



THE UNIVERSITY OF
NEWCASTLE
AUSTRALIA

Parental and Surrogacy leave information

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Introduction

The University of Newcastle has a range of policies that aim to be responsive to the needs of staff, including those with parenting responsibilities.

The University recognises that parenting responsibilities impact on all aspects of an individual's life, and that both men and women have parenting responsibilities.

This booklet provides both staff and supervisors with a comprehensive summary of the range of entitlements that can assist in balancing the demands of being a parent with the responsibilities of work.

The parental leave entitlements outlined in this guideline are underpinned by the Fair Work Act 2009 and the University's 2023 Enterprise Agreements for Academics, Teachers and Professional Staff.

Pregnancy

Notifying the University of your pregnancy

How early you choose to notify your supervisor of your pregnancy is entirely up to you; however, you are required to lodge written notice no later than 10 weeks before the expected date of delivery.

You should complete the Parental Leave Application form:

www.newcastle.edu.au/current-staff/working-here/benefits-and-conditions/leave

You will find this form under 'Parental Leave'. You are required to attach a medical certificate verifying the expected date of delivery.

If you wish to work during the six weeks prior to the expected date of birth, the University, as permitted by the Fair Work Act 2009, requires you to provide a medical certificate stating your fitness to continue working in your current position.

Early notification to your supervisor will allow your supervisor to provide you with appropriate support and assistance and adequate time to make alternative work arrangements for your work area.

Some points to discuss with your supervisor

When you decide to announce your pregnancy there are several things you may like to discuss with your supervisor including:

- your plans for parental leave
- review of Performance Review and Development (PRD) or Academic Planning and Performance (APP) goals to fit with parental leave plans
- options for attendance at antenatal appointments
- possible health and safety concerns associated with your job
- adjustments of work hours or flexible work arrangements as the pregnancy progresses
- plans for how your work will be undertaken while on parental leave
- options for part-time parental leave (particularly useful for academic staff who wish to maintain research activities and output post birth)
- contingency plans in case you need to commence parental leave earlier than expected (NB: you may commence parental leave up to 20 weeks prior to the expected date of birth).



Attending antenatal appointments

It is important to discuss your needs in relation to attending antenatal appointments with your supervisor.

The University is supportive and will aim to accommodate your needs as far as practicable. To assist in this, you should consider scheduling your antenatal appointments at a time with least impact on the workplace (e.g. early in the morning, late in the afternoon, in your lunch break, or by using flextime or life leave, if available).

Concerns about health risks associated with your job

It is important that you consider your own health and that of your baby when undertaking your duties at the University.

If you are concerned about health risks associated with your workplace or duties, you should raise them immediately with your supervisor so that proper risk management measures can be undertaken.

If your medical practitioner is of the opinion that working in your current position poses a risk to you or your baby, your supervisor will arrange for a health and safety risk assessment to be undertaken.

The Health and Safety Team will work with you and your supervisor to develop a plan to temporarily adjust your working conditions, duties, or hours of work. If adjustments cannot be reasonably made to your current role then your supervisor will discuss alternative options with you, such as:

- transferring to another role at your existing rate of pay
- reducing your hours of work
- taking paid personal, annual or long service leave, or
- commencing parental leave earlier.



Sickness during pregnancy

If you become ill during your pregnancy you have the same personal/carer's leave entitlements and the same responsibilities as other staff. You have access to up to 15 days paid personal/carer's leave per year of service. This leave accrues progressively during the year and any unused leave accumulates and can be taken in subsequent years.

If pregnancy complications arise after the 20th week of pregnancy and you are certified unfit to work for an extended period, parental leave may be commenced.

If you have a medical certificate stating that you are unfit for work, in the following circumstances, you may take:

Pre-20 weeks	Short term	Personal/carer's leave
Pre-20 weeks	Extended period	Personal/carer's leave or agreed flexible work arrangement
Post-20 weeks	Short term	Personal/carer's leave
Post-20 weeks	Extended period	Personal/carer's leave, or commence parental leave
Unfit for work six weeks prior to expected date of delivery		Commence parental leave

If you wish to work during the six weeks prior to the expected date of birth the University requires that you provide a medical certificate stating your fitness to continue working in your current position.

Parental leave – primary carer

Definition of primary carer

A staff member is the primary carer of a child if they are the person who has the primary responsibility for the care of a newborn or newly adopted or fostered child. The primary carer is the person who meets the child's physical needs more than anyone else. There can only be one primary carer for a child at any one time.

