



Context and Purpose

This Procedure applies to continuing, fixed-term, and eligible casual staff (as defined) employed in accordance with the *University of South Australia Enterprise Agreement 2023* (the Agreement) and the Senior Staff Employment Conditions Policy (the SSECP).

This Procedure guides the application and management of Parental Leave and should be read in conjunction with clause 44 of the Agreement or clause 17 of the SSECP.

Responsibilities

Line manager

The line manager is responsible for facilitating the management of parental leave in accordance with this Procedure.

Staff Member

All staff are expected to manage their parental leave in accordance with this Procedure and the requirements of the Agreement or SSECP.

People, Talent and Culture

People, Talent and Culture is responsible for the development and continuous improvement of this Procedure.

Procedure

A. Eligibility

1. A continuing or fixed-term staff member can access the leave entitlements prescribed in Section B below.
2. A long term casual staff member is entitled to the unpaid leave entitlements as prescribed in clause 44.3 of the Agreement.
3. The leave entitlements for fixed-term contract staff under this procedure 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.
4. Prior service at other Australian higher education institutions will be counted in any calculation of eligibility for parental leave.
5. Appropriate certification relating to the birth or adoption of the child must be produced if required by the University.

B. Entitlements

Leave Entitlements Prior to Birth or Adoption

Paid Pre-Natal Leave

6. A continuing or fixed term staff member who is pregnant is entitled to take a maximum of six (6) days over the course of the pregnancy, up to the commencement of parental leave (paid or unpaid), to attend appointments associated with the pregnancy.

Unpaid Pre-Adoption Leave

7. A continuing, fixed term, long term casual, and casual staff member is entitled to two (2) days unpaid pre-adoption leave to attend any interviews or examinations required in order to obtain approval for the staff member's adoption of a child.
8. This leave may be taken as a single continuous period of up to two (2) days or any separate periods to which the manager and staff member agree.

Leave Entitlements Following Birth, Adoption, or Fostering

Paid Parental Leave

9. A continuing or fixed term staff member is entitled to paid parental leave when it is associated with:
 - 9.1. the birth of a child and the staff member is the primary carer, or
 - 9.2. the placement of a child with the staff member for adoption where the child is under 16 years of age, and the staff member is the primary carer.
10. A staff member with 12 months or more continuous service up to the expected date of birth or adoption of the child, will be entitled to 22 weeks leave at 100% of the staff member's ordinary weekly rate of pay.
11. A staff member with less than 12 months continuous service up to the expected date of birth or adoption of the child will be entitled to 1.5 weeks at 100% of the staff member's ordinary weekly rate of pay, for each completed month of continuous service.
12. A staff member may elect to take paid parental leave at 50% of their ordinary rate of pay.
13. If requested by the staff member, any paid proportion of parental leave may be paid as a lump sum. It is a requirement that the staff member remain on parental or adoption leave for the remainder of the leave period for which the lump sum payment has been made.
14. A staff member who has changed their employment fraction in the 12 months immediately preceding the date of commencement of parental leave, will be paid their leave on a pro-rata basis according to the average number of contracted hours per week over this 12 month period.
15. The staff member must provide their line manager with at least 10 weeks' notice (or as soon as possible), in writing, of the date they are commencing parental leave and the period of leave to be taken.
16. Parental leave, in the case of the birth mother, will normally commence six (6) weeks prior to the expected date of birth. A later commencement date is possible if the staff member is declared fit for duty and this is supported by a medical certificate.
17. Parental leave, in the case of adoption, will commence from the date of placement of the child into the staff member's care.
18. Paid parental leave must be taken in one continuous unbroken period, and any entitlement must be exhausted prior to commencing unpaid parental leave.
19. Paid parental leave is inclusive of public holidays which fall during the period of leave. During periods of 50% pay, no additional payment or leave will be granted in respect of public holidays.
20. If a period of paid parental leave falls during the Christmas/New Year period, the staff member will be paid the four (4) paid days off (refer clauses 37.18 to 37.25 of the Agreement or clause 22 of the SSECP). Paid days off which fall during parental leave at 50% pay will continue to be paid at 50% pay.
21. All leave accruals and superannuation contributions during the period of paid parental leave at 50% pay will be on a pro rata basis.

