Parental Leave Policy

Section 1 - Policy Purpose

(1) In line with its Mission, the University is committed to providing staff with parental leave arrangements that support their caring responsibilities.

(2) This policy should be read in conjunction with and supports the implementation of the provisions of the ACU Staff Enterprise Agreement 2022-2025 (the Agreement) about Parental Leave (clause 3.9). It is consistent the Fair Work Act 2009 (Cth) including the changes to parental leave introduced under the Fair Work Legislation Amendment (Protecting Worker Entitlements) Bill 2023 from 1 July 2023.

Section 2 - Application of Policy

(3) In accordance with the Agreement, parental leave is the general term that covers leave associated with the care of a child arising from:

a. the birth of an infant, or
b. the adoption of a child under the age of sixteen (16), or
c. the fostering of a child under the age of sixteen (16).

(4) This policy applies to all staff of the University.

Section 3 - Parental Leave Entitlements

(5) Parental leave eligibility and entitlements are prescribed in the ACU Staff Enterprise Agreement 2022-2025 clause 3.9.

(6) Staff are entitled to unpaid parental leave where they have a responsibility for the care of a child, whether they are a birth parent, an adopting parent, or carer following permanent placement.

(7) ACU also provides paid parental leave for parents who have responsibility for the primary care of a child.

(8) Staff should inform themselves of any additional entitlements that may be available to them through the Federal Government's Paid Parental Leave Scheme (or its successor).

3.1 Entitlements - Birth, adoption or permanent placement

(9) The tables below summarise the different types of parental leave and relevant clause within the Agreement.

(10) In addition, all staff on parental leave are entitled to paid 'keeping in touch' days in accordance with section 6.6 of this Policy.

3.1.1 Continuing and fixed-term staff

Type of parental leave	Paid parental leave	Unpaid parental leave
Birth or adoption leave:	Clause 3.9.3.1- 3.9.3.2	Clause 3.9.3.1- 3.9.3.2 Clause 3.9.9 (flexible unpaid parental leave)
• A1 Less than 52 weeks' service	The greater of 8 weeks or 1 weeks for each completed calendar month of continuous service	The remainder of the period up to 52 weeks
• A2 52 weeks but less than 104 weeks' service	12 weeks	40 weeks
• A3 104 or more weeks' service	36 weeks	16 weeks
Second parent leave To be taken within the first 12 weeks from birth, adoption or permanent placement.	Clause 3.9.5.3(i) 15 days which comes out of the staff member's entitlement to paid parental leave (A1, A2, or A3).	Not applicable
Concurrent leave	Note that there are no longer limitations to concurrent leave following changes introduced under the Fair Work Legislation Amendment (Protecting Worker Entitlements) Bill 2023 from 1 July 2023. Refer to section 3.3 of this policy for details regarding couples leave.	
Foster parent leave	Clause 3.9.6 6 weeks on half pay.	Not applicable
Further unpaid parental leave	Not applicable	Clause 3.9.3.3 52 weeks renewable annually until the child reaches school age.

3.1.2 Casual staff

(11) A casual or sessional staff member who has been engaged on a regular and systematic basis for a period of at least 12 months will be entitled to

Type of parental leave	Paid parental leave	Unpaid parental leave
Birth or adoption leave	Not applicable	Clause 3.9.3.4 Clause 3.9.9 (flexible unpaid parental leave) Up to 52 weeks and a further 52 weeks subject to the university's written approval.

3.2 Entitlements - Illness, unplanned cessation of parental leave or miscarriage

(12) The table below summarises the different types of leave and relevant clause within the Agreement and relevant policy in the circumstances described.

Reason for leave	Clause and relevant policy
Pregnancy related illness	Clause 3.9.8 sets out arrangements for unpaid special parental leave. Staff, including casual staff, may be entitled to paid or unpaid special parental leave in accordance with section 6 of this policy. A continuing or fixed-term staff member may also utilise their personal leave (refer to the Personal Leave Policy and clause 3.10 of the Agreement).

