

Policy

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02. POLICY

The purpose of this policy is to outline an employee's entitlement to unpaid parental leave, which is governed by the *Fair Work Act 2009*. It also outlines RJA's company process associated with applying for parental leave. This policy applies to all full-time RJA employees in Australia.

03. UNPAID PARENTAL LEAVE

After 12 months continuous service, permanent employees are entitled to a period of 12 months unpaid parental leave immediately before:

- the date of birth of the child, or expected date of birth (for birth-related leave); or
- the day of placement of the child, or expected day of placement (for adoption leave).

For employees accessing adoption-related leave, the child must, at the day of placement or expected day of placement:

- be under 16 years of age;
- not have lived continuously with the employee for at least six months; and
- not be a child of the employee's spouse or de facto partner.

Each parent or caregiver is entitled to separate periods of up to 12 months unpaid parental leave, providing they have a responsibility for the care of the child. The period of the second parent or caregiver's unpaid parental leave must start immediately after the end of the first parent or caregiver's period of parental leave. The total period of parental leave taken by both parents or caregivers must not exceed 24 months and this includes any other approved leave.

Alternatively a period of unpaid parental leave of up to three weeks can be taken concurrently (by both parents or caregivers). This concurrent leave of three weeks must not start before or end more than three weeks after the date of the birth of the child or the day of placement of the child (if adoption related).

04. ADDITIONAL UNPAID PARENTAL LEAVE

Employees may request an extension of unpaid parental leave for a further period of up to 12 months immediately following the end of the initial unpaid parental leave period.

- Such a request must be made to in writing at least four weeks prior to the end of the available parental leave period.
- RJA will consider all such requests and respond in writing no later than 21 days after the extension request is made. The extended leave period is not an entitlement and is at the discretion of RJA, based on the company requirements at such time.
- In cases where extensions cannot be granted i.e. due to business operational reasons, RJA will provide the employee reasons for the refusal in writing.

05. REDUCTION OF APPROVED PARENTAL LEAVE

An employee whose period of unpaid parental leave has started may request to reduce the period of their unpaid parental leave by providing no less than four weeks written notice prior to the intended return date. Approval of such requests is at the discretion of RJA.

06. TRANSFER TO A SAFE JOB

If an employee is fit for work, but unable to perform their usual job because of pregnancy, she is entitled to be transferred to a safe job. Pregnant employees are entitled to transfer to a safe job even if they have not worked for their employer for 12 months. The employee will need to provide evidence i.e. medical certificate that she can work, but cannot perform her usual job for medical reasons.

If there is no alternative role deemed "safe" then RJA may require the employee to take "no safe job leave." Payment of "no safe job leave" is at the employee's ordinary contracted hours that would have been worked during the risk period.

In the 6 weeks prior to the expected date of birth of the child, RJA may request a medical certificate stating whether the employee is fit for work. If unfit for work, the "no job safe leave" ends and the employee will be required to commence parental leave.

07. SPECIAL MATERNITY LEAVE

If the employee suffers from a pregnancy related illness or the pregnancy terminates within 28 weeks before the due date, without the birth of a living child and the employee is not yet on parental leave, she is entitled to a period of unpaid special maternity leave. An employee wishing to utilise unpaid special maternity leave needs to provide notice as soon as she can (which may be after the leave has started) and advise how long she expects to be on leave.

If the special maternity leave is taken for a pregnancy related illness, it ends either when the pregnancy ends or the illness ends (whichever is earlier). If an employee is taking special maternity leave because of a miscarriage or still birth, the leave can continue for as long as she is not fit for work.

The period of leave is determined by the employee's medical practitioner and the employee maybe asked to provide evidence for the leave e.g. a medical certificate. To be entitled to unpaid special maternity leave, an employee needs to meet the eligibility criteria for unpaid parental leave. Employees who take special maternity leave are still entitled to take the full 12 months unpaid parental leave. The employee may also access any paid personal leave entitlement owing to them.

08. KEEP IN TOUCH DAYS

Employees who are on parental leave can use keeping in touch days. An employee is able to come to work for up to 10 days during their parental leave, without it affecting their unpaid parental leave entitlements. An employee is entitled to be paid their normal wage for the day's (or part day's) work. The employee can work these days one at a time or all at once.

