

PARENTAL LEAVE PROCEDURE

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1 PURPOSE

- 1.1 CQUniversity's parental leave provisions aim to provide employees with a range of flexible options to enable them to better balance work and family commitments.
- 1.2 This procedure outlines how the University will effectively plan its workforce and workloads, taking into account employees who are absent due to parental leave.

2 SCOPE

- 2.1 This procedure applies to all CQUniversity employees, excluding casual employees who are not eligible casual employees as defined in the [Central Queensland University Enterprise Agreement 2017](#).
- 2.2 Fixed-term and continuing employees are required to have served for a continuous period of 12 months at the time of commencement of the period of leave. Eligible casual employees are required to have served the period of service as defined in the [Enterprise Agreement](#).

- 2.3 Where an employee 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 an employee may have commenced as a casual employee but 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 nine months) must have been in a fixed term or continuing capacity at the time of leave.
- 2.4 Fixed-term employees' eligibility for parental leave will cease at the date of expiry of the contract. The University is not required to extend a contract of employment solely by reason of the provisions of these procedures.

3 PROCEDURE

Parental leave

- 3.1 Parental leave may take the form/s of maternity leave, primary caregiver's leave, partner leave, adoption, long term foster care and surrogacy leave, or child rearing leave.

Maternity leave

Entitlement

- 3.2 Paid maternity leave

- Up to 26 weeks on full pay is available 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.

- 3.3 Unpaid maternity leave

- An additional period of up to 26 weeks is available for an eligible fixed-term or continuing employee who is the child's birth mother and primary carer.
- Up to 26 weeks unpaid leave is available for fixed-term and continuing employees with less than 12 months continuous service at the time of commencement of the period of leave. The employee must be the child's birth mother and primary carer and this leave must include a period of at least six weeks taken directly after the date of birth, unless a relevant medical certificate is supplied.

- 3.4 Casual unpaid maternity leave

- Up to 52 weeks for an eligible casual 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.

Notification of and application for leave

- 3.5 Notification of maternity leave will be accompanied by a doctor's certificate stating the expected date of birth. Such notification should be directed to the supervisor and head of organisational area, and forwarded to the People and Culture Directorate at least four months before the proposed date of commencement of leave. The notification must specify the intended start and end dates of the leave.

Transfer to safe duties

- 3.6 If an employee eligible for maternity leave, paid or unpaid, produces a medical certificate from a medical practitioner stating 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.

- 3.7 The transfer to safe duties will have:
- 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 for the birth mother

- 3.8 A period of paid special leave will end 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, or
 - 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.
- 3.9 Paid special leave will be 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

- 3.10 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, annual leave or flexible work arrangements can be used for medical check-ups or illness directly related to the pregnancy.
- 3.11 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.

Primary caregiver's leave

Paid primary caregiver's leave

- 3.12 Paid primary caregiver's leave is available where a University 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 paid primary caregiver's leave is available where the role of primary caregiver changes from the birth mother to the spouse and/or back again during the continuous period immediately following the birth. A combination of leave may be taken such that the birth 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 employee 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 employee had applied, regardless as to whether the role of primary caregiver changes during an entitlement period, i.e. the total period of paid maternity leave and paid primary caregiver's leave cannot exceed 26 weeks per occasion

Unpaid primary caregiver's leave

- 3.13 An employee is entitled to unpaid primary caregivers leave if the leave:
- is associated with the birth of a child of the employee or their partner, or
 - the placement of a child with the employee for adoption, and
 - in either of the above instances the employee has or will have primary responsibility for the care of the child.
- 3.14 In the circumstances described above the following period of unpaid primary caregiver's leave can be accessed:

- an employee eligible for paid primary caregiver's leave is also entitled to a further period of up to 32 weeks unpaid primary caregiver's leave
- 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 is entitled to up to 52 weeks unpaid caregiver's leave.

Notification of and application for leave

- 3.15 The employee will provide to the University through the supervisor and head of organisational area, and forwarded to the People and Culture Directorate at least 10 weeks prior to each proposed period of primary caregiver and unpaid primary 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 primary caregivers leave, and
 - a statutory declaration stating:
 - that the employee will take that period of leave to be the primary caregiver of a child, and
 - particulars of any period of maternity leave sought or taken by their spouse.
- 3.16 Applications for primary caregiver's leave must be submitted by the employee at least four months before the proposed period of leave. Applications should be directed to the supervisor and head of organisational area, and forwarded to the People and Culture Directorate for processing.

Partner leave

Entitlement

- 3.17 Short paid partner leave
- Up to two weeks 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.
- 3.18 Short unpaid partner leave
- Up to two weeks 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.

Notification of and application for leave

- 3.19 Where the employee is not seeking leave to be the caregiver/primary caregiver and is seeking 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, long term foster care and surrogacy leave

Entitlement

- 3.20 Paid adoption/long- term foster care/surrogacy leave

- Up to 20 weeks for an eligible fixed-term or continuing employee who will be the primary carer of a child not yet of school age.