Reason for leave	Clause and relevant policy
Unplanned cessation of parental leave	Continuing and fixed term staff: • clause 3.9.7 applies if the parental leave has commenced. • if parental leave has not commenced, the staff member will be eligible for personal leave for still birth in accordance with the Personal Leave Policy and clause 3.10.2.4(a) of the Agreement[1]. Casual staff: Unpaid compassionate leave applies where a miscarriage occurs or a child is stillborn[1]. Refer to the Compassionate Leave Policy.
Miscarriage	Continuing and fixed term staff: the staff member will be eligible for additional personal leave for miscarriage in accordance with the Personal Leave Policy and clause 3.10.2.4(a) of the Agreement. Casual staff: Unpaid compassionate leave applies where a miscarriage occurs or a child is stillborn[1]. Refer to the Compassionate Leave Policy.

[1] This applies in accordance with to the Section 190 Undertaking made to the Fair Work Commission as part of the application for approval of the ACU Staff Enterprise Agreement 2022-2025.

3.3 Couples

(13) Each member of a couple is entitled to a maximum total of 24 months of parental leave (including all paid and unpaid leave)[2].

[2] This section reflects changes introduced under the Fair Work Legislation Amendment (Protecting Worker Entitlements) Bill 2023 from 1 July 2023 and supersedes clause 3.9.5 of the ACU Staff Enterprise Agreement 2022-2025.

3.3.1 Paid Parental Leave

(14) Where both members of a couple are employed by the University, they share one paid leave entitlement (A1, A2 or A3 in accordance with section 3.1.1). Only one staff member is entitled to the paid parental leave entitlement at any point in time (except for second parent leave in accordance with clause 3.9.5.3(i) of the agreement). Their paid leave period commences no later than the date of birth, adoption or permanent placement of the child (or earlier in accordance with clause 3.9.4 of the agreement).

(15) Where only one member of a couple is employed by the University, the staff member may commence paid parental leave at any time within 52 weeks after the birth of the child, however the paid leave must not extend beyond the child's first birthday or one year form the date of adoption or permanent placement.

3.3.2 Unpaid Parental Leave

(16) Unpaid parental leave can be taken by each member of the couple at the same time.

(17) Both members of a couple may start and end their unpaid parental leave on any day within 24 months from the birth, adoption or permanent placement of the child (or earlier in accordance with clause 3.9.4 of the agreement).

3.4 Ordinary salary rate for paid parental leave

(18) Paid parental leave associated with the birth, adoption or permanent placement of a child:

a. is paid at the staff member's ordinary salary rate which is defined in clause 3.9.3.2 of the Agreement as follows: 'Ordinary salary rate' is the staff member's salary rate at the time of commencing parental leave. However, if the staff member's fraction has changed during the 12 weeks immediately before commencing parental leave, the staff member's ordinary salary rate will be based on their average fraction over the 104 weeks immediately before commencing parental leave.' Note: If a staff member has less than 104 weeks service then the staff member's paid parental leave will the staff member's salary rate at the time of commencing parental leave.
b. can be taken at full pay or half pay (or combination). Half pay can be used to extend the duration of the parental leave; however, paid parental leave must not extend beyond the child's first birthday or one year from the date of adoption or permanent placement. The A3 entitlement can be averaged across a continuous period of fifty-two (52) weeks.

Section 4 - Procedure

(19) A staff member will submit an application for parental leave and appropriate certification to their supervisor.

4.1 Notice

(20) Staff should give as much notice as possible, normally no less than 10 weeks prior to the proposed commencement of parental leave or as early as possible for adoption or permanent placement. Staff should give notice to their supervisor of their intention to take parental leave, including the total number of any flexible unpaid parental leave days (refer to section 6.7 of this policy).

4.2 Application

Fixed term and continuing staff

a. Applications for parental leave should be made through Staff Connect using the 'Parental Leave' form which will be submitted for Supervisor approval.
b. The Supervisor will review the leave form in consultation with People and Capability.
c. Once approved, confirmation of the approved parental leave will be communicated through Staff Connect.

Casual / sessional staff

a. The staff member will submit an application to their supervisor.
b. The supervisor will review the request in consultation with People and Capability.
c. The application and supervisor approval will be submitted as general enquiry in Service Central.
d. Confirmation of the approved parental leave will be communicated through Service Central.

4.3 Certification

(21) Appropriate certification includes:

a. Birth of the child: prior to the birth of the child, a medical certificate from a registered health practitioner stating the expected date of birth, or following the birth of the child, a copy of the birth certificate, or
b. Adoption or foster placement of a child: documentation from a relevant agency for adoption (or permanent placement) and/or foster placement stating the expected date of placement of the child and/or confirmation of

the placement, or

c. Second parent who becomes the primary carer: In addition to (a) or (b), a statutory declaration stating that the staff member will be the primary carer throughout the period of leave requested.

