Parental Leave Procedure

Section 1 - Purpose and Scope

(1) This Procedure outlines the process for administration of parental leave and related entitlements at The University of Queensland (UQ or the University).

(2) The entitlements outlined in this Procedure are the same whether leave is in relation to single or multiple births (including in relation to legal surrogacy) or adoption, subject to relevant eligibility criteria.

(3) This Procedure applies to all UQ employees.

(4) Leave entitlements do not extend past the employee's end date of employment.

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

(6) The University cannot provide advice in relation to entitlements or provisions from government and other external entities. Employees should contact the relevant service provider for advice and guidance on these matters.

Section 2 - Key Controls

(7) This Procedure should be read in conjunction with the Leave Entitlements Policy and the Enterprise Agreement.

(8) Where conditions are not specified within the Policy, Procedure or the Enterprise Agreement, the University will defer to the Fair Work Act 2009 (Cth) and relevant legislation.

Section 3 - Process and Key Requirements

Part A - Leave Entitlements Prior to Birth or Adoption

Pre-Natal Leave

(9) A Fixed-term or Continuing employee who has a confirmed pregnancy and has provided evidence 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.

Partner Pre-Natal-related Leave

(10) A Fixed-term or Continuing employee whose partner is confirmed as pregnant, or who is expecting a child via a legal surrogacy arrangement will be entitled to access up to 36.25 hours of accrued Carer's Leave entitlements to attend appointment(s) directly related to the pregnancy.

Pre-Adoption Leave

(11) An employee may be entitled to up to two (2) days or equivalent of unpaid Pre-Adoption Leave to attend any

interviews or examinations required in order to obtain approval for the employee's adoption of a child.

(12) However, an employee is not entitled to take a period of unpaid pre-adoption leave if:

a. the employee could instead take some other form of leave; and
b. the Authorised Officer directs the employee to take that other form of leave.

Requesting Leave

(13) Refer to Part I for notice and evidence requirements.

Part B - Unpaid Parental Leave Entitlements

(14) The eligibility and duration of the Unpaid Parental Leave entitlement is as follows:

a. 12 months Unpaid Parental Leave is available to Fixed-term or Continuing employees and Eligible Casual Employees, with 12 months or more continuous service; or
b. Up to 26 weeks Unpaid Parental Leave is available to Fixed-term or Continuing employees with less than 12 months continuous service; and
c. Leave must be accessed in a single continuous period.

(15) Unpaid Parental Leave is available to eligible employees who have or will have responsibility for the care of the child if the leave is associated with:

a. The birth of a child of the employee (including by legal surrogacy arrangement) or the employee's partner; or
b. The adoption of a child under 16 years of age who has not lived continuously with the employee for a period of six (6) months or more and is not (otherwise than because of the adoption) a child of the employee or the employee's partner.

(16) Parental Leave must start no later than the actual date of birth of the child or the Day of Placement of the child (adoption-related leave) unless Parental Leave entitlements are being shared between employee couples.

(17) An employee can use their accrued paid leave benefits, such as Long Service Leave and Annual Leave, simultaneously with unpaid Parental Leave, if applicable. Doing so won't interrupt the continuity of the unpaid Parental Leave period however, any paid leave taken consecutively won't extend the overall duration of leave.

(18) Refer to Part I for notice and evidence requirements.

Flexible Unpaid Parental Leave

(19) In accordance with the Fair Work Act 2009 (Cth) eligible employees may take up to 100 days of Flexible Unpaid Parental Leave drawn from the balance of the employee's total Unpaid Parental Leave Entitlement of 12 months, accessed within the 24-month period starting on the date of birth or day of placement of the child (or, for pregnant staff, within the period that starts si (6) weeks before the expected date of birth of the child).

(20) Flexible Unpaid Parental Leave must be accessed as a minimum of one (1) day at a time (per the employees working schedule) and cannot be used to break up a period of Unpaid Parental Leave which must be accessed as a single continuous period.

(21) The number of days of Flexible Unpaid Parental Leave the employee accesses must not exceed the number of flexible days requested to the Authorised Officer in accordance with Part I of this Procedure. Refer to Part I for notice and evidence requirements.

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(22) Requests for Flexible Unpaid Parental Leave will be considered in accordance with the provisions of the Fair Work Act 2009 (Cth).

Additional Unpaid Parental Leave

(23) In accordance with the Fair Work Act 2009 (Cth) an employee who has accessed an initial period of Unpaid Parental Leave of 52 weeks, and who 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. Periods of Unpaid Parental Leave will not break continuity of service however it does not count as service for the purposes of leave accruals.

