Parental Leave Policy

1. Purpose

This policy outlines the parental leave entitlements that are available to our employees and how to go about taking parental leave.

2. Summary of entitlements

Leave type	Description	Section
Unpaid parental leave	Unpaid leave of up to 12 months (or up to 24 months with approved extension).	Section 3
Unpaid pre-adoption leave	Unpaid leave of up to two days to attend an interview or examination required to obtain approval for adoption.	Section 4
Unpaid special parental leave	Period of unpaid special parental leave if an employee meets the criteria set out in section 7.	Section 6
Australian Government paid parental leave	The paid parental leave scheme is offered by the Australian Government in certain circumstances.	Section 9

3. Unpaid parental leave

3.1 Eligible employees

Eligible employees are entitled to take unpaid parental leave if they have, or will have, completed at least 12 months of continuous service immediately before:

- if the leave is birth-related leave: the date of birth (or expected date of birth) of the child;
- if the leave is adoption-related leave: the day of placement (or expected date of placement) of the child; or
- if the leave is taken after another person cares for the child or takes parental leave: the leave starts.

Casual employees are only entitled to take unpaid parental leave if:

- they are, or will be, a regular casual employee immediately before the date of birth/placement (or expected date of birth/placement) of the child or taking the leave; and

- but for the birth or placement of the child, the employee would have a reasonable expectation of continuing employment by us on a regular and systematic basis.

Eligible employees are entitled to take up to 12 months of unpaid parental leave, provided that:

- the leave is associated with the:
    - birth of a child of the employee or the employee's spouse or de facto partner; or
    - placement of a child with the employee for adoption and that child (as at the day, or expected day, of placement):
        - is, or will be, under 16 years old;
        - has not, or will not have, lived continuously with the employee for greater than six months; and
        - is not a child of the employee or their spouse/de facto partner (otherwise than by adoption); and

- the employee has or will have a responsibility for the care of the child.

3.2 Starting leave

Birth related leave for employee who is pregnant, or gives birth to, the child

If the leave is birth-related leave for an employee who is pregnant with the child, the period of leave may start up to six weeks before the expected date of birth of the child, or earlier if we agree, or during the 24-month period following the date of birth of the child. The leave must end during the 24-month period following the date of birth of the child.

Birth related leave for employee (who is not pregnant and did not give birth to the child)

If the leave is birth-related but the employee is not the person who is pregnant or gave birth to the child, the period of leave must start and end during the 24-month period following the date of birth of the child.

Adoption-related leave

If the leave is adoption-related leave, it must start on the day of placement of the child and end within the following 24-month period.

3.3 Flexible unpaid parental leave

Employees can take unpaid parental leave flexibly at any time within 24 months of a child's birth or placement. The amount of flexible parental leave available depends on the timing of the child's birth or placement for adoption:

- up to 100 days for births or placements before 1 July 2024
- up to 110 days between 1 July 2024 and 30 June 2025
- up to 120 days between 1 July 2025 and 30 June 2026
- and up to 130 days for births or placements on or after 1 July 2026

Flexible unpaid parental leave may be taken as:

- a single continuous period of one or more days; or
- separate periods of one or more days each.

The employee must provide us with written notice of a flexible day on which the employee will take flexible parental leave at least four weeks before that day (or if that is not practicable, as soon as practicable).

3.4 Notice and evidence requirements

Employees must give us written notice of taking unpaid parental leave, or flexible unpaid parental leave, at least 10 weeks before starting the leave; or if that is not practicable, as soon as practicable.

The notice must specify the intended start and end dates of the leave, and the total number of days of flexible unpaid parental leave the employee intends to take (if any).

At least four weeks before the intended start date specified, the employee must confirm the start and end dates of the leave or advise us of any changes (unless it is not practicable to do so).

Employees must provide us with a medical certificate stating the date of birth (or expected date of birth) of the child. If the leave is adoption-related leave, the employee must provide suitable evidence of the date of placement (or expected date of placement) of the child and that the child is, or will be, under 16 as at the day of placement.

3.5 Interaction with other types of leave

An employee can take paid annual leave or long service leave at the same time as they are taking unpaid parental leave. While an employee is taking unpaid parental leave, an employee cannot take:

- paid personal/carer's leave; or
- compassionate leave, unless the permissible occasion is the stillbirth or death of the child in relation to whom the employee is taking parental leave.

3.6 Extending unpaid parental leave during first 12 months

If an employee initially takes less than the 12 months available unpaid parental leave, the employee may extend the period of unpaid parental leave (to up to the full 12 months) by providing us with written notice of the extension, at least four weeks before the end date of the original leave period. This notice must specify the new end date for the leave. Only one extension is permitted, unless we agree to any further extensions.

3.7 Extending unpaid parental leave for a further 12 months

Employees may request an extension of unpaid parental leave for a further 12 months immediately following the end of the available parental leave period. Requests must be made in writing and at least four weeks before the end of the available parental leave period.

We will discuss the request and genuinely try to reach an agreement with the employee about the extension of the unpaid parental leave, while having regard to the consequences of any refusal for the employee.

Any refusal of a request will be on reasonable business grounds, which could include:

- that extension requested would be too costly;
- that there is no capacity to change the working arrangements of other employees to accommodate the extension;
- that it would be impracticable to change the working arrangements of other employees, or recruit new employees, to accommodate the extension;
- that the extension would be likely to result in a significant loss in efficiency or productivity; or
- the extension would be likely to have a significant negative impact on customer service.