Section 5 - Wellbeing Considerations During Pregnancy

(22) The University is committed to the wellbeing of all staff members. Considerations regarding the wellbeing of pregnant staff members specifically are set out below.

(23) Where, in the opinion of a registered medical practitioner, the potential for illness or other risks arising from the pregnancy, or hazards connected with the work assigned to the staff member, make it inadvisable for the staff member to continue at their present work, the University will:

a. request information from the medical practitioner as to whether the staff member has the capacity to work and, if so, what reasonable adjustments are required for the staff member to work in a safe manner, and/or
b. where practicable, transfer the staff member to a safe job at their existing rate of pay.

(24) If reasonable adjustments recommended by a medical practitioner include a temporary reduction of hours, the staff member's parental leave will be paid at the staff member's salary rate immediately prior to the temporary reduction of hours where it is more beneficial than their "ordinary salary rate" (refer to section 3.4(a) of this policy).

(25) If a staff member is transferred to a safe job, they will be entitled to return to the position they held immediately prior to the transfer.

(26) If reasonable adjustments or a transfer to a safe job are not practicable options, the staff member is entitled to paid special parental leave until 6 weeks prior to the expected date of birth, at which time parental leave will commence. In the circumstances described, paid special parental leave applies to casual and sessional staff if they have completed at least 12 months service at the expected date of birth of the child and will be the payment they would have received had they been able to perform the scheduled duties.

(27) Where a pregnant staff member is certified by a registered medical practitioner to be unfit for any work due to a pregnancy-related illness, they are entitled to unpaid special parental leave. The staff member may use personal leave, accrued annual or long service leave (where other leave has exhausted) to cover this period until 6 weeks prior to the expected date of birth, at which time paid parental leave shall commence.

Section 6 - Staff Entitlements and Conditions during Parental Leave

6.1 Service

(28) Unpaid parental leave does not break a staff member's continuous service. A period of parental leave (paid or unpaid) does not vary the probationary period specified in a staff member's contract of employment.

6.2 Leave accrual

(29) Staff members on paid parental leave and paid keeping in touch days (refer to section 6.6) will continue to accumulate entitlements to leave at the relevant fraction applicable during paid parental leave.

(30) Unpaid parental leave does not count for the accrual of leave or other entitlements (except for Incremental Progression, refer to section 6.4 of this policy).

6.3 Annual leave and/or long service leave in conjunction with parental leave

(31) A staff member may use their accrued annual leave or long service leave during unpaid parental leave and/or further unpaid parental leave. The annual leave or long service leave will be paid based on the staff member's 'normal salary'[1].

> [1] 'Normal salary' is the staff member's salary prior to commencing leave and differs to 'Ordinary salary' where this has been impacted by a fraction change (as per section 3.4 of this policy).

(32) It is expected that staff members will make every effort to take annual leave before or following paid parental leave to ensure their annual leave balance remains below the maximum set out in the University's Recreation Leave (including Annual Leave) Policy.

6.4 Incremental Progression

(33) Management of incremental progression for staff members returning from paid and/or unpaid parental leave will be in accordance with the Incremental Progression and Salary Review for Professional Staff Policy or Incremental Progression for Academic Staff Policy.

6.5 Fixed-term Contracts

(34) A staff member who is employed on a fixed-term contract which expires during a period of parental leave will not be eligible for further leave after the date of expiry of the contract unless they are re-employed on a continuing basis or on a further fixed-term contract. The provision of parental leave will not be grounds for the termination of an appointment or for a decision not to offer re-employment.

(35) Where a staff member who is employed on a fixed-term contract is on a period of parental leave at the time when notice of intention to renew or not renew employment with the University is due to be given before the expiry of the contract:

a. the staff member will be offered further employment if the work activity is to continue, or
b. the staff member will not be offered further employment where there could not have been a reasonable expectation of further work, for example, if the staff member was employed for a specific task or project or as a replacement staff member.

6.6 Keeping in Touch[1]

(36) Staff on parental leave are entitled paid keeping in touch days in order to maintain connection, refresh skills and assist with returning to work.

