

# PARENTAL LEAVE PROCEDURE

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## 1 PURPOSE

- 1.1 This procedure outlines how CQUniversity will enact [parental leave](#) to manage its workforce and workloads and provide employees with a range of flexible options to balance work and family commitments.

## 2 SCOPE

- 2.1 This procedure applies to CQUniversity employees, excluding casual employees who are not [eligible casual employees](#), as defined in the [Central Queensland University Enterprise Agreement](#).

## 3 PROCEDURE

### Eligibility

- 3.1 To be eligible for [parental leave](#), fixed-term and continuing employees must have served a continuous period of 12 months at the time of commencement of the period of leave. Where a fixed-term or continuing employee does not meet this criteria, they may be granted unpaid leave equivalent to that for [eligible casual employees](#) at the discretion of the Executive Director People and Culture.

- 3.2 Eligible casual employees must have served the period of service as defined in the [Enterprise Agreement](#) to be eligible for parental leave.
- 3.3 Where an employee has a demonstrated an [enduring paid relationship](#) with the University, they may be entitled to paid maternity leave or partner leave. Such a relationship must be for more than 12 months, and a significant portion of that (at least nine months) must have been in a fixed-term or continuing capacity at the time of leave.
- 3.4 Fixed-term employees' eligibility for parental leave will cease at the date of expiry of the contract. The University is not required to extend a contract of employment solely by reason of the provisions of this procedure.

## Maternity leave

### Entitlement

- 3.5 Paid maternity leave:
- Up to 26 weeks on full pay is available for eligible fixed-term or continuing employees who are the [child's](#) birth mother and primary carer.
  - This leave may commence up to six weeks prior to the expected date of birth of the child, or earlier if agreed, but must not start later than the date of birth of the child and must include a period of at least six weeks taken directly after the date of birth, unless a relevant medical certificate is supplied.
- 3.6 Unpaid maternity leave:
- An additional period of up to 26 weeks is available for an eligible fixed-term or continuing employee who is the child's birth mother and primary carer.
  - Up to 26 weeks unpaid leave is available for fixed-term and continuing employees with less than 12 months [continuous service](#) at the time of commencement of the period of leave. The employee must be the child's birth mother and primary carer, and this leave must include a period of at least six weeks taken directly after the date of birth, unless a relevant medical certificate is supplied.
- 3.7 Casual unpaid maternity leave:
- Up to 52 weeks for an [eligible casual employee](#) who is the child's birth mother and primary carer.
  - This leave may commence up to six weeks prior to the expected date of birth of the child but must not start later than the date of birth of the child, and must include a period of at least six weeks taken directly after the date of birth unless a relevant medical certificate is supplied.

### Application for leave

- 3.8 Applications for leave must be submitted at least four months before the proposed date of commencement of leave to the supervisor for approval.
- 3.9 Applications must include:
- a doctor's or hospital midwife certificate stating the expected date of birth, and
  - the intended start and end dates of the leave.
- 3.10 Approved applications will be forwarded to the People and Culture Directorate for processing.

### Transfer to safe duties

- 3.11 If an employee eligible for maternity leave produces a medical certificate from a medical practitioner stating that they are fit to work, but that it is advisable for her not to continue in her present position for a stated period because of illness, or risks arising out of her pregnancy or hazards connected with that position, the employee will either be:
- transferred to safe duties, or
  - placed on paid special leave.

3.12 The transfer to safe duties will have:

- the same ordinary hours of work as the employee's present position, or
- a different number of ordinary hours agreed to by the employee.

#### **Paid special leave for the birth mother**

3.13 Paid special leave is in addition to other leave entitlements but cannot be taken at the same time as other forms of leave.

3.14 Paid special leave will end at the earliest of whichever of the following times is applicable:

- the end of the period stated in the medical certificate
- if the employee's pregnancy results in the birth of a living [child](#) –the day before the date of birth, or
- if the employee's pregnancy ends otherwise than with the birth of a living child – the day before the end of the pregnancy.

#### **Leave while on maternity leave**

3.15 Sick leave, annual leave or flexible work arrangements may be used for medical check-ups or illness directly related to the pregnancy prior to taking maternity leave. However, sick leave cannot be used to duplicate, replace or extend maternity leave.

