PARENTAL LEAVE

1  PURPOSE
The University’s parental leave provisions aim to provide employees with a range of flexible options to enable them to better balance their work and family commitments. The procedures and timelines outlined below enable the University to effectively plan its workforce and workloads, taking into account employees who are absent due to parental leave.

2  SCOPE
These procedures apply to academic and professional staff employed under the terms and conditions of the Central Queensland University Enterprise Agreement.

3  EFFECTIVE DATE
1 March 2016

4  LEGISLATIVE AUTHORITY
Vice-Chancellor and President.

5  PARENT POLICY
Central Queensland University Enterprise Agreement

6  PROCEDURE

Eligibility
6.1 Continuing, fixed-term and eligible casual employees are eligible for parental leave, provided that:
- continuing and fixed-term employees have served for a continuous period of 12 months at the time of commencement of the period of leave;
- eligible casual employees’ service is as defined in the ‘Definitions’ section at the end of these Procedures;
- the employee makes an application for parental leave in accordance with these procedures.

6.2 Where a staff member has a demonstrated enduring, paid relationship with the University they may be entitled to paid maternity leave or partner leave. An enduring relationship is considered to be ongoing where a staff member may have commenced as a casual employee but who has moved into a continuing role or a fixed term role which, if not for the birth of the child, would be ongoing. Such a relationship must be for a total period of more than 12 months and a significant proportion of that (at least 9 months) must have been in a fixed term or continuing capacity at the time of leave.

6.3 In the case of fixed-term staff, eligibility for parental leave ceases at the date of expiry of the contract. The University shall not be required to extend a contract of employment solely by reason of the provisions of these procedures.

Parental Leave Entitlements, Notification of and Application for Leave
6.4 Parental leave may take the form(s) of maternity leave, caregiver’s leave, partner leave, adoption leave and child rearing leave.
Maternity Leave - Entitlement

6.5 Paid Maternity Leave – up to 26 weeks paid leave on full pay for an eligible fixed-term or continuing employee who is the child’s birth mother and primary carer. This leave may commence up to six weeks prior to the expected date of birth of the child but must not start later than the date of birth of the child, and must include a period of at least six weeks taken directly after the date of birth, unless a relevant medical certificate is supplied.

6.6 Unpaid Maternity Leave – is an additional period of up to 26 weeks unpaid leave for eligible fixed-term and continuing employees. A period of up to 26 weeks unpaid leave for fixed-term and continuing employees with less than 12 months continuous service at the time of commencement of the period of leave (this leave must include a period of at least six weeks taken directly after the date of birth).

6.7 Casual Unpaid Maternity Leave – up to 52 weeks unpaid leave for eligible casual employees. This leave may commence up to six weeks prior to the expected date of birth of the child but must not start later than the date of birth of the child, and must include a period of at least six weeks taken directly after the date of birth, unless a relevant medical certificate is supplied.

Maternity Leave - Notification of and Application for Leave

6.8 Notification of maternity leave shall be accompanied by a doctor’s certificate stating the expected date of birth. Such notification should be directed by way of the Dean / Director / Head and should reach the People and Culture Directorate at least four months before the proposed date of commencement of leave. When applying for maternity leave, an employee is required to indicate that she intends to return to work at the end of the period of leave.

6.9 The notification must specify the intended start and end dates of the leave.

Primary Caregiver’s Leave

6.10 If an employee eligible for paid maternity leave (the birth mother) has a spouse who is also a University employee and is eligible for paid parental leave, the mother may take paid maternity leave of up to 26 weeks and their spouse may take paid primary caregiver’s leave of up to 20 weeks, provided that:
- the staff member applying is undertaking the role of the primary caregiver;
- maternity leave and primary caregiver’s leave are not taken at the same time;
- the birth mother does not return to work prior to six weeks after the birth of the child unless a relevant medical certificate is supplied; and
- the total entitlement available will be as if one staff member had applied, regardless as to whether the role of primary caregiver changes during an entitlement period.

