



University of
South Australia

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 2014.
2. Academic, Professional, Document Services, Security and Grounds staff employed pursuant to an Australian Workplace Agreement (AWA) where a reference to this procedure is specifically referred to in the AWA.

OVERVIEW

This procedure reflects the preferred practice of the University and provides a guide to the application and management of Parental Leave.

This procedure is used to assist staff in taking leave related to parenting, including maternity, adoption, pre-natal, partner and child rearing leave.

DEFINITIONS

Parental Leave

Leave that relates to a staff member's parenting responsibilities including maternity, adoption, pre-natal, partner and child rearing leave where applicable under this procedure.

Long Term Casual Staff Member

A casual staff member is a *long term casual* if:

- a) They have been engaged by the University on a regular and systematic basis for a sequence of periods of employment during a period of at least twelve (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. All full time and part time continuing and fixed-term contract staff members are entitled to the entitlements where prescribed in clause 2 below. A long term casual staff member is entitled to entitlements in sub-clauses 2.2, 2.4, 2.5, 2.8, 2.14 and 2.10 (unpaid leave component only).
- 1.2. 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.
- 1.3. Prior service at other Australian higher education institutions shall be counted in any calculation of eligibility for maternity/adoption/child rearing leave.

2. ENTITLEMENTS

Leave entitlements prior to birth or adoption

2.1. Pre-Natal Leave

- 2.1.1 A staff member who becomes pregnant is entitled to one (1) day leave per month, at full pay, during the final six (6) months of the pregnancy, up to a maximum of six (6) days, to attend appointments associated with her pregnancy, up until the commencement of maternity leave.
- 2.1.2 This leave is not cumulative (i.e. any leave not taken in a month cannot be carried over to the following month).

2.2. Pre-Adoption Leave

- 2.2.1 A staff member is entitled to up to two (2) days unpaid pre-adoption leave to attend any interview or examination 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 for birth mother/parent of adopted child

2.3. Paid Maternity and Adoption Leave

- 2.3.1 A staff member with twelve (12) months or more continuous service prior to the expected date of birth or adoption shall be entitled to sixteen (16) weeks at 100% of their ordinary rate of pay, plus twelve (12) weeks at 50% of their ordinary rate of pay.
- 2.3.2 The sixteen (16) weeks at full pay may be taken as thirty two (32) weeks at half pay and the twelve (12) weeks at half pay may be taken as six (6) weeks at full pay, where requested by a staff member and agreed by the supervisor.

- 2.3.3 A staff member with less than twelve (12) months continuous service prior to the expected date of birth or adoption shall, for each month of continuous service, be entitled to one (1) week at 100% of the ordinary rate of pay plus one (1) week at 50% of their ordinary rate of pay.
- 2.3.4 Staff members who have changed their employment fraction to full-time or part-time in the twelve (12) months immediately preceding the date of commencement of maternity or adoption leave, will be paid their paid maternity or adoption leave on a pro-rata basis according to the average number of contracted hours per week over this twelve (12) month period.
- 2.3.5 For the purposes of this sub-clause, contracted hours means:
- i) Those hours worked by a staff member in accordance with their employment fraction under their employment agreement; and/or
 - ii) Those hours worked by a staff member in accordance with an employment fraction negotiated under a flexible working arrangement; and/or
 - iii) Where no hours are worked by a staff member due to them being on unpaid parental leave or some other approved leave without pay, the staff member's contracted hours will be taken to be those in accordance with their employment fraction under their employment agreement.
- 2.3.6 The staff member must provide their supervisor with at least ten (10) weeks' notice, in writing, of the date they are commencing maternity or adoption leave and the period of leave to be taken.
- 2.3.7 Maternity leave 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 Adoption leave will commence from the date of placement of the child into the staff member's care.
- 2.3.9 Paid maternity and adoption leave must be taken in one continuous unbroken period, and any entitlement must be exhausted prior to commencing unpaid maternity or adoption leave.
- 2.3.10 Paid maternity and adoption 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 maternity or adoption leave falls during the Christmas/New Year period, the staff member will be paid the four (4) days accumulated time. Accumulated days which fall during maternity 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 maternity or adoption leave may be paid as a lump sum, rather than fortnightly payments. 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 maternity or adoption leave at half pay will be on a pro rata basis.

