

Parental Leave Procedure

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APPLICATION

This procedure applies to continuing, fixed-term and eligible casual staff (as defined) employed in accordance with:

1. The University of South Australia Enterprise Agreement 2019 (the Agreement).
2. Australian Workplace Agreement (AWA) where a reference to this procedure is specifically referred to in the AWA.

OVERVIEW

This procedure provides a guide to the application and management of Parental Leave and should be read in conjunction with clause 44 of the Agreement.

This procedure is used to assist staff in taking the following leave:

- a) pre-natal
- b) parental
- c) pre-adoption
- d) foster parent
- e) partner
- f) child rearing

DEFINITION

Long Term Casual Staff Member

A long term casual staff member means a staff member:

- a) Who has been employed by the University on a regular and systematic basis for a sequence of periods of employment during a period of at least 12 months; and

- b) Who, but for the expected birth or an expected placement of a child, would have a reasonable expectation of continuing engagement by the University on a regular and systematic basis.

PROCEDURE

1. ELIGIBILITY

- 1.1. A continuing or fixed-term staff member is entitled to the entitlements where prescribed in clause 2 below.
- 1.2. A long term casual staff member is entitled to the unpaid leave component of the special paid parental leave.
- 1.3. The entitlements for fixed-term contract staff under this procedure cease from the date of termination of the fixed-term contract, unless the staff member is re-employed on a continuing basis or further fixed-term contract.
- 1.4. Prior service at other Australian higher education institutions shall be counted in any calculation of eligibility for maternity/adoption/child rearing leave.
- 1.5. Appropriate certification relating to the pregnancy, birth or adoption of the child and, where appropriate, the staff member's legal responsibility, must be produced if required by the University.

2. ENTITLEMENTS

Leave entitlements prior to birth or adoption

2.1. Paid Pre-Natal Leave

- 2.1.1 In order to attend appointments associated with their pregnancy, a continuing or fixed term staff member who is pregnant is entitled to take one (1) working day leave per month, up to a maximum of six (6) working days, over the final six (6) months of the pregnancy, up until the commencement of parental leave (paid or unpaid).
- 2.1.2 This leave is not cumulative and any leave not taken in a month cannot be carried over to the following month.

2.2. Unpaid Pre-Adoption Leave

- 2.2.1. A continuing, fixed term, long term casual, and casual staff member is entitled to up to two (2) days unpaid pre-adoption leave to attend any interviews or examinations required in order to obtain approval for the staff member's adoption of a child.
- 2.2.2. A staff member is not entitled to take a period of unpaid pre-adoption leave if:
 - i) The staff member could instead take some other form of leave; and
 - ii) The University directs the staff member to take that other form of leave.
- 2.2.3 This leave may be taken as a single continuous period of up to two (2) days or any separate periods to which the manager and staff member agree.

Leave entitlements following birth, adoption, or fostering

2.3. Paid Parental Leave

- 2.3.1 A continuing or fixed term staff member is entitled to paid leave associated with:
- i) The birth of a child where the staff member is the birth mother, or
 - ii) Placement of a child with the staff member for adoption where the child is under 16 years of age;
- and the staff member has, or will have, responsibility for the care of the child.
- 2.3.2 A staff member with 12 months or more continuous service prior to the expected date of birth or adoption will be entitled to 22 weeks at 100% of the staff member's ordinary weekly rate of pay.
- 2.3.3 The first 16 weeks may be taken as 32 weeks at 50% of the staff member's ordinary rate of pay. The remaining 6 weeks may be taken as 12 weeks at 50% of the staff member's ordinary rate of pay, where requested by a staff member and agreed by their supervisor.
- 2.3.4 A staff member with less than 12 months continuous service prior to the expected date of birth or adoption will, for each completed month of continuous service, be entitled to 1.5 weeks at 100% of the staff member's ordinary weekly rate of pay.
- 2.3.5 Staff members who have changed their employment fraction to full-time or part-time in the 12 months immediately preceding the date of commencement of parental leave, will be paid their leave on a pro-rata basis according to the average number of contracted hours per week over this 12 month period.
- 2.3.6 The staff member must provide their supervisor with at least 10 weeks' notice, in writing, of the date they are commencing parental leave and the period of leave to be taken.
- 2.3.7 Parental leave, in the case of the birth mother, will normally commence six (6) weeks prior to the expected date of birth. A later commencement date is possible if the staff member is declared *fit for duty* and this is supported by a medical certificate.
- 2.3.8 Parental leave, in the case of adoption, will commence from the date of placement of the child into the staff member's care.
- 2.3.9 Paid parental leave must be taken in one continuous unbroken period, and any entitlement must be exhausted prior to commencing unpaid parental leave.
- 2.3.10 Paid parental leave is inclusive of public holidays which fall during the period of leave. During periods of half pay, no additional payment or leave will be granted in respect of public holidays.
- 2.3.11 If a period of paid parental leave falls during the Christmas/New Year period, the staff member will be paid the four (4) days accumulated time off. Accumulated days which fall during parental leave at half pay will continue to be paid at half pay.
- 2.3.12 If requested by the staff member, any paid proportion of parental leave may be paid as a lump sum. It is a requirement that the staff member remain on maternity or adoption leave for the remainder of the leave period for which the lump sum payment has been made.
- 2.3.13 All leave accruals and superannuation contributions during the period of paid parental leave at half pay will be on a pro rata basis.