Unpaid Caregiver’s Leave

6.11 An employee is entitled to unpaid caregivers leave if the leave:
- is associated with the birth of a child of the employee or their partner;
- the placement of a child with the employee for adoption; and
- the employee has or will have a responsibility for the care of the child.

6.12 For eligible employees, the following period of leave can be accessed:
- an employee eligible for paid primary caregiver’s leave as outlined in clause 6.10 is also entitled to a further period of up to 32 weeks unpaid caregiver’s leave; or
- an employee who is an eligible casual employee or an employee with at least 12 months continuous service with the University and not eligible for paid primary caregivers leave as outlined at clause 6.10 above is entitled to up to 52 weeks unpaid caregiver’s leave.
Primary Caregiver and Unpaid Caregiver’s Leave - Notification of and Application for Leave

6.13 An employee will provide to the University at least 10 weeks prior to each proposed period of primary caregiver and unpaid caregiver’s leave:
- a certificate from a registered medical practitioner which names the birth mother, states that she is pregnant and the expected date of confinement, or states the date on which the birth took place;
- written notification of the dates on which they propose to start and finish the period of partner leave; and
- a statutory declaration stating:
  i. that they will take that period of leave to become the primary caregiver of a child; and
  ii. particulars of any period of maternity leave sought or taken by their spouse.

6.14 Applications for primary caregiver’s leave must be submitted by the employee at least four months before the proposed period of leave and sent to the relevant Dean / Director / Head for approval and to the People and Culture Directorate for processing.

Partner Leave - Entitlement

6.15 Short Paid Partner Leave – up to one week for an eligible fixed-term or continuing employee which may be taken while their spouse is on authorised leave, provided that such leave is taken during the period of one week before the expected date of birth and up to five weeks after the birth.
- Paid partner leave may be taken in separate periods of not less than one day.

6.16 Short Unpaid Partner Leave – up to one week unpaid leave for an eligible casual employee, which may be taken while the spouse is on authorised leave (if applicable), provided that such leave is taken during the period of one week before the expected date of birth and up to five weeks after the birth.
- Unpaid partner leave may be taken in separate periods of not less than one day.

Partner Leave - Notification of and Application for Leave

6.17 Where the employee is not seeking leave to be the caregiver/primary caregiver and is seeking one week’s partner leave, the employee is required to provide:
- a certificate from a registered medical practitioner which names their spouse, states that she is pregnant and the expected date of confinement, or states the date on which the birth took place; and
- written notification of the dates on which the employee proposes to start and finish the period of partner leave.

Adoption Leave - Entitlement

6.18 Paid Adoption Leave – up to 26 weeks paid leave for an eligible fixed-term or continuing employee who is to be the primary carer of the child.

6.19 Unpaid Adoption Leave – up to 26 weeks unpaid leave for an eligible fixed-term or continuing employee who is to be the carer of the child. Up to 52 weeks unpaid leave for an eligible casual employee who is to be the carer of the child.

Adoption Leave - Notification of and Application for Leave

6.20 Upon receiving notice of approval for adoption purposes, an employee will notify the University of such approval and within two months of such approval shall further notify the University of the period or periods of adoption leave that they propose to take. Application for adoption leave must be accompanied by a statutory declaration stating:
- that the employee is seeking adoption leave to become the caregiver of the child; and
- the particulars of any period of adoption leave sought or taken by the employee’s spouse.

6.21 Application for adoption leave must also be accompanied by:
- a statement from an adoption agency or other appropriate body of the presumed date of placement of the child with the employee for adoption purposes; or
• a statement from the appropriate government authority confirming that the employee is to have custody of
the child pending application for an adoption order.

Child Rearing Leave – Entitlement

6.22 In addition to and following on from any form of parental leave, a further 52 weeks child-rearing leave without
pay is available to staff members for the care of pre-school aged children.

Child Rearing Leave – Notification of and Application for Leave

6.23 A request for child rearing leave must be made at least three months in advance of the planned
commencement of leave. The University must agree to the requested leave, unless the University has
reasonable business grounds for refusing.

6.24 An employee may apply for an extension to child rearing leave beyond the 52 weeks entitlement. Application
for any such extension must be made at least three months prior to the expiration of the original period of child
rearing leave. If any such extension is granted, the University and the staff member shall negotiate
arrangements for return to work.

