



Procedure: Parental and grandparent leave

Purpose

Parental and Grandparent leave is provided for under the [ANU Enterprise Agreement](#), the *Maternity Leave (Commonwealth Employees) Act 1973* and the [Staff leave policy](#). This document provides staff with information in relation to conditions and procedures specific to accessing and utilising parental leave and 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, permanent foster care or legal guardianship.

Parental leave for the purposes of this procedure will mean an unbroken period of paid or unpaid parental leave following the birth or placement of a child. For the purposes of defining unbroken leave, they may include other leave types such as annual or long service leave.

Partner leave (supporting) defined as Partner Leave in the Enterprise Agreement means a flexible type of leave taken by the partner of a birth mother, where the birth mother is the primary care giver, or one of two adoptive parents, permanent foster carers or legal guardians of a child; where the recipient of the leave is not the primary care giver.

Partner Leave (primary carer) means a type of parental leave taken by an employee parent who is the primary care giver for the child (but is not the birth mother); or is one of two adoptive parents, permanent foster carers or legal guardians of a child and is the primary care giver of the child.

Primary care giver means the child's parent who has the dedicated responsibility for the day-to-day care of the child. For the purposes of this procedure, the primary care giver role cannot be undertaken simultaneously by both parents.

Partner includes a current or former husband, wife, de facto partner, or member of a couple.

Twelve months continuous service, for access to parental leave, is taken as at the commencement of leave for (birth related leave), or as at the date of birth or placement of the child for (partner or placement related leave)..

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 procedure.
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 be eligible for a portion of paid parental leave by virtue of accumulating additional continuous service in accordance with clause 18..
5. A fixed term staff member will not be entitled to parental leave beyond the expiry of their contract.
6. A staff member will be entitled to a maximum of 26 weeks paid Parental Leave, inclusive of birth-related Parental Leave, placement-related Parental Leave, Primary Care parental leave, and Supporting Partner Leave.
7. Where both parents are University staff members, the combined maximum entitlement of career re-entry assistance is 6 weeks.
8. A casual staff member is not generally entitled to paid parental leave, but will be eligible to access unpaid parental leave in accordance with the National Employment Standards of the Fair Work Act 2009.
9. The Director, Human Resources may consider granting paid parental leave to casual employees with over 12 months service.
10. The Director, Human Resources may consider granting paid parental leave to employees who have 12 months or more contribution the University community through a combination of employment and HDR research.
11. In addition to this procedure, further information is available on the [parental and grandparent leave webpage](#).

Birth-related parental leave

12. In accordance with the *Maternity Leave (Commonwealth Employees) Act 1973* a staff member who becomes pregnant is required to commence parental leave six weeks

prior to the nominal expected birth of a child. A later commencement date is possible if the birth mother is declared fit for duty, and this is supported by a medical certificate.

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

Provision	Entitlement	Condition
Paid parental leave (birth –related)	26 weeks on full or half pay.	<p>Eligibility and duration of paid parental leave is subject to clauses 2 to 6(above).</p> <p>Parental leave (birth related) should be taken in unbroken periods.</p>
Unpaid parental leave (birth –related)	The remainder of up to 52 weeks entitlement which has not been taken as any form of paid parental leave, annual leave or long service leave.	<p>Unpaid parental leave may be taken concurrently by employee couples, subject to providing a declaration to the delegate in relation to eligibility.</p> <p>Where employee parents take unpaid parental leave concurrently, this will not increase the total unpaid parental leave entitlement.</p> <p>Parents entitled to unpaid parental leave can access 30 days (6 weeks) of their maximum 12 month unpaid parental leave period on a flexible basis. Flexible unpaid parental leave must be taken within the first 24 months of a birth or adoption of a child.</p> <p>Flexible unpaid parental leave may be taken as a single continuous period of one or more days, or separate periods of one or</p>

		more days each.
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Placement-related parental leave

14. A staff member who adopts or undertakes permanent foster care or guardianship of a child, and is the legal parent or primary caregiver of that child, is entitled to up to 52 weeks' parental leave. The entitlements and conditions for this leave are as set out in the following table:

