



**uniting
church**
in Australia,
Synod of NSW & ACT

Parental Leave

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1. Overview

Welcoming a new family member is a special time for families. Whether your new addition is by birth or adoption, we recognise the special joys and challenges that an expanding family can bring.

Our parental leave provides for time away from work and, in most circumstances, also provides financial support for those welcoming a new addition. Employees may also be eligible for support from the Federal Government.

2. Purpose of Policy

This document sets out information about parental leave support provided by the Synod of NSW and ACT ('**Synod**') and the support provided by the Australian Federal Government. It is accompanied by our Frequently Asked Questions document.

It is the responsibility of each employee to determine which benefits they may be entitled to, and to make the necessary enquiries and applications to the Department of Human Services for any government-funded support or benefits. If you are unsure, please speak with one of the People and Culture team or Payroll.

3. Applicability (scope)

These Parental Leave Guidelines apply to Synod employees.

Parental leave is available to all permanent and casual employees who have a minimum of 12 months' continuous service with the Synod prior to the date of birth, or expected date of birth, of the child, or in the case of adoption, the day of placement of the child ('**eligible employees**').

To ensure their application and any potential payments are processed correctly, eligible employees must follow the notice and evidence requirements as outlined in this document.

4. Responsibilities

The Director, People and Culture has responsibility for the creation, implementation and monitoring of this policy and for ensuring the eligible employees are aware of their rights and responsibilities under this policy.

Payroll is responsible for paying parental leave to eligible employees and for administering approved Governmental support such as the Commonwealth Paid Parental Leave Scheme and Dad and Partner Pay Scheme.

People Managers have responsibility for:

- ▶ Ensuring they receive the appropriate notifications and evidence from eligible employees in their team (as per this policy) and providing same to Payroll;
- ▶ Supporting eligible employees taking leave under this policy – both in advance of, during and after, the leave;
- ▶ Where transfer to a safe job is required, working with the eligible employee and the People and Culture team to identify appropriate alternatives, or adjustments to the eligible employee's existing role;
- ▶ Ensuring effective communication is maintained with eligible employees on parental leave;
- ▶ On the eligible employee's return from parental leave, guiding them through any relevant updates or changes.

Eligible employees who are primary care givers have responsibility for:

- ▶ **10 weeks prior to the expected birth or placement of a child** - notifying their People Manager and providing the relevant medical certificate or adoption notification papers;
- ▶ **Six weeks prior to the expected birth of a child** – commencing parental leave or, if an eligible employee wishes to work within this six week period, providing a medical certificate verifying their fitness to do so;
- ▶ **Four weeks prior to the expected birth or placement of a child** – confirming their parental leave dates including expected duration of parental leave;
- ▶ **Four weeks prior to their expected return from parental leave** – confirming their return-to-work date with their People Manager or, if any adjustment is desired, seeking such adjustment. In these circumstances, we ask the eligible employee to give their People Manager as much advance notification as possible.

Eligible employees are also responsible for:

- ▶ Providing advance notice (at least four weeks) of any desire to return to work in a part-time or altered capacity (whether temporarily or permanently);
- ▶ Keeping their People Manager informed of any changes to their situation which may have an impact on their leave commencement or return dates, or the role they are performing;
- ▶ Exploring their eligibility for Government funded schemes such as Paid Parental Leave or Dad and Partner Pay and making appropriate application;
- ▶ Immediately notifying their People Manager or their People and Culture Business Partner of any requirement for special maternity leave or transfer to a safe job or altered responsibilities;
- ▶ Considering any Keeping in Touch days and liaising with their People Manager in relation to same.

5. Principles

- ▶ Eligible employees are entitled to an unbroken period of up to 52 weeks parental leave if they have been continuously employed by the Synod for the previous 12 months and they are the primary care-giver of the child.
- ▶ Eligible employees are entitled to further periods of parental leave (including paid parental leave) for second and subsequent births or, in the case of adoption, placements provided there is a minimum of 12 months' service between the prior period of parental leave and the subsequent period of parental leave.
- ▶ This is separate to any period of parental leave that may be taken (where applicable) by the secondary caregiver within 12 months of the birth or placement of an eligible child.
- ▶ The Synod has paid parental leave options which are outlined in this document.
- ▶ During any parental leave period, as eligible employees continue to be employees of the Synod, they will remain subject to all Synod policies and procedures.
- ▶ The total period of leave taken by eligible employees and their spouse or partner (including current or former de facto partner or spouse, and same sex couples) together, immediately following the birth or placement of an eligible child, must not exceed 104 weeks.
- ▶ The period of absence includes any annual or long service leave taken concurrently with parental leave. That is, the total period of absence is 52 or 104 weeks.