Entitlement to parental leave for primary carers

Parental leave is available to you as a University staff member regardless of employment type (e.g. continuing, fixed term, contingent, part-time, full-time capacity, and in some cases casual), when you or your partner are having a baby, or when you adopt or foster a child.

The University provides up to 26 weeks of paid parental leave for primary carers who have been employed by the University for 12 months or more at the date of birth or placement by adoption/fostering.

A prospective mother may commence parental leave up to 20 weeks prior to the expected date of birth.

If both parents are employed at the University the paid parental leave can be shared up to a maximum of 26 weeks at full pay or 52 weeks at half pay.

The University paid parental leave must be taken within 52 weeks of the birth of the child, or the date of placement of an adopted or fostered child.

Primary carers employed 12 months or more

Primary carers who have been employed by the University for a period of 12 months or more (immediately prior to taking leave and who are currently employed on an continuing, fixed term or contingent basis, are entitled to 26 weeks paid parental leave as full pay or pro-rata pay over a period of up to 52 weeks. Leave entitlements are provided on a pro-rata basis to part-time staff according to their fraction of full-time hours worked.

If you are employed on a fixed term contract, your entitlement is limited to the remaining period of your contract. Further information is available on page 12.

Primary carers employed less than 12 months

Primary carers who have been employed by the University for a period of less than 12 months (immediately prior to taking leave) are entitled to 52 weeks of parental leave without pay.

Parental leave options

Staff may take other accrued leave, including annual leave or long service leave in addition to parental leave. This leave may be accessed concurrently with unpaid parental leave but the total parental leave period will not be increased.

For example

- Leah takes 26 weeks of parental leave at full pay plus 3.5 weeks annual leave
- Chris takes 52 weeks of parental leave at half pay
- Suzie takes 26 weeks parental leave at full pay and 12 weeks of parental leave without pay
- Jane takes 12 weeks of parental leave at full pay and then returns part-time at 0.4 FTE to 'research only duties' with 0.6 FTE parental leave for 23 weeks, before returning to full-time work.





Entitlement to parental leave for partners

Definition of partner

A partner means the partner of the primary carer, which includes a spouse or de facto, including a same sex partner.

Partner leave – employed 12 months or more

Partners who have been employed by the University for a period of 12 months or more (at the date of birth or placement of the child) and who are currently employed on a continuing, fixed term or contingent basis, are entitled to three weeks of paid partner leave at their normal rate of pay.

When partner leave may be taken

Paid partner leave may be taken during the three weeks prior to the expected birth or placement of the child and up to six months after the birth or placement of a child. This leave may be taken concurrently with parental leave taken by the child's other parent.

Partners as primary carers

If you are the partner of a person who has been the primary carer and you take over responsibilities as primary carer of the child, you become entitled to primary carer leave, less the period when you were not the primary carer.

Please see examples on the following page.

For example

- Ed takes three weeks of partner leave following the birth.
- Chris takes one week of partner leave following the birth and one day per week for the next ten weeks.



Please note: The period of leave available to a partner who transitions to become the primary carer will be determined by production of appropriate evidence that your partner has returned to work, and you are now the primary carer of the child.



For example

- Trish and Jo are both employed by the University. Trish has 12 weeks parental leave at full pay. Trish returns to work and Jo takes over primary carer responsibilities. Jo has 28 weeks of parental leave at half pay and 12 weeks of parental leave without pay. This combination is equivalent to 52 weeks parental leave with 26 weeks full-time pay.
- Sam is employed by the University and his wife is employed externally. Sam applies for parental leave as the primary carer after his wife returns to work. In this circumstance, Sam can apply for paid parental leave and submit appropriate evidence that he is now the primary carer of the child. The period of time his wife has had off on paid and unpaid parental leave will determine how much paid parental leave Sam is now entitled to. For example, Sam's wife had eight weeks off on parental leave, then returned to work. Sam provides the University with a letter from his wife's employer confirming the period of her absence from work and that she has returned to work full time and is no longer on parental leave. Sam may be entitled to up to 18 weeks paid parental leave (26 weeks *less* eight weeks), or 36 weeks at half pay.

Please note: The overall entitlement is considered in determining leave in these two examples. The maximum provision under the University's paid parental leave entitlement is 26 weeks per pregnancy or placement of an adopted or fostered child.



Entitlement to parental leave for casual staff

Casual staff employed by the University (immediately prior to taking the leave) are entitled to parental leave without pay for a period of up to 52 weeks.

Please note: casual staff may be entitled to apply for the [Australian Government's Paid Parental Leave Scheme](#). Enquiries should be directed to [Services Australia](#).

