



Parental Leave

Document control

File name: Parental Leave	Version: 1.6	
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Department: People & Culture	Committee approval:	
Date approved: June 2017	Effective date: June 2017	Review date: June 2019

Purpose

This policy and procedure outlines the:

- types of parental leave available to Institute employees;
- how to apply for this leave;
- provisions for surrogate, adopting and pregnant employees; and
- keeping in touch and return to work arrangements.

The purpose of parental leave is to assist employees in balancing their career and parenting roles.

Scope

This policy and procedure applies to employees and students of the Walter and Eliza Hall Institute for Medical Research.

Definitions

Primary Carer: an employee who becomes a parent by birth, surrogacy or adoption and has primary responsibility for the day to day care of that child.

Secondary Carer: an employee who becomes a parent by birth, surrogacy or adoption and has secondary responsibility for the day to day care of that child.

Adoption restrictions: primary and secondary care givers may only access parental leave where the child is under the age of 16 years.

Parental Leave for Primary Carers

The Institute provides primary carers with access to both paid and unpaid parental leave.

Primary Carers with more than 12 months Service

Primary carers with more than 12 months continuous service with the Institute may access:

- 14 weeks paid parental leave;

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- additional unpaid parental leave that brings the total period of paid and unpaid parental leave to no more than 52 weeks; and
- on application, a further period of unpaid parental leave of up to another 52 weeks.

Primary Carers with less than 12 months Service

Primary carers with less than 12 months continuous service with the Institute at the time their parental leave commences may access:

- 1.16 week's paid parental leave for each completed month of service;
- additional unpaid parental leave that brings the total period of paid and unpaid parental leave to no more than 52 weeks; and
- on application, a further period of unpaid parental leave of up to another 52 weeks.

The entitlement to paid parental leave for primary carers ceases when the parental leave ceases. It does not accrue and payment will not be made in lieu of the entitlement.

Full or Half Pay

Primary carers may apply to take their paid parental leave at full or half pay, or a combination of both full and half pay. Accessing leave at half pay allows the employee to take double the amount of leave at half salary, for example: 14 weeks paid parental leave is paid at half pay over 28 weeks. Where parental leave at half pay is approved, the employee's time fraction will be adjusted to 50% of the pre-leave time fraction (e.g. from 1.0 to 0.5 FTE or from 0.8 to 0.4 FTE) for the period of half pay and will apply to all arrangements and entitlements, including leave accruals, leave loading and any royalty distribution entitlements. Employees should consider obtaining financial advice about the impact of half pay arrangements on their personal circumstances, for example on income tax, deferred portions of leave loading, eligible royalty distribution and salary packaging related issues.

Annual Leave

Primary carers must take excess annual leave during their period of parental leave so that they have no more than eight weeks accrued annual leave upon their return to work.

Long Service Leave

Primary carers may access long service leave entitlements as paid leave during their 52 week period of parental leave.

Superannuation

During absence on unpaid parental leave the employee's superannuation will be suspended with no contribution from either employer or employee. Contributions will resume on resumption of duty.

Casual Employees

Some casual employees are entitled to unpaid parental leave of up to 52 weeks. People & Culture can be contacted in relation to enquiries about whether an employee is an eligible casual employee.

Example 1: Anuja gives birth to a child. She and her partner determine that she will be the primary carer for the child. She accesses 14 weeks of paid parental leave at full pay, six weeks of annual leave, six weeks of long service leave and a further 26 weeks of unpaid parental leave, bringing her absence from the workplace to a total of 52 weeks.

Example 2: Sarah becomes a parent via surrogacy and will be the primary carer for the child. She accesses 14 weeks of paid parental leave at half pay (28 weeks) and a further 24 weeks unpaid parental leave, bringing her initial absence from the workplace to a total of 52 weeks. She then applies for an additional 52 weeks of unpaid parental leave, meaning she is absent on parental leave for a total period of 104 weeks.

Example 3: Wenling has been employed with the Institute for eight months at the time her baby is born. As the primary carer, she accesses 9.3 weeks of paid parental leave (1.16 weeks for each month of service) at full pay and a further 16.7 weeks of unpaid leave, bringing her total absence on parental leave to 26 weeks.

Example 4: Eric and his partner adopt a child and they decide he will be the primary carer. Eric accesses 14 weeks of paid parental leave at half pay over 28 weeks, and a further 28 weeks unpaid parental leave, bringing his absence from the workplace to a total of 52 weeks.

