

Name of Policy	Parental Leave Policy
Description of Policy	This policy covers the provision of parental leave for Academic and Professional Staff at the ACU.
Policy applies to	<input checked="" type="checkbox"/> University-wide <input type="checkbox"/> Specific (<i>outline location, campus, organisational unit etc.</i>) <hr/>
	<input checked="" type="checkbox"/> Staff Only <input type="checkbox"/> Students Only <input type="checkbox"/> Staff and Students
Policy Status	<input type="checkbox"/> New Policy <input checked="" type="checkbox"/> Revision of Existing Policy

Approval Authority	Vice-Chancellor and President
Governing Authority	Chief Operating Officer
Responsible Officer	Director, Human Resources

Approval Date	June 2008
Effective Date	June 2008
Approval date of last revision	7 March 2018
Effective date of last revision	7 March 2018
Date of Policy Review*	February 2020

* Unless otherwise indicated, this policy will still apply beyond the review date.

Related legislation, policies, procedures, guidelines and local protocols	Recreational Leave Policy Leave Without Pay Policy Management of Staff Unattached from Substantive Position Policy Employment of Part Time Staff Policy Income Maintenance Policy Incremental Progression for Professional Staff Policy Incremental Progression for Academic Staff Policy Redeployment, Redundancy and Voluntary Retirement Policy
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1. Background Information

This policy has been developed in support of the provisions for parental leave for staff at ACU.

2. Policy Statement

In line with its 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.

3. Policy Purpose

This policy informs staff members of their entitlement to Parental Leave and its application at ACU.

4. Application of Policy

This policy applies to all staff of the University. Staff members are eligible for paid and/or unpaid parental leave where they are the primary carer of the infant/child.

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

- (i) Leave associated with the birth of an infant or the adoption of a pre-school age child;
- (ii) Leave for partners
- (iii) Foster parent leave
- (iv) Child-rearing leave; and,
- (v) Unpaid Parental Leave

5. Application Process

5.1 The University may grant parental leave in accordance with the conditions of this policy. The approval of such leave is subject to receipt of an application for Parental Leave and appropriate certification which the staff member is required to submit normally no later than ten (10) weeks prior to the proposed commencement of parental leave.

5.2 A staff member may make an application for parental leave via Staff Connect. The Parental Leave Agreement and the Child Rearing Leave Agreement may be downloaded from the HR website.

5.3 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.

5.4 An application for annual or long service leave in conjunction with a period of parental leave must be submitted for approval by the appropriate delegated officer, using Staff Connect.

6 Approvals

An application for parental leave must be submitted for approval by the appropriate delegated officer. Information about delegated officers for leave approvals is available in the University's Delegations of Authority Policy & Register.

7. Parental Leave Entitlements

7.1 Leave Associated with the Birth of an Infant or Adoption of a Pre-School Age Child

- 7.1.1 A staff member's leave entitlements depend upon the staff member's length of continuous paid service at the time they commence leave associated with the birth of an infant or adoption of a pre-school age child.
- 7.1.2 A staff member may apply to take accrued annual leave, long service leave, time-off-in-lieu or accumulated flexitime credits to offset any unpaid parental leave taken in association with the birth of an infant or adoption of a pre-school age child.
- 7.1.3 A staff member who is the primary carer is entitled to paid leave associated with the birth of an infant or adoption of a pre-school age child in accordance with the following table which also includes the relevant return to work obligations:

Length of completed paid continuous service¹	Paid leave entitlement and payment mode
(i) Less than 52 weeks	1 weeks paid leave for each completed calendar month of continuous service at the staff member's ordinary salary rate or equivalent at half pay fortnightly.
(ii) 52 weeks but less than 104 weeks	12 weeks full pay or 24 weeks at 0.5 of the staff member's ordinary salary rate
(iii) 104 or more weeks	12 weeks full pay of the staff member's ordinary salary and 40 weeks at 0.6 of the staff member's ordinary salary rate.

Primary Carer means the person who has the primary responsibility to care for or support the dependent infant or the pre-school age child.

The primary carer for the payment of paid leave under 7.1.3 (i), or for the 12 weeks full pay or 24 weeks at 0.5 of the staff member's ordinary salary rate as described under 7.1.3 (ii) and (iii) must be:

- the birth mother of the newborn;

¹ Continuous service is defined in sub-clause 1.3 (vii) of the Enterprise Agreement.

- the adopting parent of the child; or
- another person caring for the child under exceptional circumstances.

