

**Policy Title:** Parental Leave

**Policy Owner:** Director, Human Resources Services Centre

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### 1. INTENT

This Policy outlines the conditions and process for applying for Parental Leave. Leave entitlements are provided through the Enterprise Agreement and relevant legislation including the National Employment Standards (NES).

### 2. ORGANISATIONAL SCOPE

All ECU staff

### 3. DEFINITIONS

| TERM                     | DEFINITION  |
|--------------------------|---|
| Child                    | In relation to adoption of a child, 'child' means a person who is, or will be, under the age of 16 years as at the day of, or the anticipated Day of, Placement with the employee for adoption.   |
| Day of Placement         | In relation to the adoption of a child, means the earlier of the following days: <ul style="list-style-type: none"> <li>- the day on which the employee first takes custody of the child for adoption; or</li> <li>- the day on which the employee starts any travel reasonably necessary to take custody of the child for adoption.</li> </ul> |
| Eligible Casual Employee | A casual employee engaged by the University on a regular and systematic basis for several periods of employment; or on a regular and systematic basis for an ongoing period of employment during a period of at least 12 months and has a reasonable expectation that this will continue.   |
| Employee                 | A person employed by the University on a fulltime or part time ongoing, or fixed-term basis.  |
| Employee Couple          | Means a couple who are both employed at the University.   |
| Enterprise Agreement     | The Edith Cowan University Enterprise Agreement 2017.   |

|                                     |  |
|-------------------------------------|--|
| Expected Date of Birth              | The date of birth or the expected date of birth, of the child, as certified by a registered medical practitioner or allied health professional.  |
| Keeping in Touch Days               | A day or part of a day on which an employee performs work for the employer while on a period of approved leave in accordance with the NES.   |
| National Employment Standards (NES) | The National Employment Standards as contained in sections 59 to 131 of the Fair Work Act 2009 (Cth), as amended from time to time.  |
| Parental Leave                      | A total of 52 weeks leave which may consist of paid or unpaid Parental Leave including Parental, Adoption, and Partner Leave and any other form of accrued leave taken during this period.   |
| Partner                             | An employee's partner or spouse in marriage, or a person of the opposite or same sex to the employee, who lives with the employee in a relationship as a couple on a genuine domestic basis. |
| Primary Care Giver                  | An employee who has or will have a responsibility for the care of a child.   |
| Supervisor                          | The person who is responsible for the day-to-day supervision of the employee.  |

## 4. POLICY CONTENT

### 4.1 Parental Leave

- 4.1.1 An employee may access a continuous period of paid or unpaid Parental Leave, in accordance with the NES, the Enterprise Agreement, this policy, and relevant approval.
- 4.1.2 Any unused portion of Parental Leave (paid or unpaid) will not be preserved in any way.
- 4.1.3 Periods of Parental Leave (paid and unpaid) are inclusive of public holidays and any University holidays which fall during the period of leave.
- 4.1.4 Paid Parental Leave entitlements are pro-rata for part time employees.
- 4.1.5 No entitlement to Parental Leave (paid or unpaid) will exist after:
- (i) the date an employee's employment ceases with the University; or
  - (ii) the employee ceases to be the Primary Care Giver.
- 4.1.6 An employee is expected to discuss requests for Parental Leave with their Supervisor at the earliest available opportunity, but no later than the notice requirements outlined in section 4.8 of this Policy.

### 4.2 Paid Primary Care Giver

- 4.2.1 An employee who is the Primary Care Giver and has at least 12 months continuous service at:
- (i) the expected date of birth; or
  - (ii) the date of placement of an adopted child who is under 5 years of age and who is not the birth child of the employee or their partner,
- will be entitled to Paid Parental Leave.

- 4.2.2 Paid Parental Leave will consist of:
- (i) 24 weeks paid parental leave at full pay or 48 weeks at half pay; and
  - (ii) for the birth mother, up to 37.50 hours paid antenatal leave for the purpose of visits with a registered medical practitioner and allied health professional; or
  - (iii) in the case of adoption, 37.50 hours for the purpose of arranging the adoption; and 7.50 hours per week paid time release per week for the first 5 weeks upon return from Parental Leave.
- 4.2.3 An employee who is a Primary Care Giver that is not eligible for Paid Parental Leave as set out at 4.2.1 may request Unpaid Parental Leave.
- 4.2.4 The rate of pay during paid parental leave will be based on the average hours worked in the 12 months preceding the commencement of parental leave or at an employee's ordinary hours if the employee has temporarily reduced their hours of work for medical reasons associated with their pregnancy.
- 4.2.5 To be eligible for a second or subsequent period of paid parental leave, an employee must return to work on each occasion for a period of 12 months continuous service, except where the previous period of paid parental leave was limited to 14 weeks in accordance with clause 4.5.1 of this policy. The 12 months continuous service commences from the date of return to work.
- 4.2.6 Other than in extenuating circumstances, an employee taking Parental Leave (paid or unpaid) must adhere to the Notice Requirements at section 4.8.