Entitlement to parental leave for fixed term contract staff

Parental leave, whether paid or unpaid, will only be approved for periods falling within the period of the fixed term employment.

If you are on a fixed term contract and your contract expires while you are on parental leave the normal conditions relating to fixed term employment apply. This means that at the end of the contract your employment and leave will cease.

However, if you are offered, and accept, an extension of your current employment you will be able to use the unused balance of your parental leave during your new period of employment.

If your new employment is on a casual basis, you may only be entitled to unpaid parental leave.

For example

Julie is employed as an academic working on a research project for two consecutive years.

Julie commences 52 weeks of parental leave at the beginning of August and her current fixed term contract is due to expire at the end of December. At the end of December, her employment will end and her leave will also cease. Julie will receive 22 weeks paid parental leave (August – December). The project receives additional funding and Julie's contract is extended for a further 12 months. As Julie has already taken 22 weeks leave at full pay, she may take the rest of the parental leave entitlement and return to work at the end of the entitlement period (four additional weeks paid leave and the remaining 26 weeks as parental leave without pay).

That is 26 weeks full pay and 26 weeks leave without pay which equals 52 weeks (12 months) parental leave in total.



Cessation of pregnancy and parental bereavement leave

Where the pregnancy of a staff member terminates other than by the birth of a living child, the staff member may take leave as follows:

- (a) within the first 16 weeks of pregnancy, the staff member will be entitled to 5 days paid leave;
- (b) between 16 and 20 weeks of pregnancy, the staff member will be entitled to 2 weeks paid leave;
- (c) after 20 weeks of pregnancy have elapsed, or the child dies after the staff member has commenced paid parental leave, the staff member will be entitled to 26 weeks paid leave.

If you are the partner or other parent of the child, you are entitled to 2 weeks paid leave.

Entitlement to parental leave for adoption or fostering

A staff member is entitled to paid parental leave when adopting or fostering a child as the primary carer when the child:

- is not older than five years at day of placement
- is not (otherwise than because of adoption) a child or step-child of the employee or the employee's spouse or de facto partner
- has not lived with the staff member for a continuous period of more than six months as at the placement date.

Under the Fair Work Act 2009, staff may be eligible to unpaid adoption leave for a child under the age of 16 at date of placement.

Entitlement to Surrogacy leave

- A staff member who is a surrogate is entitled to take up to 12 weeks paid surrogacy leave.
- Casual staff members are not eligible for paid surrogacy leave.
- Paid surrogacy leave may commence up to 6 weeks prior to the expected birth of the child.
- The entitlement to paid surrogacy leave ceases 12 weeks after the birth of the child.
- The surrogate is expected to give 4 weeks' notice of the start of paid surrogacy leave, supported by a medical certificate.

Applying for parental or surrogacy leave

The University has set the following requirements for applying for parental leave.

Situation	Notice	Form/evidence
Staff member pregnant	As soon as possible, however 10 weeks minimum before expected due date	<u>Parental leave application – primary carer</u> plus medical evidence including expected date of delivery
Partner as primary carer	As soon as possible, however 10 weeks minimum before expected due date	<u>Parental leave application – primary carer</u> plus medical evidence including expected date of delivery. In addition, evidence from the partner's employer stating period of leave taken by birth mother to determine entitlement
Partner leave	When period of leave is known (three weeks prior to expected due date or up to six months after birth)	<u>Parental leave application – partner leave</u> plus medical evidence including expected date of delivery
Extension of 12 month parental leave	Written notice to supervisor at least four weeks prior to current parental leave end date	Letter from employee requesting up to 12 months additional unpaid parental leave, to start immediately following the end of the current parental leave period
Change of parental leave dates	Written notice at least four weeks before the original intended start date	<u>Parental leave variation form – primary carer</u> with explanation indicating it is a change of dates
Parental leave – adoption or fostering	As soon as possible, however 10 weeks minimum before placement date	<u>Parental leave application – primary carer</u> carer plus evidence indicating date of placement
Staff member pregnant (Surrogate)	As soon as possible, however 4 weeks minimum before expected due date.	<u>Parental leave application – primary carer</u> plus medical evidence including expected date of delivery



Extension of parental leave - primary carer

A staff member on parental leave may request to extend their period of parental leave for up to a further 12 months (for a maximum of 24 months). This would be unpaid parental leave, and may be concurrent with other forms of leave such as long service leave or annual leave.

The request must be made in writing, and must be submitted to your supervisor at least four weeks before the end of the current parental leave period.