Exceptional circumstance will vary and each application will be considered. Reasons may include:

- severe illness to the birth mother or other primary carer;
- serious accident to the birth mother or other primary carer;
- the birth mother or other primary carer assessed as incapable of caring for the dependent infant or the pre-school age child.

The University may request a Statutory Declaration to be provided by the staff member in order to demonstrate that they are the primary carer of the birth infant or adopted child. The Statutory Declaration must clearly outline the circumstances upon which the staff member will be the primary carer including how and in what way they will be caring for the child.

7.1.4 A staff member who takes paid leave associated with the birth of an infant or adoption of a child as per 7.1.3 (iii) may apply to vary their leave to reduce the total period of leave with the exception of the first twelve (12) weeks. Where such a variation is made, the equivalent adjustment will be made to the paid entitlement.

7.1.5 A staff member who is entitled to parental leave under 7.1.3 (iii) and elects to return to work after the 12 week full pay component, may make application to access up to 40 weeks of the 0.6 component at any time up to the child's first birthday or twelve (12) months of the child's date of placement respectively. Leave is normally taken in continuous periods.

7.2 Subsequent Applications for Leave Associated with the Birth of an Infant or Adoption of a Pre-School Age Child

7.2.1 Where a staff member who has previously taken a paid leave entitlement as per 7.1.3 (iii), who makes an application for a second or subsequent period of paid parental leave, is only eligible for a further paid entitlement as per 7.1.3 (iii) if they have returned to work for minimum period of twenty six (26) weeks full-time or part-time equivalent following the completion of the previous period of leave.

7.2.2 A staff member who has not met the return to work obligation to receive a further paid leave entitlement as per 7.1.3 (iii), is eligible to receive twelve (12) weeks paid parental leave as per 7.1.3 (ii).

- 7.2.3 A staff member may utilise accrued annual or long service leave in order to meet their return to work obligation.

7.3 Leave for Partners

- 7.3.1 A staff member who is the partner of a person who is the primary carer of a child is entitled to paid and/or unpaid leave associated with the birth of the infant or adoption of a pre-school age child.
- 7.3.2 A staff member may take leave on full pay for either fifteen (15) consecutive working days, or for periods which in aggregate do not exceed fifteen (15) working days, during the first twelve (12) weeks after the birth of an infant or adoption of a pre-school age child and up to a further five (5) weeks of unpaid leave. The additional five (5) weeks of unpaid leave may be taken in periods of two weeks or more, which in aggregate do not exceed five (5) weeks and is subject to the operational requirements of the organisational unit.
- 7.3.3 A staff member may also take unpaid leave for a period of up to ten (10) days within 52 weeks of the birth of an infant or adoption of a pre-school aged child in order that the staff member may, if eligible, access the Federal Government's "Dad and Partner Pay" provisions (or its successor).
- 7.3.4 Dad and Partner Pay is paid directly to Dads and Partners by the Federal Government. Further information is available on the Department of Human Services website.

7.4 Foster Parent Leave

- 7.4.1 A staff member who is the primary carer of a foster child will be granted:
- (i) up to six (6) weeks leave at 0.5 of the staff member's ordinary salary rate from the date that the child comes under the staff member's care if the child is younger than five (5) years of age; or,
 - (ii) three (3) weeks leave at 0.5 of the staff member's ordinary salary rate from the date that the child comes under the staff member's care if the child is over five (5) years and under sixteen (16) years of age.

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

7.5 Child Rearing Leave

- 7.5.1 Child Rearing Leave is an additional type of leave available to staff members after a period of paid and/or unpaid parental leave to assist them in raising and caring for a pre-school aged child.

- 7.5.2 In addition to and immediately following any other form of parental leave, a further fifty-two (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 renewable annually for no more than fifty-two (52) weeks at any one time, provided that the total period of leave does not extend beyond the child reaching school age. Child rearing leave is available subject to the staff member agreeing in writing to:
- (i) become unattached from their substantive position at ACU; and
 - (ii) confirm their interest in returning to work by providing a minimum of two (2) months written notice to the Director, Human Resources.
- 7.5.3 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 their pre-school age child or children.
- 7.5.4 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 and will count as duty for the purpose of returning to work.
- 7.5.5 During each fifty-two (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 their substantive fraction. At the conclusion of these arrangements a staff member may make a further application for child-rearing leave. However, if the staff member exceeds 0.4 of their substantive fraction, they will be deemed to be formally returning to work and forgo any further entitlement to child rearing leave regarding this instance of parental leave.
- 7.5.6 A staff member, who returns from Child Rearing Leave, will be placed in a suitable position at the same level and fraction if one is available. The management of staff members returning from child rearing leave will be in accordance with the *Management of Staff Unattached from Substantive Position Policy*.
- 7.5.7 In circumstances where the University cannot place the staff member into a suitable position, the staff member will be given the choice of either:
- (i) remaining employed on leave without pay for a further period of up to fifty-two (52) weeks pending suitable placement, or

