1. PURPOSE AND SCOPE
The purpose of this policy is to outline the parental leave entitlements available to Australian employees at the Royal Australasian College of Surgeons (the College).

2. KEYWORDS
Parental leave, Paternity leave, Maternity, Pregnancy, Adoption leave

3. BODY OF POLICY
In accordance with legislation and College human resources practice this policy states the conditions pertaining to parental leave. Parental leave provides the opportunity for employees to devote time to their child or children during the first year of their parenting relationship without disadvantaging those employees in their career. The College recognises that a changing society with greater diversity in parental and family relationships necessitates a broad approach to family roles and responsibilities.

3.1. Eligibility
Employees (including a de facto partner) who are expecting or adopting a child (under sixteen (16) years and will be the primary carer) are eligible to 52 weeks of unpaid parental leave if they are:

- A permanent employee with at least twelve (12) months service at the College before the date or expected date of birth or adoption.
- A long-term casual employee with at least twelve (12) months regular and systematic service at the College before the date or expected date of birth or adoption and a reasonable expectation of continuing long-term casual work with the College, had it not been for the birth or adoption of a child.
- A fixed term employee who has completed at least twelve (12) months of continuous service at the College before the date or expected date of birth or adoption and where the fixed term contract ends after the employee is to return from parental leave. If the contract ends while the employee is on parental leave they will not be entitled to return to the same role and the College is not required to extend the fixed term contract.
- In situations where an employee has not satisfied the minimum continuous service requirements, the College will consider reasonable requests based on circumstances and requirements.

3.2. Documentation
Employee is to provide:

- A completed and approved Parental Leave application form at least ten (10) weeks prior to the first day of intended leave/placement of child.
- A medical certificate confirming the expected date of birth (confinement date) at least ten (10) weeks prior to the expected date of birth. When applying for partner leave a written letter is required from the pregnant women named in the medical certificate that the employee is her partner and that the employee intends to assume care of the child to be born to her.
• Any change to the intended start date of leave must be notified in writing at least four (4) weeks prior to the original date notified on the application form. (Please note these requirements do not apply to an employee where there are circumstances beyond their control, for example, if there is a premature birth)

• Copies of adoption papers confirming placement date of the child.

3.3. Leave

Eligible employees as outlined above may take parental leave to fulfil the primary carer responsibilities for the child. Employees may take a combination of leave entitlements such as annual leave, long service leave, or leave in lieu provided the complete leave period does not exceed 52 weeks.

If an employee has in excess of six (6) weeks accrued annual leave they will be required to take all accrued annual leave entitlement above six (6) weeks prior to the commencement of unpaid parental leave. This is in accordance with the Colleges leave policy.

All periods of parental leave (including where combined with periods of paid leave) must be taken in a continuous, unbroken period of leave.

Pregnant employees should commence a period of parental leave up to six (6) weeks before the expected date of birth or earlier if mutually agreed between the College and the employee. Where a pregnant employee wishes to work in the six (6) weeks before the due date, to ensure duty of care they will be required to provide a medical certificate stating that they are fit to continue working in their present role.

If the certificate states the employee is fit for work although it isn't safe for them to continue in their normal role, then the employee will be entitled to a safe job or no safe job leave.

If a medical certificate is not provided or the certificate states that the employee can't continue work at all then the employer will direct the employee to start unpaid parental leave.

If the parental leave is adoption related, the parent taking the unpaid parental leave has to start their leave period on the date of placement of the child.

Apart from the period of three (3) weeks paternity leave, an employee’s entitlement to parental leave is reduced by any period of parental leave taken by the employee’s partner (with any employer) for the same child.

3.4. During Parental Leave

• While an employee is on parental leave, the College will ensure that the employee is considered and kept informed of significant changes that may occur in the business.

• Where a decision will have a significant effect on the status, pay or location of the pre-parental leave position, the College will take all reasonable steps to inform the employee and discuss the effect of the decision. During any restructures, employees on parental leave will be treated no less favourably than other employees and will be kept informed of the process.

• Employees should not undertake any activity during leave which is inconsistent with the employment contract, including other employment.