2.4. Shared Paid Parental Leave

- 2.4.1. If the staff member, as defined in clause 2.3, has a partner employed by the University on a continuing or fixed term basis, paid parental leave may be shared up to the total eligible entitlement provided:
- i) The staff member consents to their partner taking paid parental leave and the amount of leave to be taken, and
 - ii) The partner's line supervisor approves an application for leave by the partner, having regard to business needs.
- 2.4.2. The staff member and their partner may take leave concurrently.

2.5. Paid Partner Leave

- 2.5.1. A continuing or fixed-term staff member who submits a certificate from a registered medical practitioner of their partner's pregnancy, or a certificate of adoption, will be entitled to up to 15 working days paid leave to support their partner, where the leave is associated with:
- i) The birth of a child by the staff member's partner, or
 - ii) The placement of a child with the staff member for adoption where the child is under 16 years of age.
- 2.5.2. Paid partner leave is non-cumulative and must be taken within 12 months following the birth or placement of a child for adoption, after which an entitlement to access this leave expires.
- 2.5.3. The staff member will negotiate with their supervisor as to the most appropriate time in which to take the leave.
- 2.5.4. A staff member who has adopted a child is not entitled to receive paid partner leave in addition to paid parental leave or shared paid parental leave.

2.6. Paid Foster Parent Leave

- 2.6.1. A continuing or fixed term staff member is entitled to paid foster parent leave up to:
- i) 6 weeks paid leave at 50% of their ordinary weekly rate of pay (where the child is younger than 5 years of age); or
 - ii) 3 weeks paid leave at 50% of their ordinary weekly rate of pay (where the child is older than 5 years of age or over).
- 2.6.2. A staff member must provide appropriate documentation confirming they are acting as the primary carer of the child.

2.7. Unpaid Parental Leave

- 2.7.1. A continuing, fixed term or long-term casual staff member is entitled to unpaid parental leave where the leave is associated with:
- i) Birth – the birth of a child where the staff member is the birth mother, or the birth of a child by the staff member's partner;
 - ii) Adoption – the placement of a child with the staff member for adoption where the child is under 16 years of age;

- iii) Child Rearing – the care of a child by the staff member where the child is not of school age, and the staff member has or will have responsibility for the care of the child.
- 2.7.2. An entitlement of up to 52 weeks unpaid leave is provided (first period) which may be extended on application by a further period of up to 52 weeks unpaid leave (second period).
- 2.7.3. A staff member may apply for an extension of unpaid leave beyond the second period to the Vice Chancellor's nominee, which will be considered and only granted in special circumstances.
- 2.7.4. The maximum period of unpaid parental leave available to a staff member in respect of the same child is a total of 104 weeks, except where application is granted in special circumstances beyond the second period of leave.
- 2.7.5. Unpaid parental leave is available to couples who are both staff members in respect to the same child, but not at the same time (except in relation to a concurrent period of up to 8 weeks) and ensuring that the aggregate periods of leave granted to both staff members in relation to the same child does not exceed 104 weeks.
- 2.7.6. Any untaken unpaid parental leave for child rearing purposes will not be accumulated in the case of successive births.
- 2.7.7. A request for unpaid parental leave for child rearing purposes must be made at least three (3) months in advance of the planned commencement of leave.
- 2.7.8. A request for unpaid parental leave for child rearing purposes may be accessed by a partner.
- 2.7.9. Unpaid parental leave for adoption purposes may be taken by either parent, but not by both concurrently, except during the 16 week period immediately following the placement of the child.
- 2.7.10. Unpaid parental leave is inclusive of paid parental leave.

