Parental Leave Procedure

1 Purpose

To outline the process and entitlements of parental leave and provide the framework which supports breastfeeding Employees in the workplace.

2 Scope

This procedure applies to all eligible Employees.

3 Procedure Overview

This procedure outlines parental leave entitlements of eligible Employees, as well as the relevant application processes, evidentiary requirements, and Notice periods for taking parental leave.

This procedure also outlines the support, flexibility, and facilities available to breastfeeding Employees in the workplace.

For the purpose of this procedure, the Primary Caregiver may include the following:

- birth or adoptive parent;
- the partner of the birth or adoptive parent;
- the biological parent;
- the partner of the biological parent;
- the gaining parent in a surrogacy arrangement; or
- the partner of the gaining parent in a surrogacy arrangement.

The Primary Caregiver is the person who is, for the relevant period, primarily responsible for ensuring that care is provided to the child.

For the purpose of this Procedure, parental leave is comprised of the following components:

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- parental leave, taken by the Primary Caregiver upon the birth or adoption of a child;
- partner leave, taken by the partner of the birth or adoptive parent upon the birth or adoption of a child;
- primary caregiver leave, taken by the Primary Caregiver after the birth or adoption of a child for the purpose of providing care to the child.

4 Procedures

The National Employment Standards (NES) sets out the minimum employment entitlements that must be provided to all Employees. As part of the NES, eligible Employees are entitled to unpaid parental leave and certain other parental leave entitlements.

The Enterprise Agreement sets out the specific employment entitlements that are provided to eligible University Employees. As part of the Enterprise Agreement, eligible Employees are entitled to paid parental leave and certain other parental leave entitlements.

In addition to the NES and the Enterprise Agreement, the Australian government provides eligible Employees with an entitlement to paid parental leave.

4.1 Types of Leave and Eligibility

Parental leave allows eligible Employees time off work if:

- they give birth to or adopt a child;
- their partner gives birth to or adopts a child; and/or
- they are the Primary Caregiver in relation to the child.

4.1.1 Unpaid parental leave

Employees are eligible for 12 months' unpaid parental leave if they have completed at least 12 months' continuous service with the University. This includes casual Employees if:

- they have been working for the University on a regular and systematic basis for at least 12 months; and
- they had a reasonable expectation of continuing work for the University on a regular and systematic basis, had it not been for the expected birth or adoption of a child.

Employee couples may access their unpaid parental leave entitlements concurrently (at the same time) for all or part of their period of parental leave.

Eligible Employees may request an extension of up to a further 12 months' unpaid parental leave (up to a total of 24 months). The University may refuse such a request if there are reasonable grounds to do so.

Continuing and fixed-term Employees who have not completed at least 12 months' continuous service with the University, are entitled to 26 weeks' unpaid parental leave.

4.1.2 Paid parental leave

Continuing and fixed-term Employees who have completed at least 12 months' continuous service with the University are entitled to paid parental leave.

In addition to the general eligibility requirements, continuing and fixed-term Employees are entitled to paid parental leave for the purpose of adopting a child, only if the child:

- is under the age of 16 years; and
- has not lived, or will not have lived, with the Employee for a continuous period of six months or more, as at the date of placement; and
- is not the child of the Employee's partner.

4.1.3 Government-funded parental leave

The Australian government provides eligible Employees parental leave through Services Australia.

Employees must meet the eligibility criteria required by Services Australia. The University does not determine eligibility for government-funded parental leave.

Eligible Employees must apply for government-funded parental leave through Services Australia, and must notify Services Australia of any changes in their circumstances or parental leave plan. The University does not administer government-funded parental leave.

Eligible Employees must comply with the Notice and evidentiary requirements as set out in this procedure.

4.1.4 Pre-Adoption Leave

All Employees (regardless of their period of service) are entitled to two days' unpaid pre-adoption leave to attend relevant interviews or examinations as part of the adoption process.

Employee couples are entitled to four days' unpaid pre-adoption leave between them.

Pre-adoption leave can be taken as a single continuous period, or flexibly as separate periods of full or part days each, and must be taken before the placement of the child.

