Parental 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 2014 Enterprise Agreements for Academics, Teachers and Professional Staff.

The NeW Directions Strategic Plan 2013–2015 details the strategic objectives of the University as we move forward in the coming years. A key component of NeW Directions 2013–2015 is the Future Workforce Plan which clearly outlines strategic objectives that will allow staff to be innovative in their practice, while being able to work in a vibrant and dynamic workplace that is both healthy and rewarding.

The University's parental leave provisions are part of the necessary support framework to allow staff to contribute to the above strategic objectives.
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 also adequate time to make alternative work arrangements for the unit.

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) 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
• 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).
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.

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, it is important to schedule 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 flexitime if available). If you are part-time, please organise appointments for non working days.
Sickness during pregnancy

If you become ill during your pregnancy you have the same personal leave entitlements and the same responsibilities as other staff. You have access to up to 25 days paid personal leave per year.

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:

<table>
<thead>
<tr>
<th>Pre-20 weeks</th>
<th>Short term</th>
<th>Personal leave</th>
</tr>
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<tbody>
<tr>
<td>Pre-20 weeks</td>
<td>Extended period</td>
<td>Personal leave or other flexible work arrangement</td>
</tr>
<tr>
<td>Post-20 weeks</td>
<td>Short term</td>
<td>Personal leave</td>
</tr>
<tr>
<td>Post-20 weeks</td>
<td>Extended period</td>
<td>Personal leave, or commence parental leave</td>
</tr>
<tr>
<td>Unfit for work six weeks prior to expected date of delivery</td>
<td></td>
<td>Commence parental leave</td>
</tr>
</tbody>
</table>

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

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, and who physically cares for the child on a daily basis. 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 up to five years of age.

The University provides up to 26 weeks of paid parental leave for primary carers who have been employed for 12 months or more.

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.

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 up to five years of age.

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 52 weeks parental leave, of which 26 weeks is paid at their normal rate of pay.

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
Parental leave may be taken in different combinations and in conjunction with annual leave, long service leave, or leave without pay.

Paid parental leave for primary carers may be taken in any combination of full pay or half pay, up to the equivalent of 26 weeks at normal pay within the 52 weeks parental leave period.

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
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 (immediately prior to taking leave) and who are currently employed on an continuing, fixed term or contingent basis, are entitled to two weeks of paid partner leave at their normal rate of pay, and additional unpaid partner leave of up to 50 weeks.

**Partner – employed less than 12 months**

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

**When partner leave may be taken**

Paid and unpaid 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.

**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.

*Please note: The University may request 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 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 who have been employed by the University for a period of 12 months or more (immediately prior to taking the leave) are entitled to parental leave without pay for a period of up to 52 weeks.

Casual staff who have been employed by the University for a period of less than 12 months are not entitled to parental leave.

Please note: casual staff and those employed for less than 12 months may be entitled to apply for the Australian Government’s Paid Parental Leave Scheme. Enquiries should be directed to the Australian Government Department of Human Services.

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 would 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.
Entitlement to parental leave for miscarriage or infant death

If a pregnancy terminates by miscarriage, still birth, or due to a life threatening circumstance after 20 weeks of pregnancy have elapsed, or the child dies within four weeks of birth, the primary carer is entitled to six weeks paid leave. If you are the partner, you are entitled to two weeks paid leave.

Please note: other types of leave may also be accessed during this very difficult time.

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 eligible employees are entitled to unpaid adoption leave for a child under the age of 16 at date of placement when the child:

• 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.
### Applying for parental leave

The University has set the following requirements for applying for parental leave. These requirements are consistent with provisions in the Fair Work Act 2009.