(37) Staff can access up to 10 keeping in touch days per year for up to 24 months from the birth, adoption or permanent placement of the child.

(38) For the purpose of keeping in touch, working part days count as a whole day (ie 7 hours). Keeping in touch days can be worked as single days through to working the 10 day entitlement in a block.

(39) A keeping in touch day can be worked at least 42 days after the birth or placement of a child, unless the staff member requests that it be earlier. However, a keeping in touch day cannot be worked earlier than 14 days after the

birth or placement of a child. The staff member and their supervisor must agree on when days will be worked. The staff member can choose whether (or not) to work their keeping in touch days.

(40) Staff will be paid their 'normal salary' for any keeping in touch day(s) worked. If the staff member is on paid parental leave, they may request to extend their period of paid leave accordingly.

(41) Applications for payment for keeping in touch days should be submitted as a General Enquiry in Service Central.

> [1] Keeping in Touch days are an entitlement under the Fair Work Act 2009 and the Paid Parental Leave Act 2010 (Cth).

6.7 Flexible Unpaid Parental Leave[2]

(42) A staff member who is entitled to unpaid parental leave may take up to 100 days of their entitlement flexibly, at any time during 24 months from the date of birth, adoption or permanent placement of the child (or earlier in accordance with clause 3.9.4 of the agreement).

(43) Flexible unpaid parental leave:

a. can be taken as either a single continuous period of one or more days, or separate periods of one or more days
b. comes out of the staff member's entitlement to 12 months of unpaid parental leave
c. can be taken before or after a period of continuous unpaid parental leave.

(44) Staff should normally give notice of the number of flexible unpaid parental leave days they intend to take at least 10 weeks prior to the proposed commencement of parental leave, in accordance with section 4.1 of this policy.

(45) Staff must also confirm their intention to use the flexible unpaid parental leave in writing to their supervisor normally at least 4 weeks before the intended leave dates.

> [2] This section reflects changes introduced under the Fair Work Legislation Amendment (Protecting Worker Entitlements) Bill 2023 from 1 July 2023 and supersedes clause 3.9.9 of the ACU Staff Enterprise Agreement 2022-2025.

Section 7 - Further Unpaid Parental Leave

(46) In addition to, and immediately following paid or unpaid parental leave, a staff member may request Further Unpaid Parental Leave. Further Unpaid Parental Leave entitlements are prescribed in the ACU Staff Enterprise Agreement 2022-2025, clause 3.9.3.3.

(47) At least four (4) weeks before the end of any period of further unpaid parental leave, a staff member will notify their supervisor of their intentions regarding further leave or return to work (refer to section 8.1).

(48) Staff seeking Further Unpaid Parental Leave should be aware of clause 3.9.10 of the ACU Staff Enterprise Agreement 2022-2025 which says that a staff member is not entitled to return to their substantive position at their original campus when the combined period of paid and unpaid parental leave exceeds 104 weeks.

Section 8 - Return to Work Following Parental Leave

8.1 Notice

(49) A staff member who is on parental leave is required to provide a minimum of 4 weeks written notice to their supervisor, advising them of their intention or non-intention to return to work following the period of parental leave.

8.2 Flexible Work Requests

(50) A staff member who is returning to work after parental leave can request a flexible working arrangement.

(51) A flexible work application will be made in accordance with the provisions of the Employment of Part-time Staff Policy and clause 5.1 of the Agreement, Work-Life Arrangements (in particular, clause 5.1.2, Applications for Flexible Working Arrangements).

(52) Staff are advised to refer to the Flexible Working Arrangements Policy for further information.

Section 9 - Revisions made to this Policy

(53) The revision table includes revisions up until this document was migrated into the current policy platform. Any later changes will show in the Status and Details tab.

Date	Major, Minor or Editorial	Description
7 March 2018	Major	Definition of 'primary carer' for the first 12 weeks of paid parental leave and new addition to align return to work with National Employment Standard.
15 October 2019	Major	Updated to incorporate provisions of the ACU Staff Enterprise Agreement 2017-2021.
18 June 2020	Minor	Amended to clarify operation of paid parental leave for couples following statement by the Fair Work Commission (and interim additional benefits).
23 Nov 2021	Major	Amended to align service eligibility requirements of the Workplace Gender Equality Agency Employer of Choice Citation and to remove the interim benefits (which expired on 30 June 2021). Item 9: Unplanned Cessation of Parental Leave updated to align with National Employment Standards provisions about unpaid parental leave in circumstances of miscarriage or stillbirth.
10 January 2024	Major	Updated to incorporate provisions of the ACU Staff Enterprise Agreement 2022-2025 and the Fair Work Legislation Amendment (Protecting Worker Entitlements) Bill 2023.