4.1.5 Special parental leave

Eligible Employees are entitled to up to six weeks' paid special parental leave in the case of a stillbirth, a miscarriage from 26 weeks' pregnancy onwards, or infant death within 24 months from the date of birth of the child.

In addition to the paid leave entitlements available to Employees under the Enterprise Agreement (including annual leave or personal leave), eligible Employees also have certain unpaid special parental leave entitlements under the NES and the Enterprise Agreement.

4.1.5.1 Stillbirth, pregnancy-related illness or miscarriage, and infant death

In accordance with the NES:

- eligible Employees are entitled to up to 12 months' unpaid parental leave in the case of a stillbirth;
- eligible fixed-term or continuing Employees may take paid compassionate leave in lieu of unpaid parental leave in the case of a stillbirth or infant death within 24 months after the date of birth of the child, while eligible casual Employees may take unpaid compassionate leave; and
- eligible pregnant Employees are entitled to a period of unpaid special parental leave if they are unfit for work due to a pregnancy-related illness, or in the case of a miscarriage or termination of the pregnancy after at least 12 weeks.

Eligible Employees are entitled to up to 12 months' unpaid parental leave in the case of a miscarriage from 26 weeks' pregnancy onwards.

4.1.5.2 Premature birth and birth-related complications

Employees who are not entitled to paid parental leave under the Enterprise Agreement, but who are entitled to unpaid special parental leave under the NES, may request the University to place their unpaid parental leave on hold, if their child is hospitalised immediately after birth, while the Employee returns to work. The Employee may resume unpaid parental leave following the period of hospitalisation or at a time agreed with the University.

The University may require Employees to provide evidence that would satisfy a reasonable person that the child has been hospitalised, and that the birth parent is fit for work.

4.1.6 Concurrent leave

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Employee couples may:

- access their unpaid parental leave entitlements concurrently (at the same time) for all or part of their period of parental leave; and
- access their paid parental leave entitlements concurrently, with the exception of their primary caregiver leave entitlement, for all or part of their period of parental leave.

However, the aggregate of any periods of parental leave (paid and unpaid) taken by an Employee couple, must not exceed 24 months.

4.1.7 Second or subsequent child

Eligible Employees are entitled to the same parental leave entitlements, taken in accordance with the same conditions, in relation to a second or subsequent child, as they are in relation to their first child.

4.2 Employee Entitlements

During an approved period of paid parental leave, Employees will be paid at a rate calculated on the Employee's average service fraction over the 12-month period preceding the commencement of paid parental leave.

The period of paid parental leave available to eligible Employees depends on whether the Employee is the Primary Caregiver of the child, and whether both parents work at the University.

If only one of the parents works for the University, and if they meet the eligibility requirements for parental leave, they are entitled to a maximum of:

- 26 weeks' paid parental leave if they are the Primary Caregiver; or
- two weeks' paid partner leave if they are not the Primary Caregiver,

as follows:

Paid Parental Leave Components	Individual Employee Entitlements
Paid Parental Leave	If an Employee will be the Primary Caregiver upon the birth or adoption of a child, they are entitled to 14 weeks' paid parental leave.
Paid Primary	If an Employee is the Primary Caregiver and is required to provide care

Caregiver Leave	to a child after the birth or adoption of the child, they are entitled to an additional 12 weeks' paid parental leave.
Paid Partner Leave	If an Employee is the partner of the birth or adoptive parent and will not be the Primary Caregiver upon the birth or adoption of a child, they are entitled to two weeks' paid parental leave.

If both parents work for the University, and if both parents meet the eligibility requirements for parental leave, they are entitled to a maximum of 28 weeks' paid parental leave between them, as follows:

Paid Parental Leave Components	**Employee Couple Entitlements**
Paid Parental Leave	The member of the Employee couple who will be the Primary Caregiver upon the birth or adoption of a child, is entitled to 14 weeks' paid parental leave. Only one member of the Employee couple may take paid parental leave at a time.
Paid Primary Caregiver Leave	The member of the Employee couple who is the Primary Caregiver and is required to provide care to a child after the birth or adoption of the child, is entitled to an additional 12 weeks' paid parental leave (known as primary caregiver leave). Only one member of the Employee couple may take paid primary caregiver leave at a time.
Paid Partner Leave	The member of the Employee couple who is the partner of the birth or adoptive parent and who will not be the Primary Caregiver upon the birth or adoption of a child, is entitled to two weeks' paid parental leave (known as partner leave). One member of the Employee couple may take paid partner leave at the same time as the other takes paid parental leave.