<table>
<thead>
<tr>
<th>Situation</th>
<th>Notice</th>
<th>Form/evidence</th>
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</thead>
<tbody>
<tr>
<td>Staff member pregnant</td>
<td>As soon as possible, however 10 weeks minimum before expected due date</td>
<td>Parental leave application – primary carer plus medical evidence including expected date of delivery</td>
</tr>
<tr>
<td>Partner as primary carer</td>
<td>As soon as possible, however 10 weeks minimum before expected due date</td>
<td>Parental leave application – primary carer 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</td>
</tr>
<tr>
<td>Partner leave</td>
<td>When period of leave is known (three weeks prior to expected due date or up to six months after birth)</td>
<td>Parental leave application – partner leave plus medical evidence including expected date of delivery</td>
</tr>
<tr>
<td>Extension of 12 month parental leave</td>
<td>Written notice to supervisor at least four weeks prior to current parental leave end date</td>
<td>Letter from employee requesting up to 12 months additional unpaid parental leave, to start immediately following the end of the current parental leave period</td>
</tr>
<tr>
<td>Change of parental leave dates</td>
<td>Written notice at least four weeks before the original intended start date</td>
<td>Parental leave application – primary carer with explanation indicating it is a change of dates</td>
</tr>
<tr>
<td>Parental leave – adoption or fostering</td>
<td>As soon as possible, however 10 weeks minimum before placement date</td>
<td>Parental leave application – primary carer plus evidence indicating date of placement</td>
</tr>
</tbody>
</table>
Extension of parental leave

Under the Enterprise Agreements, which reflect the Fair Work Act 2009, an employee 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 employer may refuse the request only on reasonable business grounds and must include the reason for refusal in writing to the employee.

Variation to the period of parental leave

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.
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 accures 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 or email superannuation@newcastle.edu.au

Car parking
At the time of commencing parental leave you may choose to return your parking permit to Infrastructure and Facilities Services (IFS). 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.

Keeping in touch during leave
The Enterprise Agreement, 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.
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, please allow adequate time for consideration, negotiation and planning.

It is important to make your request under the return to work clause of your respective enterprise agreement. The initial period of returning to work from parental can be from a period of between three to twelve months. If you wish to continue to work after this initial period, please contact the HRS Support Team.

### 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.

Where a change process occurs resulting in changes to some of your 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.

If the staff member would like to continue to work varied or reduced hours, the work arrangement will then be considered under the flexible work arrangements clause of the respective enterprise agreement. 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. HRS Support Team can assist both staff and supervisors in negotiating flexible work arrangement requests.

Fractional appointments

A fractional appointment refers to working less than full-time hours or workload. For example, fractional hours of 0.6 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 flextime (the opportunity to vary starting, lunch and finishing times) and to accrue flextime.

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

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.

Working from home

Working from home for part of the hours of work 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 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 Australian Government's online child care portal at www.mychild.gov.au

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 three KU Children's Services child care centres operating on the Callaghan campus and one on the Ourimbah campus:
- KU Kintaiba Child Care Centre
- KU Kooinda Work Based Child Care Centre
- KU Wonnayba Child Care Centre
- KU Ourimbah Pre-School and Children's Centre

Further information on these centres can be found here: www.newcastle.edu.au/current-students/campus-environment/campus-life/childcare-services
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

The University’s EAP offers a choice of two providers:

- Life Matters Psychologists
- NewPsych Psychologists

For further information visit: www.newcastle.edu.au/current-staff/working-here/benefits-and-conditions/healthy-uon/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: www.newcastle.edu.au/current-students/campus-environment/medical-services/medical-centres
**Human Resource Services**

For information about leave entitlements and conditions of work, contact Melissa Kent, staff leave specialist, on 02 4921 7256 or email leave@newcastle.edu.au

**Equity and Diversity Manager**

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

**Department of Human Services**

The Australian Government Department of Human Services website is a convenient, single entry point for information regarding health, social and welfare payments and services.

For information about the payments and services available to support parents with children visit: www.humanservices.gov.au/customer/themes/families
This information booklet has been produced by Human Resource Services for employees 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 2014 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 Department of Human Services
www.humanservices.gov.au