3.16 Where an employee is on paid maternity leave, sick leave will not be granted for normal pregnancy, but may be granted by the Executive Director People and Culture, after medical advice has been considered in respect of abnormal conditions associated with the pregnancy.

### **Primary caregiver's leave**

#### **Paid primary caregiver's leave**

3.17 Paid [primary caregiver's](#) leave is available where a University employee eligible for paid maternity leave (the birth mother) has a [spouse](#) who is also a University employee and is eligible for paid [parental leave](#). Paid primary caregiver's leave is available where the role of primary caregiver changes from the birth mother to the spouse and/or back again during the continuous period immediately following the birth. A combination of leave may be taken such that the birth mother may take paid maternity leave of up to 26 weeks and their spouse may take paid primary caregiver's leave of up to 20 weeks, provided that:

- the employee applying is undertaking the role of the primary caregiver
- maternity leave and primary caregiver's leave are not taken at the same time
- the birth mother does not return to work prior to six weeks after the birth of the [child](#) unless a relevant medical certificate is supplied, and
- the total entitlement available will be as if one employee had applied, regardless as to whether the role of primary caregiver changes during an entitlement period, i.e. the total period of paid maternity leave and paid primary caregiver's leave cannot exceed 26 weeks per occasion.

#### **Unpaid primary caregiver's leave**

3.18 An employee is entitled to unpaid [primary caregivers](#) leave if the leave:

- is associated with the birth of a [child](#) of the employee or their partner, and
- the employee has or will have primary responsibility for the care of the child.

3.19 In the circumstances described above, the following period of unpaid primary caregiver's leave can be accessed:

- an employee eligible for paid primary caregiver's leave will also be entitled to a further period of up to 32 weeks unpaid primary caregiver's leave

- an employee who is an [eligible casual employee](#) or an employee with at least 12 months [continuous service](#) with the University and not eligible for paid primary caregivers leave will be entitled to up to 52 weeks unpaid primary caregiver's leave.

### **Application for leave**

3.20 Applications for [primary caregiver's](#) leave must be submitted at least four months before the proposed period of leave to the supervisor for approval.

3.21 Applications must include:

- a certificate from a registered medical practitioner which names the birth giver, states that they are pregnant and the expected date of confinement, or states the date on which the birth took place
- written notification of the dates on which they propose to start and finish the period of primary caregivers leave, and
- a statutory declaration stating:
  - that the employee will take that period of leave to be the primary caregiver of a [child](#), and
  - particulars of any maternity leave sought or taken by their [spouse](#).

3.22 Approved applications will be forwarded to the People and Culture Directorate for processing.

### **Partner leave**

#### **Entitlement**

3.23 Paid partner leave:

- Up to two weeks for an eligible fixed-term or continuing employee, which may be taken while their [spouse](#) is on authorised leave, provided that such leave is taken during the period of one week before the expected date of birth and up to five weeks after the birth.
- Paid partner leave may be taken in separate periods of not less than one day.

3.24 Unpaid partner leave:

- Up to two weeks for an [eligible casual employee](#), which may be taken while the spouse is on authorised leave (if applicable), provided that such leave is taken during the period of one week before the expected date of birth and up to five weeks after the birth.
- Unpaid partner leave may be taken in separate periods of not less than one day.

#### **Application for leave**

3.25 Where the employee is not seeking leave to be the caregiver/[primary caregiver](#) and is seeking partner leave, the employee will submit an application to the supervisor for approval. The application will include:

- a certificate from a registered medical practitioner which names their [spouse](#), states that they are pregnant and the expected date of confinement, or states the date on which the birth took place, and
- written notification of the dates on which the employee proposes to start and finish the period of partner leave.

3.26 Approved applications will be forwarded to the People and Culture Directorate for processing.

### **Adoption, long term foster care and surrogacy leave**

#### **Entitlement**

3.27 Paid [adoption/long term foster care/surrogacy leave](#):

- Up to 20 weeks for an eligible fixed-term or continuing employee who will be the primary carer of a [child](#) not yet of school age.
- 3.28 Unpaid adoption/long term foster care/surrogacy leave:
- Up to 26 weeks for an eligible fixed-term or continuing employee who will be the primary carer of a child not yet of school age.
- 3.29 Casual unpaid adoption/long-term foster care/surrogacy leave:
- Up to 52 weeks for an [eligible casual employee](#) who will be the primary carer of a child not yet of school age.
- 3.30 Leave for adoption, long term foster care or surrogacy will be taken in an unbroken period which includes the day on which the child legally becomes a permanent member of the household. Exceptions may be agreed to accommodate legal proceedings etc., at the discretion of the Executive Director People and Culture.