4.2.1 Paid leave effect on unpaid parental leave

Other paid leave entitlements, such as annual leave or paid parental leave in accordance with the Enterprise Agreement, have no effect on an Employee's entitlement to unpaid parental leave in accordance with the NES.

4.2.2 Paid leave effect on government-funded leave

Other paid leave entitlements, such as annual leave, long service leave, or paid parental leave

in accordance with the Enterprise Agreement, have no effect on an Employee's entitlement to government-funded parental leave.

Eligible Employees can take paid leave in accordance with the Enterprise Agreement at the same time as government-funded parental leave. However, the aggregate of any periods of paid parental leave taken by an Employee as government-funded parental leave or paid parental leave under the Enterprise Agreement, must not exceed 24 months.

4.3 Parental leave period

Eligible Employees must access and utilise all their parental leave entitlements (paid and unpaid) within a 24-month period from the date of birth or placement of the child, at which point, their parental leave entitlements will cease in respect of the child.

Eligible Employees must commence parental leave as follows:

Parental Leave Components	Commencement of Parental Leave Entitlements
Parental Leave	The birth parent: • may commence unpaid parental leave up to six weeks before the expected date of birth, or earlier if agreed with the University; and • commence paid parental leave upon the expected date of birth of the child, or up to 20 weeks before the expected date of birth if advised by a medical practitioner . If a pregnant Employee wishes to work during the six-week period immediately before the expected date of birth, the University may request them to provide a medical certificate which states their fitness for work. If the Employee fails to provide the requested medical certificate, or if the medical certificate states the Employee is unfit for work or that it is inadvisable for the Employee to work, the University may require the Employee to commence their paid parental leave immediately. If the partner of the birth parent will be the Primary Caregiver to the child, they may commence parental leave (paid and unpaid) upon the date of birth of the child. The adoptive parent may commence parental leave (paid and unpaid) upon the expected date of placement of the child.
Primary Caregiver	The Primary Caregiver may:

Leave	• commence paid primary caregiver leave following a period of parental leave or partner leave (whether paid or unpaid); and • commence unpaid primary caregiver leave within 24 months of the birth of the child.
Partner Leave	If the partner of the birth or adoptive parent will not be the Primary Caregiver of the child, they may: • commence paid partner leave upon the expected date of birth or expected date of placement of the child, or up to one week prior to the expected date of birth or expected date of placement of the child ; and • commence unpaid parental leave upon the expected date of birth, or expected date of placement, of the child, or following a period of paid partner leave.

4.3.1 Flexibility

Unpaid parental leave can be taken as a single continuous period, or flexibly (up to 100 days), or a combination of both.

Paid parental leave can be taken as follows:

Paid Parental Leave Components	Structure of Paid Parental Leave Entitlements
Paid Parental Leave	Paid parental leave must be taken as a single continuous period.
Paid Primary Caregiver Leave	Paid primary caregiver leave may be taken as a single continuous period, or flexibly as two separate blocks of six weeks each.
Paid Partner Leave	Paid partner leave must be taken as a single continuous period.

4.4 Notification Periods

Notification from the Employee of the intention to commence leave, must occur within the timeframes specified below.

4.4.1 Pre-adoption leave

Employees who intend to take pre-adoption leave, must notify their Supervisor as soon as

practicable.

The University may require Employees to provide evidence of the reason for which they intend to take, or have taken, pre-adoption leave. Employees are not required to provide such evidence, unless requested by their Supervisor.

4.4.2 Parental leave

Employees must provide their Supervisor with at least 10 weeks' written Notice of their intention to take parental leave (paid and unpaid), unless it is not possible to do so, specifying:

- the intended start and end dates for any continuous periods of parental leave; and
- the number of and dates of flexible parental leave days they intent to take.