### **4.3 Unpaid Parental Leave**

- 4.3.1 An employee who has or will be the Primary Care Giver of a child is entitled to a maximum unbroken period of 52 weeks unpaid Parental Leave, in connection with:
- (i) the birth and subsequent care of the child or,
  - (ii) the legal adoption of a child who is not the birth child or the stepchild of the employee or the employee's partner, where the child is under 16 years of age or younger and has not lived continuously with the employee for 6 months or longer at the day of placement.
- 4.3.2 If an employee takes paid leave during a period of unpaid Parental Leave, the period of unpaid Parental Leave is not extended by the period of paid leave.
- 4.3.3 An eligible casual employee is entitled to 12 months unpaid Parental Leave.
- 4.3.4 Other than in extenuating circumstances, an employee taking unpaid Parental Leave must adhere to the Notice Requirements at section 4.8.

### **4.4 Paid and Unpaid Partner Leave**

- 4.4.1 An employee who is not the Primary Care Giver at the time of birth or day of placement of an adopted child may apply for a single continuous period of 2 weeks paid Partner Leave in accordance with the Enterprise Agreement.
- 4.4.2 The employee who is not the Primary Care Giver may request up to 6 weeks unpaid Partner Leave to be taken:
- (i) concurrently with any paid Partner Leave entitlement taken at 4.4.1; or
  - (ii) within 12 months of the birth or placement of the child in separate periods, normally no shorter than 2 weeks in duration.

- 4.4.3 In circumstances of stillbirth or infant death an employee who is not the Primary Care Giver will be entitled to 1 week paid leave at full pay or 2 weeks at half pay.
- 4.4.4 Other than in extenuating circumstances, an employee taking Partner Leave (paid or unpaid) must adhere to the Notice Requirements at section 4.8.
- 4.4.5 Eligible casual employees are entitled to unpaid partner leave.

#### **4.5 Leave for Stillbirth or Infant Death**

- 4.5.1 A female employee with 12 months continuous service will have an entitlement to 14 weeks paid parental leave in accordance with the Enterprise Agreement where their child is stillborn.
- 4.5.2 Notwithstanding the circumstances set out at 4.5.1, a female employee may also utilise this entitlement where their pregnancy ends in a late term miscarriage, or a perinatal death being the period from 22 weeks gestation to 28 days after the birth. Evidence from a registered medical practitioner must be provided.
- 4.5.3 A female employee may apply for unpaid special maternity leave in accordance with the NES, where their pregnancy does not end with the birth of a living child, within 28 weeks of the expected date of birth. Evidence from a registered medical practitioner must be provided.
- 4.5.4 Other than in extenuating circumstances, an employee taking paid or unpaid leave under 4.5 must adhere to the Notice Requirements at section 4.8, with regards to their return to work.

#### **4.6 Employee Couple**

- 4.6.1 Employee couples who are both entitled to paid and unpaid Parental Leave may combine Parental Leave entitlements to no more than 24 months.
- 4.6.2 Only 1 employee may be on Parental Leave at one time, the exception being the 2 week period at the time of birth, or day of placement of an adopted child, where the other employee may take paid or unpaid Partner Leave.
- 4.6.3 An employee couple both employed by the University may share up to 8 weeks of the paid Parental Leave entitlement within the first 12 months of birth or placement of the child where assuming the role of Primary Care Giver.

#### **4.7 Satisfactory Evidence**

- 4.7.1 An employee must provide satisfactory evidence with their Leave Application at section 4.8, being:
  - (i) a medical certificate or other relevant documentation confirming the pregnancy and expected date of birth from a registered medical practitioner and/or allied health professional; or
  - (ii) for adoption appropriate documentation which confirms the expected day of placement of the child, and where applicable a statutory declaration from the employee confirming they will be the child's Primary Care Giver.