### **Application for leave**

- 3.31 Employees will notify their supervisor upon receiving notice of [adoption](#), [long term foster care](#) or conception of a [surrogate child](#). Within two months of receiving notice and notifying the University, the employee will submit an application for the period/s of leave they propose to take to their supervisor. Applications must include:
- a statutory declaration stating that the employee is seeking leave to become the [primary caregiver](#) of the child
  - the particulars of any period of leave sought or taken by the employee's [spouse](#), and
  - documentation of the circumstances:
    - in the case of adoption - a statement from an adoption agency or other appropriate body of the presumed date of placement of the child with the employee for caring purposes
    - in the case of long term foster care - a statement from the appropriate government authority confirming that the employee will have custody of the child pending application for an order, or
    - in the case of surrogacy - a certificate from a registered medical practitioner which states that surrogate is pregnant and the expected date of birth took place.
- 3.32 Approved applications will be forwarded to the People and Culture Directorate for processing.

## **Permanent care orders leave**

### **Entitlement**

- 3.33 Where a Court or appropriate government body makes [permanent care orders](#) to place a [child](#) in the care of a University employee, they will be eligible for:
- paid permanent care orders leave - up to six weeks for an eligible fixed-term or continuing employee who will be the primary carer of a child up to and including 12 years of age
  - unpaid permanent care orders leave - up to 26 weeks for an eligible fixed-term or continuing employee who will be the primary carer of a child not yet of school age, or
  - casual unpaid permanent care orders leave - up to 52 weeks for an [eligible casual employee](#) who will be the primary carer of a child not yet of school age.

### **Application for leave**

- 3.34 Applications for [permanent care](#) orders leave must be submitted by the employee before the proposed period of leave to their supervisor.
- 3.35 Approved applications will be forwarded to the People and Culture Directorate for processing.

## Child rearing leave

### Entitlement

- 3.36 In addition to, and following on from any form of [parental leave](#), a further 52 weeks [child](#) rearing leave without pay is available to employees for the care of children not yet of school age.

### Application for leave

- 3.37 Applications for [child](#) rearing leave must be submitted at least three months in advance of the planned commencement of leave to the employee's supervisor. Approved applications will be forwarded to the People and Culture Directorate for processing.
- 3.38 Employees may apply for an extension to child rearing leave beyond the 52 weeks entitlement to their supervisor. Applications for an extension must be made at least three months prior to the expiration of the original period of child rearing leave. If any such extension is granted, the University and the employee will negotiate arrangements for return to work.
- 3.39 If the request to extend child rearing leave is refused, the employee will be provided with a written response outlining the reasons for the refusal. Prior to refusing a request, the supervisor must provide the employee with a reasonable opportunity to discuss the request.

### Total periods of leave

- 3.40 The total period of [parental leave](#) taken on any one occasion will not exceed 52 weeks, except in the case where [child](#) rearing leave is also taken.

### Rate of payment

- 3.41 During periods of paid [parental leave](#), employees will be entitled to the same salary as would have been payable had the employee been on duty. Employees may request their period of leave to be paid at the rate of 50 per cent, on the understanding that the total period of leave does not exceed those prescribed in the [total periods of leave](#) section above.
- 3.42 If a public holiday or Christmas closure days falls within the period of paid parental leave, an employee will continue to receive their paid parental leave entitlements, and the paid parental leave will be extended to take into account those public holidays or Christmas closure days.

### Continuity of service

- 3.43 Paid [parental leave](#) will count as [continuous service](#) for all purposes.
- 3.44 Unpaid parental leave up to and including three months will count as continuous service for all purposes.
- 3.45 Unpaid parental leave in excess of three months does not break continuity of service, but will not count towards the length of continuous service for all purposes.

### Filling of position

- 3.46 The [business area](#) from which the [parental leave](#) is granted may fill the vacated position only with non-continuing or seconded employees for the period of the leave.

### Keeping in touch days

- 3.47 Keeping in touch days are voluntary days provided for the employee to keep in touch with their employment. Keep in touch days must be agreed between the employee's supervisor and an employee.
- 3.48 Employees may access up to 10 keeping in touch days during the first 52 weeks of [parental leave](#), and an additional 10 days during additional unpaid parental leave.