Employees must confirm their intended parental leave plan or advise the University of any changes to their intended parental leave plan, by submitting an Absence Request Form as follows:

- If the Employee intends taking parental leave as the Primary Caregiver of a newborn child, they must submit an Absence Request Form at least four weeks before the intended commencement of parental leave.
- If the Employee intends taking parental leave for the purpose of adopting or caring for a child, they must submit an Absence Request Form as soon as practicable after notification of the expected placement date, but at least 14 days before the intended commencement of parental leave.
- If the Employee intends taking parental leave upon the birth or adoption of a child but will not be the Primary Caregiver of the child, they must submit an Absence Request Form at least four weeks before the intended commencement of parental leave.

4.4.3 Special parental leave

Eligible Employees who experience a stillbirth, pregnancy-related illness or miscarriage, or infant death within 24 months after the birth of the child, must notify the University as soon as practicable if they wish to access their paid leave entitlements in accordance with the Enterprise Agreement, including paid special parental leave, compassionate leave, personal leave, or annual leave.

In the case of a stillbirth or infant death within 24 months following the birth of a child, an Employee may cancel their unpaid parental leave or take a reduced unpaid parental leave period. If the Employee has already commenced a period of unpaid leave, they must provide the University with at least four weeks' Notice of their intention to return to work and their

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Decision to cancel the balance of their unpaid parental leave.

The University may require Employees to provide evidence of the reason for which they intend to take, or have taken, special parental leave.

4.5 Application process

All applications for parental leave are to be made using the relevant Absence Request Form. The Authorising Officer for all applications of parental leave is the relevant Category 4 Delegate, or above.

Employees who apply for a safe job (see below), pre-adoption leave, or parental leave, must comply with the Notice and evidence requirements as set out in this procedure.

Employees are required to submit documentation, depending on their leave type, at the point of application as follows:

Employee Type	Evidence Requirements
Giving birth or adopting a child	• a medical certificate from a practicing medical practitioner, stating: ◦ the Employee is pregnant; and ◦ the expected date of birth of the child; or • a statement from the adoption agency or other appropriate body, stating: ◦ the Employee is adopting a child; and ◦ the expected date of placement of the child.
Primary care giver of newborn child	• a medical certificate from a practicing medical practitioner, or a statement from the adoption agency or other appropriate body, as described above, if they are the birth or adoptive parent; or • a medical certificate from a practicing medical practitioner, or a statement from the adoption agency or other appropriate body, and a statutory declaration, as described above, if they are the partner of the birth or adoptive parent.
Primary care giver and partner of the birth or adoptive parent	• a medical certificate from a practicing medical practitioner, stating: ◦ the Employee's partner is pregnant; and

	◦ the expected date of birth of the child; or • a statement from the adoption agency or other appropriate body, stating: ◦ the Employee's partner is adopting a child; and ◦ the expected date of placement of the child; and • statutory declaration, stating: ◦ the Employee will be the Primary Caregiver and the birth or adoptive parent will cease to be the Primary Caregiver; ◦ the period during which the Employee will be the Primary Caregiver; and ◦ the Employee undertakes to notify the University of any changes in their circumstances, including any paid parental leave taken by their partner; and ◦ any further evidence reasonably required by the University in the circumstances.
Non-primary care giver and partner of the birth or adoptive parent	Medical certificate from a practicing medical practitioner, or a statement from the adoption agency or other appropriate body, in relation to the birth or adoptive parent and the expected date of birth or placement, as described above

4.6 Consultation

Employees who are on an approved period of parental leave (whether paid or unpaid) are entitled to be consulted on any Decisions made by the University which may have a significant effect on their position.

The University will take reasonable steps to provide the Employee with the necessary Information and provide them with an opportunity to discuss the effects of such Decisions.

4.7 Keeping-in-touch days

The *Fair Work Act 2009* allows Employees who are on an approved period of unpaid parental leave, to perform work for the University on what is known as keeping-in-touch days (KIT days).

KIT days can be worked as:

- a single full day at a time;
- a few full days at a time;
- a part-day at a time; or
- all at once.