Shared Paid Parental Leave

22. If a staff member's partner is employed by the University on a continuing or fixed term basis, paid parental leave may be shared up to the total eligible entitlement provided:
 - 22.1. the staff member consents to their partner taking paid parental leave and the amount of leave to be taken; and

22.2. the partner's line manager approves an application for leave by the partner, having regard to business needs.

23. The staff member and their partner may take leave concurrently.

Paid Partner Leave

24. A continuing or fixed term staff member is entitled to up to 15 working days paid leave to support their partner where the leave is associated with:

24.1. the birth of a child by the staff member's partner: or

24.2. the placement of a child with the staff member for adoption where the child is under sixteen (16) years of age.

25. Paid partner leave is non-cumulative and must be taken within 12 months following the birth or placement of a child for adoption, after which an entitlement to access this leave expires.

26. The staff member will negotiate the most appropriate time to take this leave with their line manager.

27. A staff member who has adopted a child is not entitled to receive paid partner leave in addition to paid parental leave or shared paid parental leave.

Paid Foster Parent Leave

28. A continuing or fixed term staff member is entitled to paid foster parent leave up to:

28.1. six (6) weeks paid leave at 100% of their ordinary weekly rate of pay (where the child is younger than five (5) years of age); or

28.2. three (3) weeks paid leave at 100% of their ordinary weekly rate of pay (where the child is five (5) years of age or over).

29. If requested by the University, a staff member must provide appropriate documentation confirming they are acting as the primary carer of the child.

Unpaid Parental Leave

30. A continuing, fixed term or long-term casual staff member is entitled to unpaid parental leave where the leave is associated with:

30.1. the birth of a child where the staff member is the primary carer, or the primary carer's partner;

30.2. the placement of a child with the staff member for adoption where the child is under sixteen (16) years of age and the staff member is the primary carer.

Child Rearing

31. A continuing, fixed term or long-term casual staff member is entitled to unpaid parental leave where the leave is associated with the care of a child of the staff member where the child is not of school age, and the staff member is or will be the child's primary carer. Unpaid parental leave for child rearing does not need to be taken immediately following a period of paid parental leave (clause 9) or unpaid parental leave (clause 30).

General Conditions and Entitlements

32. The unpaid parental leave period is inclusive of the paid parental leave period.

33. An entitlement to unpaid leave is provided on the following basis:

33.1. up to fifty-two (52) weeks unpaid parental leave (first period), or less at the staff member's discretion;

33.2. a further period of up to fifty-two (52) weeks unpaid leave (second period) on application. The second period application may only be refused on reasonable business grounds, and written details of the reasons for refusal will be provided. The request must not be refused before the staff member has been given a reasonable opportunity to discuss it.

34. A staff member may apply to the Vice Chancellor's nominee for an extension of unpaid leave beyond the second period, which will be considered and granted in special circumstances.
35. The maximum period of unpaid parental leave available to a staff member in respect of the same child is a total of 104 weeks, except where application is granted in special circumstances beyond the second period of leave.
36. Unpaid parental leave is available to partners who are both staff members in respect to the same child, but not at the same time (except in relation to a concurrent period of up to 8 weeks) and ensuring that the aggregate periods of leave granted to both staff members in relation to the same child does not exceed 104 weeks.
37. Any untaken unpaid parental leave for child rearing purposes will not be accumulated in the case of successive births.
38. A request for unpaid parental leave for child rearing purposes must be made at least three (3) months in advance of the planned commencement of leave.
39. A request for unpaid parental leave for child rearing purposes may be accessed by a partner.
40. Unpaid parental leave for adoption purposes may be taken by either parent, but not by both concurrently, except during the 16 week period immediately following the placement of the child.

C. Other Leave Entitlements

Special Paid Parental Leave

41. If parental leave (paid or unpaid) has commenced, or has been applied for but not commenced and:
 - 41.1. in the case of birth related leave, the pregnancy of the staff member terminates other than by the birth of a living child, or the staff member's child dies during the period that the staff member is on leave; or
 - 41.2. in the case of adoption leave, the child dies during the period that the staff member is on leave;a continuing or fixed term staff member will be entitled to 16 weeks paid leave at 100% of the ordinary weekly rate of pay applicable to the staff member (less any paid parental leave already taken or paid) and a further period of unpaid leave as set out in clause 30 above (unpaid parental leave). A long term casual staff member is entitled to the unpaid leave component only.
42. Further leave may be granted as special leave without pay on a case by case basis subject to the determination of the relevant authorisation holder in accordance with the Vice Chancellor's Authorisations Framework.