(54) The University may make changes to this Policy from time to time to improve the effectiveness of its operation. In this regard, any staff member who wishes to make any comments about this Policy may forward their suggestions to People and Capability.

Section 10 - Further Assistance

(55) Any staff member who requires assistance in understanding this Policy should first consult their nominated supervisor who is responsible for the implementation and operation of these arrangements in their work area. Should further information or advice be required staff should visit Service Central.

Section 11 - Associated Information

(56) For related legislation, policies, procedures and guidelines and any supporting resources please refer to the Associated Information tab.

Section 12 - Appendix 1 - Scenarios

(57) The following scenarios have been developed to illustrate the way Parental Leave entitlements within the Agreement may be taken by an individual staff member or couple.

Entitlements

(58) Paid parental leave can be taken as half pay or full pay (clause 3.9.3.2) (or a combination of both half and full pay). The A3 entitlement can be averaged across a continuous period of fifty-two (52) weeks.

Scenarios

(59) A1 entitlement under clause 3.9.3.2 of the Agreement:

a. Andi has been employed for 6 months when she commences parental leave.
b. Andi is entitled to 8 weeks paid parental leave (A1) and chooses to take the 8 weeks at half pay over a period of 16 weeks. Andi will take an additional 36 weeks of unpaid parental leave which will bring the total period of leave to a continuous period of 52 weeks.

(60) A2 entitlement under clause 3.9.3.2 of the Agreement:

a. Alex has been employed for 1.5 years at the time of commencing parental leave and is entitled to 12 weeks paid parental leave (A2). Alex chooses to take the 12 weeks at half pay over a period of 24 weeks. Alex will then take an additional 4 weeks of accrued annual leave at their substantive employment fraction before returning to work 28 weeks after birth.

(61) A3 entitlement under clause 3.9.3.2 of the Agreement:

a. Sara has been employed for over 2 years and is entitled to 36 weeks paid parental leave (A3). Sara chooses to take the first 20 weeks of parental leave at full pay and then takes the remaining paid leave entitlement (16 weeks) at half pay over 32 weeks, which brings her total leave to a continuous period of 52 weeks.
b. Ezra has been employed for over 2 years and is entitled to 36 weeks paid parental leave (A3). Ezra will commence parental leave on the date of placement of their child and will take a continuous period of 52 weeks. Ezra chooses to average the payment for their parental leave entitlement over the 52-week period of leave. Ezra's employment fraction is full-time and so this means they will be paid at a fraction of 0.692 of ordinary salary for the period of leave.

Ordinary Salary rate

(62) Paid parental leave is paid at the staff member's ordinary salary rate as defined in section 3.4(a) of this policy. Where a change of fraction occurs in the 12 weeks immediately preceding leave commencement, the ordinary salary rate will be calculated based on the average fraction over the 104 weeks immediately before commencing parental leave (clause 3.9.3.2).

Scenarios

(63) Sam has worked part-time, 3 days per week (0.6) for the past two years. Sam is due to commence parental leave in six weeks and chooses to increase fraction to full-time for the remaining 6-week period. Sam's 'ordinary salary rate' will be based on a fraction of 0.623 which is the average fraction over the 104 weeks before commencing leave. Sam is entitled to A3 paid parental leave and will take the parental leave at a combination of full pay fraction of 0.623 and half pay fraction of 0.3115.

(64) Chris has worked full time since commencing at the university five years ago. Chris requested and was granted approval to reduce fraction to 4 days per week (0.8) for 12 weeks before starting parental leave. Chris' 'ordinary salary rate' will be based on a fraction of 0.9769 which is the average fraction over the 104 weeks before commencing leave.

Flexible Unpaid Parental Leave

(65) A staff member who is entitled to unpaid parental leave may take up to 100 days of their unpaid leave flexibly at any time within 24 months from the child's birth or adoption (or permanent placement). This leave can be taken as single days or continuous blocks.