Other leave entitlements

2.8. Special Paid Parental Leave

- 2.8.1. If parental leave (paid or unpaid) has commenced, or has been applied for but not commenced and:
 - i) In the case of birth related leave, the pregnancy of the staff member terminates other than by the birth of a living child, or the staff member's child dies during the period that the staff member is on leave; or
 - iii) In the case of adoption leave, the child dies during the period that the staff member is on leave;

A continuing or fixed term staff member will be entitled to 16 weeks paid leave at 100% of the ordinary weekly rate of pay applicable to the staff member (less any paid leave already taken or paid) and a further period of unpaid leave up to a maximum of 12 weeks.

A long term casual staff member is entitled to the unpaid leave component only.

- 2.8.2. Further leave may be granted as special leave without pay on a case by case basis subject to the relevant authorisation holder in accordance with the Vice Chancellor's Authorisations Framework.

2.9. Special Unpaid Parental Leave

- 2.9.1. Where a continuing or fixed term staff member is on paid partner leave under clause 2.5 above, and the child dies during the period that the staff member is on leave, the staff member will be entitled to up to 10 days unpaid leave or such longer period as may be certified by a medical practitioner up to a maximum of 4 weeks, in addition to any period of compassionate leave.
- 2.9.2. Where unpaid parental leave for child rearing purposes has commenced and the child dies during the period the staff member is on leave, the staff member will be entitled to 14 weeks unpaid leave or such longer period as may be certified by a medical practitioner up to a maximum of 52 weeks, in addition to any period of compassionate leave.

Return to work from parental leave

2.10. Resumption of Duty

- 2.10.1. A staff member (excluding a long-term casual staff member) who returns to duty after absence on parental leave will:
 - i) Unless agreed otherwise with the staff member, return to the position which they occupied immediately prior to such an absence. The staff member may negotiate a return to work on a fractional time basis by agreement with their supervisor in accordance with the provisions of the Agreement; or
 - ii) In the event that the position they occupied immediately prior to such absence is not available due to reorganisation of the work unit, they will be appointed to a position equivalent in status and salary scale to the position formerly occupied. The location of that position will be one which is mutually agreed between the staff member and the University.
- 2.10.2. A long-term casual staff member who returns to duty after absence on parental leave is entitled to return to the position which they held immediately prior to such absence. If the position no longer exists and the staff member is qualified and able to work in another position, the staff member is entitled to return to that position.
- 2.10.3. Staff who have been on parental leave for an extended period will be entitled to induction and/or training where required as part of their performance development and management program.
- 2.10.4. Where the University agrees and can accommodate a request without additional expense, a staff member may negotiate a return to work from a period of parental leave earlier than the date originally approved.
- 2.10.5. A staff member seeking to work a reduced employment fraction following their return from parental leave must make an application in accordance with the Flexible Work Arrangements Procedure. If the local area is unable to accommodate the requested fraction, on reasonable business grounds, the supervisor will contact the People, Talent and Culture Unit to explore other available opportunities for the staff member.

2.11. Phased in Return to Work

- 2.11.1. Upon return to work after parental leave by the birth mother, or where parental leave is taken for adoption or child rearing leave purposes, the staff member may

work a reduced fraction, (0.6 for a full-time staff member) and be paid the full-time salary for a period of 8 weeks. A part-time staff member may also work a reduced fraction (0.6 of their employment fraction) and be paid at the salary applicable for their employment fraction for 8 weeks.

