

Name of Policy	Parental Leave Policy
Description of Policy	This policy covers the provision of parental leave for academic and general staff at the ACU.
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Description of Revision	

Human Resources Directorate

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1. Background Information

This policy has been developed in support of the provisions for parental leave for academic, general and teaching staff of the ACU.

2. Policy Statement

In line with its stated Mission and to support the provision of family friendly work/life balance to staff, the University provides arrangements for staff who require leave associated with the raising and care of children who are under school age. The leave arrangements set out in this Policy are designed to enable staff to have appropriate paid and unpaid leave at times that are necessary for the raising of pre-school age children.

3. Policy Purpose

This policy informs staff members of the types of leave available in association with parental leave, the application of these provisions and the arrangements for taking leave associated with parental leave.

4. Application of Policy

This policy applies to all continuing and fixed term staff of the University.

Parental leave is the general term that covers the following leave types:

- Leave associated with the birth of an infant or the adoption of a pre-school age child;
- Foster parenting leave; and,
- Child-rearing leave.

A casual staff member may be entitled to unpaid parental leave of 12 months where he/she becomes an eligible casual employee as provided in Section 264 of the Workplace Relations Act 1996 (as amended) in which case the provisions of Division 6, Parental Leave, of the Act will apply.

4.1 Leave Associated with the Birth of an Infant or Adoption of a Pre-school age Child

Applications for parental leave must be made on the University's Leave Request form. The Leave Request form, the Maternity Leave Agreement and the Child Rearing Leave Agreement may be downloaded from the HR web site. Applications for parental leave cannot be lodged via the University's Staff Connect facility.

Depending upon a female staff member's length of paid service at the time the staff member commences leave associated with the birth or adoption of a child, there are three levels of entitlement, to paid parental leave.

4.1.1 A female staff member is entitled to paid leave associated with the birth or adoption of a child in accordance with the following:

Length of completed continuous service	Paid leave entitlement and payment mode
(i) Less than 52 weeks	<u>1 week</u> for each completed <u>calendar month</u> of continuous service paid in advance or fortnightly or equivalent at half <u>pay fortnightly</u> .

Length of completed continuous service	Paid leave entitlement and payment mode
(ii) 52 weeks but less than 104 weeks	<u>12 weeks</u> paid in advance or fortnightly or equivalent at half pay fortnightly for <u>24 weeks</u> .
(iii) 104 or more weeks	<p><u>52 weeks</u> paid in one of the following arrangements:</p> <ul style="list-style-type: none"> • paid fortnightly as ordinary salary for <u>12 weeks</u> and at 0.6 of ordinary salary rate for the remaining <u>40 weeks</u>; or, • paid as ordinary salary for <u>12 weeks</u> in advance and 0.6 of ordinary salary from week 13 – which is then paid fortnightly for the remaining <u>40 weeks</u>; or, • paid by equal fortnightly payments which in total is equivalent to the value of <u>12 weeks</u> at ordinary salary plus the value of <u>40 weeks</u> at 0.6 of the ordinary salary rate. <p>These payments are conditional upon the staff member first entering into a written agreement with the University that she will return to duty at the University for a period of <u>26 weeks (or an equivalent period on a pro-rata basis)</u> at the conclusion of the paid leave authorised under this sub-clause or, in default, the staff member is required to repay all monies paid with the exception of an amount equivalent to the value of <u>12 weeks</u> at her ordinary salary rate.</p>

- 4.1.2** Additional leave without pay may be taken that will bring the period of leave associated with the birth or adoption of a child, specified in sub-clause 4.1.1 (i) or (ii) above, to a continuous period of up to 52 weeks.
- 4.1.3** A female staff member who takes leave associated with the birth or adoption of a child, specified in sub-clause 4.1.1 (iii) above may elect to take leave at the rate of 12 weeks on full salary, and the remaining 40-week period as leave without pay, foregoing her entitlement to the full benefit. In such cases there is no return to work requirement as outlined in sub-clause 4.1.1 (iii).
- 4.1.4** A staff member on leave associated with the birth or adoption of a child may apply to take accrued Annual leave, Long Service leave, time-off-in-lieu or accumulated time credits to offset any or all leave without pay taken in association with the birth or adoption of a child.
- 4.1.5** A female staff member who takes leave associated with the birth or adoption of a child specified in sub-clause 4.1.1 (iii) above may make an application to vary her leave to reduce the total period of leave with the exception of the first 12 weeks. Where such a variation is made the equivalent adjustment will be made to the paid entitlement.
- 4.1.6** If a female staff member takes a second period of leave associated with the birth of an infant or adoption of a pre-school age child that overlaps with or immediately follows a period taken under the conditions set out in sub-clause 4.1.1 (iii), including the requirement to return to work for a period of 26 weeks or an equivalent period on a pro-rata basis, the provisions of this second period of leave shall be granted as for sub-clause 4.1.1 (ii).

