Procedure: Parental and grandparent leave

Purpose

Parental and Grandparent leave is provided for under the ANU Enterprise Agreement and the Staff leave policy. This document provides staff with information in relation to conditions specific to parental leave and grandparent leave, including their entitlement and the procedures for the taking of parental or grandparent leave.

Definitions

Child means a child (or children from a multiple birth) born to a staff member or a staff member’s partner; or a child who is placed with a staff member through an adoption process and/or legal guardianship.

Parental leave means an unbroken period of adoption leave, maternity leave or partner leave.

Partner leave means leave taken by a staff member in accordance with this clause.

Primary care giver means the child’s parent who has the dedicated responsibility for the day-to-day care of the child.

Partner includes a current or former (except for Adoption leave) husband or wife, de facto partner or same sex partner.

Procedure

1. The University recognises that the federal government provides a separate provision of paid parental leave for children born or adopted after 1 January 2011. All entitlements payable to University staff members under that scheme will be paid in addition to entitlements under this provision.

Parental leave

2. A staff member with 12 months’ continuous service, who is not a casual staff member, shall be entitled to paid and unpaid parental leave in accordance with this procedure.

3. A staff member with less than 12 months continuous service shall be entitled to unpaid parental leave in accordance with this procedure.
4. A staff member with less than 12 months but more than 32 weeks continuous service, may become eligible to some paid parental leave by virtue of accumulating additional continuous service in accordance with clause 15.

5. A fixed term staff member will not be entitled to parental leave beyond the expiry of their contract.

6. Casual staff are not entitled to parental leave.

7. A staff member who becomes pregnant is entitled to up to 52 weeks' parental leave as set out in the following table:

<table>
<thead>
<tr>
<th>Provision</th>
<th>Entitlement</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paid maternity leave</td>
<td>20 weeks to normally commence 6 weeks prior to the nominal expected birth(s) on full or part pay.</td>
<td>Later commencement date possible if fit for duty supported by a medical certificate. Birth mother or where both parents are staff members, the birth mother's partner, provided he/she is the primary caregiver of the child. Leave after the first 14 weeks may be shared between the birth mother and her partner but not thereby increasing total of leave taken. Leave may be taken concurrently, subject to providing declaration to the delegate in relation to eligibility.</td>
</tr>
<tr>
<td>Unpaid parental leave</td>
<td>Any portion of the child's first year that has not been taken as any form of paid parental leave.</td>
<td></td>
</tr>
</tbody>
</table>

8. A staff member who adopts a child is entitled to up to 52 weeks' adoption leave. The basic entitlements and conditions for adoption leave are as set out in the following table:

<table>
<thead>
<tr>
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<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paid adoption leave for care of adopted</td>
<td>20 weeks from date of placement of the child, on full or part pay.</td>
<td>The staff member is the legal parent and the child's primary care-giver. The child must be at placement less than five years of age, not a step-child of staff</td>
</tr>
</tbody>
</table>
child.

<table>
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<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unpaid adoption leave for care of adopted child.</td>
<td>Any portion of the first year of placement of the child that has not been taken as paid adoption leave.</td>
<td>Available to a staff member to facilitate their return to work, which may be taken during or after the 52 week parental or adoption leave period and up to the child's second birthday. Subject to agreement with the delegate and taking into account operational requirements of the area, the following assistance may be taken:</td>
</tr>
</tbody>
</table>

2. Adoption leave will normally commence on the date of placement of the child with the staff member. However, a staff member may seek approval for the leave to commence earlier in circumstances where preparations are needed that require the staff member to be absent from work prior to the date of placement (for example, travel overseas to finalise adoption process and collect/integrate child).

3. For the purpose of adoption leave 'spouse' does not include a former husband or wife, a former de facto spouse or a former same-sex partner.

**Career re-entry assistance**

4. In addition to parental leave and adoption leave entitlements above; a staff member is entitled to career re-entry assistance. The basic entitlements and conditions for career re-entry assistance are as set out in the following table:
be taken up by staff but is not limited to:
6 weeks paid leave taken in full or in agreed periods;
Agreed graduated return to work program;
Agreed staff development opportunities such as funding or time release for work related conferences or study;
Funding for maintaining or re-establishing staff member's career;
Paid time release for facilitating care arrangements and/or for breastfeeding; or
Other career support activities or variations of leave up to the 6 weeks' leave or the value of 6 weeks' leave.
Such requests should not be unreasonably refused.

