



University of  
South Australia

## Parental Leave Procedure

- Application
- Overview
- Procedure
- Responsibilities and/or authorities
- Further assistance

---

### APPLICATION

This procedure applies to continuing, fixed-term and eligible casual staff (as defined) employed in accordance with:

1. The University of South Australia Academic and Professional Staff Collective Agreement 2006
2. The University of South Australia Document Services Collective Agreement 2006
3. The University of South Australia (Security and Grounds Staff) Enterprise Agreement 2008
4. Academic Staff, Professional Staff, Document Services Staff and Security and Grounds Staff employed pursuant to an Australian Workplace Agreement (AWA) where a reference to this procedure is specifically referred to in the AWA.

### OVERVIEW

This procedure reflects the preferred practice of the University and provides a guide to the application and management of Parental Leave.

The University of South Australia is committed to creating a family friendly work environment where the breadth of staff members' lives is acknowledged and their family responsibilities are supported to enable them to participate fully in the University. This procedure is used to assist staff in taking leave related to parenting, including maternity, adoption, pre-natal, partner and child rearing leave.

### DEFINITIONS

#### Parental Leave

Leave that relates to a staff member's parenting responsibilities including maternity, adoption, pre-natal, partner and child-rearing leave where applicable under this procedure.

#### Eligible Casual

A staff member is an *eligible casual* if:

- a) They have been engaged 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
- b) Who, but for the expected birth or an expected placement of a child, would have a reasonable expectation of continuing engagement by the University on a regular and systematic basis.

## **PROCEDURE**

### **1. ELIGIBILITY**

- 1.1. All full-time and part time continuing and fixed-term contract staff are entitled to the entitlements where prescribed in clause 2 below. An eligible casual staff member is entitled to entitlements in sub clauses 2.2, 2.3, 2.4, 2.5, 2.7(unpaid leave component only) only.
- 1.2. The entitlements for fixed-term contract staff under this clause cease from the date of termination of the fixed-term contract, unless the staff member is re-employed on a continuing basis or further fixed-term contract.

### **2. ENTITLEMENTS**

#### **2.1. Pre-Natal Leave**

A staff member who becomes pregnant is entitled to one (1) day's leave per month, at full pay, during the final six (6) months of the pregnancy, up to a maximum of six (6) days, to attend appointments associated with her pregnancy, up until the commencement of maternity leave.

#### **2.2. Post-Natal Arrangements**

A staff member who is breastfeeding shall be entitled to reasonable breaks in paid time for lactation purposes. Clean, private space will be provided, where practicable, to breast feeding staff members during these breaks for the purpose of expressing milk.

#### **2.3. Maternity Leave - Unpaid**

A staff member who becomes pregnant is entitled to up to fifty two (52) weeks unpaid maternity leave (inclusive of any period of paid maternity leave).

#### **2.4. Parenting Leave – Unpaid**

A staff member exercising parental responsibilities who is not the birth mother is entitled up to fifty two (52) weeks unpaid parenting leave.

#### **2.5. Adoption Leave - Unpaid**

2.5.1. A staff member who adopts a child under five (5) years age is entitled to a period of up to fifty two (52) weeks unpaid adoption leave. This leave is inclusive of any period of paid adoption leave in sub clause 2.6.

2.5.2. Adoption leave pursuant to sub clauses 2.5 and 2.6 may be granted to a staff member (excluding an eligible casual staff member) in special circumstances by the Vice Chancellor where a child is five (5) years of age and older. A further period of up to fifty two (52) weeks may be granted by the Vice Chancellor in special circumstances and where granted, this leave will apply in lieu of child rearing leave in sub clause 2.11.

#### **2.6. Paid Maternity and Adoption Leave**

2.6.1. A staff member with twelve (12) months or more continuous service prior to the expected date of birth or adoption shall be entitled to sixteen

(16) weeks at 100% of their ordinary rate of pay, plus twelve (12) weeks at 50% of their ordinary rate of pay.

