L7 Parental Leave

***[Insert your company logo]***

**PARENTAL LEAVE POLICY**

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## Overview

This policy explains the entitlement of employees in ***[insert name of company]*** (the Company) to take leave from work in association with the birth or adoption of their child. Apart from the provision for paid parental leave, Part 2-2 Division 5 of the *Fair Work Act 2009 (Cth)* (FW Act) governs the entitlement.

The policy provisions are a guide for employees regarding standard parental leave entitlements. In individual cases, the Company may offer more generous entitlements if it believes that it is appropriate to do so.

## Entitlement to parental leave

Parental leave provisions apply to all full-time, part-time and eligible casual employees with at least 12 months’ regular, systematic and continuous service, and with a reasonable expectation of ongoing employment on the same basis.

If eligible, an employee may take parental leave associated with the birth of their child (or their partner’s child) or the placement of a child under adoption, if the employee has (or will have) a responsibility for the care of that child.

In this policy, ‘partner’ means an employee’s spouse or de facto partner, or an employee’s former spouse or de facto partner. An employee’s de facto partner means another person (whether of the same or different sex as the employee) with whom the employee lives in a relationship as a couple on a genuine domestic basis.

In the case of adoption-related leave, the child being adopted must be aged under 16 years on the day of placement, and must not have lived continuously with the employee for 6 months or more prior to the date of placement.

## Entitlement to unpaid parental leave

An employee is entitled to 52 weeks’ unpaid parental leave to be taken in one continuous period. Parental leave includes adoption leave. Parental leave will be unpaid, except where provided in this policy or separate agreement between the employee and the Company.

If an employee takes parental leave as part of an employee couple, the provisions of the FW Act will apply. These provide that parental leave is available for male and female employees.

However, with the exception of a limited entitlement to take concurrent leave (see over the page) you cannot take parental leave at the same time as your partner takes parental leave.

If an employee’s partner does not work, they can take parental leave starting no later than 12 months after the child’s birth or placement, if the employee’s partner ceases to have responsibility for the care of the child, they may be required to substantiate this fact, e.g. by submitting statutory declarations made by the employee and their partner.

An employee may take parental leave at the same time as their partner (concurrent leave) for a maximum of 8 weeks (whether consecutive or cumulative) at any time within the first 12 months after the birth or placement of a child, as long as the concurrent leave is taken in blocks of at least 2 weeks.

An employee will not accrue paid leave entitlements while they are taking unpaid parental leave. An employee is not entitled to payment for personal leave or public holidays during parental leave.

If an employee is pregnant, they may take parental leave starting 6 weeks before the expected date of birth.

If an employee is pregnant and there is a risk caused to them by their work, or if they are incapable of work due to a pregnancy-related illness, the Company may direct the employee to start unpaid parental leave up to 6 weeks before the expected date of birth. The leave taken before the birth will not reduce the employee’s entitlement to take 12 months’ parental leave after the birth.

In all other cases, an employee’s parental leave will start on the day of birth or placement (unless the employee is taking the leave after their partner has taken a period of parental leave, in which case it will start immediately after the employee’s partner’s parental leave ends).

Unpaid parental leave must be taken in a single continuous period. If an employee is a member of a couple, they will be entitled to take up to 8 weeks’ parental leave at the same time as their partner after the birth or placement of their child but the employee is not otherwise entitled to take unpaid parental leave at the same time as their partner. This leave will be deducted from the employee’s entitlement to 12 months’ unpaid parental leave.

## Taking parental leave

To take parental leave, an employee must complete a leave request form and give it to the Human Resources Manager at least 10 weeks before starting. The Company may require evidence, including a medical certificate or a statutory declaration, stating the expected date of birth or the day of placement for adoption.

At least 4 weeks before the intended date of commencement of parental leave, the employee must confirm with the Company the start and end dates of the parental leave.

## Working during parental leave

The Company may arrange with the employee up to 10 days’ paid work during their parental leave to enable the employee to keep in touch with work and to assist in their return to work after the parental leave period. If the employee is interested in taking up this arrangement, please contact the Company. While the Company recognises the value of keeping in touch days, it may not be able to meet the employee’s request in all cases.

Any work on a keeping in touch day will not affect the employee’s entitlement to parental leave. The employee cannot request to work a keeping in touch day within the first 2 weeks of birth or placement.