- ▶ Other than up to 8 weeks of concurrent leave immediately following the birth of a child or placement of an eligible child, parental leave cannot be taken at the same time as a spouse or partner's parental leave.
- ▶ Eligible employees may also be eligible for payments under the Federal Government's Paid Parental Leave Scheme or Dad and Partner Pay scheme.
- ▶ At least ten weeks' notice of parental leave is required (or if that is not practicable, as much notice as possible).

6. Unpaid Parental Leave

Unpaid parental leave forms part of the National Employment Standards (NES).

Unpaid parental leave is an entitlement for an initial period of up to 12 months' unpaid leave that is associated with:

- ▶ the birth of a child to an eligible employee or their partner, or
- ▶ the placement of a child aged under 16, with an eligible employee for adoption ('eligible child')

To be eligible, for unpaid parental leave, the employee will have primary responsibility for the care of the child. Notice and evidence must be given to the Synod as outlined in this document. Unpaid parental leave must be taken in a single continuous period, starting at least six weeks prior to the expected date of birth of the child or in the case of adoption, the placement date of the child. Where an eligible employee wishes to work within the six period immediately prior to the expected birth of the child, they will require a medical certificate from their treating practitioner verifying their fitness to continue to perform work.

7. Synod Paid Parental Leave Scheme

Eligible employees are able to access a defined period of employer-funded parental leave for the primary caregiver of a child.

At the commencement of the parental leave period, an employee may receive up to twelve (12) weeks paid parental leave at their ordinary rate of pay. This payment is inclusive of superannuation payments. For example, a full-time employee will be paid at their full-time rate of pay, and a part-time employee will be paid at their normal part-time rate of pay.

Paid parental leave can be taken in addition to other accrued leave entitlements, however each leave type must be specified separately on the leave form and taken consecutively.

Eligible employees may use their 'Me Day' prior to any period of parental leave.

Public holidays are included in the period of paid parental leave and are not paid in addition to this leave (i.e. they do not extend the period of paid parental leave).

Paid parental leave forms part of the total period of parental leave requested by the eligible employee (up to 12 months in the first instance). For more information, please speak with UCA's Payroll or People and Culture team.

8. Government Paid Parental leave

Employees may be able to access up to 18 weeks of government-funded paid parental leave, at the national minimum wage. The Government has introduced more flexible options for taking the leave and it is up to each employee to consider the best option for them. Employees should contact the Department of Human Services or check their website to determine their eligibility and to apply for government funded paid parental leave.

Where Government-funded paid parental leave is approved, the Government payments are made to the Synod, who then pays the employee. Payments can be made before, after or at the same time as other entitlements, such as annual, long service leave and employer funded parental leave, however the different leave types must be specified separately on the application for leave form submitted by the eligible employee.

Once the maximum period of 30 weeks paid parental leave plus any statutory entitlements has lapsed, the eligible employee can either continue on unpaid parental leave or return to work.

9. Concurrent leave

In line with the fair work guidelines working parents may both want to take unpaid parental leave. The parents can be working for the same or different employers.

9.1 Both parents taking parental leave at the same time

Parents who are married or in a de facto relationship can take up to 8 weeks' unpaid parental leave at the same time. This is called 'concurrent leave.' Concurrent leave can start:

- ▶ on the birth or placement of the child
- ▶ earlier than this date, if the employer agrees or
- ▶ later than this date, however it must be within 12 months of the birth or placement of the child.

Concurrent leave can be taken in separate periods. Generally, each period has to be at least 2 weeks long, however, by agreement between the Synod and the eligible employee, shorter periods may be taken.

Concurrent leave is part of an eligible employee's total unpaid parental leave entitlement. This means that any concurrent leave taken is deducted from the total parental leave entitlement.

9.2 Both parents taking parental leave at different times

Each parent can take a separate period of up to 12 months' unpaid parental leave but the combined leave cannot extend for more than 24 months. Any concurrent leave or keeping in touch days taken are deducted from this overall entitlement.

