

# Parental Leave Procedure

This Procedure is under review to capture the terms of the [UQ Enterprise Agreement 2021-2026](#). Updates will be made in due course.

## Section 1 - Purpose and Objectives

(1) This Procedure outlines the conditions and process for applying for Parental and Adoption Leave. Leave entitlements are provided through the [Enterprise Agreement](#), the [Leave Entitlements Policy](#), and the relevant legislation.

## Section 2 - Definitions, Terms, Acronyms

Terms	Definitions
Authorised Officer	the officer authorised to exercise the relevant Human Resources (HR) power or function in accordance with the <a href="#">Human Resources Sub-delegations Instrument</a> .
Child	in relation to the adoption of a child, 'child' means a person who is, or will be, under the age of 16 years as at the day of, or the anticipated day of, placement with the staff member for adoption.
Day of Placement	in relation to the adoption of a child, means the earlier of the following days: the day on which the staff member first takes custody of the child for adoption, or the day on which the staff member starts any travel reasonably necessary to take custody of the child for adoption.
Eligible Casual Staff	a casual staff member employed by the University on a regular and systematic basis for several periods of employment; or on a regular and systematic basis for an ongoing period of employment during a period of at least 12 months and with a reasonable expectation of ongoing employment.
Enterprise Agreement	The <a href="#">University of Queensland Enterprise Agreement 2021-2026</a> , or as amended or replaced.
Partner	a staff member's partner or spouse in marriage, or a person of the opposite or same sex to the staff member, who lives with the staff member in a relationship as a couple on a genuine domestic basis.

## Section 3 - Procedure Scope/Coverage

(2) This Procedure applies to all continuing, research (contingent funded), fixed-term and casual staff members covered by the Enterprise Agreement.

(3) A casual staff member is only entitled to unpaid Leave for Parental or Adoption purposes.

(4) The University recognises that the Federal Government may provide a separate paid parental leave entitlement. The University's Parental Leave entitlements are a stand-alone entitlement and are not affected by the Federal scheme.

(5) The University may, however, administer payment on behalf of the Federal Government. For further information regarding the Federal Government's entitlement for paid parental leave, please refer to the [Parental Leave Pay](#)

## Section 4 - Procedure Statement

(6) A staff member may access a period of paid and/or unpaid Parental or Adoption Leave, subject to approval in accordance with this Procedure.

(7) The entitlements to paid and unpaid Parental and Adoption Leave contained in this Procedure are the same for multiple births or adoption as they are for a single birth or adoption.

## Section 5 - Leave Entitlements Prior to Birth or Adoption

### Pre-Natal Leave

(8) A staff member who has a confirmed pregnancy may take up to 36.25 hours paid Pre-Natal Leave to attend appointment(s) directly related to their pregnancy, subject to approval by the Authorised Officer.

(9) A staff member applying for Pre-Natal Leave may be required to provide medical certificate(s) or a statutory declaration confirming the pregnancy and attendance at the appointment(s) to the Authorised Officer.

### Partner Pre-Natal-related Leave

(10) A staff member whose partner is confirmed as pregnant will be entitled to use accrued Personal Leave (Carer's) entitlements to attend appointment(s) directly related to their partner's pregnancy. At the discretion of the Authorised Officer, the staff member may be required to provide medical certificate(s) or a statutory declaration confirming their partner's pregnancy and their attendance at the appointment(s).

### Pre-Adoption Leave

(11) A staff member may be entitled to up to 2 days of 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. The staff member may be required to provide evidence confirming the interview(s) and/or examination(s) to the Authorised Officer.

## Section 6 - Parental and Adoption Leave Entitlements

(12) Periods of Parental and Adoption Leave (paid and unpaid) are inclusive of public holidays and any University holidays which fall during the period of leave.

(13) No entitlement to Parental and Adoption Leave (paid or unpaid) exists after the date that a staff member's employment ceases with the University.

(14) Any periods of Parental and Adoption Leave will not break a staff member's period of continuous service with the University.

(15) A staff member cannot access paid Parental Leave entitlements for primary caregivers when the staff member's partner, regardless of the employer, is accessing paid Parental or Adoption Leave entitlements as a primary caregiver.

(16) A casual staff member is entitled to unpaid leave for parental or adoption purposes.