Example 5: Rasheed's partner gives birth to a child. He and his partner determine that he will be the primary carer after his partner has recovered from the birth. He accesses 14 weeks of paid parental leave at full pay and a further 38 weeks of unpaid parental leave, bringing his absence from the workplace to a total of 52 weeks.

Example 6: Emily gives birth to a child. She and her partner determine that she will be the primary carer for the child. She accesses 14 weeks of paid parental leave at full pay, bringing her absence from the workplace to a total of 14 weeks.

Parental Leave for Secondary Carers

Secondary carers may access four weeks of paid parental leave. Paid parental leave for secondary carers must be taken within the period of one week before the expected due date and up to 2 years after the birth or adoption of the child. The leave does not have to be accessed in a continuous four week block, but rather can be taken in smaller time fractions up to two years after the birth or adoption of the child.

Example 1: Peter takes four weeks of paid parental leave for secondary carers over an eight week period. His leave commences one week before the expected due date of his baby and ends when the baby is seven weeks old.

Example 2: Enzo takes one week of paid parental leave for secondary carers that commences one week before the expected due date of his child. He takes a further two weeks paid parental leave for secondary carers when his baby is six weeks old and a final week of paid parental leave for secondary carers when his baby is six months old.

Example 3: Rushi takes four weeks of paid parental leave as a secondary carer at full pay starting two weeks after the adoption of her child.

The entitlement to paid parental leave for secondary carers ceases 2 years after the birth or adoption of the child. It does not accrue and payment will not be made in lieu of the entitlement.

Full or Half pay

Secondary carers may apply to take their paid parental leave at full or half pay, or a combination of both full and half pay. Accessing leave at half pay allows the employee to take double the amount of leave at half salary, for example: four weeks paid parental leave is paid at half pay over eight weeks). Where parental leave at half pay is approved, the employee's time fraction will be adjusted to 50% of the pre-leave time fraction (e.g. from 1.0 to 0.5FTE or from 0.8 to 0.4FTE) for the period of half pay and will apply to all arrangements and entitlements, including leave accruals, leave loading and any royalty distribution entitlements. Employees should consider obtaining financial advice about the impact of half pay arrangements on their personal circumstances, for example on income tax, deferred portions of leave loading, eligible royalty distribution and salary packaging related issues.

Annual Leave

Secondary carers may access their annual leave entitlements to supplement their paid parental leave (for example: four weeks paid parental leave plus two weeks annual leave gives a six week leave entitlement.)

Long Service Leave

Parental Leave

Similarly, secondary carers may access long service leave entitlements as paid leave to supplement their paid parental leave (for example: four weeks paid parental leave plus four weeks long service leave gives an eight week leave entitlement.)

Leave Concurrent with Partner Leave

Up to eight weeks of parental leave for secondary carers may be taken concurrently with the employee's partner.

When a Secondary Carer becomes a Primary Carer

A secondary carer may choose to become the primary carer of a child. Where this happens within 12 months of the birth or adoption of the child, the secondary carer becomes the primary carer and can then access Institute paid parental leave for primary carers. Any parental leave paid to the employee as the secondary carer will be deducted from the primary carer parental leave entitlement. A secondary carer may also apply to access up to 52 weeks unpaid parental leave (as the primary carer) at the conclusion of their partners' initial 52 week period of parental leave.

Example 1: Michael takes four weeks paid parental leave as the secondary carer of his child. His partner returns to work when their baby is six weeks old and Michael becomes the primary carer of the child. He is then eligible to access 10 weeks paid parental leave (14 weeks primary carers leave minus the four weeks taken as secondary carers leave) and 38 weeks unpaid parental leave. He is also eligible to apply for a further 52 weeks unpaid parental leave.

Example 2: Jenny's partner takes 52 weeks of parental leave. When they are due to return to work, Jenny applies to take an additional 52 weeks unpaid parental leave and become the primary carer for their child.

Parental Leave for Single Parents

Single parents with more than 12 months continuous service with the Institute may access:

- 18 weeks paid parental leave (14 weeks primary carer leave plus four weeks secondary carer leave);
- additional unpaid parental leave that brings the total period of paid and unpaid parental leave to no more than 52 weeks; and
- on application, a further period of unpaid parental leave of up to another 52 weeks.