Eligible Employees are entitled to a maximum of 10 KIT days during a 12-month period of unpaid parental leave. If the Employee extends their unpaid parental leave entitlement beyond the initial 12 months, they are entitled to another 10 KIT days.

KIT days are worked at the Employee's request, and the Employee and University must agree on when and how KIT days will be worked.

Eligible Employees can work KIT days from at least 42 days after the birth or adoption of their child, or earlier if requested. The earliest a KIT day can be worked, is at least 14 days after the date of birth or placement of the child.

Employees are paid at their ordinary rate for work performed on KIT days.

If an Employee works a KIT day during their paid parental leave, their leave for that day will be credited back to them and added to the continuous period of paid parental leave (effectively extending the end date of the Employee's period of paid parental leave).

4.8 Return to work

Employees are entitled to return to the position they filled prior to the commencement of parental leave, special parental leave, special leave in lieu of transferring to a safe job, or to an available position for which the Employee is qualified and suited, if their position no longer exists.

The *Fair Work Act 2009* provides Employees who are the Primary Caregiver of a child with an entitlement to request flexible working arrangements, subject to eligibility requirements set out in the Act. Flexible working arrangements are managed in accordance with the Flexible Work and Working Arrangements Policy.

Full-time employees may request that their employment be temporarily varied to a part-time working arrangement, to support a phased return to work following a period of parental leave. The Employee and the University must agree on such a variation, which is subject to the operational needs of the University.

The Authorising Officer for all applications to vary an Employee's working arrangement, and the

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decision-maker following a review of such variation, is the relevant Category 3 Delegate, or above. If an Employee's working arrangement is varied, their ordinary rate and entitlements will be varied accordingly.

There is an expectation that an Employee who accesses paid parental leave entitlements in accordance with the Enterprise Agreement, will return to work for at least three months following a period of parental leave.

In the case of a stillbirth or infant death within 24 months following the birth of a child, an Employee may choose to return to work and may cancel their unpaid parental leave or take a reduced unpaid parental leave period, subject to the Notice requirements set out in this procedure.

4.8.1 Early Return to work

Eligible Employees who wish to reduce or cancel a period of parental leave and return to work, must provide the University with written Notice of their intention to return to work at least four weeks prior to their intended return date.

Eligible Employees who wish to place their unpaid parental leave entitlement on hold during the hospitalisation of a newborn child, must notify the University as soon as practicable.

4.9 Safe Jobs

Safe jobs are provided and managed in accordance with the NES.

Prior to commencing parental leave, a pregnant Employee is entitled to be transferred to an appropriate “safe job” if they have complied with the relevant Notice and evidentiary requirements set out in this procedure.

If there is an appropriate safe job available, the University will temporarily transfer the Employee to that position for the Risk period.

A transfer to a safe job will not affect the Employee's existing terms and conditions of employment, and the Employee will be paid at their ordinary rate during the Risk period, plus any applicable penalty or overtime rates, loadings, or allowances which may apply.

If there is no appropriate safe job available:

- the Employee is entitled to paid special leave for the duration of the Risk period, at their ordinary rate, if they meet the eligibility requirements of parental leave; or
- the Employee is entitled to unpaid special leave for the duration of the Risk period, if they do not meet the eligibility requirements of parental leave.

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If an Employee is eligible to receive paid special leave within six weeks before the expected date of birth of the child, the University may require the Employee to take unpaid parental leave as soon as practicable if they are unfit for work.

The period of special leave will end upon the commencement of parental leave.

4.9.1 Safe jobs application

If a pregnant Employee meets the eligibility requirements for a safe job, they must notify their Supervisor in writing, as soon as practicable, and may apply for a transfer to a safe job by writing to their Supervisor.

Employees who request a transfer to a safe job must provide the University with a medical certificate from a practicing medical practitioner, stating that:

- the Employee is fit for work; but
- it is inadvisable for them to continue working in their current position during the Risk period, due to illness or Risks arising from the pregnancy, or hazards connected with their position.

4.10 Breastfeeding

The University seeks to eliminate all forms of Discrimination against Employees on the grounds of breastfeeding and actively supports Employees to breastfeed on campus through the provision of appropriately equipped parenting rooms on each campus.

