



POLICY

Policy Title: Parental Leave

Policy Owner: Director Human Resources Service Centre

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1. INTENT

The University provides employees with flexible arrangements to allow access to paid and unpaid absences to support their personal needs as well as the operational requirements of the University.

The University supports a family friendly workplace with the provision of a range of leave entitlements for the primary and secondary care-giver in relation to family responsibilities.

To outline staff leave entitlements and eligibility requirements for parental leave, maternity leave, carer's leave, adoption leave and partner leave.

2. ORGANISATIONAL SCOPE

All ECU staff

3. DEFINITIONS

TERM	DEFINITION
Child	A child (or children from a multiple birth) born to an employee or employee's partner; or A child who is placed with an employee through an adoption process and who: I. is less than 5 years of age; II. is not the birth child of the employee; and III. has not lived continuously with the employee for 6 months or longer.
Expected Date of Birth	The date certified by a medical practitioner or midwife to be the date on which an employee or his or her partner is expected to give birth.
Expected Date of Placement	The date on which an adopted child is expected to be placed with the employee.
Parental leave	An unbroken period of leave that includes maternity leave, adoption leave and unpaid primary care-giver's leave and partner leave.
Partner	The partner of an employee and includes a de facto and/or same sex partner.
Primary care-giver	An employee who has provided a statutory declaration confirming that he or she has primary responsibility for caring for his or her child.
Week	A five-day working week for full-time employees and pro-rata for part-time employees.

4. POLICY CONTENT

4.1 Parental Leave Entitlement

4.1.1 A full-time or part-time employee shall be entitled to a maximum unbroken period of 52 weeks unpaid parental leave, less any period of leave taken, in connection with the birth and subsequent care of a child or the adoption of a child under the age of five (5) years.

4.1.2 An employee may, as part of their parental leave, utilise accrued annual leave or long service leave, provided that the total absence does not exceed 52 weeks. In special circumstances, the University may approve an employee accessing accrued sick leave during parental leave.

4.2 Maternity Leave

4.2.1 An ongoing or fixed-term employee who is the birth mother and who has at least 12 months continuous service at the expected date of birth is entitled to paid maternity leave or equivalent benefits to the value of 26 weeks salary comprising:

- a. 24 weeks maternity leave at full pay or 48 weeks on half pay;
- b. up to 37.5 hours antenatal leave for the purpose of visits with a registered health and allied professional prior to the commencement of parental leave; and

- c. 7.5 hours per week (pro-rata for part-time employees) paid time release per week for the first 5 weeks upon return from parental leave.

4.2.2 Maternity leave will be paid at the employee's usual salary irrespective of any reduced hours arrangements that may have been temporarily affected during her pregnancy.

4.2.3 An employee is not entitled to maternity leave earlier than 20 weeks prior to the expected date of birth. Subject to University approval an employee may access other forms of leave prior to that date.

4.2.4 An employee must commence maternity leave no later than 6 weeks prior to the expected date of birth except where their fitness for work is confirmed in writing by a medical practitioner or midwife.

4.2.5 Other than in extenuating circumstances, an employee must give the University at least 10 weeks notice of the expected date of birth.

4.2.6 Other than in extenuating circumstances, an employee must give the University at least four (4) weeks prior to the commencement of maternity leave an application for leave that includes:

- a. notice of the date on which maternity leave is expected to start and finish;
- b. a certificate from a medical practitioner or midwife stating the expected date of birth; and
- c. details of how she wishes to access her maternity leave (including any details regarding her return to work).

4.2.7 An ongoing or fixed-term employee whose child is stillborn is entitled to a maximum of 14 weeks paid maternity leave or 28 weeks on half pay. A medical certificate must be provided.

4.3 Unpaid Primary Care-Giver's Leave

4.3.1 An employee may apply for a period of unpaid parental leave of up to 52 weeks to be the primary care-giver of a child.

4.3.2 Other than in extenuating circumstances, an employee must give the University at least 10 weeks notice of his or her intention to take unpaid primary care-giver's leave.

4.3.3 Other than in extenuating circumstances, an employee must give the University at least four (4) weeks prior to the commencement of unpaid primary care-giver's leave an application for leave that includes:

- a. notice of his or her intention to take unpaid primary care-giver's leave;
- b. notice of the date on which the unpaid primary care-giver's leave is expected to finish; and
- c. a certificate from a medical practitioner or midwife stating that the employee's partner is pregnant and giving the expected date of birth.

4.3.4 An employee applying for unpaid primary care-giver's leave must also provide the University with a statutory declaration confirming the period of

extended leave sought and that the employee will be the primary care-giver during the period of leave.