- 2.6.2. The sixteen (16) weeks at full pay may be taken as thirty two (32) weeks at half pay and the twelve (12) weeks at half pay may be taken as six (6) weeks at full pay, where requested by a staff member and agreed by the supervisor.
- 2.6.3. A staff member with less than twelve (12) months continuous service prior to the expected date of birth or adoption shall, for each month of continuous service, be entitled to one (1) week at 100% of the ordinary rate of pay plus one (1) week at 50% of their ordinary rate of pay.
- 2.6.4. For part-time staff members, the paid portion of the leave will be paid at the proportionate fractional rate of pay.
- 2.6.5. All leave accruals and superannuation contributions during the period of paid maternity or adoption leave at half pay will be on a pro rata basis.
- 2.6.6. If requested by the staff member, any paid proportion of maternity or adoption leave may be paid as a lump sum.

## **2.7. Special Maternity and Adoption Leave**

- 2.7.1. If maternity or adoption leave has commenced, or has been applied for but not commenced and:
  - i) In the case of maternity leave, the pregnancy of the staff member terminates other than by the birth of a living child; or
  - ii) The staff member's child dies during the period that the staff member is on leave; or
  - iii) In the case of adoption leave, the child dies during the period that the staff member is on leave,

The staff member shall be entitled to sixteen (16) weeks paid leave at 100% of the standard rate of pay applicable to the staff member (less any paid leave already taken or paid) and a further period of unpaid leave up to a maximum of twelve (12) weeks.

- 2.7.2. Further leave may be granted as special leave without pay subject to managerial determination on a case by case basis.
- 2.7.3. Where partner leave has commenced and the child dies during the period that the staff member is on leave, the staff member shall be entitled to up to ten (10) days unpaid leave or such longer period as may be certified by a medical practitioner up to a maximum of four (4) weeks, in addition to any period of compassionate leave.
- 2.7.4. Where child rearing leave has commenced and the child dies during the period the staff member is on child rearing leave, the staff member shall be entitled to fourteen (14) weeks unpaid leave or such longer period as may be certified by a medical practitioner up to a maximum of fifty two (52) weeks, in addition to any period of compassionate leave.

## **2.8. Phased In Return to Work**

Upon return to work after maternity/adoption/child rearing leave, the staff member may work a reduced fraction, (0.6 for a full-time staff member) and be paid the full-time salary for a period of eight (8) weeks. For a part-time staff member, this eight (8) week period will be on a pro rata basis.

## **2.9. Partner Leave**

A full-time and part-time continuing and fixed-term contract staff member who submits a certificate from a registered medical practitioner of their partner's

pregnancy, or a certificate of adoption, shall be entitled to ten (10) working days paid leave, non cumulative. The staff member shall negotiate with their supervisor as to the most appropriate manner in which to take the leave.

#### **2.10. Foster Parent Leave**

- 2.10.1 Subject to a staff member providing appropriate documentation confirming that they are acting as the primary care giver of a foster child, the staff member will be entitled to six (6) weeks leave on half pay if the child is younger than five (5) years or three (3) weeks on half pay if the child is five (5) years or over.
- 2.10.2 This leave will commence from the time the child enters the staff member's care.
- 2.10.3 Foster parent leave does not apply to any second or subsequent foster children that may enter the care of a staff member during the term of the staff member's respective Agreement (ie Collective/Enterprise Agreement or AWA).

#### **2.11. Child Rearing Leave**

- 2.11.1. In addition to maternity, adoption and parenting leave, a further fifty two (52) weeks child rearing leave without pay shall be made available to a staff member for the care of a pre-school age child, up to the age of six (6) years, of whom the staff member is a parent (including an adopted child) or is exercising parental responsibilities.
- 2.11.2. Such leave shall apply to each child up to the age of six (6) years and shall not be accumulated in the case of successive births.
- 2.11.3. A request for child rearing leave must be made at least three (3) months in advance of the planned commencement of leave.
- 2.11.4. A staff member may apply for an extension to child rearing leave beyond the fifty two (52) weeks entitlement.
- 2.11.5. Applications for any such extension must be made at least three (3) months prior to the expiration of the period of child rearing leave, and will be assessed taking into account any special circumstances that may apply.
- 2.11.6. If any such extension is granted, the University and the staff member shall negotiate arrangements for return to work, and sub clause 2.12, relating to 'Resumption of Duty', shall not apply.