2.4. Maternity Leave – Unpaid

A staff member who becomes pregnant and will have responsibility for the care of the child is entitled to up to fifty two (52) weeks unpaid maternity leave (inclusive of any period of paid maternity leave).

2.5. Adoption Leave – Unpaid

- 2.5.1 A staff member who adopts a child under sixteen (16) years of age is entitled to a period of up to fifty two (52) weeks unpaid adoption leave (inclusive of any period of paid adoption leave).
- 2.5.2 A further period of up to fifty two (52) weeks may be granted to a staff member in special circumstances by the Vice Chancellor and where granted, this leave will apply in lieu of child rearing leave in clause 2.6.

2.6. Child Rearing Leave

- 2.6.1 In addition to maternity, adoption and parenting leave, a further fifty two (52) weeks child rearing leave without pay shall be made available to a staff member for the care of a child not of school age, of whom the staff member is a parent (including an adopted child) or is exercising parental responsibilities.
- 2.6.2 Untaken child rearing leave shall not be accumulated in the case of successive births.
- 2.6.3 A request for child rearing leave must be made at least three (3) months in advance of the planned commencement of leave.
- 2.6.4 A staff member may apply for an extension to child rearing leave beyond the fifty two (52) weeks entitlement.
- 2.6.5 Applications for any such extension must be made at least three (3) months prior to the expiration of the period of child rearing leave, and will be assessed taking into account any special circumstances that may apply.
- 2.6.6 If any such extension is granted, the University and the staff member shall negotiate arrangements for return to work, and sub clause 2.12, relating to 'Resumption of Duty', shall not apply.

Leave entitlements for partner

2.7. Partner Leave

- 2.7.1 A full-time or part-time 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, shall be entitled to fifteen (15) working days paid leave, non-cumulative.
- 2.7.2 Partner leave must be taken within twelve (12) months following the birth or adoption of a child, after which an entitlement to access this leave expires. The staff member shall negotiate with their supervisor as to the most appropriate manner in which to take the leave.
- 2.7.3 A staff member who has adopted a child is not entitled to receive partner leave in addition to paid adoption leave.

2.8. Parenting Leave – Unpaid

- 2.8.1 A staff member exercising parental responsibilities who is not the birth mother is entitled up to fifty two (52) weeks unpaid parenting leave

(inclusive of any period of paid partner leave). These entitlements do not apply to a staff member eligible for adoption leave under sub-clause 2.3.

2.8.2 Parenting leave is available up to a period of two (2) years following the birth of the child.

2.9. Child rearing leave can be accessed by a partner in accordance with clause 2.6 above.

Other leave entitlements

2.10. Special Maternity and Adoption Leave

2.10.1 If maternity or adoption leave has commenced, or has been applied for but not commenced and:

- i) In the case of maternity leave, the pregnancy of the staff member terminates other than by the birth of a living child; or
- ii) 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,

The staff member shall be entitled to sixteen (16) weeks paid leave at 100% of the standard 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 twelve (12) weeks.

2.10.2 Further leave may be granted as special leave without pay subject to managerial determination on a case by case basis.

2.10.3 Where partner leave has commenced and the child dies during the period that the staff member is on leave, the staff member shall be entitled to up to ten (10) days unpaid leave or such longer period as may be certified by a medical practitioner up to a maximum of four (4) weeks, in addition to any period of compassionate leave.

2.10.4 Where child rearing leave has commenced and the child dies during the period the staff member is on child rearing leave, the staff member shall be entitled to fourteen (14) weeks unpaid leave or such longer period as may be certified by a medical practitioner up to a maximum of fifty two (52) weeks, in addition to any period of compassionate leave.

