
HR – Parental and Maternity Leave Policy

Headway Gippsland promotes a healthy work/life balance for employees and is committed to ensuring the fair treatment of staff members who are parents, by offering parental and maternity leave, in accordance with national standards. By enabling parents to take leave at the time of a child's birth or adoption Headway Gippsland seeks to support working parents and encourage a balanced division of paid and unpaid labour within the family.

Headway Gippsland offers unpaid parental leave to any employee who is a new parent of a biological or adopted child, and parental leave entitlements encompass employees who may be members of a de-facto or same-sex couple. This unpaid parental leave also extends to employees impacted by stillbirth or infant death.

Definitions

Child of a person is defined under the *Family Law Act 1975 (Cth)* as someone's biological, adopted or stepchild.

Employee couple is any two Australian employees (not necessarily working for the same employer) who are in a spousal or de facto relationship.

Parental Leave Pay, or "PLP" means government funded paid parental leave. A maximum period of 18 weeks of PLP is available to eligible employees. PLP can be taken either altogether, or as 1 "set period" and 1 "flexible period", for a total period of 18 weeks. Having an existing entitlement to employer funded parental leave does not affect an employee's eligibility for PLP.

Safe Job is a position which a pregnant employee is entitled to transfer to if medically required. If the organisation does not have any appropriate safe jobs the employee is entitled to take paid 'no safe job leave'.

Unpaid parental leave is leave that all employees with more than 12 months service are entitled to under the National Employment Standards (NES).

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Procedures

Eligibility conditions

In line with national standards under the *Fair Work Act 2009*, all employees of this organisation are entitled to parental leave, subject to certain conditions.

Eligibility conditions: full-time & part-time employees

Employees of Headway Gippsland are entitled to unpaid parental leave if:

- They have worked for Headway Gippsland for at least 12 months
 - before the expected date of birth (if the employee is pregnant),
 - before the date of adoption, or
 - before the leave starts (if the leave is taken after another person has cared for the child);
- The leave will be associated with the birth of the child to the employee/employee's spouse or de facto partner, or the placement of a child under 16 with the employee for adoption; and
- They have/will have responsibility for the child's care.

Eligibility conditions: casual employees

Casual employees of Headway Gippsland are also entitled to unpaid parental leave, provided they have:

- Been working for Headway Gippsland on a regular and consistent basis for at least 12 months; and
- Reasonable expectation of continued employment on a regular and consistent basis Headway Gippsland had it not been for the birth or adoption of a child.

The same conditions applying to full-time and part-time employees, regarding the association of the leave with care for a dependent child, apply here.

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Duration of unpaid parental leave

At Headway Gippsland any employee who is a member of an employee couple may take a separate period of up to 12 months unpaid parental leave. If the employee is the only member of the couple to take parental leave, they may request another period of leave of up to 12 months.

If only one employee (or one member of an employee couple) takes unpaid parental leave:

- If the employee is pregnant, they are entitled to start leave up to six weeks before the expected date of birth. If the employee is not giving birth to the child, leave starts on the date of birth or placement of the child;
- If the employee has a spouse or de facto partner, who is not an employee and who has primary responsibility for the child, leave can start at any time within 12 months of the birth or placement of the child; and
- Paid leave (e.g. annual leave) may be taken at the same time.

If both members of an employee couple take unpaid parental leave:

- The employees are entitled to a maximum of 24 months between them;
- Both employees may take leave at the same time for a maximum period of 8 weeks. This leave must be taken within 12 months of the birth or placement of the child; and
- Paid leave (e.g. annual leave) may be taken at the same time.

Flexible unpaid leave

An employee may take up to 30 days of unpaid parental leave during the 24-month following the birth or adoption of a child.

The employee must take the flexible unpaid parental leave as:

- A single continuous period of one or more days; or
- Separate periods of one or more days each.

Note that these 30 days are to come out of the employee's entitlement to 12 months of unpaid parental leave.

Stillbirth and infant death

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Employees will also be eligible to take unpaid parental leave for a maximum of 12 months if they experience a stillbirth, or the death of a child during the first 24 months of life.

Parents may still choose to return work after a stillbirth or death of a child. If an employee wishes to, they may cancel a period of unpaid leave (if leave has not yet started), or return to work on a specified day upon the provision of four weeks' written notice (if leave has already started).

Additional children

Employees who have already taken parental leave while working at Headway Gippsland do not need to work for another full 12-month period in order to take another period of parental leave at Headway Gippsland, if a new child is born or adopted.

However, if an employee has taken parental leave whilst employed elsewhere, they will need to have worked for Headway Gippsland for at least 12 months before they can take parental leave.

Other legislative entitlements

In addition to the above, employees of Headway Gippsland have access to these other minimum legislative entitlements:

- Unpaid special maternity leave;
- Transfer to a Safe Job or 'no safe job leave';
- Consultation requirements on unpaid parental leave;
- Return to work guarantee;
- Keeping in touch days; and
- Unpaid pre-adoption leave.

These additional entitlements are outlined in the National Employment Standards (NES) and Headway Gippsland encourages its employees to discuss these entitlements with your manager if the employee feels they may wish to access the respective entitlement at any time.

Unpaid parental leave is intended to complement other forms of paid leave. The minimum entitlements contained in the National Employment Standards (NES) stand alongside any contract of employment or

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enterprise agreement and cannot be excluded.

Australian Government Parental Leave Pay (PLP) Scheme

The policy described above refers to unpaid parental leave, in accordance with the National Employment Standards (NES).

In addition to their entitlements to unpaid parental leave, employees may also be entitled to government-funded PLP, in accordance with the *Paid Parental Leave Act 2010 (Cth)*. PLP does not affect or replace unpaid parental leave.

The PLP Scheme provides for 18 weeks of parental leave pay at the national minimum wage for eligible parents. Employees may be eligible under the PLP Scheme if:

- They are the primary carer of the newborn or newly adopted child;
- They meet the requirements of the “work test”, i.e. they have worked continuously for at least 10 of the 13 months prior to the child’s birth or adoption, and have worked for a minimum of 330 hours during that period;
- They meet the “income test”, i.e. they have not earned more than \$150,000 in the previous financial year;
- They meet the requirements of the “residency test”, i.e. they are an Australian resident or hold a particular type of visa and they have not been outside of Australia for an extended period;
- They have not returned to work after the birth or adoption; and
- They have not claimed the baby bonus in respect of the child.

If an employee takes paid parental leave under the Australian Government’s PLP Scheme, leave may be taken in two separate periods, being one set period and one flexible period:

- The first period must be taken as a set period of 12 weeks, within 12 months of the birth or adoption of a child; and
- The second period is a flexible period of up to 30 days in total, which may be taken in a number of periods, as agreed with Headway Gippsland. The flexible period must be used within 24 months of a child’s birth or adoption.

The eligibility criteria can be accessed in full on the Services Australia website.

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A claim for paid parental leave through the PLP Scheme can be lodged up to 3 months prior to the child's birth or adoption and must be lodged within 1 year of the child's birth or adoption. Claims are to be lodged with Services Australia, who manages the PLP Scheme.