# Parental Leave Policy

As at [ date]

**Key**
Best practice = green
Standard practice -= red or black

## Purpose and objective

[company] values its employees and family-friendly culture by providing supportive parental leave options for employees to care for their newborn child or for a child placed with them for adoption [or via a surrogacy arrangement]. It describes the parental leave options available to employees and outlines the relevant approvals and processes to follow before, during and after any parental leave period.

## Definitions

**Employee** means all full-time and part-time employees of [company].

**Normal Salary** means the salary level the Employee is entitled to receive at the time of receiving any parental leave pay [including an amount that would ordinarily be paid into the Employee’s superannuation fund] (less any salary sacrifice deductions that the Employee has elected to make and less tax).

**Parental Leave** means a period of 12 months (which may be extended with approval) leave if:

* The leave is associated with:
	+ The birth or stillbirth of a child of the Employee or the Employee’s Spouse; or
	+ The placement of a child with the Employee for adoption [or via a surrogacy arrangement].

A person is the **Primary Carer** of a child if:

* the child is in the person's care in that period; and
* the person meets the child's physical needs more than anyone else in that period.

Only one person can be a child's Primary Carer on a particular day.

**Spouse** is defined to include any person in a married or defacto relationship, including those in a same sex relationship.

## [Eligibility

Under the National Employment Standards (NES), all Employees (including same sex and de-facto couples) are eligible to twelve months of unpaid Parental Leave if they have completed at least 12 months of continuous service with [company] immediately before:

* the birth of either their child or their Spouse’s child; or
* the placement of a child via [surrogacy or] adoption when that child is under 16 years of age and has not lived continuously with the Employee for six months prior to the date of placement.

Employees who have taken Parental Leave do not have to work for another twelve months before they can take another period of Parental Leave. They can also request up to an additional 12 months of leave.

Employees that do not meet the requirements of unpaid Parental Leave, may apply for another form of leave in accordance with the terms and requirements of this policy.

OR

## Eligibility

All Employees (including same sex and de-facto couples) are eligible to twelve months of unpaid Parental Leave immediately before:

* the birth of either their child or their Spouse’s child; or
* the placement of a child via surrogacy or adoption when that child is under 16 years of age and has not lived continuously with the Employee for six months prior to the date of placement.

[company] has no minimum service requirements for employees taking Parental Leave. Employees can also request up to an additional 12 months of leave.]

### [Paid Parental Leave

In addition to unpaid Parental Leave, Employees who will be the Primary Carer may be eligible to get up to18 weeks of [Parental Leave Pay](http://www.humanservices.gov.au/customer/services/centrelink/parental-leave-pay) (PLP) from the Australian Government. [company] will further support eligible Employees who will be the Primary Carer by paying the difference between the government funded PLP and the Normal Salary for the [12] [18] weeks of leave or if requested, at half pay for the first [24] [36] weeks of leave.

**Paid Partner Leave**

Employees who will be secondary carers may be eligible to get up to two weeks of [Dad and Partner Pay](https://www.servicesaustralia.gov.au/individuals/services/centrelink/dad-and-partner-pay) (DPP) from the Australian Government. [company] will support eligible Employees who will be the secondary carer by paying the difference between the government funded DPP and the Normal Salary for the 2 weeks of leave.

OR

### Paid Parental Leave

In addition to unpaid Parental Leave, Employees who will be the Primary Carer may be eligible to get up to 18 weeks of [Parental Leave Pay](http://www.humanservices.gov.au/customer/services/centrelink/parental-leave-pay) (PLP) from the Australian Government or up to two weeks of [Dad and Partner Pay](https://www.servicesaustralia.gov.au/individuals/services/centrelink/dad-and-partner-pay) (DPP) if they are the Secondary Carer. [company] will further support eligible Employees regardless of whether they are the Primary Carer by paying the difference between the government funded PLP and/or DPP and the Normal Salary for the [12] [18] weeks of leave or if requested, at half pay for the first [24] [36] weeks of leave.]

### Paid Pre-Natal Leave

A female Employee who presents a medical certificate from a registered medical practitioner stating that she is pregnant will have access to a total of 38 hours paid pre-natal leave per pregnancy.

An Employee who presents a medical certificate from a registered medical practitioner stating that their Spouse is pregnant will have access to a total of 8 hours paid pre-natal leave per pregnancy.