Provision	Entitlement	Condition
Paid parental leave (placement-related)	26 weeks on full or half pay. To normally commence from the date of placement of the child.	Eligibility and duration of paid parental leave is subject to clauses 2 to 6 (above). Parental leave should be taken in unbroken periods. Earlier commencement is possible in circumstances where preparations are needed which require the staff member to be absent prior to the date of placement (for example, overseas travel to finalise the adoption process and collect/integrate the child).
Unpaid parental leave (placement-related)	The remainder of up to 52 weeks entitlement which has not been taken as any form of paid parental leave, annual leave or long service leave.	The child must at placement be less than five years of age, and must not be a step-child of the staff member or their partner. Unpaid parental leave may be taken concurrently by employee parents, subject to providing a declaration to the delegate in

		<p>relation to eligibility.</p> <p>Where employee parents take leave concurrently, this will not increase the total unpaid leave entitlement.</p> <p>Parents entitled to unpaid parental leave can access 30 days (6 weeks) of their maximum 12 month unpaid parental leave period on a flexible basis.</p> <p>Flexible unpaid parental leave must be taken within the first 24 months of a birth or adoption of a child and may be taken as a single continuous period of one or more days, or separate periods of one or more days each.</p>
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Primary Carer Partner leave

15. A staff member whose partner becomes pregnant, or becomes one of two adoptive parents, permanent foster carers or legal guardians of a child; and is the primary caregiver of that child, is entitled to leave as set out in the following table:

Provision	Entitlement	Condition
Primary Carer Partner Leave	26 weeks on full or half pay.	<p>Eligibility and duration of primary carer partner leave is subject to clauses 2 to 6 (above).</p> <p>Parental leave should be taken in unbroken periods. Where primary carer partner leave is requested at less than 1 FTE per week, the parental leave provisions are not pro-rated and the staff member acknowledges</p>

		<p>they are choosing to access their 26 weeks at a reduced rate.</p> <p>For the purposes of Primary Carer Partner Leave, 12 months continuous service must be accrued as at the date of the birth or placement of the child, regardless of when the leave is being commenced.</p> <p>Leave must be utilised in full, prior to the child's first birthday.</p> <p>Earlier commencement is possible in circumstances where preparations are needed which require the staff member to be absent prior to the date of birth or placement.</p> <p>If the primary carer partner leave relates to adoption or permanent foster care, the child must, at placement, be less than five years of age, and must not be a step-child of either parent.</p> <p>In the case of both a child's parents being University employees, the employee parent accessing this leave must be the primary carer of the child for the period of leave taken, subject to providing a declaration to the delegate in relation to eligibility. The maximum paid leave entitlement is 26 weeks per employee parent.</p> <p>Where the birth parent is on unpaid or half</p>
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		<p>pay parental leave, or paid annual or long service leave post a period of paid parental leave, Primary Carer Parental Leave may be used concurrently.</p> <p>Should Partner Leave (Supporting) be accessed at the time of the birth, and Primary Carer Partner Leave is accessed prior to the child's first birthday, the maximum length of paid leave is capped at 26 weeks.</p>
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Career re-entry assistance

16. In addition to parental leave entitlements; 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:

Provision	Entitlement	Condition
Career re-entry assistance	<p>Up to the equivalent of 6 weeks' pay, can be taken flexibly or in an unbroken period, to be used to assist the staff member return to work following a period of unbroken parental leave.</p> <p>Such assistance will be available to the staff member who has taken paid and/or unpaid parental leave to be the primary care giver irrespective of whether the staff member was the birth mother.</p>	<p>Available to a staff member to facilitate their return to work, which may be taken during or after the 52 week parental leave period and up to the child's second birthday.</p> <p>Subject to agreement with the delegate and taking into account operational requirements of the area, the following assistance may be taken up by staff but is not limited to:</p> <ul style="list-style-type: none"> * six weeks' paid leave taken in full or in agreed periods;

		<ul style="list-style-type: none"> * 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 six weeks' leave or the value of six weeks' leave. <p>Requests to access career re-entry assistance will not be unreasonably refused.</p> <p>Where both employees are parents, six (6) weeks paid career re-entry leave is the maximum combined entitlement.</p> <p>Where both parents are employees, career re-entry assistance can be utilised while the primary care giver is</p>
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		receiving paid leave
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Partner leave (supporting)