If the pregnant employee takes parental leave first, it has to start six weeks before the expected birth date (or earlier if the Synod agrees). Where the pregnant employee wishes to work within the six period immediately preceding the expected birth date, they may do so on provision of a medical certificate verifying the employee's fitness to continue to work. This is for the protection of both the employee and the baby.

If the eligible employee who isn't pregnant takes parental leave first, the leave will start on the birth or placement of the child.

If the leave is adoption related, one parent will start their leave period on the date of placement of the child. In both cases, leave has to be taken in a single continuous period. This means the other parent has to start their unpaid parental leave the next working day after the first parent's leave ends.

10. Dad and Partner Pay

Government provided Dad and Partner Pay provides two weeks paid leave at the national minimum wage for parents who are not the primary carer of their child or children. Dad and Partner Pay can be received at any time in the first year after the child's birth or adoption, as long as the dad or partner is on unpaid leave at the time. This means that Dad and Partner Pay must start within 50 weeks of the child's birth or adoption to ensure that payments are made in time.

To be eligible for this federal government entitlement, an eligible employee must meet the Department of Human Services' eligibility criteria, and must either be on unpaid leave from work or not working.

For further details, employees are asked to contact the Department of Human Services.

For all permanent employees of the Synod the employer will "top up" the difference between the government funded Dad and Partner Pay and the employee's usual wage if it is taken within 6 weeks of the birth or placement of the child. We have taken this step to support the family unit and to encourage our dads and partners to spend quality time with their family without creating a financial burden or dipping into their annual leave.

"Top up" pay does not extend the period of company paid parental leave. Employees must submit an application for unpaid leave in order to access the "top up".

11. Special Maternity Leave

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

- ▶ they have a pregnancy-related illness or
- ▶ their pregnancy ends after 12 weeks because of a miscarriage, termination or stillbirth.

If an eligible employee takes special maternity leave because of a pregnancy-related illness, the leave will end when the illness ends or the baby is born, whichever is earlier.

If the employee takes leave because of a miscarriage, termination or still birth, the leave can continue until the employee is fit for work.

Special maternity leave won't reduce the amount of parental leave that an eligible employee can take. The eligible employee will need to tell their People Manager or People and Culture as soon as possible (which can be after the leave has started) that they are taking special maternity leave and the expected duration of the leave. The Synod reserves the right to ask for evidence, such as a medical certificate, as outlined in this policy.

12. Safe Job

During pregnancy, an employee's role may present risks or hazards to the employee that normally would not be present, or would not be considered a high risk.

All pregnant employees, including casual employees and those otherwise not eligible for parental leave, are entitled to move to a safe job if their pregnancy makes it unsafe for them to perform their usual duties. This could also include a change or reduction in working hours.

An employee who moves to a safe job will continue to receive the same pay, hours of work and other entitlements, unless hours of work are altered as a result of the safe job (i.e. modifying working hours instead of or in addition to a change in role responsibilities).

The employee will remain in the safe job until it's safe to return to their normal job, or until they give birth. In the interests of the health of the baby and the employee, the employee will need to give the Synod evidence that:

- ▶ they are fit to work but not to carry out their normal duties – specific tasks may need to be noted as well as potential safe modifications, and;
- ▶ how long the employee should abstain from the duties of their normal job, and;
- ▶ evidence of when it is safe to return to their normal job

The Synod can request this information be provided in a medical certificate.

No Safe Job

If there is no safe job available, the employee can take 'no safe job leave'. If the employee has an entitlement to parental leave, no safe job leave is paid. For a full-time or part-time employee, no safe job leave is paid at the base rate of pay for ordinary hours of work. For a casual employee, no safe job leave is paid at the base rate of pay (not including the casual loading) for the average number of hours they would have worked in the period they're on leave. Employees who aren't entitled to parental leave can take unpaid no safe job leave.

13. Notice Requirements for Primary Care Giver

13.1 10 weeks prior to birth or adoption

Eligible employees requesting parental leave must provide their People Manager at least **10 weeks'** written notice of their intention to take leave. Included in the request must be;

- ▶ An application for leave form showing the commencement and end date of the total period of parental leave (no longer than 12 months)
- ▶ If various forms of leave are being requested, (e.g., employer paid parental leave, long service or annual leave etc), each type must be specified separately on the form;
- ▶ A doctor's certificate stating the expected due date of the baby; and
- ▶ Official documents from the adoption clinic.