We will respond in writing within 21 days and our response will state:

- if we grant or refuse the request. If we refuse the request, our response will include:
    - details of the reasons for the refusal, including the particular business grounds for refusing the request and how those grounds apply to the request;
    - either the extension period we would be willing to agree to (if any) or that there is no extension period that we would be willing to agree to; and
    - the effect of the dispute resolution and arbitration provisions in sections 76B and 76C of the *Fair Work Act 2009* (Cth); or
- if we and the employee have agreed on a different extended period than initially requested by the employee – the agreed extended period.

4. Unpaid pre-adoption leave

Employees are entitled to up to two days of unpaid pre-adoption leave to attend an interview or examination required to obtain approval for the adoption of their child.

Pre-adoption leave may be taken as:

- a single continuous period of up to two days; or
- any separate period to which we agree to.

Employees must provide written notice to us of taking unpaid pre-adoption leave as soon as practicable and advise us of the period, or expected period, of the leave.

If an employee could instead take another form of leave, and we direct the employee to take that other form of leave, the employee will not be entitled to take a period of unpaid pre-adoption leave. We may require evidence of attending an interview or examination.

5. Pregnant employees working within six weeks of the birth of a child

If a pregnant employee wants to work during the six weeks prior to birth, we can ask them to provide a medical certificate within seven days that states:

- the employee is fit for work; and
- if the employee is fit for work, whether it is inadvisable for the employee to continue in their present position because of:
    - illness or risks arising out of the employee's pregnancy; or
    - hazards connected with the position.

We can require the employee to take a period of unpaid parental leave as soon as practicable if the employee:

- fails to provide the requested medical certificate within seven days of the request; or
- provides a certificate within seven days that states they are not fit for work at all.

The employee's unpaid parental leave will then start when they are directed to take unpaid parental leave and will count as part of the employee's total unpaid parental leave entitlement. The above rules about when the leave must start, and notice requirements do not apply.

6. Unpaid special parental leave

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

- they have a pregnancy-related illness; or
- the pregnancy ends after 12 weeks of gestation otherwise than by the birth of a living child and the child is not stillborn.

If an employee has accrued paid personal/carer's leave, they may take that leave instead of taking unpaid special parental leave.

Unpaid special parental leave will not reduce the amount of unpaid parental leave that an employee can take.

An employee will need to advise their manager that they are taking unpaid special parental leave as soon as practicable and, if possible, indicate how long they expect to be on leave.

We may require you to provide evidence that the leave is taken for a reason as specified above (ie a medical certificate).

7. Parental leave for stillbirth, premature birth or infant death

7.1 Stillbirth or infant death

In the case of a stillbirth or an infant death during the first 24 months of life, an eligible employee is still entitled to take up to 12 months unpaid parental leave.

Alternatively, an employee can also choose to reduce or cancel their planned parental leave and return to work. If the unpaid parental leave has not started, the employee can cancel the leave with written notice. If the leave has started, the employee can give at least four weeks written notice cancelling the leave and providing a return-to-work date. This date must be at least four weeks after we receive the notice.

Parents who experience a stillbirth or an infant death may also take compassionate leave while on unpaid parental leave.

7.2 Premature birth and birth-related complications

Parents who experience premature birth/s or other birth-related complications, that result in the newborn baby having to stay in hospital or being hospitalised immediately after birth, can request to pause their unpaid parental leave. This means that while the baby is hospitalised, the employee/s may return to work, and the period when they are back at work will not be deducted from their period of unpaid parental leave.

In some cases, we may request evidence to support this request and ensure that the employee is fit for work, such as a medical certificate.

8. Keeping in touch days

With our agreement, employees can perform work on up to 10 keeping in touch days while they are on unpaid parental leave. A keeping in touch day is where work is performed to enable the employee to keep in touch with their employment in order to facilitate a return to their employment after the period of leave.

Keeping in touch days cannot be worked within 14 days after the birth or placement of the child (or within 42 days if it was not suggested or requested by the employee). Employees are paid for work performed on keeping in touch days. If parental leave is extended, an additional 10 keeping in touch days may be worked.

9. Australian Government Paid Parental Leave Scheme

Eligible employees who are the carer of a newborn or adopted child can get certain payments at the national minimum wage. Visit Services Australia - Parental Leave Pay

Scheme for more information about eligibility requirements, making a claim and sorting out payments.

Application of this policy

This policy outlines employees' entitlements to leave as set out in the National Employment Standards (**NES**). Nothing in this policy is intended to override, change or substitute for the provisions of the NES.

To the extent that there is any inconsistency between this policy and the NES, and enterprise agreement or a modern award, the provisions of the NES, enterprise agreement or modern award will apply. To determine an employee's rights and obligations in relation to leave, the NES and any applicable enterprise agreement modern award should be consulted directly, and employees should not rely on this policy alone.

This policy is subject to review by us and may be changed or revoked at any time. This policy creates no right or contractual entitlement for an employee and does not form part of any employment agreement.

If an employee has a valid reason for not complying with this policy, they should contact management so management can consider whether to grant an exception.

Need more information?

Contact People	HR Contact Email: hr@greystanes.org.au
Version Number	2.1
Review Details	This policy is effective from 13th December 2024 This policy was last updated on 13th January 2025