6.25 If the request to extend child rearing leave is refused, the employee is to be provided with a written response
outlining the reasons for the refusal. Prior to refusing a request to extend child rearing leave, the line manager
must provide the employee with a reasonable opportunity to discuss the request.

Total Periods of Leave

6.26 The total period of parental leave taken on any one occasion shall not exceed 52 weeks, except in the case
where child rearing leave is also taken, in which case the total period of leave shall not exceed 104 weeks.

6.27 The total period of paid maternity leave and paid primary caregiver’s leave cannot exceed 26 weeks per
occasion.

Approvals

6.28 Where approval is sought pursuant to this policy, the Director, People and Culture, or nominee, is the
approving officer.

Transfer to a Safe Job

Medical Certificate

6.29 If an employee eligible for maternity leave, paid or unpaid, produces a medical certificate from a medical
practitioner which states that the employee is fit to work, but that it is inadvisable for her to continue in her
present position for a stated period because of illness, or risks arising out of her pregnancy or hazards
connected with that position, such an employee will either be:
• transferred to safe duties; or
• placed on paid special leave.

6.30 The transfer to safe duties has:
• the same ordinary hours of work as the employee’s present position; or
• a different number of ordinary hours agreed to by the employee.

Paid Special Leave

6.31 A period of paid special leave ends at the earliest of whichever of the following times is applicable:
• the end of the period stated in the medical certificate;
• if the employee’s pregnancy results in the birth of a living child – the end of the day before the date of
birth;
• if the employee’s pregnancy ends otherwise than with the birth of a living child – the end of the day before the end of the pregnancy.

6.32 Such paid special leave is in addition to any other leave entitlement due to the employee, but may not be taken at the same time as other forms of leave.

**Sick Leave While on Maternity Leave**

6.33 It is not intended that sick leave will be used to duplicate, replace or extend maternity leave. However prior to taking maternity leave, sick leave, recreation leave or flexible work arrangement can be used for medical check-ups or illness directly related to the pregnancy.

6.34 Where an employee is on paid maternity leave, sick leave will not be granted for normal pregnancy but may be granted by the Director, People and Culture, after medical advice has been considered in respect of abnormal conditions associated with the pregnancy.

**Rate of Payment**

6.35 During periods of paid parental leave, an employee will be entitled to the same salary as would have been payable had the employee been on duty. Staff members may request their period of paid leave to be paid at the rate of 50%, on the understanding that the total period of leave does not exceed those prescribed at clause 6.28-29 of these Procedures.

6.36 In all cases, if a public holiday or Christmas Closure falls within the period of paid parental leave, an employee will continue to receive their paid parental leave entitlements on those Public Holiday or Christmas Closure days.

**Continuity of Service**

6.37 The period of paid Parental Leave granted shall count as continuous service for all purposes.

6.38 The period of unpaid Parental Leave up to and including three months shall count as continuous service for all purposes.

**Resumption of Duty**

**Placed in Former Position**

6.39 An employee resuming duty after parental leave shall be placed in the former position, and at not less than the employee’s salary and classification, in the Division from which the employee was granted leave. Where the University has made a decision about changes in the organisation, program structure or technology of work which may impact on the position of the employee on parental leave, the employee will be immediately notified.

6.40 Any proposed exception to this requires immediate consultation with the People and Culture Directorate and is subject to industrial legislative requirements and equity principles. If an employee requests to return to work part-time (see clause 6.43 of these procedures), they may, by mutual agreement, be placed in a different, suitable position.

6.41 If the employee's pre-parental leave position no longer exists, the employee resuming duty will return to an available position for which the employee is qualified and commensurate in level and pay to the pre-parental leave position.

**Filling of Position**

6.42 The Division from which the parental leave is granted may fill the vacated position only with non-continuing or seconded employees for the period of the leave.
Return to Work on Full-Time or Part-Time Basis

6.43 The employee’s return to work from parental leave may be on a full-time or part-time basis, depending on the requirements of the University and the mutual agreement of the Dean / Director / Head and the employee. Requests to return to work on a part-time basis will not be unreasonably refused.