In circumstances where it's not possible to provide 10 weeks' notice of birth or adoption, either because the baby comes early or the adoption happens more quickly, eligible employees are required to provide as much notice as possible and complete their request for leave form in the same way.

13.2 6 weeks before commencing leave

For pregnant eligible employees, parental leave must commence at least six weeks prior to the expected birth date of the child.

If the eligible employee wishes to work within that six week period, they must provide their People Manager, and People and Culture a medical certificate verifying that it's safe for them to continue to do their job.

If the eligible employee does not provide a medical certificate within 7 days, the Synod may direct the employee to commence parental leave.

13.3 4 weeks before commencing leave

Four weeks before the eligible employee is due to commence parental leave, the eligible employee must confirm their parental leave dates with their employer. If there have been any

changes to the dates the eligible employee should discuss them with their employer as soon as possible.

If an eligible employee can't provide 4 weeks' notice, they need to provide as much notice as possible.

13.4 Concurrent leave notice

Eligible employees who are taking concurrent leave (parents taking leave at the same time) need to provide at least 10 weeks' notice to the Synod for their first period of concurrent leave. For second and later periods, they need to provide at least 4 weeks' notice.

Eligible employees are asked to discuss their options and plans for their leave breakdown with the People and Culture team or Payroll.

14. Variation of Parental Leave

14.1 Employees with at least 12 months' continuous service

Parental leave must be a continuous period commenced and completed within 24 months after the birth or placement of a child (including any annual leave or long service leave taken in conjunction with parental leave).

14.2 Variation of Period of Parental Leave

The period of parental leave may be varied by prior agreement between the Synod and the eligible employee. Eligible employees wishing to alter the duration of their parental leave must request the change in writing at least 4 weeks in advance of their expected return date. However, to enable us to properly consider the eligible employee's request, earlier notification is desired if at all possible.

14.3 Additional Parental Leave

Eligible Employees have the option of requesting an additional period of unpaid parental leave of up to 12 months, bringing the total possible length of combined parental leave to 24 months. The request must be made in writing and should be submitted at least 4 weeks before the end of the initial period of parental leave. The request must provide details of any amount of parental leave the eligible employee's spouse or partner has taken (or will have taken before the extension starts).

The Synod can only refuse the request on reasonable business grounds. Eligible employees are requested to provide more notice if possible to enable the Synod to properly consider the request.

When deciding if the request can be accommodated, the Synod will take into consideration the eligible employee's needs whilst balancing that against the needs of the business.

Additional parental leave can be shared between a spouse and partner provided that the leave for each individual is taken in a single continuous period (except for up to 8 weeks concurrent leave). That is, if the leave is to be shared, the leave for the secondary care giver needs to commence the day after the primary care giver returns to work.

15. Other Entitlements

15.1 Pre-Adoption leave

In addition to adoption leave, an eligible employee may be entitled to pre-adoption leave. This applies where an eligible employee is seeking approval to adopt a child. To be eligible, the child must be under 16 years of age.

Pre-adoption leave is up to 2 days unpaid leave for the purpose of attending interviews or examinations required to obtain the adoption approval. This leave is available to either the primary care giver or the secondary care giver.

Pre-adoption leave is not available where the eligible employee could take other authorised leave for the same period and the Synod directs the eligible employee to take such leave.

15.2 Stillbirth or infant death

The Synod understands the grief and sense of loss associated with the death of an infant or unborn baby. Whilst legislation provides guidelines, it is our goal, in these circumstances, 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.

Compassionate leave

Employees who experience a stillbirth or an infant death are eligible for compassionate leave while on parental leave. Other employees may also be entitled to take compassionate leave where the child was, or would have been, their immediate family or household member.

15.3 Premature birth and birth-related complications

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.

16. Return To Work

16.1 Returning to the same position

The primary care giver should confirm their intention to return to work and the date they will return, in writing, to their People Manager at least four (4) weeks prior to their return.

In the event the eligible employee wishes to incorporate their Government-funded Flexible Paid Parental Leave into their return to work plan, the Synod will attempt to accommodate that and will only refuse such a request on reasonable business grounds.