## **Unpaid Parental and Adoption Leave**

### **Twelve Months or more Continuous Service**

(17) A staff member is entitled to 12 months unpaid Parental or Adoption Leave when:

- a. the staff member has completed 12 months continuous service with the University; and
- b. the staff member will have a responsibility for the care of a child; and
- c. the leave is associated with:
  - i. the birth of a child of the staff member, or the staff member's spouse; or
  - ii. the placement of a child with the staff member for adoption where:
    - the child is under 16 years of age; and
    - the child has not lived continuously with the staff member for a period of 6 months or more as at the date of placement (or anticipated date of placement) of the child; and
    - the child is not the child of the staff member's partner.

(18) Unpaid Parental or Adoption Leave must be taken in a single continuous period unless otherwise agreed with the Authorised Officer.

(19) A staff member may take paid leave entitlements (including, where applicable, paid Parental Leave entitlements) at the same time they are on unpaid Parental Leave.

(20) Birth-related Parental Leave must start no later than the date of birth of the child unless:

- a. Parental Leave entitlements are being shared between employee couples; or
- b. the staff member's partner is not considered a "national system employee" under the [Fair Work Act 2009](#). Due to the complexity of the legislative interpretation required in these circumstances, staff members are encouraged to contact the Human Resources Division in the first instance to discuss.

### **Less than 12 months' Continuous Service**

(21) Where a staff member is the birth parent and has less than 12 months' continuous service at the actual or anticipated birth date, and is the primary caregiver of the child, the staff member will be eligible for up to 26 weeks unpaid Parental Leave.

(22) Where a staff member has less than 12 months continuous service at the day of placement of a child for adoption, and is the primary caregiver of the child, the staff member may access up to 26 weeks unpaid Adoption Leave where:

- a. the child is under 16 years of age; and
- b. the child has not lived continuously with the staff member for a period of 6 months or more as at the date of placement (or anticipated date of placement) of the child; and
- c. the child is not the child of the staff member's partner.

## **Paid Parental and Adoption Leave**

(23) A fixed-term or continuing staff member who has completed 12 months continuous service with the University will be entitled to 26 weeks paid Parental Leave when:

- a. the staff member gives birth and will be the primary caregiver of the child; or
- b. the staff member will be the primary caregiver of an adopted child, where:
  - i. the child is less than five years of age; and
  - ii. the child has not lived continuously with the staff member for a period of 6 months or more at the day of placement (or anticipated day of placement) of the child; and
  - iii. the child is not the child of the staff member's partner.

(24) The rate of pay for paid Parental Leave will be calculated based on the staff member's average service fraction in the 12 months prior to commencing Parental Leave.

(25) A staff member may apply for the paid Parental or Adoption Leave to be taken proportionally over 52 weeks (for example at half pay for 52 weeks) to the Authorised Officer. The total period of paid Parental or Adoption Leave must not exceed 52 weeks from the date of birth or placement of the child.

(26) The paid Parental or Adoption Leave must commence no later than the date of birth or placement of the child. In the case of birth related Parental Leave (paid or unpaid), the pregnant staff member may start Parental Leave up to 6 weeks before the expected date of the birth of the child or earlier if mutually agreed. In the event the staff member elects to work during the 6 weeks before the expected birth date, a medical certificate stating the staff member is fit for work may be required.

(27) This 52 week period of Parental or Adoption Leave available under this clause, whether taken proportionately or as a combination of paid and unpaid Parental Leave up to a maximum of 52 weeks, will be regarded as service for the purpose of determining leave accruals.

## **Section 7 - Additional Unpaid Parental and Adoption Leave**

(28) In accordance with the [Fair Work Act 2009](#), a staff member who will have completed 12 months or more continuous service, and has accessed an initial period of Parental Leave or Adoption Leave of 52 weeks, and has the responsibility for care of the child, may request an extension of unpaid Parental Leave for a period of up to 52 weeks immediately following the end of the available period of Parental Leave or Adoption Leave. Additional Unpaid Parental and Adoption Leave will not break continuity of service – however it does not count as service for the purposes of leave accruals.

(29) Any requests for additional unpaid Parental or Adoption Leave will be considered in accordance with the provisions of the [Fair Work Act 2009](#). Please refer to clauses 63 and 64 for further information on the notice requirements for Additional Unpaid Parental and Adoption Leave.

## **Section 8 - University Staff Members sharing Parental and/or Adoption Leave**

(30) Paid Parental or Adoption Leave may be shared between staff members who are partners and both work at The University of Queensland where:

- a. Both staff members have 12 months continuous service at the date of commencement of Parental and/or Adoption Leave; and
- b. The primary caregiver responsibilities are shared.