Parental Leave when both Parents are Institute Employees

When both parents are Institute employees, one parent can access paid parental leave as a primary carer and the other parent can access paid parental leave as a secondary carer, as outlined above. Variations are possible depending on the circumstances however the leave entitlement per couple must not exceed:

- 18 weeks paid parental leave (noting that the secondary carer must access their full 4 week entitlement);
- additional unpaid parental leave that brings the total period of paid and unpaid parental leave to no more than 52 weeks; and
- on application, a further period of unpaid parental leave of up to another 52 weeks.

Note: the 18 weeks paid parental leave referred to here is paid by the Institute and generally comprises 14 weeks primary carers leave and four weeks secondary carers leave, although other combinations are possible. It should not be confused with the paid parental leave scheme provided by the Australian government – this is a separate payment that employees may or may not be eligible for (see page 7: Government Scheme Payments)

Part-Time Employees

Paid parental leave for primary and secondary care givers employed on a part-time basis will be paid at the appropriate part-time rate of pay.

Fixed Term Employees

Where the employee's appointment has a fixed termination date all rights to paid and unpaid parental leave cease from that date.

Paid Parental Leave for PhD Students

PhD students with a primary supervisor at the Institute may be eligible to access up to 14 weeks of paid parental leave where they are the primary carer for the child. This payment will comprise an amount equivalent to the Research Training Program payment. Where a student is paid parental leave by their educational institute this will be deducted from the amount of parental leave provided by the Institute.

Example 1: Pri is the primary carer of her child. Her university pays her 12 weeks parental leave. She is eligible to access an additional two weeks paid parental leave which will be funded by the Institute and comprise an amount equivalent to the Research Training Program payment.

Example 2: Rachael is the primary carer of her child. Her university does not provide paid parental leave. She is eligible to access 14 weeks paid parental leave which will be funded by the Institute and comprise an amount equivalent to the Research Training Program payment.

PhD students who are secondary carers may access up to four weeks paid parental leave. This payment will comprise an amount equivalent to the Research Training Program payment. Where a student is paid parental leave by their educational institute this will be deducted from the amount of parental leave provided by the Institute.

Paid Parental Leave for Stillbirths or Neonatal Deaths

The Institute will pay primary and secondary carers' their full paid parental leave entitlements in the event of a stillbirth (where a baby is born but shows no sign of life after 20 weeks of pregnancy), or in the event of a neonatal death (where the baby dies within their first 28 days after birth).

Provisions for Adopting Employees

Surrogate and adopting parents can access at least two days of unpaid pre-adoption leave to attend relevant interviews or examinations.

Provisions for Pregnant Employees

Personal Leave

Employees who are pregnant continue to accrue and access their ordinary personal leave entitlements. Pregnancy is not considered an illness or injury, however if an employee experiences a pregnancy-related illness or injury, personal leave can be taken.

Special Parental Leave

A pregnant employee can take unpaid special parental leave if:

- they have a pregnancy-related illness or
- their pregnancy ends after 12 weeks because of a miscarriage, termination or stillbirth.

If an employee takes special parental leave because of a pregnancy-related illness, the leave will end when the pregnancy or illness ends, whichever is earlier. If they take leave because of a miscarriage, termination or still birth it can continue until the employee is fit for work.

Special parental leave does not reduce the amount of paid or unpaid parental leave that an employee can take.

Notice and medical certificates

Employees must advise the Institute as soon as possible (which can be after the leave has started) that they are taking special parental leave and advise how long they expect to be on leave. The Institute may ask for evidence and can request a medical certificate.

Safe Jobs

All pregnant employees, including casuals, are entitled to move to a safe job if it isn't safe for them to do their usual job because of their pregnancy and will continue to receive the same pay rate, hours of work and other entitlements that they got in their usual job. The employee and manager can agree on different working hours. Employees will stay in a safe job until it's safe to go back to their normal job, or until they give birth.

The employee must provide medical evidence that:

- they can work but can't do their normal job (including why the normal job isn't safe); and
- how long they shouldn't work in their normal job.

When no safe job is available

If there is no safe job available the employee can take paid no safe job leave. Because of the potential length of the period of paid no safe job leave, the Institute may request the employee submit to regular independent examination by a specialist during the period of paid no safe job leave. If the situation arises within six weeks of the expected due date, the Institute may ask the employee to provide further medical evidence that they would otherwise be fit for work – if this cannot be provided then the Institute may direct the employee to take parental leave.

