

# Parental Leave guideline

## Purpose

Assists both employees and managers to understand the process and responsibilities around accessing and approving parental leave.

## What is it?

The aim of parental leave is to enable the employee and their family to work together to establish future care of their children. Parental leave also provides them with the added security of knowing that they can return to the workforce when the parental leave period is over.

Parental leave is structured to ensure an employee's career will not be disadvantaged by having a child.

Parental leave is available to employees who have or will have responsibility for the care of a child. The leave must be associated with:

- the birth of a child to the employee or the employee's partner;
- the placement of a child under 16 with the employee for adoption;
- the birth of a child through surrogacy to the employee or the employee's partner; or
- when a permanent care order is made by the Children's Court, granting custody and guardianship to the employee, or the employee's partner, for a child under 16.

Parental leave is available to all parents or partners of parents, regardless of gender or marital status, inclusive of all LGBTQIA+ families.

## Who is this for?

This Guideline is for employees of RMIT University only. It does not apply to employees of RMIT Training or RMIT Online. Employees of RMIT Training and RMIT Online should look to their specific policies. The sections make clear which entitlement is available to continuing, fixed term or casual employees.

## Summary of leave options

Appendix 1 outlines the summary of all leave options.

## Parental Leave (Unpaid primary carer leave)

### **Entitlement to parental leave (Fixed Term and Continuing Employees)**

Fixed Term and Continuing Employees are entitled to up to 52 weeks of unpaid primary carer's leave. The leave will be unpaid leave unless the employee is entitled to paid leave in accordance with this guideline or otherwise accesses any other type of paid leave to which the Employee is entitled.

### **Entitlement to parental leave (Casual Employees)**

Casual Employees are entitled to up to 52 weeks of unpaid parental leave. The unpaid leave is available from the point of hire. Casual employees are not entitled to paid parental leave.

### **Right to request additional unpaid leave (Fixed Term and Continuing Employees)**

At the end of the first 52 weeks of leave, a Fixed Term or Continuing Employee may request up to an additional 52 weeks of unpaid leave. Any leave granted in accordance with such a request will be unpaid leave unless the Employee accesses any paid leave to which the employee is entitled.

**Special unpaid maternity leave (all employees)**

A pregnant employee is entitled to a period of special unpaid maternity leave where the employee is not fit for work because of a:

- pregnancy-related illness; or
- the pregnancy ends within 28 weeks of the expected date of birth of the child other than by the birth of a living child.

**Additional unpaid leave**

An employee may request to commence unpaid leave from 20 weeks prior to their expected due date up until 6 weeks prior to their expected due date or the arrival of the child into the household. This unpaid leave would be in addition to other leave outlined in this guideline.

**Paid primary carer's leave**

All fixed-term and continuing employees can access at least 18 weeks of Paid Primary Carer's leave from the first day of their employment. From commencement of employment up to (but not including) three years of service, employees will receive between 18 weeks and 23 weeks of leave pro-rata. From 3 years of service, employees are entitled to 24 weeks of paid primary parental leave. You can contact People Connect to determine how much leave you are eligible for.

A Fixed Term or Continuing Employee is entitled to Paid Primary Carer's Leave if, during the Payment Period:

- the employee is pregnant and has commenced parental leave; or
- the employee via adoption, a surrogacy arrangement or a permanent care order becomes the permanent carer of a child; or
- the employee provides satisfactory evidence that the employee is the Primary Carer of a child.

The Payment Period commences:

- in the case of a pregnant employee, up to six weeks prior to the expected date of birth but no later than the date of birth of the child; or
- in any other case, on the date of birth of the child or upon the arrival of the child into the household.

The duration of the Payment Period ends depending on the employee's length of continuous service in accordance with the table below:

<b>Length of continuous service at the time of commencement of the Payment Period</b>	<b>The duration of the Payment Period</b>
3 or more years	24 weeks
Commencement - up to (but not including) 3 years	Between 18 and 23 weeks (as calculated on a pro rata basis per completed month of service)

An employee is entitled to Paid Primary Carer's Leave for that part of the Payment Period for which the employee is the Primary Carer of a child or is a pregnant employee and on leave. For example, if an employee with 3+ years of service takes on the role of primary carer for a child 8 weeks after the birth of the child then the employee will be eligible for 16 weeks of Paid Primary Carers Leave (the remaining 16 weeks of the Payment Period).

