

Staff - Parental Leave Procedures

INTRODUCTION

Parental Leave is a collective term used by the University that relates to a staff member's parenting responsibilities including Maternity Leave, Partner/Paternity Leave, Adoption Leave, Foster Parent Leave and Child-rearing Leave.

The University is committed to creating a family-friendly work environment and recognises that child birth and family responsibilities are central to a family-friendly workplace. The University provides eligible staff members with access to Paid and Unpaid Parental Leave in accordance to the [Charles Darwin University and Union Enterprise Agreement](#), in addition to the [Australian Government Paid Parental Leave Schemes](#).

COMPLIANCE

This is a compliance requirement under the [Charles Darwin University Act 2003](#) part 3, section 15.

INTENT

This document outlines the various parental leave entitlements available to eligible staff members and how the entitlements can be accessed during the course of the staff member's employment with the University.

RELEVANT DEFINITIONS

In the context of this document

Child means a person less than eighteen (18) years of age or a person apparently less than eighteen (18) years of age born to, legally adopted or fostered by a staff member or a staff member's partner;

Continuous service means the total amount of full-time or part-time uninterrupted paid employment a staff member has accumulated with the University. It includes any authorised period of approved absence, as well as Leave without Pay;

Eligible staff member means a staff member who has completed twelve (12) months (unless otherwise stated) of continuous service with the University. This does not include staff members appointed on a casual basis;

Partner means a member of a couple living together who are married or in a registered or de-facto relationship of the opposite or same sex;

Primary carer means primary carer of a newborn or recently adopted child. The primary carer is the person who most meets the child's physical needs. This is usually the birth mother of a newborn or the initial primary carer of an adopted child;

Returning to work full-time means a staff member returning to their pre-parental leave position and location or, if that position no longer exists, a suitable alternative position;

Senior Executive means a staff member of the University holding the position of Vice-Chancellor, Provost, Deputy Vice-Chancellor, Pro Vice-Chancellor or Chief Financial Officer or equivalent;

Senior Manager means a staff member holding the position of Director or Head of School of the University;

Staff member means a staff member of the University holding the position of Director or Head of School or equivalent; and

Supervisor means a member of staff who oversees the day-to-day work of a person or group of people.

PROCEDURES

Parental Leave Provisions

The eligibility criteria and entitlements for Parental Leave are prescribed in the [Charles Darwin University and Union Enterprise Agreement](#) and these Procedures. The following common provisions apply:

- A staff member who has or will have completed twelve (12) months (unless otherwise stated) of continuous service with the University prior to the birth of a child may be entitled to Parental Leave up to a maximum of twenty-four (24) months;
- A staff member on a fixed-term contract is only entitled to receive Paid Parental Leave up to the end of their contract. A fixed-term contract will not be extended solely for the purpose of extending a period of Paid Parental Leave;
- A casual staff member is not eligible for Paid Parental Leave however; he or she is entitled to fifty-two (52) weeks Unpaid Parental Leave provided he or she has:
 - Been employed by the University on a regular and systematic basis for a sequence of periods of employment during a period of at least twelve (12) months; and
 - A reasonable expectation of continuing employment on a regular and systematic basis.
- Periods of Recreation Leave, Long Service Leave, or Leave without Pay taken continuous with any Parental Leave will also be regarded as Parental Leave;
- Paid Parental Leave will count as continuous service for all purposes including accrual of leave entitlements and superannuation contributions;
- Unpaid Parental Leave will count as continuous service but it does not include accrual of leave, incremental progression or superannuation;
- A staff member is not permitted to undertake any outside employment during a period of Parental Leave;
- Personal Leave whilst on Parental Leave will not be permitted, except in the event of pregnancy termination; and
- Where Parental Leave is taken during a period of probation, the probation will be suspended until the staff member returns to work.

Maternity Leave Entitlement

Maternity Leave is a period of approved absence, granted to an eligible female staff member for the purpose of giving birth and taking care of an infant child or children.

Maternity Leave entitlements at the expected date of birth of a child or children are as follows:

Minimum Continuous Service	Paid Maternity Leave Entitlements	Unpaid Maternity Leave Entitlement
10 Months	10 weeks	

11 Months	12 weeks	When Paid Maternity Leave has been exhausted additional Unpaid Maternity Leave up to an aggregate of twenty-six (26) weeks from the first day of maternity leave.
Unpaid leave may be taken from twenty (20) weeks before the birth of a child or children, up to twenty-six (26) weeks after the birth of the child or children.		
12 months	14 weeks	When Paid Maternity Leave has been exhausted additional Unpaid Maternity Leave up to an aggregate of fifty-two (52) weeks from the first day of maternity leave.

