pay

Dad and Partner Pay is a payment under the Australian Government's Paid Parental Leave scheme which provides eligible dads or partners with financial support to be able to take time off work to bond with their baby and to support mums or partners in the vital early months of their baby's life.

Eligibility is work and means tested, and the entitlement is up to two weeks of government-funded pay at the National Minimum Wage as determined by Fair Work Australia (this is subject to change). Refer to the Australian Government Department of Human Services website for the eligibility criteria.

Employees cannot be on paid leave and must not work during their Dad and Partner Pay period.

This entitlement is paid directly by the Australian Government. Claims can be lodged online via the Australian Government Department of Human Services website or by calling 136 150 to request a form.

## Parental Leave

Primary and Secondary Carer entitlements:

- Employees who are primary carers are entitled to up to 12 months initial parental leave.
- Parental leave commences on the first date of leave (except for pre-natal or pre adoption leave) taken in association with the birth or placement of the child.
- Employees must take their parental leave in one continuous block, unless:
  - the employee takes initial leave as a secondary carer, and at some later date assumes the role of primary carer; or
  - an employee has a period of special maternity leave and returns to work prior to commencing initial parental leave.

- For any unpaid portion of parental leave, the employee does not accrue annual or personal leave. Long service leave will continue to accrue and the unpaid portion of leave does not affect an employee's continuity of service for long service leave purposes.
- Any personal leave that an employee has accrued prior to taking parental leave is available for use when they return to work.
- Employees must inform their Manager if their parental circumstances change, particularly if they cease to be the primary carer or if their partner's parental leave arrangements change.
- Primary carers may request up to 12 months additional parental leave.
- Additional leave should follow directly on from initial parental leave.
- Requests to extend parental leave, within entitlements to the leave, will not be refused without giving the employee the opportunity to discuss the request.
- Additional leave is up to 12 months and must end by the child's second birthday or 2 years after the date of the child's placement

## Adoption Leave

This guideline applies to adopted children in the same way that it applies to biological children as follows:

- any reference to a child's birthday or day of birth is a reference to the child's day of placement in the case of adoption; and
- the entitlement only applies to children who:
  - will be under 16 at the day or expected day of placement;
  - will not have lived continuously with the employee for 6 months or more as at the day or expected day of placement; and
  - are not the biological children of the employee, or the employee's partner.

Employees who are seeking to adopt a child may also be entitled to pre-adoption leave.

## Pre-natal Leave

If an employee or an employee's partner is pregnant, they are entitled to access any accrued personal/carer's leave entitlements for the purpose of attending appointments associated with the pregnancy. Employees should, where possible, provide 2 weeks' notice prior to the appointment and a medical certificate from the practitioner.

## Pregnant Employees

### Unsafe Work

Where it is considered inadvisable for a pregnant employee to continue in their current role because of illness, or risk arising out of the pregnancy, or hazards connected with the role, the employee may temporarily transfer to a safer role. The employee must have a medical certificate stating that they are otherwise fit for work.

### Special Maternity Leave

As outlined in the Act, special maternity leave applies to eligible female employees who are pregnant and:

- are suffering a pregnancy-related illness; or
- the pregnancy ends within 28 weeks of the expected date of birth (or after 12 weeks' pregnancy), other than by the birth of a living child.

Special Maternity Leave is unpaid, and continues as long as necessary, as certified by a medical practitioner. If the employee wishes to take special maternity leave, she must notify her leader as soon as practicable, and also advise of her expected return to work date. An employee's entitlement to initial parental leave is reduced by any period of special maternity leave.

## Keeping in Touch

To assist in maintaining contact with the workplace and to facilitate a productive return to work at the completion of parental leave, it is important to maintain two-way communication. Managers should inform absent employees of any changes that occur in the workplace that may affect them as soon as possible.

Employees should agree with their manager as to whether they would like to receive copies of newsletters or relevant information whilst on leave.

## Commencing Parental Leave

If a pregnant employee is eligible for parental leave, their initial parental leave may start at any time within 6 weeks of the expected date of birth. If the employee continues to work in the 6-week period prior to the expected date of birth, the manager can request a medical certificate certifying that the employee is fit for work. If the employee does not (or cannot) provide the medical certificate within 7 days of the request, she will be required to start initial parental leave immediately.

If initial parental leave has not already commenced within this 6-week period, it will automatically start on the date of birth of the child.

## Returning from Parental Leave

After taking initial parental leave, employees are entitled to return to the position they were in immediately before going on parental leave. If that position no longer exists, the employee can return to an available comparable role.

Employees may request in writing to return to work early from parental leave. These requests may be approved at the discretion of the manager.

Employees may request a flexible work arrangement when they return to work. Options could include returning to work on a part-time basis, job share, or alternative working hours. Such requests should be made to [Company] in writing.

**All requests for parental leave, extension of parental leave and returning to work must be discussed (email only is not sufficient) between the employee making the request and his/her Manager.**

## Approvals & review

Policy review date:	
Policy approved by title:	[Company]
Policy approved by signature:	