(24) Requests for Additional Unpaid Parental Leave will be considered in accordance with the provisions of the Fair Work Act 2009 (Cth).

Part C - Paid Parental Leave Entitlements

Paid Parental Leave

(25) A fixed-term or continuing employee who has completed 12 months continuous service with the University at the actual or anticipated date of birth or Day of Placement will be entitled to 26 weeks Paid Parental Leave where the employee:

a. gives birth to a child and will be the primary carer of the child; or
b. is a parent and primary carer of a child born in a legal surrogacy arrangement; or
c. is the parent and primary carer of a newly adopted child who is under the age of five (5) years and who has not lived continuously with the employee for a period of six (6) months or more.

(26) In circumstances where the child's date of birth or placement occurs earlier than the anticipated date specified in the supporting evidence of pre-approved Paid Parental leave, the leave entitlement will be determined based on the anticipated date.

(27) Periods of casual employment will not be included in the calculation of continuous service for the purposes of determining eligibility for Paid Parental Leave.

(28) A pregnant employee may commence Paid Parental Leave up to six (6) weeks prior to the expected birth date of the child (unless otherwise agreed), and in any event no later than the date of birth of the child.

(29) Employees are granted the flexibility to utilise their 26-week paid entitlement within 12 months of the birth (including by surrogacy) or placement of the child by accessing one of the available options;

a. As a continuous period of either 26 weeks, 34 weeks, or 52 weeks, with payments disbursed proportionately across the selected timeframe; or
b. an initial continuous 12-week period (paid only at 100% of base salary) with the remaining 14 weeks taken flexibly (paid only at 100% of base salary), subject to mutual agreement between the employee and the University.

(30) The initial 52 weeks of Parental 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.

(31) Employees must return to work following a period of Parental Leave before being eligible for a second or subsequent period of Paid Parental Leave. The rate of pay to be applied to any second or subsequent periods of paid

Parental Leave will be calculated based on the employee's average Worked Service fraction for the 12 months immediately prior to the commencement of the leave, subject to eligibility.

(32) Refer to Part I for notice and evidence requirements.

Paid Primary Carer Leave

(33) A fixed term or continuing employee who has completed 12 months continuous service with the University at the actual or anticipated birth date of a child or anticipated day of placement will be entitled to Paid Primary Carer Leave where the employee is not eligible to access Paid Parental Leave and:

a. is the parent and will be the primary carer of a newborn child (including a child born in a legal surrogacy arrangement); or
b. is the parent and will be the primary carer of a newly adopted child who is under the age of five (5) years, is not the child of the employee's partner and who has not lived continuously with the employee for a period of six (6) months or more.

(34) Periods of casual employment will not be included in the calculation of continuous service for the purposes of determining eligibility for Paid Primary Carer Leave.

(35) Employees accessing Paid Primary Carer Leave will be required to provide evidence that they are the Primary Carer during the period of leave, including (where applicable) confirmation that the other parent has returned to work and the hours per week that the other parent is working

(36) Paid Primary Carer Leave must be taken within a period of 12 months of the birth or placement of the child.

(37) Where an employee commences leave within six (6) weeks of the birth or placement of the child, they will be entitled to up a minimum of 14 weeks and a maximum of up to 26 weeks (inclusive of two (2) weeks of Paid Partner Leave) of Paid Primary Carer Leave. The maximum period of paid parental leave will be reduced by the quantum of any paid parental leave received from the co-parent's employer. Leave can be taken in accordance with the arrangements available for Paid Parental Leave in clause 29.

(38) Where an employee commences leave more than six (6) weeks after the birth or placement of the child, they will be eligible for a maximum period of 14 weeks of Paid Primary Carer Leave, not inclusive of other available leave including Paid Partner Leave (where eligible). Leave must be taken in an initial minimum continuous period of eight (8) weeks at 100% base salary, with the remaining six (6) week entitlement able to be accessed on a flexible basis within 12 months of the birth or placement of the child, at the request of the employee and by agreement with the University.

(39) Refer to Part I for notice and evidence requirements.

Shared UQ Employee Leave

(40) Where both parents are employees of the University and meet the eligibility criteria in clause 25 or 33, a maximum entitlement to 26 weeks paid parental leave may be shared between them. The leave arrangements can be accessed in accordance with clause 29, however shared leave cannot be accessed by both parents concurrently.