Other Arrangements

6.44 Other arrangements within the spirit of the above provisions may be agreed upon between the relevant Executive member or nominee and the relevant Dean / Director / Head and the employee.

Superannuation

6.45 During any period of unpaid caregiver’s leave, the University will meet the cost of its contributions to the member’s superannuation provided that the employee meets the cost of their contributions. Employees considering this option are advised to contact the University Superannuation Officer.

Resignation During, or Immediately Following, Parental Leave

6.46 Maternity leave, primary caregiver’s leave and child rearing leave is granted on the basis that the recipient, in electing to continue to serve the University, should not be disadvantaged in their career due to child birth. The granting of such leave to an employee is made in the expectation of a return to University employment for a period equivalent at least to the paid maternity leave granted under subclauses 6.5-7 and 6.8-9 of these Procedures.

6.47 An employee granted leave under the provisions of subclauses 6.5-7 and 6.8-9 of these Procedures is expected to return to work with the University for a period of 26 weeks from the date of expiration of the leave.

Organisational Change

6.48 Where organisational change occurs which may affect the substantive position of an employee who is on parental leave, the University shall make every reasonable effort to consult with the employee about the impact of the changes.

7 RESPONSIBILITIES

Compliance, Monitoring and Review

7.1 The Director, People and Culture is responsible for ensuring that these procedures are followed.

Records Management

7.2 All records relevant to these procedures are to be maintained in a recognised University recordkeeping system.

7.3 All records relevant to this document are to be maintained in a recognised University recordkeeping system.

8 DEFINITIONS

Child: a child of the staff member under the age of one year except for adoption of a child where ‘child’ means a child under the age of five years who is placed with the staff member for the purposes of adoption, other than a child or step-child of the staff member or of the spouse of the staff member or a child who has previously lived continuously with the staff member for a period of six months or more.

Continuous Service: defined in accordance with the provisions of Section 71 of the ‘Queensland Industrial Relations Act 1999’. Continuous service ends if the employment is broken by the passing of more than three months between the end of one employment contract and the next employment contract. Continuity of an employee's service with an employer is not broken by absence from work or leave granted by the University, including such absence through illness or injury.
Caregiver: a person who has responsibility for the care of a child.

Eligible casual employee:
- First is a casual employee:
  - who has been engaged by the University on a regular and systematic basis for a sequence of periods of employment during a period of at least twelve months; and
  - who, but for an expected birth or an expected placement of a child, would have a reasonable expectation of continuing engagement by the University on a regular and systematic basis.
- Without limiting the first subsection, a casual employee is also an eligible casual employee if:
  - the employee was engaged by the University on a regular and systematic basis for a sequence of periods during a period (the first period of employment) of less than 12 months;
  - at the end of the first period of employment, the employee ceased, on the University's initiative, to be so engaged by the University;
  - the University later again engaged the employee on a regular and systematic basis for a further sequence of periods during a period (the second period of employment) that started not more than three months after the end of the first period of employment;
  - the combined length of the first period of employment and the second period of employment is at least 12 months; and
  - the employee, but for an expected birth or an expected placement of a child, would have a reasonable expectation of continuing engagement by the University on a regular and systematic basis.

Parental leave: refers to maternity leave, primary caregiver’s leave, partner leave, adoption leave and child rearing leave. Where the procedures are specific to one or two of these categories of leave, the specific category name is used.

Primary Caregiver: a person who assumes the principal role of providing care and attention to a child.

Spouse, in relation to a staff member is:
- a person’s partner in marriage; or
- a person who lives with the staff member in a marriage-like relationship, although not legally married to the staff member.

For the purposes of these procedures, a spouse also includes a former spouse.

Refer to the University glossary for the definition of terms used in this policy and procedure.

9 RELATED LEGISLATION AND DOCUMENTS

Related Policy Document Suite

Central Queensland University Enterprise Agreement

Related Legislation and Supporting Documents

Central Queensland University Enterprise Agreement – Clause 56 Parental Leave
Federal Government Paid Parental Scheme
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