- 4.1.7** A female staff member who takes paid parental leave under the conditions set out in sub-clause 4.1.1.(iii) and who then subsequently applies for and takes a further period (or periods) of leave (be it paid or unpaid), is still required to return to work for a period of 26 weeks (or an equivalent period on a pro rata basis) at the end of the subsequent period(s) of paid or unpaid leave or repay the monies as specified in sub-clause 4.1.1(iii).
- 4.1.8** A **male** staff member who is not the primary care-giver of the child will be granted leave on full pay for 15 consecutive working days, or for periods which in aggregate do not exceed 15 working days, during the first 12 weeks after the birth/adoption.
- 4.1.9** A **male** staff member who elects to be the primary care-giver of the child will, in addition to the leave granted under sub-clause 4.1.8, also be entitled to a further unbroken period of up to 49 weeks unpaid leave subject to the production of certification that the male staff member shall be the sole care-giver of the child during the period of parental leave requested.

4.2 Payment during Parental Leave associated with the Birth of an Infant or Adoption of a Pre-school age child

4.2.1.1 A female staff member who is granted paid leave in accordance with sub-clause 4.1.1 (i) or (ii) may elect to receive salary payment for the total period of leave in any one of the following ways:

- as a lump sum in advance for up to 12 weeks or part thereof; or,
- to be paid fortnightly over the 12 week period of approved leave or part thereof; or,
- the 12 week period or part thereof entitlement to be paid at half pay for up to 24 weeks or part thereof.

4.2.1.2 A female staff member who takes leave associated with the birth or adoption of a child, specified in sub-clause 4.1.1 (iii) may elect to receive salary payment for the leave in any one of the following ways:

- paid fortnightly as ordinary salary for 12 weeks and at 0.6 of the ordinary salary rate for the remaining 40 weeks;
- paid in advance the ordinary salary equivalent to 12 weeks and at 0.6 of the ordinary salary rate for the remaining 40 weeks paid fortnightly; or,
- paid by equal fortnightly payments in total equivalent to the value of 12 weeks at your ordinary salary rate plus the value of 40 weeks at 0.6 of the staff member's ordinary salary rate.

These payment options must be agreed in writing by the staff member and the University at the time the leave application is submitted for approval.

In the case of leave taken in accordance with sub-clause 4.1.1 (iii) with the exception of the first 12 weeks, lump sum payments will not be made.

4.2.2 Payment for the leave granted in accordance with sub-clause 4.1 will be at the staff member's ordinary rate of salary.

4.2.3 If a staff member temporarily transferred to part-time employment immediately prior to taking leave associated with the birth of an infant or adoption of a pre-school age child, the leave will be paid at the salary rate paid immediately prior to this transfer. However, if this transfer took effect 40 weeks or more prior to taking the leave, the rate of payment will be made on the basis of the hours worked in the part-time arrangement.

4.3 Resumption of Duty Following Parental Leave

- 4.3.1** On returning to work following a period of up to 52 weeks of parental leave (excluding child-rearing leave), a staff member shall be entitled to the position which she or he held immediately before proceeding on such parental leave.
- 4.3.2** A staff member who, prior to parental leave, was transferred to a safe job in accordance with sub-clause 4.6.5 shall be entitled to the position which she held immediately before such transfer. Similarly, a staff member who has worked on a part-time basis during the pregnancy, shall be entitled to the position she held immediately before commencing such part-time employment.
- 4.3.3** Where as a consequence of organisational change such a position no longer exists, the University will manage the placement of the staff member in accordance with the separate *Policies on Redeployment, Redundancy, Voluntary Early Retirement and Income Maintenance*.

4.4 Foster Parent Leave

- 4.4.1** Persons acting as the primary care-giver of a foster child will be granted:
- (i) up to 6 weeks on half pay from the date that the child comes under her or his care if the child is younger than 5 years of age; or,
 - (ii) 3 weeks leave on half pay from the date that the child comes under her or his care if the child is over 5 years and under 16 years of age.

Payment for leave granted under this sub-clause will be made on the normal fortnightly basis.