- 2.11.2. Phased in return to work entitlements are only available once per child (for the purposes of this sub-clause, “child” includes children of a multiple birth/adoption, or a birth/adoption where the staff member does not return to work following a previous period of parental leave).
- 2.11.3. A staff member who has negotiated a Flexible Work Arrangement and will not return to their substantive fraction at the conclusion of the 8 week phased in period, will have their phased in entitlements (payment and hours of work) based on the fraction agreed in their flexible work arrangement for their return to work. Appendix A provides examples of entitlements at different employment fractions.
- 2.11.4. A request for phased in return to work arrangements must be made at least 6 weeks prior to the staff member resuming duty.

2.12. Post-Natal Arrangements

A continuing, fixed term or long-term casual staff member will be entitled to reasonable breaks in paid time for breastfeeding and lactation purposes. Clean, private space will be provided for this purpose.

3. GENERAL CONDITIONS

- 3.1. The entitlements for fixed-term contract staff under this clause cease from the date of termination of the fixed-term contract, unless the staff member is re-employed on a continuing basis or further fixed-term contract.
- 3.2. The taking of parental leave does not reduce a staff member’s entitlements to recreation leave, long service leave, time off in lieu (TOIL) or rostered days off (RDO), except in relation to clause 4.4 of this procedure.
- 3.3. Parental leave must be taken in a single continuous period. Nothing in this clause requires parental leave for the purposes of child rearing to be taken immediately after maternity or adoption leave.
- 3.4. Staff members may elect to cover any of the period of unpaid parental leave with recreation and/or long service leave, and/or TOIL, and/or RDOs. Any leave, TOIL or RDOs taken does not extend the period of unpaid parental leave.
- 3.5. If such recreation leave, long service leave, TOIL or RDOs are to be taken, the normal notice requirements for the taking of that leave apply.
- 3.6. Staff may also access their personal leave entitlements during a period of unpaid parental leave upon satisfaction of the normal requirements for the taking of such leave. A period of personal leave does not extend the period of unpaid parental leave.
- 3.7. Employer contributions to superannuation shall continue during any period of paid parental leave.
- 3.8. These provisions will be taken to not limit or preclude the application of the Federal Government PPL Scheme in accordance with its terms.

4. CONTINUITY OF SERVICE

- 4.1. Any period of paid parental leave will count as service with the University for all purposes.

- 4.2. Any period of unpaid parental leave will be deemed not to have broken the staff member's continuity of service.
- 4.3. Only the first year of any continuous parental leave shall count for long service leave purposes.
- 4.4. Any period of unpaid parental leave, other than in subclause 3.2 above, will not count as service with the University for the purpose of accrual of entitlement to recreation leave, personal leave or long service leave or for any other benefit.

RESPONSIBILITIES AND/OR AUTHORITIES

Immediate Supervisor

The immediate supervisor is responsible for facilitating the management of maternity, adoption and child rearing leave in accordance with this procedure.

Staff Member

All staff are expected to manage their maternity, adoption and child rearing leave in accordance with this procedure and the requirements of the University of South Australia Enterprise Agreement 2019.

People, Talent and Culture

People, Talent and Culture is responsible for the development and continuous improvement of this procedure.

FURTHER ASSISTANCE

Management and staff may seek further advice from:

- Their immediate supervisor
- The People, Talent and Culture Business Partner for their local area
- People, Talent and Culture

Updated: October 2014
Amended: August 2017
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APPENDIX A
PHASED IN RETURN TO WORK

Table 1: Staff member returning to substantive fraction

Substantive Fraction	Phased In Return to Work Fraction		Fraction at end of 8 week period
	Work	Paid	
1.0	0.6	1.0	1.0
0.9	0.54	0.9	0.9
0.8	0.48	0.8	0.8
0.7	0.42	0.7	0.7
0.6	0.36	0.6	0.6
0.5	0.3	0.5	0.5
0.4	0.24	0.4	0.4
0.3	0.18	0.3	0.3
0.2	0.12	0.2	0.2

Table 2: Staff member returning on a Reduced Employment Fraction Flexible Work Arrangement

Substantive Fraction	Phased In Return to Work Fraction		Fraction at end of 8 week period
	Work	Paid	
1.0	0.3	0.5	0.5
0.5	0.18	0.3	0.3