(31) Where a staff member and their partner who is also a University of Queensland staff member share the entitlement to paid Parental or Adoption Leave (up to 26 weeks), this will not reduce the entitlement to two weeks Parental Leave – Partner Leave available to the staff member who is not giving birth to the child.

(32) Where a staff member couple elect to share a period of Parental Leave (paid or unpaid), the leave must:

- a. Not exceed an aggregate of 104 weeks;
- b. The staff member and their partner must take the leave in a single unbroken period;
- c. The first staff member must have commenced Parental or Adoption Leave no later than the birth of the child, or no later than the placement of the child in the case of adoption;
- d. The second staff member must commence Parental or Adoption Leave at the end of the first staff member's period of Parental or Adoption Leave.

(33) The staff member and their partner can take a period of concurrent leave not exceeding eight weeks.

## **Section 9 - Leave Entitlements for a Partner (Non-Primary Caregiver)**

(34) The University provides leave entitlements for partners, who are non-primary caregivers, to access leave after the birth of a child or placement of an adopted child.

(35) Parental Leave – Partner Leave entitlements must be taken in the period one week before and six weeks after the date of birth or date of placement for adoption of the child and can be taken in separate periods of at least one day at a time.

### **Paid Leave**

(36) A staff member with greater than 12 months continuous service with the University who is not a primary caregiver but shares the parenting responsibilities for a child, will be entitled to two weeks paid Parental Leave – Partner Leave in any 12 consecutive months of employment.

### **Unpaid Leave**

(37) A staff member with less than 12 months continuous service with the University who is not a primary caregiver but shares the parenting responsibilities for a child, will be eligible for up to two weeks unpaid Parental Leave – Partner Leave.

## **Section 10 - Other Leave Entitlements**

(38) Paid Parental and Adoption Leave, Recreation Leave, and Long Service Leave entitlements can be taken in lieu of all or part of a period of unpaid Parental or Adoption Leave. This will not, however, extend the available period of Parental Leave.

(39) A staff member is not required to have exhausted existing Recreation and Long Service Leave accruals before commencing Parental or Adoption Leave whether paid or unpaid.

## Section 11 - Early Termination of a Pregnancy

(40) Where the pregnancy of a staff member terminates within 28 weeks of the expected birth of the child, otherwise than by the birth of a living child, the staff member may use Compassionate Leave and/or Personal Leave (Sick) entitlements as certified by a registered medical practitioner.

(41) A staff member will be further entitled to Unpaid Special Maternity Leave for any period as certified by a registered medical practitioner.

## Section 12 - Transfer to Safe Job During Pregnancy

(42) In the event a registered medical practitioner advises a pregnant staff member that there may be illness or risks arising out of the pregnancy, or hazards connected with the work assigned to the staff member, where practicable, the staff member will be transferred to a safe job at their normal salary rate.

## Section 13 - Keeping in Touch Days

(43) In accordance with the [Fair Work Act 2009](#) staff members are able to access up to 10 Keeping in Touch days during the first 52 weeks of Parental or Adoption Leave and an additional 10 days during a subsequent period of Additional Unpaid Parental Leave.

(44) Keeping in Touch days are voluntary and must be agreed between the University and a staff member, and are provided for the purpose of enabling staff members to keep in touch with their employment.

(45) Accessing Keeping in Touch days will not extend any period of Parental Leave or Adoption Leave.

(46) A staff member cannot take a Keeping in Touch day within the first two weeks following the birth or adoption of their child and Supervisors must not ask staff members to participate in a Keeping in Touch day within the 42 days following the birth or adoption of a child.

(47) Keeping in Touch days are provided for genuine work activities such as:

- a. training;
- b. to become familiar with new or updated processes; and
- c. participating in planning meetings or discussions that may impact their role.

(48) Where a staff member participates in a paid work activity for the purpose of Keeping in Touch, that work will count as one Keeping in Touch day towards the 10 day limit, regardless of the duration of the work performed on that day.

(49) A staff member on unpaid leave will be entitled to payment at their ordinary rate of pay for the duration of the work performed. A staff member who has elected to take paid Parental Leave entitlements at a proportionate payment amount will receive an hourly 'top-up' payment for ordinary hours worked on a keeping in touch day up to the equivalent of a full-time work-day only.

## Section 14 - Returning to Work

(50) Parental and Adoption Leave (paid and unpaid) must be taken as an unbroken period of leave unless exceptional circumstances apply.