3.21 Unpaid adoption/long term foster care/surrogacy leave

- Up to 26 weeks for an eligible fixed-term or continuing employee who will be the primary carer of a child not yet of school age.

3.22 Casual unpaid adoption/long-term foster care/surrogacy leave

- Up to 52 weeks for an eligible casual employee who will be the primary carer of a child not yet of school age.

3.23 Leave for adoption, long-term foster care or surrogacy will usually be taken in an unbroken period which includes the day on which the child legally becomes a permanent member of the household. Exceptions may be agreed to accommodate legal proceedings etc., at the discretion of the Director, People and Culture.

Notification of and application for leave

3.24 Upon receiving notice of adoption, long term foster care or conception of a surrogate child, an employee will notify the University and within two months will further notify the University of the period/s of leave they propose to take. Application for leave must be accompanied by:

- a statutory declaration stating that the employee is seeking leave to become the primary caregiver of the child, and
- the particulars of any period of leave sought or taken by the employee's spouse, and
- documentation of the circumstances which requires:
 - in the case of adoption, a statement from an adoption agency or other appropriate body of the presumed date of placement of the child with the employee for caring purposes
 - in the case of long term foster care, a statement from the appropriate government authority confirming that the employee is to have custody of the child pending application for an order
 - in the case of surrogacy, a certificate from a registered medical practitioner which states that surrogate is pregnant and the expected date of birth took place.

Permanent care orders leave

Entitlement

3.25 Where a Court or appropriate government body makes permanent care orders to place a child in the care of a University employee and/or their partner, they will be eligible for:

3.26 Paid permanent care orders leave

- Up to six weeks for an eligible fixed-term or continuing employee who will be the primary carer of a child up to and including 12 years of age.

3.27 Unpaid permanent care orders leave

- Up to 26 weeks for an eligible fixed-term or continuing employee who will be the primary carer of a child not yet of school age.

3.28 Casual unpaid permanent care orders leave

- Up to 52 weeks for an eligible casual employee who will be the be primary carer of a child not yet of school age.

Child rearing leave

Entitlement

- 3.29 In addition to, and following on from any form of parental leave, a further 52 weeks child-rearing leave without pay is available to employees for the care of children not yet of school age.

Notification of and application for leave

- 3.30 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.
- 3.31 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 employee will negotiate arrangements for return to work.
- 3.32 If the request to extend child rearing leave is refused, the employee will be provided with a written response outlining the reasons for the refusal. Prior to refusing a request, the line supervisor must provide the employee with a reasonable opportunity to discuss the request.

Total periods of leave

- 3.33 The total period of parental leave taken on any one occasion will not exceed 52 weeks, except in the case where child rearing leave is also taken.
- 3.34 The total period of paid maternity leave and paid primary caregiver's leave cannot exceed 26 weeks per occasion.

Approvals

- 3.35 Where approval is sought pursuant to this procedure, the Director, People and Culture, or nominee, is the approving officer.

Rate of payment

- 3.36 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. Employees 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 in the Total periods of leave section.
- 3.37 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 and the period of paid parental leave will be extended to take into account those public holiday or Christmas closure days.

Continuity of service

- 3.38 Paid parental leave will count as continuous service for all purposes.
- 3.39 Unpaid parental leave up to and including three months will count as continuous service for all purposes. Unpaid parental leave in excess of three months will not count as continuous service for all purposes.

Filing of position

- 3.40 The Division/School/Directorate 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

- 3.41 Parental leave is granted on the basis that the employee should not be disadvantaged in their career due to the arrival of a child.
- 3.42 Employees should contact their supervisor three months prior to the end of their period of leave to confirm their return to work date.
- 3.43 An employee resuming duty after parental leave shall be placed in their former position and at not less than his/her salary and classification, in the School/Directorate/Division from which they were granted leave.
- 3.44 An 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 head of organisational area and the employee. Requests to return to work on a part-time basis will not be unreasonably refused. Any time up to 12 months after commencing such part-time work, the employee shall if at all practicable be returned to the position held before commencing parental leave on a full-time basis, by giving three months' notice.

Other arrangements

- 3.45 Other arrangements within the spirit of the above provisions may be agreed upon between the relevant Senior Executive or nominee, head of organisational area and employee.

Superannuation

- 3.46 During unpaid caregiver's leave, the University will meet the cost of its contributions to the member's superannuation, provided the employee meets the cost of their contributions. Employees considering this option are advised to contact the University's Superannuation Officer within the People and Culture Directorate.

