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Synod of NSW & ACT

# Parental Leave FAQs

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## Parental Leave - Frequently Asked Questions

These Q&As act as an adjunct to the Parental Leave policy of the Synod of NSW and ACT ('Synod'). These Q&As provide answers to the most frequently asked questions about parental leave. Employees with additional questions are asked to speak with their People and Culture Business Partner.

The Q&As will be modified and added to as appropriate.

In the meantime, for all those welcoming, or wishing to welcome, a new family member to their household, congratulations! We hope the information provided here, and in our policy, provides you with some of the support and guidance needed.

### **1. Does an employee have a 'right' to go back to their previous position when they return to work after parental leave?**

When returning to work after parental leave, an employee is entitled to return to their former position. If the position no longer exists or has changed substantively, the Synod will take all reasonable steps to consult with affected employees.

### **2. Do casual employees have rights to Parental Leave?**

Yes. Unpaid parental leave is extended to casual employees who have at least 12 months' continuous service with the Synod.

### **3. What about the rights to Parental Leave for same sex couples?**

Neither the Synod nor the legislation differentiates between same sex or other couples meaning that our parental leave provisions apply.

### **4. What happens if the two partners (parenting the child) are both employees?**

Where two partners are both employees of a Synod organisation, they may each take up to 12 months' parental leave, but not at the same time. Apart from a short period of shared leave (up to a period of eight weeks) which can be taken in separate periods usually no shorter than two weeks, the bulk of parental leave is to be taken by one or other partner. The two parents can choose to split the leave if they wish, taking turns to act as 'primary' carer for the child.

### **5. Am I entitled to paid parental leave for second or subsequent children?**

Yes, provided there has been 12 months' active service between your prior leave ending and your planned subsequent leave commencing.

### **6. What happens if pregnancy related medical issues arise and the employee cannot work for a period of time. What type of leave are they entitled to take? Can the employee be asked for any medical proof of their condition?**

A pregnant team member can use either personal (sick) leave or unpaid special maternity leave during pregnancy if they are suffering from a pregnancy related illness. Alternatively, the employee may wish to seek modifications to their role – our parental leave policy sets out more information in relation to this.

Employers have a responsibility to their employees and can ask for evidence of the need to take special maternity leave, also requesting a medical certificate certifying the required period of leave.

## **7. What happens if a pregnant employee advises she can't perform parts of her position?**

In some cases, a pregnant employee may need to be transferred from their present position to an alternative role because of potential risks to a pregnancy. To ensure we're meeting our obligations to our employee, the Synod will seek medical advice. Specifically, we'll ask for:

- ▶ A medical practitioner's opinion that the team member's role or responsibilities require some modification;
- ▶ There is an alternative role or sufficient alternative responsibilities available; and
- ▶ The salary and conditions attached to the alternative role are the same.

Where there is no alternative role, an employee who is entitled to parental leave is also entitled to take paid leave (no safe job leave) for the period that they are at risk. For further information, please see our Parental Leave Policy.

## **8. What leave is available to the partner at the time the baby is born?**

Under the Federal Government's Dad and Partner Pay initiative, eligible employees are entitled to two weeks' paid leave at the national minimum wage. This leave is funded by the Federal Government and administered by the Synod. To qualify, the employee needs to meet the eligibility requirements and be on unpaid leave for two weeks.

If an employee wishes to take a period longer than that offered by the Federal Government they can apply for a period of annual or unpaid leave.

## **9. Can an employee request a period of parental leave so they can be the primary caregiver of the child when their partner (as first primary care giver) returns to work?**

Both parents and caregivers are entitled to a separate period of up to 52 weeks' unpaid parental leave, if they have a responsibility for the child. The period of the second parent or care-giver's unpaid parental leave must start immediately (the next working day) after the end of the first period of parental leave.

The total period of parental leave taken by both parents and caregivers cannot exceed 24 months, less any special maternity leave. Note that the maximum combined absence of 24 months includes any other leave taken concurrently with parental leave such as annual leave or long service leave.

## **10. How close to the due date can a pregnant employee work?**

If a pregnant employee wishes to work in the final 6 weeks of pregnancy, she must provide a medical certificate certifying that she is fit for work. Where modified duties are required to protect the health of baby and mother, then the statement must also provide guidance on the modifications required. If the employee can't provide a medical certificate to this effect, then the Synod may require that she commence her leave.

## **11. Can an employee who is on parental leave and due back on an agreed date request an extension of their leave?**

An employee who has been on unpaid parental leave for 52 weeks can request an extension of unpaid parental leave for a further period of up to 52 weeks immediately following the end of their original period of parental leave provided that the combined period of parental leave (where a secondary caregiver takes parental leave other than a short period of concurrent leave after the birth or adoption of the child) does not exceed 104 weeks. The Synod will consider all such requests and respond in writing no later than 21 days after the request is made. The request may only be refused on reasonable business grounds.

**12. What about an employee on parental leave not expected to return to work for the full 52 weeks who requests to return to work earlier?**

An employee may request a reduction to their period of unpaid parental leave. If doing so, we ask the employee to provide at least four weeks' notice in writing to their manager. The approval of such requests will be at the Synod's sole discretion and may factor in issues such as a contract or temporary employee working in the role as a parental relief cover.

**13. I'm adopting a child under the age of 16, does parental leave apply to me?**

Yes, it does. Those adopting a child may also be eligible to attend supporting activities such as pre-adoption interviews. Our parental leave policy provides further information.

**14. Am I entitled to leave for a stillbirth or miscarriage?**

We understand that this is a difficult time for the employee and their family, and our goal is to support employees in the best way we can. We therefore encourage employees to speak with their People and Culture Business Partner to discuss their needs.