Directing employees to take parental leave

If a pregnant employee wants to work in the six weeks before their due date the Institute may ask for a medical certificate that states that they can continue to work and it is safe for them to do their normal job. Where the certificate says the employee is fit for work but it isn't safe for them to continue in their normal job, then the employee will be entitled to a safe job or no safe job leave. Where an employee doesn't provide a medical certificate or the certificate says they can't continue work at all then the Institute can direct the employee to start their parental leave - this will count as part of the employee's total parental leave entitlement.

Applying for Parental Leave

When to notify

An employee who is planning to be absent on parental leave should notify their manager and the People & Culture Department of their intention to take such leave at ten weeks prior to its commencement (or, if that is not practicable, as soon as it is practicable to provide such notice).

When to apply

Formal written applications for parental leave should be directed to the Head of People & Culture at least four weeks before the proposed commencement of leave. Applications should include:

- intended date of commencement of leave;
- types of leave requested (for example, paid (full pay or half pay), unpaid, annual, long service);
- the proposed date of resumption of work; and
- medical certification of the expected date of birth or paperwork associated with the surrogacy or adoption of the child.

In some cases, employees may be asked to provide evidence of their partners leave arrangements (for example, if an employee wishes to become the primary care giver for their child, the Institute may ask for evidence that their partner has returned to work and is also not claiming primary carers leave from their employer)

Parental Leave

Once an application has been approved, any proposed variation to the leave must be applied for in writing.

When to commence leave

Where a pregnant employee takes parental leave, it has to start:

- on the birth of the child or
- up to 6 weeks before the expected birth (or earlier if the Institute agrees, or later if the employee is medically fit to continue working).

If the leave is surrogacy or adoption related, the parent taking leave will start their leave period on the date of placement of the child.

Non-pregnant primary carers can commence their parental leave up to one week before the expected birth of the child, or on the date of birth of the child.

Employees planning parental leave should talk to their manager about options for maintaining career progression during maternity leave. People & Culture Business Partners can provide advice and support to managers and employees to assist.

Keeping in Touch Days

Primary carers on unpaid parental leave are entitled to 10 paid keeping in touch days to allow them to stay up to date with their workplace, refresh their skills and assist their return to work.

Work on a keeping in touch day may include participating in a planning day, doing training or attending a conference.

Keeping in touch days can be worked as a part day, one day at a time, a few days at a time, or all at once.

A keeping in touch day can be worked at least 42 days after the birth of a child or adoption. It can only be earlier if the employee requests it (but not earlier than 14 days after the birth or adoption). The employer and employee have to agree to the keeping in touch days. An employee doesn't have to use keeping in touch days if they don't wish to.

Government Scheme Payments

Institute employees may also be eligible to receive 18 weeks of government paid parental leave, in addition to paid parental leave from the Institute. Eligibility is determined by Centrelink who then request that the Institute administer payment on their behalf. Parents must contact Centrelink for advice regarding payments and eligibility.

Page Betheras Award

Female postdoctoral researchers and female laboratory heads may apply for up to three months of technical support under the Page Betheras Award (see Technical support for female scientists on maternity leave – Page Betheras Award Procedure).

Returning to Work after Parental Leave

Upon returning to work at the end of a period of parental leave, an employee is normally placed in their pre-parental leave position, or, if that position no longer exists, an available position for which the employee is qualified and suited nearest in status and pay to the pre-parental leave position. An employee with carer's responsibilities for a child may apply for flexible working arrangements under the Institute's Flexible Working Arrangements policy.

Requests to Return Early

An employee on unpaid parental leave can shorten their leave, if the Institute agrees. If the Institute doesn't agree, then the employee has to return to work on the planned date. No notice period is required when a new return date is agreed. This doesn't apply when there's a still birth or neonatal death – in this instance the employee can reduce or cancel their period of parental leave.

Flexible Arrangements

Employees on parental leave can return to the workplace periodically (i.e. one day per week or fortnight). There may be implications of eligibility for government paid parental leave and employees wishing to access such arrangements should discuss this further with their manager and People & Culture.

Associated documents

Leave Policy

Technical support for female scientists on maternity leave – Page Betheras Award Procedure

References

Fair Work Act (2009) National Employment Standards, Division 5 – Parental Leave & Related Entitlements.