Organisational change

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

Unplanned cessation of parental leave

- 3.48 There may be circumstances that require the revision of previously approved parental leave including:
- the employee's pregnancy does not continue to full term
 - the pregnancy of an employee's spouse does not continue to full term, or
 - the employee is on parental leave and the child is still-born or dies after the leave has commenced.
- 3.49 In these circumstances, adjustments to parental leave will occur as required, and the following leave will be available to support the employee's wellbeing:
- Maternity: six weeks paid leave and up to six weeks unpaid leave
- Spouse: two weeks paid leave and up to two weeks unpaid leave

4 RESPONSIBILITIES

Compliance, monitoring and review

- 4.1 The Director, People and Culture is responsible for monitoring, reviewing and ensuring compliance with this procedure.

Reporting

- 4.2 No additional reporting is required.

Records management

- 4.3 Employees must manage records in accordance with the [Records Management Policy and Procedure](#). This includes retaining these records in a recognised University recordkeeping information system.
- 4.4 University records must be retained for the minimum periods specified in the University Sector Retention and Disposal Schedule on the [Queensland State Archives website](#).

5 DEFINITIONS

- 5.1 Terms not defined in this document may be in the University [glossary](#).

Terms and definitions

Adoption leave: leave taken by an employee upon the adoption of a child whereby the legal parenting rights and responsibilities are transferred from the child's birth parents (or anyone with parental responsibility for the child) to the adoptive parent/s. The child who is placed with an employee for the purposes of adoption, must be a child other than:

- a child or step-child of the employee or of the spouse of the employee or
- a child who has previously lived continuously with the employee for a period of six months or more.

Child: a child of an employee 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 an employee for the purposes of adoption, other than a child or step-child of an employee or of the spouse of the employee or a child who has previously lived continuously with the employee for a period of six months or more.

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, except that for casual staff, breaks between consecutive terms will not constitute breaks in continuity. 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.

Eligible casual employee:

1. is a casual employee:
 - a) 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 12 months, and
 - b) who, but for the birth or the placement of a child, would have a reasonable expectation of continuing engagement by the University on a regular and systematic basis.
2. Without limiting subsection 1. a casual employee is also an eligible casual employee if:
 - a) 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, and
 - b) at the end of the first period of employment, the employee ceased, on the University's initiative, to be so engaged by the University, and
 - c) 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, and
 - d) the combined length of the first period of employment and the second period of employment is at least 12 months, and
 - e) the employee, but for a birth or placement of a child, would have a reasonable expectation of continuing engagement by the University on a regular and systematic basis.

Eligible fixed-term or continuing employees: are required to have served for a continuous period of 12 months at the time of commencement of the period of leave. Where a fixed-term or continuing employee does not meet this criteria, they may be granted unpaid leave equivalent to that for eligible casual employees at the discretion of the Director, People and Culture.

Long term foster care leave: leave taken by an employee when they commence to care for a child whom they intend to foster until that child reaches adulthood (usually 18 years) and are ready to live independently. Parental responsibility of the child remains with the relevant Government Department (for example the Chief Executive of the Department of Child Safety in QLD). Long term foster care differs from short term foster care where a child is in someone's care for a few months until difficulties at home are resolved or alternative plans are made for the child's future.

Parental leave: maternity leave, primary caregiver's leave, partner leave, adoption, long term foster care, surrogacy leave, permanent care orders and child rearing leave. Where the procedures are specific to only particular categories of leave, the specific category name is used.

Permanent care orders: an order made by the Court which grants a person parental responsibility for a child until that child turns 18 years of age.

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

Spouse, in relation to an employee is:

- a person's partner in marriage, or
- a person who lives with the employee in a marriage-like relationship, although not legally married to the employee.

For the purposes of this procedure, a spouse also includes a former spouse.

Surrogacy leave: leave taken by an employee, when a child is born as a result of a surrogacy arrangement. The leave may be accessed by a University employee who will become the child's parent after birth and the child starts residing with the employee. Alternatively the leave may be accessed by a University employee who carries a pregnancy for another person or persons, and the leave is accessed for the period of the birth and medically-necessary recovery time following the birth.

6 RELATED LEGISLATION AND DOCUMENTS

[Central Queensland University Enterprise Agreement 2017](#)

[Federal Government Paid Parental Scheme](#)

7 FEEDBACK

7.1 University staff and students may provide feedback about this document by emailing policy@cqu.edu.au.

8 APPROVAL AND REVIEW DETAILS

Approval and Review	Details
Approval Authority	Vice-Chancellor and President
Advisory Committee to Approval Authority	Vice-Chancellor's Advisory Committee
Administrator	Director, People and Culture
Next Review Date	6/03/2022

Approval and Amendment History	Details
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Amendment Authority and Date	Vice-Chancellor and President 14/07/2009; Vice-Chancellor and President 14/03/2011; Vice-Chancellor and President 04/12/2012; Vice-Chancellor and President 10/02/2016; Vice-Chancellor and President 6/03/2019.
Notes	