(51) In accordance with the Enterprise Agreement, a staff member may apply to the Director, Human Resources Division to return to work on a fractional basis without breaking the period of Parental Leave. Staff members should ensure that they are aware of any implications that returning to work may have on the Federal Government's paid parental leave entitlements where applicable.

(52) Where a staff member requests to return to work on a part-time basis following a period of Parental or Adoption Leave and this cannot be accommodated in the staff member's substantive position or organisation unit, the staff member may request a transfer in accordance with the Enterprise Agreement.

### **Substantive Position**

(53) A staff member returning to work after a period of Parental or Adoption Leave will be entitled to return to the substantive position that they held immediately before taking the leave, or a comparable position if the original position has been disestablished in accordance with the Enterprise Agreement.

(54) In the case of a staff member transferred to a safe job prior to taking Parental Leave, the staff member will be entitled to return to the substantive position they held immediately before the transfer.

(55) Where the staff member's substantive position has been disestablished but a suitable alternative position at the same classification level is available which the staff member is qualified for and is capable of performing, the staff member will be placed into the available position.

### **Flexible Working Arrangements**

(56) A staff member who is considering returning from work after a period of Parental or Adoption Leave may request to vary their current work arrangements through a flexible working arrangement.

(57) A flexible working arrangement may include, for example, a variation to the staff member's current service fraction or a change in start and finishing times.

(58) For more information on Flexible Working Arrangements, please refer to the [Flexible Work Policy](#).

### **Breastfeeding**

(59) The University of Queensland will make reasonable accommodations for a staff member who is breastfeeding or expressing at work. Please refer to the [Children on Campus Procedure](#) for more information.

## **Section 15 - Notice Requirements**

### **Commencing Parental or Adoption Leave**

(60) A staff member must provide:

- a. At least 10 weeks' written notice of the anticipated date of birth or date of placement for adoption of the child; and
- b. At least 4 weeks' written notice of the date on which the staff member proposes to commence Parental or Adoption Leave and the period of leave to be taken.

(61) A staff member must provide with their [Parental Leave Application form](#) a medical certificate or other relevant documentation confirming the pregnancy and expected date of birth, or the expected day of placement of the child.

(62) A staff member will not be in breach of notice requirements if failure to provide the stipulated notice is occasioned by the birth of the child occurring earlier than the anticipated date; or if such failure results from a

requirement of an adoption agency to accept earlier or later placement of a child, or in other compelling circumstances.

### **Additional Unpaid Parental and Adoption Leave**

(63) A request for an extension of unpaid Parental or Adoption Leave is expected to be provided to the University as soon as practicable, however must be made at least four weeks before the end of the available Parental or Adoption Leave period using the [Request for Extension of Parental Leave – Form](#).

(64) The Authorised Officer will provide a written response within 21 days of the request. The Authorised Officer can only refuse the request on reasonable business grounds.

### **Return to Work**

(65) A staff member must advise the University of the expected date of return to work prior to the commencement of Parental or Adoption Leave. A staff member who has given birth must not return to work earlier than six weeks after the date of birth of the child.

(66) A request to change the end date for a period of paid or unpaid Parental or Adoption Leave must be made to the Authorised Officer at least four weeks prior to the commencement of the change arrangement sought.

## **Section 16 - Applying for Parental and Adoption Leave**

### **Staff Member Responsibilities**

(67) A staff member is expected to discuss requests for Parental and Adoption Leave with their Supervisor and/or Authorised Officer at the earliest available opportunity, but no later than the notice requirements outlined in this Procedure.

(68) A staff member may [apply](#) for a period of Parental or Adoption Leave.

(69) Any additional documentation as specified in this Procedure should be provided to the Authorised Officer with the Leave Application form for consideration.

### **Authorised Officer Responsibilities**

(70) When considering applications for Parental and Adoption leave, consideration should be given to:

- a. eligibility requirements for the leave applied for;
- b. any evidentiary and notification requirements associated with the leave;
- c. operational requirements where relevant; and
- d. any particular relevant circumstances of the staff member.



## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	27th September 2021
<b>Review Date</b>	27th September 2026
<b>Approval Authority</b>	Chief Human Resources Officer
<b>Approval Date</b>	27th September 2021
<b>Expiry Date</b>	Not Applicable
<b>Policy Owner</b>	Phil Vaughan Chief Human Resources Officer
<b>Enquiries Contact</b>	Human Resources Division