The University may only refuse the request if:

- they've discussed and genuinely tried to reach an agreement with the staff member about an extension
- they've considered the consequences for the staff member of refusing the extension, and
- there are reasonable business grounds to do so.

Variation to the period of parental leave - primary carer

You may request to vary the period of parental leave following discussion and agreement with your supervisor.

Requests to vary the dates of parental leave must be made at least four weeks prior to the intended start date.

Please complete Parental Leave variation form as per below link:

www.newcastle.edu.au/current-staff/working-here/benefits-and-conditions/leave

Impact of parental leave on entitlements

Increments

Periods of parental leave are regarded as service for incremental purposes.

Annual and personal leave accrual

Annual leave and personal leave will continue to accrue during periods of paid parental leave. Where parental leave is taken at less than the full time rate (i.e. at half pay or fractional arrangement) leave accrual will be on a pro rata basis.

Parental leave without pay exceeding five working days will not count for the accrual of annual or personal leave.

Long service leave

Long service leave will continue to accrue during paid parental leave. Unpaid parental leave will count as service for long service leave purposes if you have more than 10 years' service at the commencement of your parental leave, and the period of unpaid parental leave does not exceed six months.

Service

Absences on paid and unpaid parental leave do not break continuity of service, however service accrues at the appropriate rate (as shown above).

Superannuation

Your superannuation contributions will remain unchanged for periods of parental leave on full pay. If you take parental leave at half pay or take unpaid parental leave this will impact on the level of superannuation contributions. To discuss, contact the Superannuation Officer in Remuneration and Benefits on 02 4033 9999 and select option 9 or email superannuation@newcastle.edu.au

Car parking

Further information regarding car parking is available from IFS by calling 02 4921 6500 or emailing 16500@newcastle.edu.au

Flexible salary packaging

Flexible salary packaging arrangements can continue while you are on paid leave. If you are intending to take parental leave at half pay or unpaid leave, or wish to make any changes, it is recommended you contact the Remuneration and Benefits team on 02 4033 9999 and select option 1 or email payrollservices@newcastle.edu.au

Keeping in touch during leave

The Enterprise Agreements, which reflects the Fair Work Act 2009, includes provision for keeping in touch during your period of leave. This allows for contact, by mutual consent, between the employee on leave and their manager. While there is no obligation to keep in touch, many staff like being kept informed of what is happening in the workplace as it assists in their return to work plan. Discuss with your manager if, and how, you will keep in touch during your period of leave.

Returning to work

You are required to contact your supervisor to discuss returning to work at least four weeks prior to the end of your parental leave. You will also need to provide written notice of your intention to return to work and your preferred arrangements. It is advisable to commence discussions well in advance with your supervisor.

Return to work plans may include requests to work various types of alternate arrangements or part-time work. Your manager may want to discuss your request with Human Resource Services, so please allow adequate time for consideration, negotiation and planning.

Request for flexible work arrangements including returning to work on a part-time basis following parental leave are to be made in writing to your supervisor. You will receive a written response within 21 days.

Returning to your previous position

Unless there are particular circumstances, you will return to the position held prior to commencing parental leave. Exceptions to this include:

- if the position no longer exists you will be offered a similar position for which you are qualified
- if you request to return on a part-time basis and the business requirements of the position do not allow the position to be part-time
- if you were moved to a new role during pregnancy for health and safety reasons, you will return to your original role
- if you were successful in promotion or a selection process, or voluntarily transferred to a new position during parental leave, you will return to the new position
- if you were on secondment during your period of parental leave and that has since ceased, you will return to the position you held before the secondment.

Changes affecting your position

If a change management process affecting your position occurs while you are on parental leave, you will be contacted by your supervisor and advised of the proposal and offered the opportunity to be consulted on the change process. If the outcome of the change process determines that the position you held prior to parental leave no longer exists then:

- you will be offered to return to a comparable position for which you are qualified, or
- if no comparable position exists you will be provided notice that you are a detached staff member and the relevant workplace agreement redeployment and redundancy provisions will apply, taking into consideration the remainder of your parental leave.

Where a change process results in changes to some of the tasks and activities of your position, but the position still exists at the same level, your supervisor will consult with you on the changes to your position. It would be expected that you would return to work to the changed position.



Flexible work options

The University has available a range of flexible work options to support the needs of staff returning from parental leave.

Where possible the University will consider individual staff needs for flexible work arrangements, however not all positions may be suitable.

Requests by staff returning from parental leave for flexible work arrangements will be approved by the University where reasonable, taking into consideration the operational requirements of the work area, including impact on the staff member's ability to do the work required; impact on the quality of their work; impact on other staff; and impact on standards of service.

