Leave - Parental / Partner's Leave Policy

Section 1 - Purpose

(1) To detail the principles related to parental and partner's leave entitlements.

Background

(2) In order to assist staff members to achieve greater integration between work and personal life, the University provides parental leave and partner's leave in respect of the birth, adoption or fostering of a Child by the staff member or their partner where they are responsible for the care of the Child.

Scope

(3) This Policy applies to staff employed at Macquarie University.

(4) Parental Leave applies to staff on the following basis:

a. paid parental leave - all continuing, fixed-term and long-term casual staff members with an ongoing expectation of employment (as defined in the Macquarie University Enterprise Agreements); and
b. unpaid parental leave - all continuing, fixed-term and long-term casual staff members.

(5) Partner's leave applies to all continuing and fixed-term staff members.

(6) This Policy includes De facto and same-sex De facto relationships.

Section 2 - Policy

Eligibility and Entitlement

(7) The eligibility criteria and entitlements to parental and partner's leave are prescribed in the Macquarie University Enterprise Agreements and this Policy.

Paid Parental Leave

(8) Full-time staff members will be entitled to fourteen (14) weeks of paid parental leave upon commencement of employment.

(9) Full-time staff members who have completed more than one (1) year of continuous service (as defined in the Macquarie University Enterprise Agreements) will be entitled to an additional twelve (12) weeks of paid parental leave.

(10) Part-time staff members will be entitled to paid parental leave on a proportional basis of the full-time entitlement.

(11) Eligible long-term casual staff members will be entitled to paid parental leave on a proportional basis of the full-time entitlement. The rate and hours will be calculated by using the average for the twelve (12) month period directly before the parental leave period commences.

(12) Payment of parental leave may be requested on a normal fortnightly basis at full pay or half pay or a combination of both.

(13) Staff members (excluding long-term casuals) who return to work within the twenty-six (26) week period of paid parental leave may bank the difference. This leave can be used, with the agreement of the Executive Dean / Head of Office, up to the Child's second birthday.

(14) Fixed-term contract staff members whose contract and employment ends before the paid parental leave finishes, will be paid the remainder of their entitlement as a lump sum payment, together with their final payment.

(15) Where a staff member's partner is employed by the University, paid leave may be shared up to a total of twenty-six (26) weeks.

(16) Where a staff member has taken partner's leave at the time of birth or adoption, the staff member's parental leave entitlement will be reduced by that amount.

Unpaid Parental Leave

(17) All eligible continuing, fixed-term and long-term casual staff members will be entitled to unpaid parental leave up to the Child's second birthday.

Partner's Leave

(18) A full-time staff member whose partner is pregnant will be entitled to a maximum of four (4) weeks paid partner's leave at the time of the birth or adoption of the Child.

(19) A full-time staff member will be entitled to an additional four (4) weeks of unpaid partner's leave.

(20) Part-time staff members will be entitled to paid partner's leave on a proportional basis.

Public Holidays and Concessional Days

(21) Public holidays will be paid where they fall within a period of approved paid parental / partner's leave. They will not be paid during unpaid parental / partner's leave.

(22) Concessional Days which fall during a staff member's paid parental / partner's leave, are counted as parental / partner's leave. They will not be paid during unpaid parental / partner's leave.

Notification

(23) A staff member who wishes to access parental or partner's leave is required to provide written notification and supporting documentation as described in the Leave - Parental / Partner's Leave Procedure.

Leave Before Parental or Partner's Leave

(24) A staff member who is pregnant or, whose partner is pregnant, may access two (2) days of paid personal leave for the purpose of attending routine medical appointments or pre-natal classes held during working hours.

Work During Pregnancy

(25) Where illness or risks arising out of pregnancy occur in a staff member's substantive role, the staff member may be transferred to a safe position at the same classification level until the commencement of parental leave.

(26) Parental leave taken will be paid at the rate and hours of the substantive position.

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Premature Birth

(27) If the Child is born prematurely, the staff member will be eligible to commence parental or partner's leave from the date of birth. In this circumstance, previous leave arrangements will be negated and the staff member will be required to submit a revised leave application at the earliest possible time.

Still Birth, Death of Child or Miscarriage

(28) In the event of a miscarriage, still birth or early infant death, the staff member may access available personal leave and leave without pay for the absence.

Changes While on Leave

(29) A staff member may change the period of leave or any part-time arrangement once without the consent of the Executive Dean / Head of Office, and any number of times with the consent of the Executive Dean / Head of Office, subject to meeting the minimum notice requirements.

Continuity of Service

Paid Leave

(30) All paid leave will count as service for the purpose of leave accrual, length of service and incremental progression.

(31) Where a staff member is granted parental leave on half pay, annual and personal leave will accrue at the proportionate rate of the entitlement during that period.

Unpaid Leave

(32) Parental leave without pay will count as service for incremental progression purposes.

(33) Parental leave without pay will be treated in the same way as leave without pay for the purposes of calculating long service leave, namely:

a. when a period (or periods) of leave without pay exceeds in aggregate fifteen (15) working days for full-time staff members (pro-rata for part-time staff members), the increment date will be advanced by a period equivalent to the whole period of leave without pay;
b. when a period (or periods) of leave without pay exceeds in aggregate fifteen (15) working days for full-time staff members (pro-rata for part-time staff members) in any calendar year, the period of absence from duty will not be counted as service for the accrual of annual leave in that period. Entitlements to annual leave loading will be adjusted in the same way; and
c. when a period (or periods) of leave without pay exceeds an aggregate of six (6) months, the excess over six (6) months will not be counted as service in determining the total service for long service leave purposes.

Return to Work and Right of Return After Parental Leave

(34) A staff member may not return to work within the six (6) week period directly after giving birth.

(35) A staff member may make a request for flexible work arrangements in accordance with the Flexible Work Clause in the relevant Macquarie University Enterprise Agreements.

(36) A staff member may take long service and / or annual leave to make up the difference between the approved part-time hours and their substantive hours.

(37) A staff member has the right to their former position if they resume duty within a period up to the Child's second birthday, except where the University initiates a managing change process during the staff member's absence. In these cases, the University will contact the staff member with respect to any possible impacts that the changes may have on the staff member's current position. The provisions outlined under Schedule 4 of the Macquarie University Enterprise Agreements will apply.

(38) If a staff member's former position no longer exists, the staff member is entitled to return to an available position for which they are qualified and suited that is nearest in status and pay to their previous position.

(39) Nursing mothers will be provided the opportunity to take additional breaks for expressing and storing breast milk and to breast feed if the Child is in nearby care.

Compliance and Breaches

(40) The University may commence applicable disciplinary procedures if a person to whom this Policy applies breaches this Policy (or any of its related procedures).

Section 3 - Procedures

(41) Refer to the Leave - Parental / Partner's Leave Procedure.

Section 4 - Guidelines

(42) Nil.

Section 5 - Definitions

(43) The following definitions apply for the purpose of this Policy:

a. Child means a biological, adopted, fostered, or step Child.
b. De facto means a person who, although not legally married to the staff member, lives with them in a relationship as a couple on a genuine domestic basis. Former de facto partners are also included.
c. Concessional Days means the three (3) days paid leave granted to University Staff following Boxing Day and before New Year's Day.

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Responsible Executive	Eric Knight Deputy Vice-Chancellor (People and Operations)
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