Paid Maternity Leave entitlements may be taken on half-pay for double the eligibility period or a combination of half-pay and full pay.

Where a staff member provides medical evidence certifying the expected date of birth, the University will credit the staff member with an additional five (5) days Personal Leave, for medical check-ups or illness directly related to the pregnancy. Other leave may also be accessed prior to the expected birth of the child for medical check-ups or illness directly related to the pregnancy.

Notification of and Application for Maternity Leave

The commencement of Maternity Leave should start no later than six (6) weeks before the expected birth of the child or children unless medical evidence is provided to ensure the well-being of the expectant mother.

At least ten (10) weeks prior to taking anticipated Maternity Leave, a staff member must advise her supervisor in writing by completing an [Application for Leave form](#) and providing a medical certificate, certifying the expected birth date. The manner in which the leave is to be taken should be discussed and agreed with the staff member's supervisor as part of the application process.

A staff member, who wants to apply for other forms of leave concurrently with the Maternity Leave application, should contact Office of People and Capability prior to completing the Application for Leave form.

The authorised [Application for Leave form](#) must be submitted to the Office of People and Capability at least four (4) weeks' before the commencement date of the proposed leave, accompanied by sufficient evidence to support the application, such as a medical certificate with the expected date of birth or statutory declaration.

Pre-Natal Arrangements

If medical evidence is provided, indicating that a staff member's wellbeing may be at risk in her current job, the University will endeavour to transfer the staff member to a safe job. No loss of remuneration will occur while the staff member undertakes the safe job. Where it is not possible to transfer the staff member to a safe job, the staff member may be required to take leave for such a period as recommended by a registered medical practitioner.

A staff member in this situation must notify her supervisor as soon as possible on receipt of this advice. The supervisor is obliged to contact the Office of People and Capability to discuss the individual circumstances of the risk.

If during the six (6) week period before the expected date of birth the staff member receives advice to the contrary limiting her ability to continue working, the staff member must notify her supervisor as soon as possible and commence Maternity Leave. The supervisor is obliged to contact the Office of People and Capability with the changes for processing.

Termination of Pregnancy

In the event that a staff member's pregnancy is terminated, the staff member may elect to take Personal Leave in place of any Unpaid Leave. Additionally, Leave without Pay will be available for a period certified as necessary by a registered medical practitioner.

Where a staff member's pregnancy terminates after twenty-eight (28) weeks, other than by the birth of a living child, Maternity Leave entitlements will be halved, under these circumstances, and the staff member will be entitled to Personal Leave and Leave without Pay, if required, for a period deemed necessary by a health practitioner.

The staff member must provide satisfactory medical evidence and the manner in which the leave is to be taken should be discussed and agreed with the staff member's supervisor.

Partner / Paternity Leave Entitlement

Partner / Paternity Leave is a period of approved absence, granted to an eligible staff member who is the father or the partner (including same-sex partner) who accepts the responsibility for the care and maintenance of an expected or newly born child. A staff member will be entitled to five (5) days Paid Partner / Paternity Leave, which may be taken on half pay for double the eligibility period.

Partner / Paternity Leave entitlements are as follows:

Notification of and Application for Partner / Paternity Leave

At least four (4) weeks prior to taking anticipated Partner / Paternity Leave, a staff member must advise their supervisor in writing by completing an [Application for Leave form](#) and providing a medical certificate, certifying the expected birth date. The manner in which the leave is to be taken should be discussed and agreed with the staff member's supervisor as part of the application process.

A staff member, who wants to apply for other forms of leave concurrently with the Partner / Paternity Leave application, should contact Office of People and Capability prior to completing the [Application for Leave form](#).

The authorised [Application for Leave form](#) must be submitted to the Office of People and Capability at least four (4) weeks' before the commencement date of the proposed leave, accompanied by sufficient evidence to support the application, such as a medical certificate with the expected date of birth or statutory declaration.