A person is the Primary Carer of a child for a period if the child is in the person's care during that period and the person meets the child's physical needs more than anyone else in that period. Only one person can be a Primary Carer for a child at any one time.

Paid Primary Carer's Leave must be taken in a single continuous period. An employee may take some or all of their entitlement to Paid Primary Carer's Leave at half pay for twice the duration and in

these circumstances Paid Primary Carer's leave may continue beyond the end of the Payment Period.

Where the Paid Primary Carer's Leave is taken at half pay, all leave and superannuation accruals during the period will also accrue pro-rata.

A Fixed Term Employee on Paid Primary Carer's Leave whose contract expires will not be eligible for further paid leave unless they are re-employed on a continuing or further fixed term employment. The provision of parental leave will not be grounds for termination of a contract or for a refusal of further employment.

## Taking leave

### Notice

An employee may take parental leave by giving written notice of the intended date of commencement and the intend period of leave to be taken:

- 8 weeks for academic, vocational and professional employees;
- 4 weeks for children's services employees; and
- 10 weeks for all other employees.

However, the more notice the employee provides, the better their manager and others can ensure arrangements for the employee's absence are in place for smooth continuation of their work.

At least four weeks before the intended start date, the employee planning to take parental leave needs to confirm intended start and end dates or advise the People team and the manager of any changes to the intended start and end date.

### Application

All leave needs to be applied for by using [Form 1](#). A manager may request evidence of the expected birth date or placement supporting the request for parental leave.

### Satisfactory Evidence

Where a manager requests evidence, the minimum evidentiary requirements for persons requesting Primary Carer's leave are:

- Statutory Declaration by the employee requesting the leave, attesting to them being the sole primary carer for the period being requested.
- Where applicable, a letter from their partner's Employer confirming their parental leave dates and return to work date from Primary Carer duties.

### Approval

Applications for parental leave are approved by the employee's manager with the appropriate delegated authority. Where a manager has requested and received supporting evidence this is to be forwarded to People Connect

People Connect will verify the employee's entitlements and process the application for leave. They will also confirm in writing the dates and period of parental leave which has been approved and the date which the employee is expected to return to duty.

### Changing the period of parental leave to be taken

Where approved by RMIT, an employee may reduce the period of parental leave that the employee has applied to take. There is no prescribed notice required but requests made at short notice may not be possible to organise.

A fixed-term or continuing employee may extend the period of unpaid parental leave taken by up to 52 weeks by giving 4 weeks written notice

### **Direction to take leave**

The University may, subject to the Act, require a pregnant employee to commence parental leave at any time within the 6 weeks prior to the expected date of birth of the child.

## **Keeping in touch days**

Employees are entitled to have up to 10 days of keeping in touch days per each year of parental leave to undertake work related activity, specifically to attend

- events,
- restructure meetings,
- seminars,
- workshops,
- meetings with colleagues and management, or
- meetings on integrating back into the team.

### **How to take keeping in touch days**

Keeping in touch days need to be agreed between the employee and the employee's manager to support the transition back to RMIT and may be taken at any time during a period of parental leave, except within the first 14 days.

RMIT may request an employee take a keeping in touch day, to undertake work related activity, no sooner than 42 days following the commencement of parental leave. The employee may decline this request.

Up to 10 keeping in touch days may be worked for each 12 months of parental leave. Employees must request and have approved in advance all keeping in touch days via Workday. Employees will only be remunerated following approval via Workday.

Keeping in touch days taken during Parental Leave and Paid Primary Carer's Leave will not result in an extension to your leave period, but you will be paid an additional day's salary for each keeping in touch day taken. Keeping in touch days can only be taken whilst on Parental Leave or Paid Primary Carers Leave.