Partner leave

5. A staff member whose partner becomes pregnant or a staff member who is not the primary care-giver of an adopted child is entitled to leave as set out in the following table:

<table>
<thead>
<tr>
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<th>Entitlement</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>New birth/adoptio n leave</td>
<td>10 working days paid leave and 5 working days unpaid leave from birth of child or adoption</td>
<td>Partner of birth mother or one of two adoptive parents, but not primary caregiver.</td>
</tr>
</tbody>
</table>
Conditions for parental leave

6. All paid parental leave will count as service for all purposes (including leave accrual).

7. The first 20 weeks of unpaid parental leave will count as service, except service for leave accrual, and will include service towards the 12-month service eligibility for paid parental leave. Should the staff member then become eligible for paid parental leave as a result of this clause, the staff member will be entitled to paid parental leave for the full entitlement in clause 8, less the period of unpaid parental leave already taken.

8. The balance (up to 1 year) of unpaid parental leave, will not count for service for the accrual of annual leave, long service leave, personal leave or any other purpose (e.g. the anniversary for an increment would be delayed by that period of leave).

9. Staff may be required to take any accrued annual leave in excess of 2 years' entitlement prior to taking unpaid parental leave.

10. Paid parental leave will be granted at the staff member's substantive salary. Any temporary reduction in fraction associated with the pregnancy will be disregarded.

11. A staff member not entitled to any paid parental leave may take up to 52 weeks' absence including accrued annual and long service leave and/or unpaid leave.

Salary while on paid parental leave

12. Paid parental leave will be paid at the staff member's substantive salary. Where a birth mother has changed temporarily to a reduced hours position because of the pregnancy, the relevant salary when taking parental leave will be the substantive salary paid immediately before the hours of work were reduced.

13. As part of the University's flexible work practices, any paid leave, or part thereof, provided for by these procedures can be taken for double the duration of the leave at half pay. Approval to take such extended leave on half pay will be subject to the operational requirements and financial considerations of the work area. The decision is at the discretion of the local area delegate. All leave accruals and superannuation contributions during the period of paid leave at half pay will be on a pro rata basis subject to the rules of the superannuation fund.
Notice

14. A staff member shall advise the University at least 10 weeks prior of their expected date of confinement of:

   a. the date on which they propose to commence leave as well as the specific leave arrangements.

   b. the date on which they propose to return to work.

15. Appropriate certification relating to the birth or adoption of the child must be provided with this application.

Application for extension of leave

16. Where a staff member has not applied for the maximum leave entitlement, a further application may be made at any time during the period of previously approved leave provided that the application is made at least 2 weeks before the end of the approved leave period.

Return to work

17. In accordance with the Maternity Leave Act (6.1.b.ii), a staff member may not return to work within 6 weeks' of the birth of her baby.

18. A staff member will be entitled to return from parental leave to their substantive position, or an agreed part-time position or an agreed alternative position. A request for return to part-time hours will not be unreasonably refused.

19. Notwithstanding clause 19, a staff member is entitled to return from parental leave to the relevant (substantive) position they held immediately before starting the leave, except that if the staff member:

   • was transferred to another job because of her pregnancy, the relevant position is the position held immediately before the transfer;

   • began working part time because of the pregnancy, the relevant position is the position held immediately before the staff member began working part time; or

   • immediately before starting parental leave, was acting in or temporarily performing the duties of a position (including those attracting higher duties), the relevant position is the position held by the staff member immediately before taking the acting or temporary position.

20. A staff member shall confirm their intention to return to work by providing the University with at least 4 weeks written notice of their expected date of return.
21. The staff member may request a return to work, or the University may notify the staff member that she or he must return to work, where during parental leave:
   - the pregnancy ends without the birth of a live child or the child dies;
   - the staff member ceases to be the primary care-giver; or
   - there is another material change in circumstances.

22. Where the University requires a return to work, at least 4 weeks' notice will be provided and notwithstanding this notice, any available maternity leave may be used where a medical practitioner certifies it to be necessary.

23. Where the staff member requests a return to work, this will be allowed within 4 weeks from receipt of notification.

**Time release upon return to work**

24. Subject to eligibility for time release in clause 32 below, a staff member will be entitled to reasonable time release for the period from her return to work until the end of the child's first year to attend to the needs of their child.

25. A staff member will be eligible for time release if:
   - she is the birth mother of the child; and
   - she returns to work within one year of the birth of the child; and
   - she returns to full time work, or she returns to work of the same full time equivalent percentage that she worked prior to the parental leave or prior to a reduction in hours as a result of the pregnancy.