- 3.49 A keeping in touch day can be worked at least 42 days after the birth or [adoption](#) of their [child](#). It can be earlier if the employee requests it, but cannot be any earlier than 14 days after the birth or adoption of their child.
- 3.50 Keeping in touch days can be worked:
- as a part day
  - one day at a time
  - a few days at a time, or
  - all at once.
- 3.51 Keeping in touch days are for genuine work activities such as:
- participating in training
  - becoming familiar with new or updated processes, or
  - participating in planning meetings.
- 3.52 Any work activity participated in for the purpose of 'keeping in touch' will count as one keeping in touch day towards the 10 day limit, regardless of the duration of the work activity performed on the day.
- 3.53 An employee on parental leave will be entitled to payment at their ordinary rate of pay for the duration of the work performed. Employees who are taking paid parental leave entitlements at half-pay will receive an hourly 'top-up' payment for ordinary hours worked on a keeping in touch day up to the equivalent of their nominal ordinary hours for the day.
- 3.54 The supervisor will advise the Payroll Operations Team of the dates and hours worked by the employee. The payment will be processed as a one-off additional payment in the next available pay and will be included in the employees' gross earnings in that financial year and taxed at the current [Australian Taxation Office's](#) pay as you go withholding rate. Employer superannuation contributions will be calculated and paid on the gross payment.

## **Return to work**

- 3.55 Employees will contact their supervisor three months prior to the end of their leave to confirm their return-to-work date.
- 3.56 Employees resuming duty after [parental leave](#) will be placed in their former position and at not less than their salary and classification, in the [business area](#) from which they were granted leave.
- 3.57 Employee's return to work from parental leave may be on a full-time or part-time basis, depending on the requirements of the University and the mutual agreement of the head of business area and the employee. Requests to return to work on a part-time basis will not be unreasonably refused. Any time up to 12 months after commencing such part-time work, the employee may return to the position held before commencing parental leave on a full-time basis, by giving three months' notice.
- 3.58 Where organisational change occurs which may affect the substantive position of an employee who is on parental leave, the University will make every reasonable effort to consult with the employee about the impact of the changes

## **Other paid leave during parental leave**

- 3.59 Employees are encouraged to take any accrued annual leave or long service leave to extend the paid component of their [parental leave](#) plan.
- 3.60 An employee who has excess annual leave must use this leave prior to their return from parental leave, unless otherwise agreed by their supervisor.

## Other arrangements

- 3.61 Other arrangements within the spirit of the above provisions may be agreed upon between the relevant [Senior Executive](#) (or nominee), [head of business area](#) and employee.

## Superannuation

- 3.62 During unpaid caregiver's leave, the University will meet the cost of its contributions to the member's superannuation, provided the employee meets the cost of their contributions. Employees considering this option are advised to contact the Payroll Operations Team within the People and Culture Directorate.

## Unplanned cessation of parental leave

- 3.63 There may be circumstances that require the revision of previously approved [parental leave](#) including:
- the employee's pregnancy does not continue to full term
  - the pregnancy of an employee's [spouse](#) does not continue to full term, or
  - the employee is on parental leave and the [child](#) is still-born or dies after the leave has commenced.
- 3.64 In these circumstances, adjustments to parental leave will occur as required, and the following leave will be available to support the employee's wellbeing:
- Maternity: six weeks paid leave and up to 52 weeks unpaid leave
- Spouse: two weeks paid leave and up to 52 weeks unpaid leave

## 4 RESPONSIBILITIES

### Compliance, monitoring and review

- 4.1 The Executive Director People and Culture is responsible for implementing, monitoring, reviewing and ensuring compliance with this procedure.

### Reporting

- 4.2 No additional reporting is required.

### Records management

- 4.3 Employees must manage records in accordance with the [Records Management Policy and Procedure](#). This includes retaining these records in a recognised University recordkeeping information system.
- 4.4 University records must be retained for the minimum periods specified in the relevant [Retention and Disposal Schedule](#). Before disposing of any records, approval must be sought from the Records and Privacy Team (email [records@cqu.edu.au](mailto:records@cqu.edu.au)).

## 5 DEFINITIONS

- 5.1 Terms not defined in this document may be in the University [glossary](#).