2.11. Foster Parent Leave

2.11.1 Subject to a staff member providing appropriate documentation confirming that they are acting as the primary care giver of a foster child, the staff member will be entitled to six (6) weeks leave on half pay if the child is younger than five (5) years or three (3) weeks on half pay if the child is five (5) years or over.

2.11.2 This leave will commence from the time the child enters the staff member's care.

2.11.3 Foster parent leave does not apply to any second or subsequent foster children that may enter the care of a staff member during the term of the staff member's respective Agreement (i.e. Enterprise Agreement/AWA).

Return to work from parental leave

2.12. Resumption of Duty

- 2.12.1 A staff member (excluding a long term casual staff member) who returns to duty after absence on maternity, adoption, parenting or child rearing leave shall:
- 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 a Flexible Work Arrangement.
 - 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 shall be appointed to a position equivalent in status and salary scale to the position formerly occupied. The location of that position shall be one which is mutually agreed between the staff member and the University.
 - iii) Staff who have been on maternity/adoption/child rearing leave for an extended period shall be entitled to induction and/or training where required as part of their performance management program.
- 2.12.2 A long term casual staff member who returns to duty after absence on maternity, adoption or parenting 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.
- 2.12.3 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.

2.13. Phased In Return to Work

- 2.13.1 Upon return to work after maternity/adoption/child rearing leave, 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 eight (8) weeks. For a part-time staff member, this eight (8) week period will be on a pro rata basis.
- 2.13.2 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 maternity/adoption leave).
- 2.13.3 A staff member who has negotiated a Flexible Work Arrangement and will not return to their substantive fraction at the conclusion of the (eight) 8 week phased in period, shall 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.
- 2.13.4 A request for phased in return to work arrangements must be made at least six (6) weeks prior to the staff member resuming duty.

2.14. Post-Natal Arrangements

A staff member who is breastfeeding shall be entitled to reasonable breaks in paid time for lactation purposes. Clean, private space will be provided, where

practicable, to breast feeding staff members during these breaks for the purpose of expressing milk.

Other conditions relating to parental leave

2.15. General Conditions

- 2.15.1 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.
- 2.15.2 Parental leave may be granted to more than one (1) staff member in respect to the same child, but not at the same time (except in relation to a concurrent period of up to eight (8) weeks) and not so that the aggregate periods of leave granted to staff members in relation to the same child exceeds 104 weeks.
- 2.15.3 Adoption leave may be taken by either parent, but not by both concurrently, except during the sixteen (16) week period immediately following the placement of the child.
- 2.15.4 The taking of maternity/adoption leave does not reduce a staff member's entitlements to annual leave, long service leave, Time Off In Lieu (TOIL) or Rostered Days Off (RDO), except in relation to sub clause 2.16.4 below.
- 2.15.5 Maternity leave (including a period of paid maternity leave) must be taken in a single continuous period. The same requirement applies to adoption leave (including a period of paid adoption leave), child rearing leave, and parenting leave. Nothing in this sub-clause requires child rearing leave to be taken immediately after maternity or adoption leave.
- 2.15.6 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 (e.g. maternity and child-rearing leave does not exceed 104 weeks).
- 2.15.7 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.
- 2.15.8 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.
- 2.15.9 Employer contributions to superannuation shall continue during any period of paid parental leave.

2.16. Continuity of Service

- 2.16.1 Any period of paid maternity/adoption leave shall count as service with the University for all purposes.
- 2.16.2 Any period of unpaid parental leave shall be deemed not to have broken the staff member's continuity of service.
- 2.16.3 Only the first year of any continuous parental leave shall count for long service leave purposes.
- 2.16.4 Any period of unpaid parental leave, other than in sub clause 2.16.3 above, shall not count as service with the University for the purpose of accrual of entitlement to recreation leave, sick 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.

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 designated Business Partner for their area
- People, Talent and Culture
- [UniSA's parental leave tool](#)

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