• Leave entitlements will accrue during any periods of employer paid leave
3.5. Pay

In line with legislation, eligible employees who are the primary carer of a newborn or adopted child may be entitled to eighteen (18) weeks paid leave, paid at the national minimum wage through the Government. Please note that a child’s primary carer is the person who is most meeting the child’s physical needs.

For eligibility and to make a claim visit Centrelink – Paid Parental Leave Scheme

In addition to the Government scheme permanent employees who have served at least 24 months of continuous employment at the College are eligible for the employer paid parental leave benefit of eight (8) weeks. Paid parental leave is funded by the department or project from which the employee is ordinarily paid. Superannuation is only payable on employer paid parental leave payments. Upon returning from a period of parental leave, employees must serve twelve (12) months of continuous employment to be eligible for the employer paid parental leave benefit again.

The eight (8) weeks of College paid parental leave will be applied through the monthly payroll upon commencement of leave until exhausted. Alternatively an employee may request that the College paid parental leave is paid at half pay for sixteen (16) weeks.

3.6. Health and Safety

A pregnant employee has the right to transfer to a safe job if, in the opinion of a registered medical practitioner, it isn’t safe for them to do their usual role due to their pregnancy. The employee will be required to provide a medical certificate that specifies the nature of a safe job and capacity to work.

If there is no safe job available the employee will be entitled to take no safe job leave.

This leave is:

- paid for employees who are entitled to unpaid parental leave
- unpaid for employees who aren’t entitled to unpaid parental leave.

Such paid leave does not reduce the total period of parental leave.

3.7. Time off for Parental Related Appointments

- Leave may be available for attendance at medical appointments in accordance with the Colleges Leave policy.
- An employee may take up to two (2) days unpaid pre-adoption leave to attend any relevant interviews or examinations. This leave cannot be used if the employee is able to take accrued Annual or Personal leave.

3.8. Special Maternity Leave

If an employee is ill during their pregnancy, they may access their ordinary sick leave entitlements.

A pregnant employee who is eligible for parental leave can take unpaid special maternity leave if:

- She has a pregnancy-related illness or
- Her pregnancy ends after twelve (12) weeks because of a miscarriage, termination or stillbirth.

If an employee takes special maternity leave because of a pregnancy-related illness, the leave will end when the pregnancy or illness ends, whichever is earlier. If she takes
leave because of a miscarriage, termination or still birth it can continue until she is fit for work.

The employee is required to provide a medical certificate to cover all periods of special maternity leave.

Special maternity leave won't reduce the amount of parental leave that an employee can take.

3.9. Continuity of Service

During parental leave, continuity of service is preserved but does not otherwise count as service for the purpose of accruing leave entitlements with the exception of Long Service leave. The only other exception to this is when an employee is on employer paid parental leave then leave entitlements will accrue for that period only.

3.10. Keeping in Touch Days

Keeping in touch days allow an employee who is still on unpaid parental leave to go back to work for a few days. This is a good way for employees who are caring for a baby or newly adopted child to stay up to date with their workplace, refresh their skills and assist their return to work.

An employee on parental leave is entitled to ten (10) keeping in touch days and this does not affect their parental leave entitlement. If the employee extends their period of parental leave beyond the 52 weeks, they can take up to an additional ten (10) days within the following 52 week period. Please note that one (1) hour or more on a day counts as one (1) keeping in touch day.

An employee will be classed as returning to work if more than ten (10) keeping in touch days are accessed within a 52 week period.

A keeping in touch day cannot be requested within the first two (2) weeks after the birth or adoption. If an employee requests or suggests one and it is more than two (2) weeks after the birth or adoption, they can participate if the Manager agrees.

The Manager cannot ask an employee to participate in a keeping in touch day within the first six (6) weeks after the birth or adoption.

A paid work activity for the purpose of Keeping in Touch should help an employee:

• refresh their skills
• transition back to the workplace
• become familiar with new or updated processes, or
• be involved in planning discussions or meetings that may affect their role

Activities could include, but are not limited to:

• participating in a planning meeting
• performing on the job training
• performing work to become familiar with the workplace or their role before returning to work

The College and the employee have to agree to the keeping in touch days.

An employee will receive their normal wage for each keeping in touch day or part day. The manager is to inform Payroll to ensure payment is made.
3.11. Extending Leave in the first 52 weeks

An employee who originally planned to take less than 52 weeks unpaid parental leave can extend their leave. The total period, with the extension, can't be more than 52 weeks.