Scenario

(66) Drew is a continuing staff member who has been employed with the university for 18 months when their baby is born. Drew is entitled to 12 weeks of paid parental leave and 40 weeks of unpaid parental leave (A2), plus 52 weeks of further unpaid parental leave.

(67) Drew takes their paid and unpaid A2 entitlements from the date of birth until the child's first birthday. Drew then takes one day per week of flexible unpaid parental leave, in accordance with clause 3.9.9 of the Agreement, for a further 52 weeks, which equals a total of 52 days of flexible unpaid parental leave.

Couples

(68) Unpaid parental leave can be taken by each member of the couple at the same time. Both members of a couple may start and end their unpaid parental leave on any day within 24 months from the birth, adoption or permanent placement of the child (or earlier in accordance with clause 3.9.4 of the agreement).

(69) Paid parental leave must be taken as follows:

a. Where one member of a couple is employed by the university.
    i. The staff member's paid parental leave can commence at any time within the 52 weeks but cannot extend past the child's first birthday (3.9.5.2).
b. Where both members of the couple are employed by the university.
    i. Both members of the couple share one paid leave entitlement, which must:
        - commence no later than date of birth of the child,
        - be taken as separate periods with one staff member entitled to the paid parental leave entitlement at any point in time (except for second parent leave under clause 3.9.5.3)

Second parent leave

(70) A staff member who is the second parent of the child is entitled to 15 days of paid leave at the staff member's ordinary salary rate.

- This leave comes out of the staff member's entitlement to paid or unpaid parental leave at leave provision A1,

A2 or A3, and

- must be taken within twelve (12) weeks from the birth, adoption or permanent placement of the child.

Scenarios

(71) Lee and Casey are both employed by ACU and entitled to 36 weeks of paid parental leave (A3). They will split their shared paid parental leave entitlement when their baby is born. Lee commences leave before the birth of their baby and takes 26 weeks at full pay before returning to work. Within 12 weeks of the birth and during Lee's leave, Casey takes 15 days (3 weeks) of paid second parent leave, which is deducted from the couple's A3 entitlement. Casey then accesses the remaining 7 week paid parental leave entitlement and chooses to take it at half pay for a period of 14 weeks. Casey then takes unpaid parental leave for a further 20 weeks, which brings their shared leave to a continuous period of 60 weeks.

(72) Charlie has been employed by the university for 3 years when their partner (not employed by ACU) gives birth and is entitled to 36 weeks of paid parental leave (A3). Charlie and their partner decide that after the first 12 weeks, Charlie will become the primary carer so their partner can return to work. When the baby is born, Charlie takes 15 days (3 weeks) of paid leave as the second parent, which is deducted from their A3 entitlement. Charlie then takes nine weeks of unpaid parental leave until their partner returns to work at which point they become primary carer and accesses the remaining 33-week paid parental leave entitlement at full pay.

(73) Dan is entitled to 36 weeks of paid parental leave (A3). Dan and his partner (not employed by ACU) decide he will become the primary carer 26 weeks after the birth of their baby. Dan commences his parental leave 26 weeks after the birth; however his entitlement ends at the child's first birthday. This means Dan can access 26 weeks of paid parental leave and is not able to utilise the remaining 10 weeks of his entitlement. The total paid leave must not extend beyond the child's first birthday.

Primary Carer

(74) The primary carer is the person who most meets the child's needs.

Scenario

(75) In the previous scenario when Dan takes parental leave 26 weeks after the birth of his baby, his partner is returning to work part-time, 3 days per week. Dan will be primarily responsible for the care of the child.

(76) The primary carer is the person who most meets the child's needs. This does not preclude a partner from working part-time, or from taking their own periods of unpaid parental leave. Daniel would be considered primary carer and would be entitled to paid parental leave as prescribed in clause 3.9.3.2.

Status and Details

Status	Current
Effective Date	19th December 2023
Review Date	30th April 2024
Approval Authority	Vice-Chancellor and President
Approval Date	19th December 2023
Expiry Date	Not Applicable
Responsible Executive	Angelle Laurence Chief People Officer
Responsible Manager	Angelle Laurence Chief People Officer
Enquiries Contact	Bernardine Lynch ER and Safety Committees and Policy Officer People and Capability