17. A staff member whose partner becomes pregnant, or becomes one of two adoptive parents, permanent foster carers or legal guardians of a child (but is not the primary care-giver of that child), is entitled to leave as set out in the following table:

Provision	Entitlement	Condition
Paid partner leave (supporting)	15 working days (pro rata) can be taken flexibly or in an unbroken period, and must be taken within 12 months from the birth or placement of the child, or following termination of pregnancy, miscarriage or still birth after the 20 week gestation	Partner of birth mother or one of two adoptive parents, permanent foster carers or legal guardians of a child (but is not the primary care-giver of that child).
Unpaid partner leave (supporting)	One week to commence immediately after paid partner leave	Should Partner Leave (Supporting) be accessed at the time of the birth, and Primary Carer Partner Leave is accessed prior to the child's first birthday, the maximum length of paid leave is capped at 26 weeks.

Conditions for parental leave

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

19. The first 26 weeks of unpaid parental leave, from the first commencement date will count as service, 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 5, 6 or 7 less the period of unpaid parental leave already taken.

20. Unpaid parental leave will not count as service for the accrual of annual leave, long service leave, personal leave or any other purpose (For example: the anniversary for a staff member's salary increment would be delayed by that period of leave).

21. In accordance with the *Maternity Leave (Commonwealth Employees) Act 1973*, a staff member who experiences a termination of pregnancy, miscarriage or still birth after the 20 week gestation period are entitled to paid parental leave.

22. In accordance with the Fair Work Act 2009, parents who are accessing unpaid parental leave and experience premature births or other birth-related complications that result in the newborn baby having to stay in hospital or being hospitalised immediately after birth, can now agree with their employer to pause their unpaid parental leave. This means that while their baby is hospitalised, parents may return to work and the period where they are back at work won't be deducted from their unpaid parental leave.

23. A staff member may be required to take any accrued annual leave to reduce their annual leave balance to below four weeks (pro rata) entitlement prior to taking unpaid parental leave.

24. A staff member not entitled to any paid parental leave may take up to 52 weeks' absence including accrued annual leave, long service leave, and/or unpaid leave, post the initial required 12 weeks of (unpaid) leave, in accordance with the *Maternity Leave (Commonwealth Employees) Act 1973*.

Salary while on paid parental leave

25. Paid parental leave will be paid at the staff member's substantive salary. Where the Paid Parental Leave is birth-related, any temporary reduction in hours associated with pregnancy will be disregarded. The relevant salary when taking parental leave will be the substantive salary paid immediately before the hours of work were reduced.

26. As part of the University's flexible work practices, any paid leave, or part thereof, provided for by these procedures can be taken at half pay. Approval to extend leave by taking it 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 periods of paid leave at half pay will be on a pro rata basis subject to the rules of the superannuation fund.

Superannuation on Unpaid Parental Leave

27. Where a staff member who is eligible for paid parental leave, accesses approved unpaid parental leave, the University will continue to pay employer superannuation contributions during the period of unpaid leave up to a maximum of 26 weeks.

28. Where a staff member who is eligible for paid parental leave, and accesses this leave at half pay, the University will continue to pay employer superannuation contributions at the full pay rate, up to the equivalent of a maximum 26 weeks.

29. Where employer superannuation contributions made in accordance with clause 24 or 25, the maximum employer superannuation contributions made will be up to the equivalent of 26 weeks at full pay, regardless of whether the staff member accesses unpaid parental leave, or parental leave at half pay.

Notice

30. A staff member is required to advise the University at least 10 weeks prior of the expected date of birth, the expected date of placement, or the expected date they will become the child's primary carer 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; and
- c. the specific leave arrangements they intend to take.

31. Appropriate certification relating to the birth or the placement of the child must be provided with this application, prior to the required commencement of leave.

Application for extension of leave

32. 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

33. In accordance with the *Maternity Leave (Commonwealth Employees) Act 1976* (6.1.b.ii), a staff member may not return to work within 6 weeks' of the birth of the child, unless medical clearance is provided by an appropriate medical practitioner.