Combined Maternity and Partner / Paternity Leave Entitlement

Where applicable, two (2) eligible staff members may combine periods of Maternity Leave and Partner / Paternity Leave to share the parental responsibility of taking care of an infant child or children. This period cannot exceed fifty-two (52) weeks of paid and/or unpaid leave. Alternatively, the staff members may access twenty-six (26) weeks of paid and/or unpaid leave respectively, with no more than three (3) weeks taken concurrently.

Notification of and Application for Combined Maternity and Partner / Paternity Leave

At least ten (10) weeks prior to taking anticipated Maternity and Partner / Paternity Leave, the staff members' must advise their relevant supervisor in writing, by completing an [Application for Leave form](#) and providing a medical certificate certifying the expected birth date. The manner in which the leave is to be taken should be discussed and agreed with each staff members' supervisor, as part of the application process.

If the staff members' want to apply for other forms of leave concurrently with the Maternity and Partner / Paternity Leave applications, they should contact Office of People and Capability prior to completing the [Application for Leave form](#).

The authorised [Application for Leave forms](#) must be submitted to the Office of People and Capability at least four (4) weeks before the commencement date of the proposed leave, accompanied by sufficient evidence to support the application, such as a medical certificate with the expected date of birth or statutory declaration.

Adoption Leave Entitlement

Adoption Leave is a period of approved absence, granted to an eligible staff member who is taking custody of a child or children under sixteen (16) years of age, who is not the birth child or children of the staff member or their spouse or partner; and has not lived continuously with the staff member for six (6) months or longer as at the day of placement.

A staff member who has at least twelve (12) months continuous service with the University at the time of taking custody, will be entitled to three (3) weeks Paid Adoption Leave with up to an additional forty-nine (49) weeks of Unpaid Adoption Leave. The Paid Adoption Leave must be taken concurrent to the time of the placement.

An eligible casual staff member, at the time of taking custody, will be entitled to fifty-two (52) weeks Unpaid Adoption Parent Leave, which must be taken concurrent to the time of the placement of the child.

Where a staff member provides evidence of the pending adoption, the University will credit the staff member with an additional two (2) days Unpaid Adoption Leave, if required, to attend compulsory interviews in connection with the adoption.

Where both prospective, adoptive parents are staff members of the University, only one (1) staff member will be entitled to Paid Adoption Leave.

Note: A staff member with less than twelve (12) months continuous service is not entitled to Adoption Leave, nor is Adoption Leave applicable where a staff member adopts or takes custody of a child or children who has previously lived with the staff member for more than six (6) months; or, is a child or children of their spouse or partner.

Notification of and Application for Adoption Leave

At least four (4) weeks prior to taking anticipated Adoption Leave, a staff member must advise their supervisor in writing by completing an [Application for Leave form](#) and providing a statement from the adoption agency, certifying the expected date of placement. The manner in which the leave is to be taken should be discussed and agreed with the staff member's supervisor as part of the application process.

A staff member, who wants to apply for other forms of leave concurrently with the Adoption Leave application, should contact Office of People and Capability prior to completing the [Application for Leave form](#).

The authorised [Application for Leave form](#) must be submitted to the Office of People and Capability at least four (4) weeks' before the commencement date of the proposed leave, accompanied by sufficient evidence to support the application, such as a certificate of adoption or statement from the adoption agency, certifying the expected date of placement or statutory declaration.

Foster Parent Leave Entitlement

Foster Parent Leave is a period of approved absence, granted to an eligible staff member who is taking custody of a child or children under sixteen (16) years of age who is not the birth child or children of the staff member or their spouse or partner; and has not lived continuously with the staff member for six (6) months or longer as at the day of placement.

A staff member who has at least twelve (12) months continuous service with the University at the time of taking custody, will be entitled to three (3) weeks Paid Foster Parent Leave which must be taken concurrent to the time of the placement of the child.

An eligible casual staff member, at the time of taking custody, will be entitled to three (3) weeks Unpaid Foster Parent Leave which must be taken concurrent to the time of the placement of the child.

The University will also provide the staff member with an additional two (2) days Unpaid Foster Parent Leave, if required, to attend compulsory interviews in connection with fostering the child.

Where both prospective foster parents are staff members of the University, only one (1) staff member will be entitled to Paid Foster Parent Leave.

Note: A staff member with less than twelve (12) months continuous service is not entitled to Foster Parent Leave, nor is Foster Parent Leave applicable where a staff member has previously had custody of the child or children within the previous twelve (12) months; or, is a child or children of their spouse or partner.