Special Unpaid Parental Leave

43. Where a continuing or fixed term staff member is on paid partner leave (clauses 24 - 27), and the child dies during the period that the staff member is on leave, the staff member will be entitled to up 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.
44. Where unpaid parental leave for child rearing purposes has commenced and the child dies during the period the staff member is on leave, the staff member will be entitled to 14 weeks unpaid leave or such longer period as may be certified by a medical practitioner up to a maximum of 52 weeks, in addition to any period of compassionate leave.

Safe Job / No Safe Job Leave

45. A pregnant staff member is entitled to be transferred to an appropriate safe job if they are fit for work, but it is inadvisable to continue in the position for a period of time, due to:
 - 45.1. Illness or risks arising out of the pregnancy; or
 - 45.2. Hazards related to the position.

46. Assessment of an appropriate safe job and any associated leave will be undertaken in accordance with the National Employment Standards.

Resumption of Duty

47. A staff member (excluding a long-term casual staff member) who returns to work after absence on parental leave will:
 - 47.1. unless agreed otherwise with the staff member, return to the position which they occupied immediately prior to their leave. The staff member may negotiate a return to work on a fractional time basis by agreement with their supervisor in accordance with the provisions of clause 25 of the Agreement or
 - 47.2. in the event that the position they occupied immediately prior to their leave is not available due to reorganisation of the work unit, they will be appointed to a position equivalent in status and salary scale to the position formerly occupied. The location of that position will be one which is mutually agreed between the staff member and the University.
48. A long-term casual staff member who returns to work after unpaid parental leave is entitled to return to the position which they held immediately prior to their leave. If the position no longer exists and the staff member is qualified and able to work in another position, the staff member is entitled to return to that position.
49. Staff who have been on parental leave for an extended period will be entitled to induction and/or training where required as part of their performance development and management program.
50. A staff member may negotiate a return to work from a period of parental leave earlier than the date originally approved when the University agrees and can accommodate the request without additional expense.

Phased in Return to Work

51. Upon return to work after parental leave (paid or unpaid) 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. A part-time staff member may also work a reduced fraction (0.6 of their employment fraction) and be paid at the salary applicable for their employment fraction for 8 weeks.
52. A staff member who has negotiated a Flexible Work Arrangement and will not return to their substantive fraction at the conclusion of the 8 week phased in period, will have their phased in entitlements (payment and hours of work) based on the fraction agreed in their flexible work arrangement for their return to work.
53. Phased in return to work entitlements are only available once per child (for the purposes of this clause, "child" includes children of a multiple birth/adoption, or a birth/adoption where the staff member does not return to work following a previous period of parental leave).
54. A request for phased in return to work arrangements must be made at least 6 weeks prior to the staff member resuming duty.

Post-Natal Arrangements

55. A continuing, fixed term or long-term casual staff member will be entitled to reasonable breaks in paid time for breastfeeding and lactation purposes. Clean, private space will be provided for this purpose.

D. General Conditions

56. The taking of parental leave does not reduce a staff member's entitlements to recreation leave, long service leave, time off in lieu (TOIL) or rostered days off (RDO), except in relation to clause 65 of this Procedure.
57. Staff members may elect to cover any of the period of unpaid parental leave with recreation and/or long service leave, and/or TOIL, and/or RDOs. Any leave, TOIL or RDOs taken does not extend the period of unpaid parental leave.
58. 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.

59. Staff may access their personal leave entitlements during a period of unpaid parental leave upon satisfaction of the normal requirements for the taking of such leave. A period of personal leave does not extend the period of unpaid parental leave.
60. Employer contributions to superannuation will continue during any period of paid parental leave.
61. These provisions will be taken to not limit or preclude the application of the Federal Government Paid Parental Leave Scheme in accordance with its terms.

E. Continuity of Service

62. Any period of paid parental leave will count as service with the University for all purposes.
63. Any period of unpaid parental leave will be deemed not to have broken the staff member's continuity of service.
64. Only the first year of any continuous parental leave will count for long service leave purposes.
65. Any period of unpaid parental leave, other than in clause 56 of this Procedure, will not count as service with the University for the purpose of accrual of entitlement to recreation leave, personal leave or long service leave or for any other benefit.

Officer Responsible for Update and Review: Executive Director: People, Talent, and Culture

Approved by: Vice Chancellor

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