4.10.1 Lactation breaks

Breastfeeding Employees are entitled to paid lactation breaks, to be taken as needed during their workday. The time taken as a lactation break is paid and counts as time worked.

- Lactation breaks must be negotiated between the Employee and their Supervisor and are subject to operational requirements.

4.10.2 Flexible working arrangements

The University will provide flexible work and leave arrangements that support the successful return to work or study of breastfeeding Employees. Subject to operational requirements, this may include flexible start and finishing times, reduced hours, working from home, part-time work and job sharing.

4.10.3 Facilities

The University is committed to providing a clean, private room on each campus that meets appropriate health and safety standards and provides Employees with access to suitable facilities to breastfeed and/or express milk while at work.

Employees who bring an infant on campus should be considerate of the impact on the work/study environment of other Employees or Students and should have regard for the potential hazards and safety issues that might apply to the presence of a young child in any location on campus. Refer to the Children on Campus Procedure for more details in this regard.

4.11 Delegations

Position	Delegation
Category 4 Delegate	Approve parental leave

5 References

Nil.

6 Schedules

This procedure must be read in conjunction with its subordinate schedules as provided in the table below.

7 Procedure Information

Accountable Officer	Chief People Officer
Responsible Officer	Chief People Officer
Policy Type	University Procedure
Policy Suite	Flexible Work and Working Arrangements Policy
Subordinate Schedules	
Approved Date	6/5/2025
Effective Date	6/5/2025
Review Date	28/8/2029
Relevant Legislation	UniSQ Enterprise Agreement
Policy Exceptions	Policy Exceptions Register

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Related Policies	
Related Procedures	Children on Campus Procedure
Related forms, publications and websites	
Definitions	**Terms defined in the Definitions Dictionary**
	Decision A determination made by an Employee, contractor or other authorised delegate in the course of their duties on behalf of the University. Discrimination Occurs when a person or a group of people are treated less favourably than another person or group because of race, colour, national or ethnic origin; gender or marital status; disability; religion or political beliefs; sexual preference; or some other central characteristic. Discrimination may occur when a person is denied the opportunity to participate freely and fully in normal day-to-day activities, for example being harassed in the workplace or being denied entry to public places and other facilities. Interpretation Rule: Unless context otherwise requires, a reference to 'discrimination' (or other grammatical forms of any of this term) wherever appearing in University policy or procedure, and whether or not those terms are capitalised in any such instrument, is taken to include a reference to 'Antisemitism' as defined in the Definitions Dictionary . Employee A person employed by the University and whose conditions of employment are covered by the Enterprise Agreement and includes persons employed on a continuing, fixed term or casual basis. Employees also include senior Employees whose conditions of employment are covered by a written agreement or contract with the University. Enterprise Agreement University of Southern Queensland Enterprise Agreement 2023-2026. Information Any collection of data that is processed, analysed, interpreted, organised, classified or communicated in order to serve a useful purpose, present facts or represent knowledge in any medium or form.

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	This includes presentation in electronic (digital), print, audio, video, image, graphical, cartographic, physical sample, textual or numerical form. Notice A Notice from the University is a document, whether physical or electronic. A Notice may be: given by hand to the addressee or delivered to the address provided by the addressee to the University; or sent by registered or pre-paid mail to the address provided by the addressee to the University; or sent by electronic communication to the University-issued email account provided by the University to a Student during the period of Enrolment until the completion of their program; or sent by electronic communication to the email address provided to the University by an addressee not enrolled at the University. A Notice is taken to be received if: given by hand to the addressee or delivered to the address provided to the University by the addressee; or sent by registered or pre-paid mail - three University Business Days after the date of posting; or sent by electronic communication - at the time that would be the time of receipt under the Electronic Transactions Act 1999 or its succeeding legislation. A Notice that would be deemed to have been received out of business hours or on a non-University Business Day will instead be deemed received on the next University Business Day. Risk The effect of uncertainty on objectives. University The term 'University' or 'UniSQ' means the University of Southern Queensland.
	Definitions that relate to this procedure only
Keywords	
Record No	23/618PL

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