4.4 Adoption Leave

4.4.1 An ongoing or fixed-term employee who is legally adopting a child under the age of 5 and is the primary care-giver of the child and who has at least 12 months continuous service at the time of adoption is entitled to paid leave or equivalent benefits to the value of 26 weeks salary comprising:

- a. 24 weeks adoption leave at full pay or 48 weeks on half pay; and
- b. 37.5 hours paid leave for the purpose of arranging the adoption; and
- c. 7.5 hours per week (pro-rata for part-time employees) paid time release per week for the first five (5) weeks upon return from adoption leave.

4.4.2 Adoption leave will normally commence on the date of placement of the child with the employee. However, an employee may seek approval for the leave to commence earlier in circumstances where preparations are needed that require the employee to be absent from work prior to the date of placement.

4.4.3 An employee must give the University:

- a. where possible, at least four (4) weeks notice of the expected date of placement; and
- b. where possible, at least four (4) weeks prior to the commencement of adoption leave, an application for leave that includes notice of the dates on which adoption leave is expected to start and finish.

4.4.4 An employee applying for adoption leave must also provide the University with a statutory declaration confirming the period of leave sought, that the employee will be the primary care giver during the period of leave and the appropriate documentation from the relevant adoption agency concerning the expected date of placement.

4.5 Partner Leave

4.5.1 An employee may apply for an unbroken period of up to three (3) weeks unpaid leave, of which a maximum of ten days will be in the form of paid leave, immediately after the birth or placement of the child if he or she is the partner of the birth mother of the child or an adoptive parent but not the primary care giver.

4.5.2 Other than in extenuating circumstances, an employee shall give the University at least four (4) weeks prior to the commencement of partner leave, an application for leave that includes notice of his or her intention to take short partner leave and the dates of such leave and a certificate from a medical practitioner or midwife stating that the employee's partner is pregnant and giving the expected date of birth.

4.6 Where both Partners Work at the University

An employee's entitlement to parental leave is reduced by any period of parental leave taken by his or her partner in respect of birth or adoption of the same child.

4.7 Variation to Duration of Parental Leave

4.7.1 An employee who had not applied for the maximum parental leave entitlement may apply to extend the period of parental leave provided that

the application for extension is in writing, and other than in extenuating circumstances, is made at least four (4) weeks before the end of the leave previously granted and indicates a new date on which the leave is expected to finish.

4.7.2 Where information provided by the employee in his or her original application for leave has changed, the employee must provide revised documentation to support the extension/changes to the leave application and any requests regarding their return to work.

4.7.3 An employee may apply to return to work from parental leave earlier than the leave dates agreed if the pregnancy terminates without the birth of a living child or the employee gives birth to a living child but the child later dies or there are other circumstances that are considered by the University to be extenuating.

4.8 Transfer to a Safe Job

4.8.1 Where illness or risks arising out of pregnancy or hazards connected with the work assigned to the employee make it inadvisable for the employee to continue in her present duties, the duties shall be modified or the employee may be transferred to a safe position at the same classification level until the commencement of parental leave.

4.9 Return to Work after Parental Leave

4.9.1 An employee is entitled to return to the position that he or she held immediately before taking parental leave except that if a female employee:

- a. was transferred to a safe job because of her pregnancy, the relevant position is the position held immediately before the transfer; and/or
- b. began working part-time because of the pregnancy, the position is the position held immediately before the employee began working part-time; and/or
- c. immediately before starting maternity leave, was acting in or temporarily performing the duties of a position for a period equal to or less than the period of leave, the relevant position is the position held by the employee immediately before taking the acting or temporary position.

4.9.2 An employee may apply to work part-time on their return from parental leave. Any part-time work arrangement that is agreed will be recorded as a variation to the contract of employment between the University and the employee. Where it is agreed that the employee shall return to work on a part-time basis, he or she has the right to revert to their former position when returning to full-time work.

4.10 Effect of Parental Leave on Employment

4.10.1 An absence of an employee on unpaid parental leave does not break continuity of service but is not to be taken into account when calculating the period of service.

4.10.2 An absence of an employee on paid maternity leave counts as service for all purposes.

4.10.3 When an employee is on paid maternity leave, the University contributions to the employee's superannuation fund will be paid provided that the superannuation scheme allows for such payments.

4.10.4 An employee employed on a fixed-term contract will cease to have an entitlement to parental leave upon the date the contract expires.

5. ACCOUNTABILITIES AND RESPONSIBILITIES

The Director Human Resources Service Centre has overall responsibility for the content of this policy and its operation in ECU.

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

6. RELATED DOCUMENTS:

6.1 The policy is supported by the following Guidelines:

- Parental Leave Guidelines

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

- [Academic and Professional Staff Union Collective Agreement 2013](#)

7. CONTACT INFORMATION

For queries relating to this document please contact:

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8. APPROVAL HISTORY

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