Please note that a keeping in touch day, irrespective of length of time worked or time attending an event, will be counted as a full day and each occurrence will be paid as if it was a full day of attendance according to the employee's usual schedule. Keeping in touch days are not for the purposes of you undertaking the core duties of your position.

### **Staying connected on parental leave**

Employees can try to stay connected and maintain communication with their manager /colleagues while away on parental leave by:

- continuing to access your email account, as you may want your manager and colleagues to keep you informed of relevant changes or inform you of important meetings and developments by email or by phone;
- visiting the workplace and/or attending meetings, functions e.g. morning teas, farewells and celebrations;
- keeping in contact with your manager whilst on parental leave; and/or
- accessing professional development opportunities through RMIT's professional development program while on parental leave.

If, while an employee is on parental leave, the university makes a decision that is likely to have a significant effect on the status, pay or location of the employee's substantive position, the university will ensure that the employee is kept informed of those changes and is given the opportunity to discuss the changes with their manager.

## Returning to work

### Entitlements

During parental leave, normal incremental advancement will continue.

On return to work from parental leave, an employee will be entitled to the same substantive time fraction, classification and salary as applied at the commencement of the leave, with duties commensurate with the employee's qualifications and experience and as similar as possible to those performed before taking leave.

In addition to the above, an employee who, because of pregnancy, worked a reduced time fraction immediately prior to taking leave, will be entitled to the same time fraction, substantive classification and salary with duties commensurate with the employee's qualifications and experience and as similar as possible to those performed before commencing that reduced time fraction.

### Return to work plan

An employee returning to work from a period of parental leave greater than 24 weeks will, together with their Manager, develop a return to work plan to facilitate re-entry to the workforce and align with their stated career goals and the requirements of the university.

On return to work from a period of parental leave greater than 24 weeks, an employee may, with university agreement, temporarily reduce their time fraction with an entitlement to revert to their substantive time fraction at an agreed date within five years following their return from parental leave. This entitlement is in addition to any other entitlement the employee has under the Act to request flexible working arrangements.

### Notice prior to returning to work

Employees are required to notify their manager of their intention to return to work after a period of parental leave in writing at least four weeks prior to the expiration of the leave.

However, the more notice the employee can provide the better their Manager and others can ensure arrangements for are in place for a smooth transition.

## Return to Work bonus

The Return to Work Bonus is designed as an incentive to encourage primary carers who have recently been on a period of Parental Leave to return to the workplace.

An employee who has been on parental leave for a period of:

- not less than 24 weeks; and
- not more than 104 weeks;

and that period of parental leave included Paid Primary Carer's Leave, is entitled to a Return to Work Bonus in connection with their return to work.

Parental Leave for the purposes of the Return to Work Bonus, comprises of Parental Leave (unpaid primary carer's) and Paid Primary Carer's Leave only.

An employee is entitled to a Return to Work Bonus of one week of pay for each completed month of service following the return to work, to a maximum of 12 weeks' pay.

Where an employee's time fraction has varied, the entitlement to Paid Primary Carer's Leave and the Return to Work Bonus is calculated on the weighted average of the time fraction over the preceding period of continuous service to a maximum of three years. Provided that any change in time fraction due to pregnancy-related issues or on return from parental leave, will not impact on calculation of subsequent parental leave and return to work bonus entitlements. Please note that the return to

parental leave period is the period immediately following your return from Parental Leave where you have specified you require a reduced time fraction for a defined period of time.

Should the employee cease employment (other than through redundancy) with RMIT within 12 months of returning to work, any amount paid in advance of accrual of the Return to Work Bonus will need to be repaid by the employee.

The Return to Work Bonus may be used:

- as an allowance to supplement reduced salary due to reduced time fraction on return from parental leave; and/or,
- other assistance as approved by the university.

## Paid partner leave

A Fixed Term or Continuing Employee who has or will have a responsibility for the care of a child but is not the Primary Carer of the child is entitled to 20 days of Paid Partner leave, which may be taken at any time within 12 months of the date of birth or placement of the child. Paid partner leave can be taken for twice the duration at half pay, for a total of 8 weeks. In the event of a stillbirth, paid partner leave is still able to be taken for the same period.