### Terms and definitions

**Adoption leave:** leave taken by an employee upon the adoption of a child whereby the legal parenting rights and responsibilities are transferred from the child's birth parents (or anyone with parental responsibility for the child) to the adoptive parent/s. The child who is placed with an employee for the purposes of adoption, must be a child other than:

- a child or step-child of the employee or of the spouse of the employee, or
- a child who has previously lived continuously with the employee for a period of six months or more.



**Child:** a child of an employee under one year. Except for adoption of a child, where 'child' means a child under the age of five years, who is placed with an employee for the purposes of adoption, other than a child or step-child of an employee or of the spouse of the employee or a child who has previously lived continuously with the employee for a period of six months or more.

**Continuous service:** as defined in the [Enterprise Agreement](#), continuous service ends if the employment is broken by the passing of more than three months between the end of one employment contract and the next employment contract, except that for casual employees, breaks between consecutive terms will not constitute breaks in continuity. Continuity of an employee's service with an employer is not broken by absence from work or leave granted by the University, including such absence through illness or injury.

**Eligible casual employee:** as defined in the [Enterprise Agreement](#), an eligible casual employee is:

1. a casual employee:
  - a) who has been engaged by the University on a regular and systematic basis for a sequence of periods of employment during a period of at least 12 months, and
  - b) who, but for the birth or the placement of a child, would have a reasonable expectation of continuing engagement by the University on a regular and systematic basis.
2. without limiting subsection 1. a casual employee is also an eligible casual employee if:
  - a) the employee was engaged by the University on a regular and systematic basis for a sequence of periods during a period (the first period of employment) of less than 12 months
  - b) at the end of the first period of employment, the employee ceased, on the University's initiative, to be so engaged by the University
  - c) the University later again engaged the employee on a regular and systematic basis for a further sequence of periods during a period (the second period of employment) that started not more than three months after the end of the first period of employment
  - d) the combined length of the first period of employment and the second period of employment is at least 12 months, and
  - e) the employee, but for a birth or placement of a child, would have a reasonable expectation of continuing engagement by the University on a regular and systematic basis.

**Enduring relationship:** where an employee has commenced as a casual employee but has moved into a fixed-term or continuing role which, if not for the birth of the child, would be ongoing.

**Long term foster care leave:** leave taken by an employee when they commence to care for a child whom they intend to foster until that child reaches adulthood (usually 18 years) and are ready to live independently. Parental responsibility of the child remains with the relevant Government Department (for example the Chief Executive of the Department of Children Safety, Seniors and Disability Services in Queensland). Long term foster care differs from short term foster care where a child is in someone's care for a few months until difficulties at home are resolved or alternative plans are made for the child's future.

**Parental leave:** maternity leave, primary caregiver's leave, partner leave, adoption, long term foster care, surrogacy leave, permanent care orders and child rearing leave. Where the procedure is specific to particular categories of leave, the specific category name is used.

**Permanent care orders:** an order made by the Court which grants a person parental responsibility for a child until that child turns 18 years of age.

**Primary caregiver:** a person who assumes the principal role of providing care and attention to a child.

**Spouse:** in relation to an employee is:

- a person's partner in marriage, or
- a person who lives with the employee in a marriage-like relationship, although not legally married to the employee.

For the purposes of this procedure, a spouse also includes a former spouse.

**Surrogacy leave:** leave taken by an employee, when a child is born as a result of a surrogacy arrangement. The leave may be accessed by a University employee who will become the child's parent after birth and the child starts residing with the employee. Alternatively the leave may be accessed by a University employee who carries a pregnancy for another person or persons, and the leave is accessed for the period of the birth and medically-necessary recovery time following the birth.

## 6 RELATED LEGISLATION AND DOCUMENTS

[Central Queensland University Enterprise Agreement](#)

[Parental Leave Pay](#) (Australian Government)

## 7 FEEDBACK

7.1 Feedback about this document can be emailed to [policy@cqu.edu.au](mailto:policy@cqu.edu.au).

## 8 APPROVAL AND REVIEW DETAILS

Approval and Review	Details
Approval Authority	Vice-Chancellor and President
Delegated Approval Authority	N/A
Advisory Committee	N/A
Required Consultation	Joint Consultative Committee
Administrator	Executive Director People and Culture
Next Review Date	24/10/2026

Approval and Amendment History	Details
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Notes	