- (ii) accepting an offer of separation from the University including compensation equivalent to up to sixteen (16) weeks' salary as severance payment, calculated in accordance with severance provisions² detailed below:

Period of continuous paid service on termination	Severance payments
At least 1 year but less than 2 years	4 weeks' salary
At least 2 years but less than 3 years	6 weeks' salary
At least 3 years but less than 4 years	7 weeks' salary
At least 4 years but less than 5 years	8 weeks' salary
At least 5 years but less than 6 years	10 weeks' salary
At least 6 years but less than 7 years	11 weeks' salary
At least 7 years but less than 8 years	13 weeks' salary
At least 8 years but less than 9 years	14 weeks' salary
At least 9 years but less than 10 years	16 weeks' salary
At least 10 years and over	12 weeks' salary

If by the end of the period of additional leave specified in (i) no suitable position has been identified for placement, the provisions of 7.5.7 (ii) will apply.

- 7.5.8 Any period of leave without pay over fifty-two (52) weeks shall be regarded as satisfying the notice period required under the relevant enterprise agreement.
- 7.5.9 Any severance payment will be charged to the original organisational unit in which the staff member's substantive position resided, less any applicable trial period.

7.6 Unpaid Parental Leave

- 7.6.1 Casual and sessional academic staff members are eligible for up to fifty-two (52) weeks unpaid parental leave if they have either been employed on a regular and systematic basis for a period of fifty-two (52) weeks or more, and would have a reasonable expectation of continuing employment on a regular and systemic basis.
- 7.6.2 A staff member may apply for unpaid parental leave associated with the birth of an infant or adoption of a pre-school age child of up to fifty-two (52) weeks in circumstance where they are not eligible to receive a paid parental leave entitlement.

² Severance Provisions listed are consistent with the National Employment Standards (NES).

8. Staff Entitlements and Conditions during a Period of Parental Leave

- 8.1 Annual and long service leave will accrue during periods of paid parental leave at the rate that salary is earned.
- 8.2 The first twenty-six (26) weeks of a period of leave without pay associated with the birth of an infant or adoption of a pre-school age child will 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. Staff members on full pay, half pay or 0.6 maternity leave will continue to accumulate leave at the relevant fraction.
- 8.3 Management of incremental progression for staff members returning from paid and/or unpaid parental leave will be in accordance with the Incremental Progression for Professional Staff policy or Incremental Progression for Academic Staff policy.
- 8.4 A staff member who is employed on a fixed-term contract which expires during a period of paid leave will not be eligible for further leave after the date of expiry of the contract unless they are re-employed on a continuing basis or on a further fixed-term contract. 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.
- 8.5 In circumstances where a staff member who is employed on a fixed-term contract of employment is absent on a period of Parental leave at the time when notice of intention to renew or not renew employment with the University is due to be given before the expiry of the contract; the staff member will be offered further employment if the work activity is to continue, except where there could not have been a reasonable expectation of further work³.

9. Parental Leave and Annual Leave Management

It is expected that staff members on parental leave will make every effort to take annual leave before taking parental leave to ensure their annual leave balance remains below the maximum set out in the *University's Recreational Leave Policy*.

10. Wellbeing Considerations During Pregnancy

The University is committed to the wellbeing of all staff members. Considerations regarding the wellbeing of pregnant staff members specifically are as follows:

³ For example if the staff member was employed for a specific task or project or as a replacement staff member.

- 10.1 A female 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. She may use personal leave or accrued annual or long service leave (where other leave has exhausted) to cover this period until six (6) weeks prior to the expected date of birth, at which time paid maternity leave shall commence.
- 10.2 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, the University will:
- (i) Request information from the medical practitioner as to whether the staff member has the capacity to work and if so what reasonable adjustments are required for the staff member to work in a safe manner, and/or
 - (ii) Where practicable, transfer the staff member to a safe job at her existing rate of pay.
- 10.3 If reasonable adjustments or a transfer to a safe job are not practicable options, the staff member may be required to take leave for the period certified as necessary by a registered medical practitioner. This leave will be taken as paid extraordinary leave until six (6) weeks prior to the expected date of birth.
- 10.4 If a pregnant staff member is temporarily transferred to flexible working arrangements, including part-time employment, immediately prior to taking parental leave, the leave will be paid at the salary rate paid immediately prior to this transfer if the transfer was associated with the pregnancy. The staff member is entitled to return to the position they held immediately before such arrangements were made.