The entitlement to leave is subject to the submission of any evidence that may reasonably be requested by the University. Please note this does not form part of the 24 week parental leave period required for Return to Work Bonus eligibility.

## Special paid leave

Where a pregnancy terminates by miscarriage or results in still-birth within 20 weeks of the expected date of birth, the Employee who was due to give birth will be entitled to Special Paid Leave for a period equivalent to the full entitlement of Paid Primary Carer's Leave to which they would have otherwise been entitled. Special Paid Leave is not considered to be Paid Primary Carer's Leave. In addition, in the case of you or your partner experiencing a miscarriage or stillbirth, 3 days of paid compassionate leave is available for eligible employees.

## Transfer to safe job and no safe job leave

A pregnant employee may be entitled to be transferred to a safe job or to 'no safe job leave' in accordance with the Act where the Employee is fit for work, but it is inadvisable for the Employee to continue in the Employee's present position during a stated period because of illness, or risks arising out of the employee's pregnancy; or hazards connected with that position.

## Support for parents and carers

### Flexible working

RMIT supports flexible working arrangements and will consider all requests to work flexibly.

An eligible employee who is a parent, or has the responsibility for the care, of a child may request a change in working arrangements to assist the employee to care for the child if the child:

- (a) is under school age; or
- (b) is under 18 and has a disability.

The university will seriously consider the request and not unreasonably refuse an employee's application for part-time employment or job sharing on return to duty from parental leave or whilst pregnant, if the pregnancy makes part-time employment necessary or desirable.

If an employee opts for part-time employment or a job-sharing arrangement, the University will draw up and retain an agreement which determines the length of the period and days to be worked.

Please refer to the Flexible working policy or the [RMIT Staff Flexibility webpage](#) for further details and resources.

**Additional support from RMIT**

The University provides access to the following to support the employee in managing their work-life balance:

- [Staff Parenting Webpage](#)
  - Parental Leave Checklist
  - Keep in Touch Guidelines for Staff and Managers
  - RMIT Childcare Services and Facilities
- [Staff Flexibility Webpage](#)
- RMIT child care facilities ([City](#), [Bundoora](#))
- Salary packaging for RMIT child care (contact People Connect)
- [Employee Assistance Program \(EAP\)](#)

**Employee Assistance Program**

EAP provides confidential counselling services to RMIT employees and their immediate families. The EAP can help staff and their immediate family members with problems that affect psychological or emotional well-being. All programs are free and totally confidential.

You are encouraged to use the EAP service to help you resolve any problems that may be causing you or your family concern. For example:

- Expecting a baby;
- Post-natal depression;
- Being a new parent;
- Coping with return to work;
- Coping as a single parent;
- Emotional stress, depression and anxiety;
- Marital difficulties/relationship problems;
- Interpersonal /conflicts;
- Financial or legal problems; and/or
- Grief.

EAP can also be used for other personal work-related concerns.

**More information**

Supporting resources can be found on the [RMIT Staff Parenting page](#).

Relevant resources:

- Special Rules for Employees on Parental Leave
- [Parental leave checklist](#)
- [Keep in touch guidelines for parents](#)
- [Keep in touch guidelines for managers](#)
- [Parental services, facilities and childcare guide](#)
- [Working flexibly guide](#)
- [Flexible working policy](#)
- [Compassionate leave provisions](#)

**Document history**

Version	Last updated	Authority	Author
2.0	29 <sup>th</sup> August 2021	Leave Policy	Senior Manager PWR
3.0	20 <sup>th</sup> March 2023	Leave and Public Holidays Policy	Principal Advisor PWR

3.1	30 <sup>th</sup> October 2023	Leave and Public Holidays Policy	Principal Advisor PWR
3.2	29 <sup>th</sup> January 2024	Leave and Public Holidays Policy	Associate Director, Strategy & Operations, OCPO



## Appendix 1: Summary of leave options

RMIT offers a range of paid and unpaid leave provisions to assist staff in the transition to parenthood.