#### **4.8 Notice Requirements**

- 4.8.1 Other than in extenuating circumstances, an employee must give the University at least 8 weeks written notice of their intention to take Parental Leave, including Adoption Leave and Partner Leave. Such notice includes submission of a leave application specifying the intended start and end dates of the leave, and details of periods of paid and/or unpaid leave.
- 4.8.2 Where the requirements at 4.8.1 are not possible, the staff must at least 4 weeks before the intended start date:
- (i) confirm the intended start and end date of their leave; or
  - (ii) advise the University of any changes to the intended start and end dates.
- 4.8.3 An employee will not be in breach of providing the notice requirements if this is due to:
- (i) the birth of the child earlier than the expected date of birth; or
  - (ii) an adoption agency requiring an earlier or later day of placement; or
  - (iii) other compelling circumstances.
- 4.8.4 The employee is required to confirm in writing their intention to return to work at least 8 weeks prior to the conclusion of their Parental Leave period if practicable, if not, no less than 4 weeks prior.
- 4.8.5 Where section 4.5 applies the employee may provide written notice cancelling their leave, and they may return to work within 4 weeks of giving notice.

#### **4.9 Variation to Leave**

- 4.9.1 An employee who had not applied for the maximum 52 weeks Parental Leave (paid or unpaid) entitlement may apply to extend the period of Parental Leave before their existing return date in accordance with the Notice Requirements set out at 4.8.
- 4.9.2 Where information provided by the employee in their original leave application has changed, they must provide revised documentation to support the extension/changes to the leave application and any requests regarding their return to work.
- 4.9.3 Where section 4.5 applies the employee may request to return to work from Parental Leave earlier than the leave dates agreed.

#### **4.10 Additional Unpaid Parental Leave**

- 4.10.1 In accordance with the NES, an employee may request an extension of unpaid Parental Leave for a period of up to 52 weeks immediately following the end of the available period of Parental Leave, provided:
- (i) they are the Primary Care Giver, and
  - (ii) have completed 12 months or more continuous service, and
  - (ii) accessed an initial period of Parental Leave of 52 weeks.
- 4.10.2 In relation to an Employee Couple, any additional period of Unpaid Parental Leave will be reduced by any period of Parental Leave (paid or unpaid) already taken by the other member.
- 4.10.3 A written request for additional unpaid Parental Leave will be considered in accordance with the provisions of the NES.

4.10.4 A written request for additional leave is expected to be provided as soon as practicable, and in accordance with the Notice Requirements set out at 4.8, if not, no less than 4 weeks before the end of the current Parental Leave period.

4.10.5 The Supervisor will provide a written response within 21 days of the additional leave request.

#### **4.11 Superannuation**

Where Parental Leave is taken at half pay superannuation contributions will be made on a pro-rata basis. Where the employee elects to maintain superannuation contributions at a notional full-time rate, they will be responsible for making the necessary arrangements for maintaining the notional full-time rate for both the employee and employer contribution.

#### **4.12 Consultation**

Where major workplace change is likely to impact on the employee's position while they are on Parental Leave the University will:

- (i) provide the employee with information about the change; and
- (ii) consult with the employee regarding the impact of the change.

#### **4.13 Keeping in Touch Days**

In accordance with the NES an employee may access up to 10 keeping in touch days during their period of Parental Leave.

### **5. ACCOUNTABILITIES AND RESPONSIBILITIES**

The Director Human Resources Services Centre has overall responsibility for the content of this

Staff are to comply with the content of this policy and seek guidance in the event of uncertainty as to its application.

### **6. RELATED DOCUMENTS:**

6.1 Other documents which are relevant to the operation of this policy are as follows:

- [ECU Enterprise Agreement 2017](#)

### **7. CONTACT INFORMATION**

For queries relating to this document please contact:

|                        |  |
|------------------------|--|
| Policy Owner           | Director Human Resources Services Centre                           |
| All Enquiries Contact: | Director Human Resources Services Centre                           |
| Telephone:             | 08 6304 2937   |
| Email address:         | <a href="mailto:j.robertson@ecu.edu.au">j.robertson@ecu.edu.au</a> |

### **8. APPROVAL HISTORY**

|                             |                 |
|-----------------------------|-----------------|
| Policy Approved by:         | Vice-Chancellor |
| Date Policy First Approved: | 18 August 2006  |
| Date last modified:         | 30 May 2018     |

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|---------------------|--|
| Revision History:   | July 2009 – Policy Amended to comply with University Guidelines re Drafting of Policy Documents.<br>04 December 2013<br>30 May 2018 – Amendments agreed to align policy with ECU Enterprise Agreement 2017 |
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