(41) Where an employee and their partner who is also a University of Queensland employee share the maximum entitlement to 26 weeks paid parental leave, this will not reduce the entitlement to two weeks Partner Leave available to the employee who is not giving birth to the child (refer to Part D).

Payment for Paid Parental Leave and Paid Primary Carer Leave

(42) The rate of pay for Paid Parental Leave or Paid Primary Carer leave will be calculated based on the employee's average Worked Service fraction for the 12 months immediately prior to the commencement of the leave.

Part D - Partner Leave Entitlements (Non-Primary Carer)

(43) The University provides leave entitlements for partners, who are non-primary carers, but share parenting responsibilities for the child to access leave after the birth of a child or placement of an adopted child.

(44) Partner Leave entitlements must be taken in the period one (1) week before and six (6) 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 (1) day at a time.

(45) An employee with at least or greater than 12 months' continuous service will be entitled to a maximum of two (2) weeks paid Partner Leave in any 12 consecutive months of employment.

(46) An employee with less than 12 months continuous service with the University will be eligible for up to two (2) weeks unpaid Partner Leave (on a pro-rata basis for part-time employees).

(47) Refer to Part I for notice and evidence requirements.

Part E - Working During Pregnancy

(48) The University has an obligation to manage the health and safety risk of employees in accordance with the Work Health and Safety Act 2011 (Qld). The Anti-Discrimination Act 1991 (Qld) also acknowledges the unique risks associated with an employee who is pregnant and that steps taken as a result of their pregnancy which are reasonably necessary to protect the health and safety of an employee at their place of work are permissible under that Act.

(49) Human Resources and/or the Health, Safety and Wellness Division will provide advice in circumstances where either a manager or an employee identifies a potential risk to health and safety of the employee or their unborn child. Where appropriate, reasonable adjustments (supported by medical evidence/documentation as required) may be implemented.

(50) In the event that the employee elects to work during the 6 weeks prior to the expected birth date of the child, a medical certificate stating that the employee is both fit for work and able to safely perform the duties and responsibilities of their role may be reasonably required.

Transfer to Safe Job During Pregnancy

(51) Where an employee gives the Authorised Officer evidence (that is, a medical certificate) that would satisfy a reasonable person that they are fit for work, but that it is inadvisable for them to continue in their present position during a stated period (the risk period) because of illness, or risks arising out of their pregnancy or hazards associated with the duties of their role the employee will be transferred to a safe job at their normal rate of pay. Where no safe job is available, the employee will be placed on leave.

Part F - During Parental Leave

(52) To support employees in balancing their professional and personal aspirations, the University offers various opportunities to remain engaged with the workplace during parental leave at the request of the employee.

Keeping in Touch Days

(53) In accordance with the Fair Work Act 2009 (Cth) employees are able to access up to 10 Keeping in Touch days during the first 52 weeks of Parental Leave and an additional 10 days during a subsequent period of Additional Unpaid Parental Leave.

(54) Keeping in Touch Days are voluntary and must be agreed between the University and an employee and are provided for the purpose of enabling employees to keep in touch with their employment.

(55) Accessing Keeping in Touch Days will not operate to extend the overall available maximum period of Parental Leave.

(56) An employee cannot take a Keeping in Touch Day within the first two (2) weeks following the birth or adoption of their child and supervisors must not ask employees to participate in a Keeping in Touch Day within the 42 days following the birth or adoption of a child. Keeping in Touch days are provided for genuine work activities such as training; to become familiar with new or updated processes; and participating in planning meetings or discussions that may impact their role.

(57) Where an employee participates in a paid work activity for the purpose of Keeping in Touch, that work will count as one (1) Keeping in Touch Day towards the 10 day limit, regardless of the duration of the work performed on that day.

(58) An employee on unpaid leave will be entitled to payment at their ordinary rate of pay for the duration of the work performed on a Keeping In Touch Day. An employee 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.

(59) Managers must notify Human Resources of completed Keeping in Touch Day by way of email to AskHR, confirming the date and times of the activity to effect payment.

Communications

(60) Before commencing leave employees and their supervisors are encouraged to discuss the preferred method of communication and confirm what information, if any, that the employee would like to receive during their period of leave. Examples of information which may be provided to an employee during leave may include invitations to team social events, updates on staff movements and outcomes of projects or initiatives that the employee had contributed to prior to commencing leave.

(61) The University is required to inform employees accessing a period of leave of any significant changes that impact employment conditions such as, but not limited to organisational change, updates to team arrangements or significant operational change that may impact on the employee’s position.