The employee must not take up any other paid employment during parental leave unless the Company approves of the employee doing so.

## Varying the parental leave period

If an employee’s approved period of parental leave is less than 12 months (excluding any period of concurrent leave) then the employee may extend their leave for a further period up to the full amount of their entitlement. The employee needs to give the Company written notice specifying the new end date for the leave at least 4 weeks before the original end date. The employee can only exercise this right once.

Even if the employee takes their full 12-month entitlement to parental leave, they may request that the parental leave period to be extended by a further period of up to 12 months. Again, the employee needs to give the Company written notice specifying the new end date for the leave at least 4 weeks before the current end date. The Company may refuse the request on reasonable business grounds, e.g. inability to arrange for their role to be covered during the extended period.

## End of parental leave period

An employee is entitled to return to the position they held before commencing their leave. If that position no longer exists, the employee is entitled to return to an available position at an equivalent level or of similar nature and pay to their former position.

## Returning to work under a flexible work arrangement

An employee may request to return to work under a flexible work arrangement, e.g. part-time or job sharing. This request should be made in writing and should be submitted to the Human Resources Manager no less than 6 weeks before the end date. The request should set out details of the change sought and the reasons for it.

If a flexible work arrangement is agreed between the Company and the employee, it does not result in a permanent variation to the employee’s employment contract. The arrangement will be subject to review and may be terminated by either party by giving 2 weeks’ notice, in which case the employee will be required to resume their pre-leave role.

The Company may reject a request for a flexible work arrangement on reasonable business grounds. For example, the Company may reject a proposed arrangement because:

* it would not allow the employee to perform their job to a sufficient degree;
* it would have an adverse impact on the employee’s work colleagues and/or clients to a degree which is unreasonable;
* it would be too costly for the Company or would be likely to result in a significant loss in efficiency or productivity; and/or
* it would not be feasible or practical.

## 

## Payment during parental leave

Under the Commonwealth Government’s Paid Parental Leave (PPL) Scheme, working parents of children born or adopted are eligible to receive 18 weeks of government-funded parental pay at the rate of the national minimum wage.

In addition, new fathers and partners may receive up to 2 weeks of Dad and Partner Pay (DAPP) at the national minimum wage. Visit the Family Assistance Office’s website at *www.familyassist.gov.au* for more information.

***[The following is an example of a Paid Parental Leave Policy only.]***

If an employee is exercising an entitlement to take paid parental leave, the Company will top-up your government-funded parental leave pay received under PPL or DAPP during an initial period of the employee’s leave (entitlement period) as shown in the table below. If the employee is ineligible to receive PPL or DAPP during part or all of the entitlement period the Company will pay the employee a full week’s pay. The intention is for the employee to receive during the entitlement period the pay they would have received if the employee worked the entitlement period.

**Note:** This top-up payment will mean paid leave entitlements accrue during the periods corresponding to PPL or DAPP payments. In the absence of top-up payments, paid leave would not accrue.

## Paid parental leave – entitlement periods

|  |  |  |
| --- | --- | --- |
| **Seniority level** | **Non-primary care giver** | **Primary-care giver** |
| Principal, office manager | First 2 weeks | First 6 weeks plus 2 weeks for every additional year of continuous service up to a maximum total period of 12 weeks |
| Manager, personal assistant | First 2 weeks | First 4 weeks plus 2 weeks for every additional year of continuous service up to a maximum total period of 10 weeks |
| Reception, junior professional | First 2 weeks | First 2 weeks plus 2 weeks for every additional year of continuous service up to a maximum total period of 6 weeks |

If the employee has already received a period of paid parental leave, they must work at least a further 18 months after their return to work to qualify for a further period of paid parental leave. The additional payment will be calculated based on years of service from the commencement date of the employee’s employment but excluding the prior period of parental leave.

The employee will be paid fortnightly by the Company’s normal pay process during the entitlement period, and can elect to take a half salary over double the entitlement period.

The employee may also take paid annual leave in conjunction with their parental leave, provided this does not extend the employee’s parental leave beyond their entitlement.

For further information contact: …................................................. ***[Insert name of contact]***

Contact phone number: ................................................ ***[Insert phone number]***