Notification of and Application for Foster Parent Leave

At least four (4) weeks prior to taking anticipated Foster Parent Leave, the staff member must advise their supervisor in writing by completing an [Application for Leave form](#) and providing a statement from the foster care agency, certifying the expected date of placement. The manner in which the leave is to be taken should be discussed and agreed with the staff member's supervisor as part of the application process.

A staff member, who wants to apply for other forms of leave concurrently with the Foster Parent Leave application, should contact Office of People and Capability prior to completing the [Application for Leave form](#).

The authorised [Application for Leave form](#) must be submitted to the Office of People and Capability at least four (4) weeks' before the commencement date of the proposed leave, accompanied by sufficient evidence to support the application, such as a certificate or statement from the foster care agency, certifying the expected date of placement or statutory declaration.

Return to Work Leave

Return to Work Leave is a period of approved absence, granted to a staff member returning to full-time work following a period of Paid or Unpaid Parental Leave to assist the staff member in returning to work.

Return to Work Leave allows a staff member to take two (2) days Paid leave per week up to the child's or children's first birthday, for example to:

- Re-establish career aspirations;
- Facilitate child care arrangements; and/or
- Breastfeed.

Return to Work Leave may be averaged out by utilising more leave early in the period and less leave later on. For example, a staff member returning to work may take three (3) days leave in the initial Return to Work Leave period and one (1) day a week toward the end of the period. The only restriction is that the leave must average out at two (2) days over the period of Return to Work Leave.

The University allows for a variety of arrangements to be entered into through this provision however; any decision to allow a staff member to access these arrangements will be based on the individual circumstances of the staff member and substantial consideration for the operational requirements of the area.

Notification of and Application for Return to Work Leave

The manner in which Return to Work Leave will be taken should be discussed and agreed to with the staff member's supervisor as part of the Parental Leave application process. All arrangements under this provision are to be documented in writing and retained by the relevant Senior Manager.

The authorised [Application for Return to Work after Maternity/Parental Leave form](#) must be submitted to the Office of People and Capability prior to the staff member's expected return to work date, accompanied by sufficient evidence to support the application, such as a birth certificate or statutory declaration.

Child Rearing Leave Entitlement

Child Rearing Leave is a period of approved absence, granted separately from Maternity Leave, Partner/Paternity Leave, Adoption Leave or Foster Parent Leave, to an eligible staff member to care for a child under the age of six (6) years old.

A staff member who has at least twelve (12) months continuous service with the University at the time of request will be entitled to fifty-two (52) weeks Unpaid Child Rearing Leave.

Notification of and Application for Child Rearing Leave

At least three (3) months' prior to taking anticipated Child Rearing Leave a staff member must advise their supervisor in writing by completing an [Application for Leave form](#). The manner in which the leave is to be taken should be discussed and agreed with the staff member's supervisor as part of the application process.

A staff member, who wants to apply for other forms of leave concurrently with the Child Rearing Leave application, should contact Office of People and Capability prior to completing the Application for Leave form.

The authorised [Application for Leave form](#) must be submitted to the Office of People and Capability at least four (4) weeks' before the commencement date of the proposed leave, accompanied by sufficient evidence to support the application, such as a statutory declaration.

Communication with a Staff Member on Parental Leave

Supervisors should actively keep in touch with staff members during the parental leave period to ensure the staff member feels connected to the University. There are no minimum standards for how this should occur or how frequently, so it is important to discuss this with the staff member prior to their leave commences to determine how often and what communication medium would work well for the staff member.

Supervisors are required to notify all staff members of any major workplace changes, including restructure, which may occur while a staff member is on parental leave. This includes providing the staff member with all relevant information so that the staff member can contribute views on the proposed changes.

A staff member returning to work after a period of Paid Parental Leave is entitled to return to their position prior to taking leave; or if that position is no longer available, to be placed in a position similar to that held prior to the commencement of leave, to the nearest classification and salary level.

Resumption of Duty

At least four (4) weeks prior to a staff member's expected return to work date; the supervisor should contact the staff member to discuss and coordinate their return to work, including:

- Whether the staff member is seeking to return on a full-time or part-time basis;
- Whether the staff member wishes to extend their leave;
- Attending relevant orientation workshops/training sessions and renewing memberships such as First Aid training, Ochre Card etc;
- Return to Work Leave; and
- Any other issues the staff member may have.