4.5 Child Rearing Leave

- 4.5.1** In addition to and following immediately 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. Child rearing leave is available subject to the staff member agreeing in writing to:
- 4.5.1.1** becoming unattached from her/his substantive position at ACU;
 - 4.5.1.2** confirming her/his interest in returning to work by providing 2 months written notice to the Director, Human Resources.
- 4.5.2** Child-rearing leave is renewable annually for no more than 52 weeks at any one time provided that the total period of parental leave does not extend beyond the child reaching school age.
- 4.5.3** A staff member on Child Rearing Leave may apply to take accrued Annual leave, Long Service leave, time-off-in-lieu or accumulated time credits to offset any or all leave without pay taken in association with the care of pre-school age children.
- 4.5.4** The management of staff returning from Child Rearing Leave will be in accordance with the separate *Management of Staff Unattached from Substantive Position policy*.
- 4.5.5.1** A staff member may undertake a temporary return to work during an approved period of Child Rearing Leave. Any temporary return to work arrangements will be at the request of the University to meet operational needs, and must be entered into by the staff member on a voluntary basis.

- 4.5.5.2** During each 52 week period of Child Rearing Leave, a staff member may temporarily return to work at a fraction that does not exceed 0.4 of her/his substantive fraction. At the conclusion of these arrangements (ie at the end of the 52 week period) a staff member may make a further application for Child-Rearing Leave in line with section 4.5.1 above.
- 4.5.5.3** In the event that a staff member's temporary return to work will exceed 0.4 of her/his substantive fraction (during a 52 week period of Child Rearing Leave), she/he will be deemed to be formally returning to work in line with section 4.5.4 (above) and forgo any further entitlement to Child Rearing Leave in regards to this instance of Parental Leave.
- 4.5.5.4** Any hours worked under the above temporary return to work arrangements will count as duty for the purpose of returning to work, as outlined in section 4.1.1 (iii) of this policy.
- 4.5.6** Human Resources will confirm in writing all return to work arrangements in association with Parental Leave and Child Rearing Leave.
- 4.6 Staff Entitlements and Conditions during a Period of Parental Leave other than Child-rearing leave**
- 4.6.1** Annual and Long Service leave will accrue during periods of paid Parental leave at the rate that salary is earned.
- 4.6.2** The first 26 weeks of a period of leave without pay associated with the birth or adoption of a child specified in sub-clause 4.1.1 shall count as service in determining the entitlement of a staff member to the accrual of leave and for most other purposes. This will be calculated at the staff member's substantive fraction.
- 4.6.3** Assessment of the staff member for incremental progression and/or probation will be deferred by 6 months following the staff member's return from paid or unpaid Parental leave of 6 months or more to allow for a reasonable time for the supervisor to review the staff member's performance.
- 4.6.4** A staff member who is certified by a registered medical practitioner to be unable to work due to a pregnancy related illness is entitled to unpaid special maternity leave. A staff member may utilise personal leave or accrued annual or long service leave to cover this period up to six weeks prior to the expected date of birth at which time paid maternity leave shall commence.
- 4.6.5** Where in the opinion of a registered medical practitioner, the potential for illness or other risks arising from the pregnancy, or hazards connected with the work assigned to the staff member, make it inadvisable for her to continue at her present work, she shall, if the Vice-Chancellor deems it practicable, be transferred to a safe job at her existing rate of pay.
- 4.6.6** If transfer to a safe job is not practicable, the staff member may, or the Vice-Chancellor may require her to, take leave for such a period as is certified as necessary by a registered medical practitioner. Such leave shall be taken as paid extraordinary leave up until the end of the day before the end of a pregnancy, whether by the birth of a living child or otherwise.
- 4.6.7** A staff member on a fixed-term appointment which expires during a period of paid leave shall not be eligible for further leave after the date of expiry of the appointment unless she or he is re-employed on a continuing basis or on a further fixed-term appointment. The provision of such leave shall not be grounds for the termination of an appointment or for a refusal by the University to offer re-employment.

4.6.8 The period of leave associated with the birth of an infant or adoption of a pre-school age child shall not extend beyond the child's first birthday or beyond 12 months of the child's placement respectively.

4.7 Consultation on Job Design during a Period of Parental Leave

4.7.1 Where practicable, a staff member on parental leave will be consulted concerning any significant change in responsibilities of the position she or he held before proceeding on Parental leave. Should the staff member participate in such consultation during Parental leave, that participation will not cause the University to incur any liability for salary payments or other costs.

4.8 Unplanned Cessation of Parental Leave

4.8.1 Parental leave applied for but not commenced shall be cancelled in the following circumstances:

- the pregnancy of a staff member terminates other than by the birth of a living child;
- in adoption, the placement of the child does not proceed; or,
- the pregnancy of the staff member's spouse terminates other than by the birth of a living child.