**Table 1: Parental leave entitlements for birth mothers and those receiving a child via adoption, a surrogacy arrangement or a permanent care order**

LENGTH OF CONTINUOUS SERVICE (FIXED-TERM OR CONTINUING)	ENTITLEMENT
3 years or more	<ul style="list-style-type: none"> <li>• 24 weeks of Primary Carer's leave at 100% pay*; and</li> <li>• A further period of up to 12 months' unpaid parental leave to commence immediately following the conclusion of the initial period of 52 weeks' parental leave, subject to university approval.</li> <li>• Additionally, an employee may also request to commence unpaid leave from 20 weeks prior to their expected due date up until 6 weeks prior to their expected due date or the arrival of the child into the household.</li> <li>• A period of special unpaid maternity leave where the employee is not fit for work because of a pregnancy-related illness; or the pregnancy ends within 28 weeks of the expected date of birth of the child other than by the birth of a living child.</li> </ul>
1-3 years months	<ul style="list-style-type: none"> <li>• Between 18 and 24 weeks (as calculated on a pro rata basis per completed month of service) of Primary Carer's leave at 100% pay*; and</li> <li>• A further period of up to 12 months' unpaid parental leave to commence immediately following the conclusion of the initial period of 52 weeks' parental leave, subject to university approval.</li> <li>• Additionally, an employee may also request to commence unpaid leave from 20 weeks prior to their expected due date up until 6 weeks prior to their expected due date or the arrival of the child into the household.</li> <li>• A period of special unpaid maternity leave where the employee is not fit for work because of a pregnancy-related illness; or the pregnancy ends within 28 weeks of the expected date of birth of the child other than by the birth of a living child.</li> </ul>
Less than 1 year	<ul style="list-style-type: none"> <li>• 18 weeks of Primary Carer's leave at 100% pay*; and</li> <li>• Unpaid leave for remainder of 52 weeks.</li> <li>• A further period of up to 12 months' unpaid parental leave to commence immediately following the conclusion of the initial period of 52 weeks' parental leave, subject to university approval.</li> <li>• Additionally, an employee may also request to commence unpaid leave from 20 weeks prior to their expected due date up until 6 weeks prior to their expected due date or the arrival of the child into the household.</li> <li>• A period of special unpaid maternity leave where the employee is not fit for work because of a pregnancy-related illness; or the pregnancy ends within 28 weeks of the expected date of birth of the child other than by the birth of a living child.</li> </ul>

**Table 2: Parental leave entitlements for partners**

Where your partner is expecting a child, the following leave may be available to you.

PARENTAL LEAVE TYPE	ELIGIBILITY	ENTITLEMENT	DESCRIPTION
Primary caregiver leave (unpaid)	All fixed term, continuing and casual employees	Unpaid leave for up to 1 year where ongoing primary caregiver of child.	Leave for you to be the primary caregiver of the child born to or adopted by your partner. Leave must be taken as a continuous period from the date of birth of the child or upon the arrival of the child into the household.
Primary caregiver leave (paid)	Less than 1 year continuous service - fixed term or continuing employee	Paid leave for up to 18 weeks where ongoing primary caregiver of child.	Leave for you to be the primary caregiver of the child born to or adopted by your partner. Leave must be taken as a continuous period from the date of birth of the child or upon the arrival of the child into the household. If leave commences after the date or birth or arrival, the leave entitlement deducts this period of time.
	1-3 years continuous service - fixed term or continuing employee	Paid leave for up 18-24 weeks where ongoing primary caregiver of child. This is calculated on a pro rata basis per completed month of service.	Leave for you to be the primary caregiver of the child born to or adopted by your partner. Leave must be taken as a continuous period from the date of birth of the child or upon the arrival of the child into the household. If leave commences after the date or birth or arrival, the leave entitlement deducts this period of time.
	3+ years continuous service - fixed term or continuing employee	Paid leave for up to 23 weeks where ongoing primary caregiver of child.	Leave for you to be the primary caregiver of the child born to or adopted by your partner. Leave must be taken as a continuous period from the date of birth of the child or upon the arrival of the child into the household. If leave commences after the date or birth or arrival, the leave entitlement deducts this period of time.