A staff member returning to work after a period of Parental Leave may negotiate to return to work either full-time or part-time, subject to the operational requirements of their workplace and in agreement with the relevant supervisor and manager.

A staff member who returns to work on a part-time basis will have their salary and other entitlements adjusted accordingly.

Post-Natal Arrangements

The University requires a female staff member who gives birth, to take a minimum of six (6) weeks Maternity Leave before returning to work. If the staff member requests to return to work early, medical evidence must be provided to Office of People and Capability through the staff member's supervisor, stating that there are no medical obstacles to returning to work.

A staff member who is breastfeeding is entitled to reasonable breaks in paid time for lactation purposes. The University provides facilities for mothers who are breastfeeding at Casuarina, Palmerston and Alice Springs campuses.

Subsequent Parental Leave Requests

Parental Leave is an individual entitlement and there are no restrictions on the number of times a staff member may take Parental Leave, provided the staff member has completed the requisite continuous service period to each application.

Australian Government Paid Parental Leave Schemes

The Parental Leave Pay and the Dad and Partner Pay are public schemes established by the Commonwealth Government to provide financial support to eligible working parents or partners (including same-sex partners) of newborn or recently adopted children. These schemes are in addition to the University's current Parental Leave entitlements.

For more eligibility information and to make a claim, staff members are advised to:

- Call the Family Assistance Office on 13 6150;
- Visit the Department of Human Services located in Centrelink Customer Service Centres; or
- Visit the [Department of Human Services](#) Website.

ESSENTIAL SUPPORTING INFORMATION

Internal

[Application for Leave form](#)

[Application for Return to Work after Maternity/Parental Leave form](#)

[Charles Darwin University and Union Enterprise Agreement 2013](#)

[Human Resources Policy](#)

[Staff - Leave without Pay \(LWOP\) Procedures](#)

[Staff - Personal Leave and Compassionate Leave Procedures](#)

[Work Health and Safety Policy](#)

External

[Anti-Discrimination Act 1992](#) (Northern Territory)

[Australian Government Dad and Partner Pay](#)

[Australian Government Paid Parental Leave Scheme](#)

[Fair Work Act 2009](#) (Commonwealth)

[Paid Parental Leave Act 2010](#) (Commonwealth)

[Sex Discrimination Act 1984](#) (Commonwealth)

[Work Health and Safety \(National Uniform Legislation\) Act 2011](#) (Northern Territory)

Document History and Version Control

Last amendment:	15 Dec 2017	Next Review:	Oct 2017
Sponsor:	Deputy Vice-Chancellor, Operations		
Contact Officer:	Director, People and Capability		

Version	Date Approved	Approved by	Brief Description
1.00	1 Aug 2006	Vice-Chancellor	Creation of original document and upload to CDU website.
1.01	26 Aug 2011	Governance	<ul style="list-style-type: none"> Converted document from process to current procedural template including changing the title from Parental Leave Process to Parental Leave Procedures Minor changes to formatting, spelling and grammar Addition of introduction, relevant definitions, hyperlinks and essential supporting information
2.00	27 Jun 2012	Vice-Chancellor	Major review of document in line with new Enterprise Agreement
2.01	23 Aug 2012	Governance	Amendment to 'Both staff as University employees section' paragraph 2
2.02	28 Jul 2013	Governance	<ul style="list-style-type: none"> Assigned document number Converted document to current template Updated and added hyperlinks Minor changes to wording, grammar and formatting
3.00	21 Oct 2015	Vice-Chancellor	<p>Major review of document in line with biennial review requirements and Charles Darwin University and Union Enterprise Agreement 2013</p> <ul style="list-style-type: none"> Update definitions and addition of: child, eligible staff member, primary carer, returning to work full-time, senior executive, senior manager, staff member Addition of Australian Government Paid Parental Leave Scheme and Dad and Partner Pay Scheme Addition of Communication with a Staff Member on Parental Leave, Resumption of Duties
3.01	15 Dec 2017	Governance	<ul style="list-style-type: none"> Converted document into new template Updated definitions Updated hyperlinks Amended references to Office of Human Resource Services to Office of People and Capability Amended Contact Officer from Manager, Employee Relations to Director, People and Capability Added sponsor, Deputy Vice-Chancellor, Operations