Eligible employees are entitled to:

- ▶ Return to the position and working the same working hours occupied immediately before the commencement of parental leave; or
- ▶ If the eligible employee was promoted or voluntarily transferred to a new position during the period of parental leave, be employed in the new position; or
- ▶ If, before commencing parental leave, the eligible employee began working part time because of the pregnancy or adoption of a child (or because of the partner's pregnancy or adoption of a child), to the position the eligible employee held immediately before

working part time.

If the position no longer exists, and the eligible employee is qualified and able to work for the Synod in another position commensurate with the eligible employee's skills and qualifications, the eligible employee is entitled to return to that position.

If there are two or more such positions, the eligible employee is entitled to the position nearest in status and remuneration to the former position.

16.2 Requesting Flexible Work Arrangements

Eligible employees can also request flexible working arrangements for their return to work. This could include returning to work on a part-time basis or with different starting and finishing times. Such requests need to be made in writing to the eligible employee's Manager and People and Culture advisor at least four weeks prior to their return.

The Synod will respond in writing within 21 days of receiving such a request and shall only refuse a request on reasonable business grounds. If uncertain about the potential effectiveness of a flexible work arrangement, UCA may agree to a trial arrangement to enable both the eligible employee and the Synod to determine whether the proposed work arrangement is viable. The length of the trial period may vary depending on the circumstance, but it is likely to be between 3 months and 6 months.

16.3 Keeping In Touch Days

Eligible employees on parental leave continue to be an important part of the Synod and, as such, we encourage them to maintain contact with their People Manager and colleagues while on parental leave. Of course, the level of contact they wish to maintain is up to the eligible employee.

Up to 10 optional 'keeping in touch' ('KIT') days are available to allow eligible employees to attend meetings, training or other important events. Except where these days fall during a period of paid parental leave, eligible employees will be paid for attending any such work-related events (with the exception of any social events such as office parties). Where an eligible employee extends their parental leave for a further 12 month period, they are entitled to an additional 10 KIT days.

A paid work activity of 1 hour or more within a day for the purpose of KIT counts as 1 keeping in touch day out of the 10 day limit.

KIT days can be worked:

- ▶ As a part day;
- ▶ One day at a time;
- ▶ A few days at a time; or
- ▶ All at once.

A KIT day can be worked at least 42 days after the birth or adoption. It can only be earlier if the eligible employee initiates the request. If a request is made by the eligible employee, a KIT day can't be worked any earlier than 14 days after the birth or adoption.

KIT days need to be agreed between the eligible employee and the Synod. A paid work activity for the purpose of keeping in touch can help eligible employees:

- ▶ Refresh their skills
- ▶ Transition back into the workplace
- ▶ Become familiar with new or updated processes
- ▶ Be involved in planning discussions or meetings that may affect their role

Activities that are considered KIT include (but are not limited to);

- ▶ Participating in a planning meeting
- ▶ Performing on the job training
- ▶ Attending a conference

Resuming regular work activities other than KIT days is considered to be returning to work and will therefore impact an eligible employee's parental leave entitlements. An eligible employee will be considered as having returned to work if they access more than 10 KIT days before the end of each 12 month parental leave period (where more than 12 months' parental leave is taken).

Work performed on a KIT day will count as service, and will accrue towards the eligible employee's personal and annual leave and the hours worked will be paid.

To request a KIT day:

1. Email your request for KIT day(s) to your manager for approval; and
2. Forward your approval, start and end date, hours taken with the subject "Keeping in Touch" to People and Culture on people@nswact.uca.org.au

For more information on keeping in touch days please click here. [Keeping in touch days - Maternity and parental leave - Fair Work Ombudsman](#).

17. Impact of Parental Leave on Entitlements and Benefits

Absences on parental leave do not break continuity of service. However, entitlements such as annual leave, personal leave and long service leave do not accrue during unpaid parental leave or government paid parental leave.

18. Other Relevant Policies and Legislation

Other relevant policies and legislation include:

Work Health and Safety Policies
Leave Policies
Fair Work Act (Cth) 2009
Work Health and Safety legislation

19. Terms and Conditions

This Policy does not form part of any contract of employment or contract of engagement and may be amended, replaced or revoked at any time by UCA, or division of UCA, at its discretion.