Keeping in touch days must be at least 42 days after the birth of the child. It can only be earlier if an employee requests it. If an employee requests a keeping in touch day earlier, it can't be earlier than 14 days after the birth.

09. RETURNING TO WORK

Employees must confirm their intended return to work date in writing, at least 4 weeks before the anticipated date of return.

When returning to work from parental leave an employee is entitled to return to the position they held before taking leave (excluding safe job) or to a new position if they have been promoted or have accepted the new position. If their previous position no longer exists, they will be redeployed to a position which the employee is qualified for and is comparable in status, hours, number of days and pay to their pre-parental leave position.

Employees may request flexible working arrangements upon their return from parental leave to assist them to re-enter the workplace and/or balance their work with caring obligations. Employees should request such arrangements in accordance with:

- *POL003 - Flexible Working Arrangements Policy*
- *FORM004 - Flexible Working Arrangements Application Form*
- *CLO09 – Working From Home – WHS Checklist*

10. GOVERNMENT PAID PARENTAL LEAVE

Employees may be entitled to paid parental leave in accordance with the Paid Parental Leave Act (PPL Act). The PPL Act is an Australian Government scheme which provides eligible working mothers and initial primary carers paid leave for the duration they are not working, to a maximum of 18 weeks at the federal minimum wage.

Employees are required to make their own request for the government paid parental leave scheme to the Family Assistance Office who will make an independent assessment of an employee's eligibility. Eligible working fathers and partners (including same-sex couples) can receive 2 weeks of 'Dad and Partner Pay' to take time off work to care for a newborn or newly adopted child. Dad and Partner pay is available during the first 12 months after the birth or adoption of the child and is paid directly by the Family Assistance Office at the rate of the federal minimum wage.

Additional information and changes to the PPL Act regarding these schemes can be found at the Family Assistance Office website: <http://www.familyassist.gov.au/>

11. COMPANY PROPERTY WHILE ON LEAVE

Employees must return all company property to their direct manager or the Executive Assistant on their last working day.

This includes, but not limited to - company vehicles, car keys, security fobs, head office keys, laptops, mobile phone, chargers, company credit cards and fuel cards.

12. SUPERANNUATION & INSURANCE BENEFITS WHILE ON LEAVE

Superannuation guarantee contributions are not required while an employee is on unpaid parental leave, however an employee can continue to make their own contributions. Please refer to your applicable superannuation fund rules for information during parental leave.

13. MAINTAINING CONTACT WHILE ON LEAVE

RJA will endeavour to maintain contact with the employee during the period of parental leave. This includes inviting the employee to attend team lunches, social events and other events that may be of interest or value to the employee. However, remembering that the employee is on leave and is not under any obligation to attend any work-related event.

14. APPLYING FOR PARENTAL LEAVE

Employee's must provide at least 10 weeks' notice to the RJA of their intention to take parental leave, providing the following documentation:

1. Application **FORM002 - Leave Request Form** that confirms:
2. Please refer to **CL001 – Parental Leave Checklist** for further direction, and submit completed checklist with application for leave.
3. A statutory declaration **FORM009 – Statutory Declaration** Form confirming only one parent is taking parental leave at any one time during the 12 month period (with exception of the three week period at the time of the birth).

Related Resources, Tools and Links

- Fair Work Act 2009 - <https://www.fairwork.gov.au/leave/maternity-and-parental-leave>
- Family Assist: <http://www.familyassist.gov.au/>
- CL001 – Parental Leave Checklist
- FORM002 – Leave Request Form
- FORM009 – Statutory Declaration Form
- POL003 - Flexible Working Arrangements Policy
- FORM004 - Flexible Working Arrangements Application Form
- CL009 – Working From Home – WHS Checklist

Contact & Further Information

For further assistance please contact your direct manager.

Policy Owner

Directors – RJA

Note: This Policy does not form part of any contract between you and RJA. It summarises your entitlements to parental leave in accordance with applicable legislation, and is not intended to create any additional legal rights or obligations. Any reference to obligations or requirements of the Company in this Policy is not intended to give rise to contractual obligations binding on the Company. This Policy may be varied from time to time.