Part G - Returning to Work

(62) An employee must advise the University of the expected date of return to work prior to the commencement of Parental Leave.

(63) In circumstances where an employee has commenced parental leave the employee may request to cease the leave and return to work by agreement with the Authorised Officer. Consideration of exceptional circumstances should be raised with Human Resources prior to any action or communication with an employee.

(64) A request by an employee to change the agreed end date for a period of paid or unpaid Parental Leave must be made to the Authorised Officer as soon as practicable, but no later than four (4) weeks prior to the intended end date.

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(65) A proposed return to work in any capacity, prior to the completion of scheduled leave can only be initiated by the employee. Consideration of exceptional circumstances should be raised with Human Resources prior to any action or communication with an employee.

(66) Where an employee who has given birth requests to return to work within six (6) weeks of the birth of a child, written confirmation to the University that they are fit to return to work and undertake the duties and responsibilities of their role safely is required from the employees treating medical practitioner.

(67) In accordance with the Enterprise Agreement and the Fair Work Act 2009 (Cth), an employee may return to work on fractional basis through the utilisation of flexible leave options as are specified in the relevant leave policies and procedures. Return to work on a fractional basis is subject to operational requirements.

(68) Employees should ensure that they are aware of and obtain independent advice regarding any implications that returning to work may have on the Federal Government's paid parental leave entitlements (where applicable).

(69) An employee returning to work after a period of Parental 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.

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

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

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

Flexible Working Arrangements

(73) An employee who is considering returning from work after a period of Parental Leave may request to vary their current work arrangements through a flexible working arrangement.

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

(75) For more information refer to the Flexible Work Policy.

Breastfeeding

(76) The University of Queensland will make reasonable accommodations for an employee who is breastfeeding or expressing at work. Please refer to the Breastfeeding on Campus Procedure for more information.

Part H - Pregnancy Loss and Bereavement

(77) In unfortunate circumstances associated with pregnancy loss, the University offers a range of support options to the affected employee depending on their circumstances, ranging from eligible leave entitlement options, return to work support and access to counselling and support services. Employees must notify their manager or Human Resources who will provide support as appropriate and establish a safe return to work plan at an appropriate time.

Pregnancy Loss and Bereavement Leave

(78) A fixed-term or continuing employee who is eligible for Paid Parental Leave, is the birth parent and experiences pregnancy loss or stillbirth after 20-weeks gestation is eligible for up to 14 weeks of Pregnancy Loss and Bereavement Leave.

(79) The rate of pay for Pregnancy Loss and Bereavement Leave will be calculated based on the employee's average Worked Service fraction for the 12 months immediately prior to the commencement of the leave.

Unpaid Parental Leave

(80) Where the child is stillborn or dies during the 24-month period starting on the child's date of birth, an employee who is entitled to Unpaid Parental Leave in accordance with clause 14(a).

(81) An employee who is eligible to access parental leave outlined in clause 14(a) is entitled to a period of Unpaid Special Parental Leave in accordance with the Fair Work Act 2009 (Cth) if the employee is not fit for work during that period because:

a. the employee has a confirmed pregnancy and has a pregnancy-related illness; or
b. the employee has a confirmed pregnancy which has ended after at least 12 weeks of gestation without resulting in the birth of a living child; or a stillborn child (refer to clause 80).

Compassionate Leave

(82) Where an employee or an employee's partner experiences miscarriage at any time during pregnancy, or where their child is stillborn or dies after the birth, employees can access up to three (3) days of paid and up to five (5) days unpaid Compassionate Leave in accordance with the Enterprise Agreement.

Employee Support

(83) Employees can access a range of supports through the University's Employee Assistance Program. At the request of the employee, Managers are able to provide support by way of administrating requests through Workday to access available entitlements (including leave).

Part I - Leave Request and Notice Requirements

Leave Entitlements Prior to Birth or Adoption

(84) An employee must give the Authorised Officer notice of the taking of pre-natal, pre-natal-related or pre-adoption leave as soon as practicable.

(85) Leave requests must be submitted in Workday advising the Authorised Officer of the period, or expected period, of the leave and include any required evidence.

(86) An employee accessing Pre-Natal Leave must provide evidence in the form of medical certificate(s) or a statutory declaration confirming their pregnancy.

(87) An employee accessing Pre-Natal-related Leave may be required to provide medical certificate(s) or a statutory declaration confirming the pregnancy of their partner or surrogate and their attendance at the appointment(s) at the discretion of the Authorised Officer.