**Paid No Safe Job Leave**

Where an Employee is pregnant and, in the opinion of a registered medical practitioner, illness or risks arising out of the pregnancy or hazards connected with the work assigned to the Employee make it inadvisable for the Employee to continue in her present position, the Employee will if [company] deems it practicable, be transferred to a safe job at the rate and on the on the conditions of employment attaching to the job until the commencement of Parental Leave. If no appropriate safe job is available and the Employee is entitled to unpaid Parental Leave, then the Employee is entitled to be 'paid no safe job leave' for the risk period as provided in the NES.

### Unpaid Special Maternity Leave

Eligible pregnant Employees are entitled to take special maternity leave in the event of a pregnancy related illness or loss of a child within 28 weeks of the expected date of birth of the child.

An Employee must give [company] notice of taking special maternity leave as soon as practicable and advise [company] of the expected period of leave. There is no time limit associated with this leave and the leave is separate to and does not form part of a pregnant Employee’s entitlement to take Parental Leave. [company] may request medical evidence for the special maternity leave period.

**Unpaid Pre-Adoption [or IVF] Leave**

Prior to commencing a period of Parental Leave, an Employee who is adopting a child is entitled to take up to 2 days of unpaid pre-adoption leave to attend interviews in order to obtain approval for the adoption of the child.

[Any Employee undergoing IVF treatment is also entitled to up to 2 days of unpaid leave to attend medical appointments associated with the treatment.]

## Taking Parental Leave

A pregnant Employee may commence their Parental Leave up to 6 weeks prior to the expected date of birth of the child, or earlier if requested by the Employee and agreed to by [company]. A pregnant Employee must not start their Parental Leave later than the date of birth of the child, or the date of placement in the case of an adopted child [or child received via surrogacy].

If a pregnant Employee wishes to work in the six-week period immediately prior to the birth of the child, [company] may request a medical certificate confirming the Employee is fit for work. If the Employee does not supply a requested medical certificate within 7 days of the request, or if a medical certificate states that the Employee is not fit for work, [company] may require the Employee to commence their Parental Leave immediately.

[Where the Employee’s Spouse has responsibility for the care of the child (and is not also an Employee) the Employee’s leave may start anytime within twelve months after the date of birth or day of placement of the child if they are the primary caregiver thereafter.

For an Employee whose Spouse is also an Employee of [company] and their Spouse has already taken Parental Leave to care for the child, the Employee’s Parental Leave must start immediately after the end of their Spouse’s Parental Leave and within 12 months of the birth/ placement of their child.

For an Employee whose Spouse is not an Employee of [company] and their Spouse has cared for the child since its birth or placement, the Employee’s Parental Leave may start at any time within 12 months after the date of birth or the date of placemen of the child.

OR

An Employee can take Parental Leave at the same time as their Spouse takes Parental Leave, after the date of birth or placement of the child. Employees may take Parental Leave either continuously in one block or on a flexible basis within the twelve month period. If Parental Leave is taken on a flexible basis, each period cannot be shorter than 2 weeks.]

## Accrued Leave

Employees wishing to use some or all of their accrued annual or long service leave entitlement during their Parental Leave period can do so immediately after they cease to receive their Parental Leave pay so that the period for which they are receiving payment from [company] is continuous.

The effect of both paid and unpaid Parental Leave on leave accrual is outlined in the following table.

| Types of Leave  | Effect while on paid Parental Leave  | Effect while on unpaid Parental Leave  |
| --- | --- | --- |
| Annual leave  | Accrues | Does not accrue  |
| Personal/Carer’s leave  | Accrues | Does not accrue  |
| Long Service leave  | Accrues | Does not accrue  |

## Carried Interest

The division of [company]’s profit, or carried interest, will not change for an Employee on parental leave.

## Applying for Parental Leave

Employees must notify their managers and complete a leave form through the [portal, if applicable] at least 10 weeks prior to the proposed commencement of any Parental Leave period.

In the case of a pregnant Employee, a medical certificate from their treating medical practitioner confirming their pregnancy and the expected date of birth is also required.

In the case of an Employee who is the partner of the expectant mother, a medical certificate from their Spouse’s treating medical practitioner confirming their Spouse’s pregnancy and the expected date of the birth is also required. If you are applying to receive Parental Leave pay for longer than two weeks, a statutory declaration confirming you will be the Primary Carer is also required.