26. In the case of an academic staff member, such time release will be accommodated with access to the 52-day rule policy.

27. The staff member and her supervisor will agree to appropriate arrangements prior to, or on, the staff member's return to work. The arrangements should acknowledge the needs of the birth mother as well as the operational requirements of the work area.

28. The time release provided is not cumulative.

**Illness during parental leave**

29. If a staff member becomes ill during a period of unpaid parental leave, and a medical certificate substantiates that illness, the staff member may take that period as personal leave as provided for in the Personal Leave procedure.
Arrangements for staff not entitled to parental leave

30. Subject to the provisions for Annual Leave, Personal Leave and Long Service Leave, a staff member not eligible for parental leave may use the following types of leave in order to be the primary care-giver of a child:

- leave without pay (provided the period does not extend beyond the expiry of a fixed term staff member's contract);
- accrued annual leave; and/or
- accrued and accessible long service leave.

Grandparent leave

31. A staff member, other than a casual, with 12 months' continuous service shall be entitled to 12-months' grandparent leave to undertake the care of their grandchild in accordance with this clause. A fixed term staff member will not be entitled to grandparent leave beyond the expiry of their contract.

32. A grandparent is the parent of one of the parents of a child requiring care for which the grandparent leave is sought, whether by marriage, a de facto relationship, adoption, guardianship, or same sex relationship.

33. The grandchild is the natural or the adopted child of the staff member's child or their partner's child, arising out of a marriage, a de facto relationship, same sex couple relationship or as a single parent.

34. When making an application for leave the supervisor may request proof that the child is the grandchild of the staff member.

35. Grandparent leave will:

- normally be taken in a single block;
- not be unreasonably refused by the supervisor;
- be taken as leave without pay and will not break the staff member's service with the University nor will the staff member accrue any entitlements during this period of approved absence; and
- be approved following the staff member having made application to utilise available annual leave or long service leave accruals.

36. Taking a period of annual leave or long service leave does not prevent a staff member applying for and having grandparent leave granted.

37. When practicable a staff member shall advise the University in writing 10 weeks prior to commencing unpaid grandparent leave of the dates of the leave to
be taken. If the scheduled return date changes, the staff member will provide 4 weeks' notice of the date of return.

38. A staff member will be entitled to return from grandparent leave to their substantive position or an agreed alternative position. A request for return to part time hours will not be unreasonably refused.

39. returning from leave on a part time basis, an individual flexibility agreement will be entered into between the staff member and the University.

**Application process for parental, adoption, partner and grandparent leave**

40. An application for maternity leave and/or primary care-giver leave must be made not less than 10 weeks before the expected date of birth of the child. In circumstances where this is not reasonably practicable, application should be made as soon as possible. The application must include:

   a. a medical certificate stating the expected date of birth of the child; and
   b. in the case of a spouse applying for parental leave, other than new birth/adoption leave: a statement of the period of maternity and parental leave applied for and taken by the spouse (regardless of whether the staff member's spouse is, or is not, a University employee); and a declaration that the staff member will be the primary care-giver for the period of leave and that, during that period, the staff member's spouse is not taking any form of maternity or parental leave from her employer (regardless of whether the staff member's spouse is, or is not, a University employee).

41. In the case of adoption, the staff member must apply for adoption leave as soon as possible after receiving notice of the adoption. An application for adoption leave must include a statement from the adoption agency of the proposed date of placement of the child.

42. In the case of partner leave, the staff member must lodge an application for new birth/adoption leave not less than 4 weeks before the expected date of birth or placement of the child. Where this is not practicable, the application should be lodged as early as possible. The application must include either:

   • a medical certificate stating the expected date of birth of the child; or
   • a statement from the adoption agency of the proposed date of placement of the child, or a statement from the appropriate government authority that the staff member or the staff member's spouse has been made a legal guardian.

43. In the case of grandparent leave, the staff member must apply for leave not less than 10 weeks before the expected date they intend to care for an eligible grandchild. A supervisor may request proof that the child is the grandchild of the
Staff member.

44. Staff are required to submit an Application for Leave (paper) form ensuring that the respective notice periods above have been provided.

45. A delegate must exercise their delegation to approve a leave application in accordance with the conditions and approval arrangements specified in this procedure.

46. Approval of leave beyond those provided for through this procedure requires approval of the Director, Human Resources or the Vice-Chancellor.