11. Commencement of Parental Leave

- 11.1 A pregnant staff member may commence leave associated with the birth of an infant up to six (6) weeks prior to the expected date of birth of the child. The staff member may request to commence leave at an earlier or later date and to support their request; the staff member must provide their nominated supervisor with a medical certificate. The medical certificate should contain the following:
- (i) A statement of whether or not the staff member is fit for work; or
 - (ii) if the staff member is not fit for work, whether it is advisable for the staff member to continue to work in their present role.
- 11.2 A staff member may commence leave associated with the birth of an infant up to six (6) weeks prior to the expected date of birth of a child but normally must not start the leave later than the date of birth of the child.

- 11.3 In the case of adoption of a pre-school age child and/or foster care the staff member must commence leave from the date of placement of the child.

12. Resumption of Duty Following Parental Leave

- 12.1 A staff member who is absent on parental leave is required to provide a minimum of two (2) months written notice to their nominated supervisor, advising them of their intention or non-intention to return to work following the period of parental leave.

12.2

A staff member taking 12 months parental leave may request an extension of a further 12 months (up to 24 months in total).

Staff members are permitted to make one change to the period of their leave by giving four (4) weeks written notice.

- 12.3 A staff member who elects to return to work following a period of up to fifty-two (52) weeks of parental leave or following a period of up to 24 months parental leave is entitled to return to their substantive position, at their original campus, which they held prior to the commencement on leave associated with the birth or adoption of a child.

- 12.4 A staff member on 12 months parental leave seeking up to a further 12 months parental leave must put their request in writing two months prior to the end of the staff member's initial period of parental leave. The University will respond within 21 days, stating whether the University will grant or refuse the request. The University may only refuse if there are reasonable business grounds to do so and will detail the grounds in writing.

'Reasonable Business Grounds' for refusing a request may include:

- the effect on the workplace (e.g. the impact on finances, efficiency, productivity, customer service);
- the inability to manage workload among existing staff; and /or
- the inability to recruit a replacement employee.

If a staff member is refused on 'reasonable business grounds' the staff member may still apply for Child Rearing Leave and become unattached from their substantive position.

- 12.5 If the staff member requests to return to work on a part-time basis, approval of the application will be made in accordance with the provisions of the Employment of Part-time Staff Policy and will be subject to the operational requirement of the organisational unit and the University.

Where practicable, a staff member on parental leave will be consulted concerning any significant effect (as defined⁴) including changes to the position they held prior to proceeding on parental leave in accordance with *Clause 8.4 of the Enterprise Agreement*.

- 12.6 Where as a consequence of organisational change, 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*.
- 12.7 Human Resources will confirm in writing all return to work arrangements in association with the Parental Leave Policy and the Child Rearing Leave Agreement.

13. Unplanned Cessation of Parental Leave

13.1 There may be circumstances that require the revision of previously approved parental leave including:

- (i) the staff member's pregnancy does not continue to full term;
- (ii) the staff member's adoption of a child does not proceed;
- (iii) the pregnancy of a staff member's spouse does not continue to full term; or
- (iv) the staff member is on parental leave and the child is still-born or dies after the leave has commenced.

13.2 In these circumstances, adjustments to parental leave will occur as required, and the following leave is available to support the staff member's wellbeing:

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

13.3 The staff member may apply for unpaid leave of up to a maximum of fifty two (52) weeks that may be supported by a certificate from a registered medical practitioner.

⁴"Significant effects" include termination of employment; major changes in the composition, operation or size of the University's workforce or in the skills required; the elimination or diminution of job opportunities, promotion opportunities or job tenure; the alteration of hours of work; the need for retraining or transfer of its staff to other work or locations; and the restructuring of jobs. Provided that where the Enterprise Agreement makes provision for alteration of any of these matters an alteration is deemed not to have significant effect.

14. Revisions made to this Policy

Date	Major, Minor or Editorial	Description
7 March 2018	Major	Definition of 'primary carer' for the first 12 weeks of paid parental leave and new addition to align return to work with National Employment Standard.

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 their suggestions to Human Resources.

15. Further Assistance

Any staff member who requires assistance in understanding this policy should first consult their nominated supervisor who is responsible for the implementation and operation of these arrangements in their work area. Should further information or advice be required staff should visit [Service Central](#). It is recommended that the staff member also meet or liaise with a member of Human Resources prior to submitting a parental leave application.