(88) An employee accessing Pre-Adoption Leave must, if required by the Authorised Officer, provide evidence confirming the interview(s) and/or examination(s).

Parental Leave

(89) Following a discussion with their manager, employees requesting Parental Leave (including Unpaid Parental Leave, Additional Unpaid Parental Leave, Paid Parental Leave, Paid Primary Carer Leave and Partner Leave) must provide:

a. At least 10 weeks' written notice of the leave commencement date and anticipated date of birth or date of placement for adoption of the child; and
b. Leave requests (including requests to access further leave) should be submitted in Workday as soon as practicable, but no later than four (4) weeks from the date on which the employee proposes to commence leave.

(90) Requests that include periods of flexible leave (Paid or Unpaid) must include the total number of flexible leave days (minimum of one (1) day at a time) that the employee intends to take and the intended date of commencement of a period of flexible leave.

(91) An employee must provide with their Parental Leave request (submitted through Workday) a medical certificate or other relevant documentation reasonable acceptable to the University confirming the pregnancy and expected date of birth; or the expected Day of Placement of the child.

(92) An employee 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.

(93) Where an employee requests extended (additional) parental leave, 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.

(94) Variations to agreed arrangements will be considered in exceptional circumstances in accordance with the Fair Work Act 2009 (Cth).

Section 4 - Roles, Responsibilities and Accountabilities

Employees

(95) Employee responsibilities include:

a. Discussing requests for Parental Leave with their supervisor and/or Authorised Officer at the earliest available opportunity, but no later than the notice requirements outlined in this Procedure;
b. Formal submission of any leave or entitlement requests in UQ's HCMS system (Workday) as soon as practicable following a discussion with management and no later than the notice requirements outlined in this Procedure;
c. Providing any relevant supporting documentation when requested;
d. Complying with the requirements as set out in this Procedure, the Enterprise Agreement, and any other advice or directive issued by Human Resources.

Managers and Supervisors

(96) Manager and supervisor responsibilities include:

a. Providing guidance to employees to access suitable leave and support as required;
b. Eligibility requirements for the leave applied for;
c. Considering reasonable requests for evidence supporting the leave request;
d. Undertaking appropriate assessment of the operational requirements where relevant and employee circumstances/request;
e. Considering relevant employer obligations and requirements;
f. Seeking advice and guidance from Human Resources as required.

Human Resources Division

(97) Human Resources Division responsibilities include:

a. Understanding UQ's obligations associated with the request;
b. Providing advice or guidance to stakeholders to ensure compliance and best practice;
c. Maintaining documentation and data.

Health, Safety and Wellness Division

(98) Health, Safety and Wellness Division responsibilities include:

a. Providing advice or guidance to stakeholders to ensure compliance and best practice.

Section 5 - Monitoring, Review and Assurance

(99) The Chief Human Resources Officer is responsible for continuous monitoring of the effectiveness, application and improvement of this Procedure.

Section 6 - Recording and Reporting

(100) Recording and reporting are completed in accordance with legislative and UQ requirements.

(101) Human Resources is responsible for retaining records in relation to employee leave and attendance in accordance with the Information Management Policy and the Privacy Policy.

(102) Transactions and approvals referred to in this Procedure are recorded in the Human Management Capital System.

Section 7 - Appendix

Definitions

Term	Definition
Authorised Officer	The officer authorised to exercise the relevant Human Resources (HR) power or function in accordance with the Human Resources Sub-delegations Schedules.
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.
Enterprise Agreement	The University of Queensland Enterprise Agreement 2021-2026, or as otherwise replaced.

Term	Definition
Eligible Casual Employee	As defined in accordance with the terms of the Enterprise Agreement and relevant legislation (Fair Work Act 2009 (Cth)).
Partner	Means an employee's current or former partner or spouse, regardless of gender, who lives (or previously lived) with the employee in a relationship as a couple on a genuine domestic basis.
Primary Carer	An employee who is the nominated parent who is primarily responsible for the child's day to day care and needs (i.e. feeding, cleaning and ensuring the safety and wellbeing of the child) for the majority of their contracted hours of work. There can only be one primary carer at any one time.
Worked Service	Is time an employee has actually worked and/or accessed paid leave. It is not inclusive of any periods of leave without pay (including Unpaid Parental Leave) and/or Paid Parental Leave accessed by the employee.

Status and Details

Status	Current
Effective Date	24th January 2025
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Approval Authority	Vice-Chancellor and President
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Policy Owner	Phil Vaughan Chief Human Resources Officer
Enquiries Contact	Human Resources Division

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