#### **2.12. Resumption of Duty**

- 2.12.1. A staff member (excluding an eligible casual staff member) who returns to duty after absence on maternity, adoption or child rearing leave shall:
  - i) Unless agreed otherwise with the staff member, return to the position which they occupied immediately prior to such an absence. The staff member may negotiate a return to work on a fractional time basis. Managers shall not unreasonably withhold agreement to return work on a fractional time basis.
  - ii) In the event that the position they occupied immediately prior to such absence is not available due to reorganisation of the work unit, they shall be appointed to a position equivalent in status and salary scale to the position formerly occupied. The location of that position shall be one which is mutually agreed between the staff member and the University.

- iii) Staff who have been on maternity/adoption/child rearing leave for an extended period shall be entitled to induction and/or training where required as part of their performance management program.
- 2.12.2. An eligible casual staff member who returns to duty after absence on maternity, adoption or parenting leave is entitled to return to the position which they held immediately prior to such absence. If the position no longer exists and the staff member is qualified and able to work in another position, the eligible casual staff member is entitled to return to that position. If there are two (2) or more such positions, whichever position is nearest in status and remuneration to the former position shall apply.

### **2.13. General Conditions of Parental Leave**

- 2.13.1. Adoption leave may be taken by either parent, but not by both concurrently, except during the sixteen (16) week period immediately following the placement of the child.
- 2.13.2. Appropriate certification relating to the birth or adoption of the child and, where appropriate, the staff member's legal responsibility, must be produced if required by the University.
- 2.13.3. Except as specifically provided for in this clause, parental leave may be granted to more than one (1) staff member in respect to the same child, but not at the same time and not so that the aggregate periods of leave granted to staff members in relation to the same child exceeds 104 weeks.
- 2.13.4. Employer contributions to superannuation shall continue during any period of paid parental leave.
- 2.13.5. Prior service at other Australian higher education institutions shall be counted in any calculation of eligibility for maternity/adoption/child rearing leave.

### **2.14. Continuity of Service**

- 2.14.1. Any period of paid maternity/adoption leave shall count as service with the University for all purposes.
- 2.14.2. Any period of unpaid parental leave shall be deemed not to have broken the staff member's continuity of service.
- 2.14.3. Only the first year of any continuous parental leave shall count for long service leave purposes.
- 2.14.4. Any period of unpaid parental leave, other than in sub clause 2.14.3 above, shall not count as service with the University for the purpose of accrual of entitlement to recreation leave, sick leave or long service leave or for any other benefit.

### **2.15. Use of Leave**

- 2.15.1. The taking of maternity/adoption leave does not reduce a staff member's entitlements to annual leave, long service leave, Time Off In Lieu (TOIL) or Rostered Days Off (RDO), except in relation to sub clause 2.14.4 above.
- 2.15.2. Staff members may elect to cover any of the period of unpaid parental leave with or add to their unpaid parental leave by taking recreation and/or long service leave, and/or TOIL, and/or RDOs during or adjacent to any period of unpaid parental leave.

- 2.15.3. If such recreation leave, long service leave, TOIL or RDOs are to be taken, the normal notice requirements for the taking of that leave apply.
- 2.15.4. Staff may also access their personal leave entitlements during or adjacent to any period of parental leave upon satisfaction of the normal requirements for the taking of such leave specified elsewhere in this procedure.
- 2.15.5. Where the University can accommodate a request without additional expense, a staff member may negotiate a return to work from a period of parental leave earlier than the date originally approved.

## **RESPONSIBILITIES AND/OR AUTHORITIES**

### **Immediate Supervisor**

The immediate supervisor is responsible for facilitating the management maternity, adoption and child rearing leave in accordance with this procedure.

### **Staff Member**

All staff are expected to manage their maternity, adoption and child rearing leave in accordance with this procedure.

### **The Human Resources Unit**

The Human Resources Unit is responsible for the development and continuous improvement of this procedure.

## **FURTHER ASSISTANCE**

Management and staff may seek further advice from:

- Their immediate supervisor
- The designated HR officer/coordinator for their area.
- The Human Resources Unit
- The Parental Leave Website: <http://www.unisa.edu.au/hrm/equity/parental-leave>

Reviewed: October 2007

Updated: August 2009

Updated: June 2010