This flexible work arrangement between the staff member and their supervisor, must be for a defined period of time and, as far as practical, the change to days and hours of work should be set and regular for the duration. HR Services Team can assist both staff and supervisors with flexible work arrangement requests.

Fractional appointments

A fractional appointment refers to working less than full-time hours or workload. For example, fractional appointment of 0.6 FTE is equivalent to 3 days per week.

Flexible working hours

Many work areas offer staff the opportunity to work flexible work hours. This may include a change in start and finish times of other flexible hours arrangements.

You may like to discuss alternative work arrangements with your supervisor.

Job share

Job sharing is where the work of a substantive position is shared between two staff members, each staff member working on a part-time basis.

Change of work location

Working from another campus or a period of time working from home may be considered under certain circumstances, subject to meeting a range of criteria such as: safe home working conditions, adequate reporting and supervision, suitability of tasks, accountability for outcomes, adequate communication with colleagues, and meeting service delivery requirements.



Assistance for breastfeeding mothers

Paid breaks are available as necessary for mothers who wish to continue breastfeeding or expressing after returning to work.

The University provides comfortable and private facilities for breastfeeding and/or expressing and storing breast milk. The facilities have:

- a comfortable chair
- baby change table and nappy disposal unit
- microwave and fridge
- wash facilities

A list and map locations of parenting facilities on campus can be found here:

www.newcastle.edu.au/current-staff/working-here/benefits-and-conditions/managing-family-responsibilities





Child care

For more information on child care options, we suggest you visit the Services Australia online finding childcare at:

<https://my.gov.au/en/services/raising-kids/toddlers-and-preschoolers/child-care/finding-child-care>

The site includes:

- types of care
- the location of child care services
- possible vacancies
- fee information
- how to choose a child care service
- how the Australian Government helps with the cost of your child care

On campus child care

There are KU child care centres operating on our Callaghan and Ourimbah campuses:

Further information on these centres can be found here:

<https://www.newcastle.edu.au/current-staff/working-here/benefits-and-conditions/managing-family-responsibilities>



Additional support

A list of baby change facilities and parent friendly venues can be found here:
www.newcastle.edu.au/current-staff/working-here/benefits-and-conditions/managing-family-responsibilities

Employee Assistance Program

The University of Newcastle makes available professional and confidential counselling for our most important asset – you!

The Employee Assistance Program (EAP) provides:

- six University-funded sessions of external professional counselling for personal or work related issues per employee each calendar year
- face-to-face counselling during working hours, or phone counselling 24 hours a day
- assistance to all employees and their immediate family members (spouse/partner and dependent children under the age of 21 still living at home)
- a completely confidential service
- an information and advice service for managers and supervisors

For further information on the University's EAP provider visit:
<https://www.newcastle.edu.au/current-staff/working-here/work-health-and-safety/wellbeing/mental-health/employee-assistance-program>

University Health Service

The University Health Service is a fully accredited general practice staffed by doctors and nurses. The Health Service provides both emergency and routine medical care to all students and staff.

For more information on appointments and contact details visit: <https://www.newcastle.edu.au/current-students/uni-life/campus/campus-amenities/medical-centres>

Human Resource Services

For information about leave entitlements and conditions of work, please contact HR Client Services, on 02 4033 9999 or **email your HR contact.**

Equity, Diversity and Inclusion Unit

For advice on policy and appropriate support, please contact Rachel Fowell on 02 4921 5248 or email Rachel.Fowell@newcastle.edu.au

The Australian Breastfeeding Association

The Australian Breastfeeding Association is Australia's leading source of breastfeeding information and support. Visit their website for further information:

www.breastfeeding.asn.au

Services Australia

Services Australia website is a convenient, single entry point for information regarding different support options and payments provided by the government based on individual circumstances.

For information about the payments and services available to support parents with children visit: **<https://www.servicesaustralia.gov.au/raising-kids>**

This information booklet has been produced by Human Resource Services for staff of the University of Newcastle.

As University policies and procedures are reviewed on a regular basis, to ensure you have access to the most current information please visit www.newcastle.edu.au/policy

In the development of this guideline, the University has referred to:

The 2023 Enterprise Agreements for Academics, Teachers and Professional Staff
www.newcastle.edu.au/current-staff/working-here/benefits-and-conditions/enterprise-agreements

The Fair Work Act 2009
www.fairwork.gov.au

The Australian Government Services Australia
<https://www.servicesaustralia.gov.au/>