4.8.2 It will be necessary to alter the original Parental Leave applied for and commenced in the following circumstances:

- where a staff member's pregnancy terminates by miscarriage or results in a still-born child or a staff member's child dies during the period that the staff member is on Maternity leave; or
- where the child dies during the period that the staff member is on Adoption leave.

In such circumstances, the following leave will be made available:

Type	Leave available
Maternity/Adoption	<u>12 weeks</u> paid leave and up to <u>14 weeks</u> unpaid leave
Paternity	<u>3 weeks</u> paid leave and up to <u>14 weeks</u> unpaid leave
Child Rearing	<u>14 weeks</u> leave without pay

4.8.3 In such cases, the staff member shall be entitled to 12 weeks paid leave at the salary rate at the time of the child's death to be followed by unpaid leave up to a period of 14 weeks or to such longer period as may be certified by a registered medical practitioner up to a maximum of 52 weeks.

4.8.4 Where the child dies during the period that a male staff member is on parental leave, the staff member shall be entitled to unpaid leave of up to 10 days or to such longer period as may be certified by a registered medical practitioner up to a maximum of 4 weeks.

4.8.5 Where the child dies during the period that the staff member is on Child Rearing leave, the staff member shall be entitled to unpaid leave up to a period of 14 weeks

or to such longer period up to a maximum of 52 weeks as may be certified by a registered medical practitioner.

4.9 Part-time Parental Leave

4.9.1 A full-time staff member on a period of Parental leave (excluding Child Rearing Leave) may apply for part-time parental leave, subject to the needs of the University, and the conditions in this clause.

4.9.2 A part-time staff member on a period of Parental leave (excluding Child Rearing Leave) may apply for part-time parental leave, that is, a fraction less than her or his substantive fraction, subject to the needs of the University, and the conditions in this clause.

4.9.3 Part-time parental leave may commence no earlier than the completion of any paid or unpaid component of Parental leave. A staff member may apply for part-time parental leave at the same time the initial application is made for parental leave, or, subject to the provision of 2 months written notice, at any time during the period of leave taken in association within the approved parental leave.

4.9.4 The maximum period of part-time parental leave will be limited to 52 weeks from the completion of any paid component of Parental leave.

4.9.5 On the completion of 52 weeks of part-time parental leave, if a staff member wishes to continue on that part-time basis, she/he may apply for a temporary or permanent part-time appointment in accordance with the provisions of the Employment of Part-time staff policy.

4.9.6 A staff member shall confirm her/his return to full-time work at the conclusion of the agreed period of part-time parental leave, or earlier, by giving 2 months written notice.

4.10 Parental Leave and Annual Leave Management

4.10.1 Staff on parental leave should make every effort to take annual leave before taking parental leave to ensure that the staff member's annual leave balance remains below the maximum set out in the University's Recreational Leave Policy.

4.10.2 Staff on full pay, half pay or 0.6 maternity leave will continue to accumulate leave at the relevant fraction.

5. Approvals

5.1 The University may grant parental leave in accordance with the conditions of this policy subject to the receipt of appropriate certification which the staff member is required to provide to her/his supervisor normally no later than 10 weeks prior to the proposed commencement of parental leave.

5.2 Following receipt and approval of an application for parental leave, the University will confirm in writing the proposed leave period and types of leave to be used.

5.3 An application for annual or long service leave must be submitted for approval by the appropriate delegated officer, using the University's Staff Connect facility.

5.4 Information about delegated officers for leave approvals is available in the University's Staffing Delegations Register, which is published on the Human Resources website.

5.5 A staff member who is on a period of parental leave must provide a minimum 2 months written notice to her/his supervisor, advising of her/his intention or non-intention to return to work following the period of parental leave. Staff are permitted to make one change to the period of their leave by giving four weeks written notice.

5.6 A staff member who is on a period of child-rearing leave and unattached from her/his substantive position must confirm her/his interest in returning to work by providing at least 2 months written notice to the Director, Human Resources.

6. Policy Review

The University may make changes to this policy and procedures from time to time to improve the effectiveness of its operation. In this regard, any staff member who wishes to make any comments about this Policy may forward her/his suggestions to the Director, Human Resources.

7. Further Assistance

Any staff member who requires assistance in understanding this Policy should first consult her/his nominated supervisor who is responsible for the implementation and operation of leave arrangements in her/his work area. Should further advice be needed, she/he should contact the Human Resources Consultant responsible for their campus.