To extend leave an employee is to give six (6) weeks written notice before their original leave ends stating their new end date.

The College will approve the first extension. Any further requests for an extension have to be agreed between the College and employee.

If the employee's partner is employed, then the request has to also state the amount of unpaid parental leave their partner has taken or will take. Any approved extension of leave will affect any leave that the other parent has taken or will take.

3.12. Extending Leave beyond the Initial 52 Weeks

An employee who originally planned to take 52 weeks unpaid parental leave can apply to extend their leave.

The total period, with the extension, can't be more than 24 months (Maximum 104 weeks). The request is to be in writing at least six (6) weeks before the original leave ends and state the new end date. If the employee's partner is employed, then the request is to also state the amount of unpaid parental leave their partner has taken or will take.

Any approved extension of leave will affect any leave that the other parent has taken or will take.

The College will consider the request and respond in writing within 21 days. The College may only refuse the request on reasonable business grounds which will be included in the written response.

3.13. Resigning from a job while on parental leave

An employee can resign from their role at the College while they're on parental leave. They will need to provide notice in writing as per their contract of employment.

3.14. Returning to Work Early

An employee on parental leave can shorten their leave once requested in writing at least six (6) weeks prior to the requested return to work date if agreed by the College. If no agreement can be reached then the employee is to return to work on the original planned date.

Where there has been a still birth or infant death the employee is to give the College six (6) weeks notice in writing of their intention to return to work. The College will respond with a return to work date within that six (6) weeks.

3.15. Return to Work

An employee who’s been on parental leave is entitled to come back to the job they had before going on leave. If an employee had transferred to a safe job or was working on a flexible working arrangement as a result of the pregnancy, they are entitled to return to the position and hours held before the transfer or reduction.

Where returning employees have missed out on the annual performance and salary review, their salary shall be reviewed and increased (usually by CPI) as recommended by the HR Manager and approved by the CEO or delegate.
Where the employee’s former position no longer exists, and the employee is qualified and able to work for the College in another available position, the employee is entitled to return to that position, or if there are two such positions, to the position nearest in status and remuneration to their former position.

Employees wishing to return from Parental leave on a reduced or flexible basis are to refer to the Flexible Working Arrangement Policy.

3.16. Partner Leave

Eligible working partners (including same-sex partners) get two (2) weeks leave paid at the national minimum wage. These payments are made directly to the employee. For eligibility and to make a claim visit Centrelink – Dad and Partner Pay.

To request leave the employee is to provide:

- A completed and approved Partner leave application form ten (10) weeks prior to the expected date of birth/placement of child.
- A copy of the medical certificate confirming the expected date of birth.
- Any change to the intended start date of leave must be notified to the manager and HR as soon as possible.
- Copies of adoption papers confirming placement date of the child.

In addition to the Government scheme permanent employees who have served at least 24 months of continuous employment are eligible for the employer paid partner leave benefit of one (1) week as part of their partner leave absence.

This benefit will be paid upon commencement of leave and is funded by the department or project from which the employee is ordinarily paid. Superannuation is only payable on employer paid partner leave payments.

Upon returning from a period of partner leave, employees must serve twelve (12) months of continuous employment to be eligible for the employer paid partner leave benefit again.

4. ASSOCIATED DOCUMENTS

Parental Leave Procedure
Parental Leave Work Flow
Parental Leave Application Form
Partner Leave Application Form
Partner Leave Work Flow
Keeping in Touch Day Timesheet
Flexible Working Arrangements Policy
Occupational Health and Safety Policy
5. STANDARD INDUSTRY REFERENCES

Paid Parental Leave Act 2010
Human Rights and Equal Opportunity Commission Act 1986 (Cth)
National Employment Standards (Cth)
Disability Discrimination Act 1992 (Cth)
Workplace Gender Equality Act 2012 (Cth)
Racial Discrimination Act 1975 (Cth)
Sex Discrimination Act 1984 (Cth)
Fair Work Act 2009 (Cth)
Work Health and Safety Act 2011 (Cth)
Age Discrimination Act 2004

Approver
CEO

Authoriser
Council