In the case of adoption-related leave, a statutory declaration including your proposed carer status, the name and address of the adoption agency or surrogate parent, expected date of birth or day of placement for adoption (and whether the child is under sixteen years of age and lived you for six months prior to the date of placement) is also required.

At least four weeks before the intended date of commencement of Parental Leave, an Employee must (unless impracticable) provide a notice re-confirming the start and end dates of the leave (or advise of any changes).

### Varying the Length of Parental Leave

Employees who have applied for a period of Parental Leave shorter than 12 months may extend their Parental Leave once within the 12 month period by giving 4 weeks’ notice before the end date of the original Parental Leave period so that the amended period of Parental Leave is still 12 months or less. [company] will confirm receipt of the notice however neither the Employee or [company] is required to do anything else in these circumstances.

An Employee who wishes to be on Parental Leave for longer than 12 months may request an extension of up to a further 12 months unpaid Parental Leave following the end of the original 12 month Parental Leave period. In these circumstances, the Employee must notify their manager and complete a leave form through the [portal, if applicable] at least 4 weeks before the expiry of the original 12 month Parental Leave period.

An Employee may request to shorten the period of Parental Leave that they have been granted and [company] will consider whether it can agree to such a request. Any requests to reduce an Employee’s Parental Leave should be made in writing to their manager and amended in the [portal, if applicable] at least 4 weeks prior to the date that the Employee would like to return.

## ****Termination of Employment while on Parental Leave****

The period of Parental Leave is subject to both the [company]’s and the Employee’s right to terminate employment. If an Employee wishes to resign while on Parental Leave, they should provide notice of their resignation in writing, in accordance with the requirements set out in their employment agreement. If [company] wishes to terminate the employment while the Employee is on Parental Leave, [company] will comply with its obligations under the employment agreement.

In either case, the Parental Leave automatically comes to an end when the employment terminates and the Employee will forfeit any remaining Parental Leave payments.

## Keeping in Touch

To enable an Employee to keep in touch and to facilitate their return to work when they have taken paternity leave as the Primary Carer, they may work for up to a maximum of 10 days during their Parental Leave (Keeping in Touch Days). This must be a voluntary agreement between the Employee and [company].

Keeping in Touch Days should be taken at least 42 days after the birth or placement of the child, unless an Employee requests to take the days earlier, in which case, it cannot be within 14 days of the birth or placement. Subject to these limitations, Keeping in Touch Days can be taken at any time within 12 months of the birth or placement of the child.

A minimum of 1 day must be taken as a Keeping in Touch Day at a time. An Employee will be taken to have utilised 1 day of the Keeping in Touch Days even if they work less than 7.5 hours on a particular day.

If a Keeping in Touch Day is taken during the paid component of the Employee’s Parental Leave period, no additional payment will be made to the Employee. However, if a Keeping in Touch Day falls during the unpaid part of an Employee’s Parental Leave, [company] will pay the Employee their normal salary (less superannuation in this instance) as an hourly rate. Employees should submit timesheets for those days. This will not affect any entitlement an Employee may have to statutory parental pay.

If an Employee works beyond their permitted Keeping in Touch Days, their Parental Leave will automatically come to an end.

## Returning to Work

An Employee is entitled to return to the position that the Employee held immediately before going on Parental Leave, as long as that position still exists. If that position no longer exists, the employee is entitled to an available position for which the Employee is qualified and suited that is nearest in status and pay to the Employee’s previous position. If such a position is not available, the Employee’s employment will be terminated by reason of redundancy.

If the Employee wishes to return to work after Parental Leave on different hours or on a different working arrangement to which they were on prior to commencing Parental Leave, this should ideally be discussed with their manager prior to commencing Parental Leave. If this is not possible, a meeting/discussion should be arranged no later than eight weeks prior to the date the Employee intends to return to work. In these circumstances, an Employee should refer to the Flexible Working Policy.

[company] wishes to retain its valued Employees and will endeavour to explore all options in an effort to try and accommodate the request. However, the Employee has no entitlement to return to work on different hours or on a different working arrangement to which they were on prior to commencing Parental Leave.

**[company] may amend and vary this policy from time to time.**