34. 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.

35. 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.

36. A staff member is required to confirm their intention to return to work by providing the University with at least 4 weeks written notice of their expected date of return.

37. The staff member may request a return to work, or the University may notify the staff member that they must return to work, where during parental leave:

- * the staff member ceases to be the primary care-giver; or
- * there is another material change in circumstances.

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

39. A staff member who experiences a still birth or the death of a child during the first 24 months of life:

- * may be eligible to take unpaid parental leave for up to 12 months, that is the University cannot direct parents to return to work
- * may still choose to return to work after a still birth or death of a child
- * may request to access Compassionate Leave in accordance with the Fair Work Act 2009 and in accordance with the [ANU Enterprise Agreement..](#)

40. Where the staff member requests a return to work prior to the expiry of their original leave period, this must be mutually agreed between the staff member and the work area. .

Time release upon return to work

41. Subject to clause 39 below, a staff member will be entitled to reasonable time release for the period from their return to work until the end of the child's first year to attend to the needs of their child.

42. A staff member will be eligible for time release if:

- * they are the birth mother of the child; or the primary caregiver of a child who has been adopted or permanently placed with the staff member; and
- * the staff member returns to work within one year of the birth of the child, or the child is less than one year of age; and
- * the staff member returns to full time work, or returns to work of the same full time equivalent percentage they worked prior to the parental leave or prior to a reduction in hours as a result of the pregnancy or preparation for permanent placement.

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

44. The staff member and relevant 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 staff member as well as the operational requirements of the work area.

45. The time release provided is not cumulative.

46. A staff member requesting to access time release who is not entitled to or has utilised their Career Re-entry Assistance can access time release using their accrued paid leave balance, or unpaid leave

Illness during parental leave

47. 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 in accordance with the Personal Leave procedure.

Arrangements for staff not entitled to parental leave

48. Subject to the provisions for annual leave, personal leave and long service leave, a staff member not eligible for paid parental leave may use the following types of leave in order to be the primary care-giver of a child, post the first 12 weeks of (unpaid) leave following birth, as required under the *Maternity Leave (Commonwealth Employees) Act 1973*:

- * 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

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

50. 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, or guardianship.

51. The grandchild is the natural child or a child who is placed with a staff member's child (or their partner's child).

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

53. 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 after the staff member has made an application to utilise available annual leave or long service leave accruals.

54. Taking a period of annual leave or long service leave does not prevent a staff member from taking grandparent leave in accordance with this procedure.

55. Where practicable a staff member will 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.

56. 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.

Application process for parental, partner and grandparent leave

57. Staff are required to submit an Application for Leave (paper) form in accordance with the respective notice periods.

58. An application for parental leave and grandparent leave must be made in accordance with the notice requirements specified in clause 27 and clause 29 respectively. In circumstances where the specified notice periods are not reasonably practicable, application should be made as soon as possible.

59. Parental leave applications must include:

- a. Parental Leave (birth related): Confirmation of pregnancy medical certificate, stating the expected date of birth or the child.
- b. Parental Leave (placement-related): Child placement documentation detailing the expected date of placement
- c. Primary Carer Parental Leave: Copy of the birth certificate and a statement of the period of parental leave applied for and taken by the other parent (regardless of whether the other parent is a University employee); and a declaration that the partner will be the primary care-giver for the applicable period of leave and that, during that period, the other parent is not taking any form of paid parental leave from the respective employer (regardless of whether the other parent is a University employee).
- d. Partner Leave (supporting): Confirmation of pregnancy medical certificate, or birth certificate

60. In the case of partner leave (supporting), the staff member must lodge an application for leave not less than four weeks before the expected date of birth or placement of the child. Where this is not practicable, the application will be lodged as early as possible. The application must include either: (1) a medical certificate stating the expected date of birth of the child, or birth certificate; or (2) 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 partner has been made a legal guardian.

61. In the case of grandparent leave, a supervisor may request proof that the child is the grandchild of the staff member.

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

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

Delegations relevant to this policy

000183: Approve leave of absence of general and academic staff.

Document information

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