

QUEENSLAND  
ANGLICAN  
SCHOOLS



## **ADMINISTRATIVE GUIDELINES FOR PARENTAL LEAVE**

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## **Administrative Guidelines**

Administrative Guidelines are a system of principles and procedures designed to assist Anglican Schools in implementing effective administrative measures and complying with legal obligations. This system of procedures guides Schools in complying with the various obligations placed upon them. These Guidelines deal with the practical aspects of legal compliance and effective administrative systems. Administrative Guidelines will be developed by the Schools in consultation with the Anglican Schools Office and relevant stakeholders (for example Church leaders, agency representatives, Government representatives, unions, etc.). The Guidelines are subject to final endorsement by each School's Governing Body, and in the case of Diocesan owned Schools, a designated higher authority, where required by Canon Law (for example the Diocesan Property and Finance Board, Archbishop-in - Council).

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# QUEENSLAND ANGLICAN SCHOOLS ADMINISTRATIVE GUIDELINES

<b>TITLE</b>	<b>PARENTAL LEAVE</b>
<b>PURPOSE</b>	<p>To clarify employees' entitlements to paid maternity, paternity (North Qld only) and adoption leave and unpaid parental leave.</p> <p>To provide policy guidelines for accessing paid maternity, paternity (North Qld only) and adoption leave and unpaid parental leave.</p>
<b>LEGAL FRAMEWORK</b>	<p>Anglican Schools Enterprise Bargaining Certified Agreement 2004 ("the Agreement")</p> <p>Anglican Schools Commission North Queensland Enterprise Bargaining Certified Agreement 1997 ("the NQ Agreement")</p> <p>State Awards that cover Anglican Schools employees</p> <p>Family Leave Award ("FL Award")</p> <p>Industrial Relations Act 1999 ("the Act")</p>
<b>EFFECTIVE DATE</b>	1 January 2004

## 1. APPLICATION

This policy applies to all employees.

## 2. DEFINITIONS

- 2.1 "Confinement" is the birth of a child, or other termination of the pregnancy, that occurs not earlier than 20 weeks before the expected date of birth.
- 2.2 "Paid maternity leave" is the period of maternity leave during which there is paid leave accessed in accordance with clause 3.1 and 3.2.
- 2.3 "Paid paternity leave" is the period of paternity leave during which there is paid leave accessed in accordance with clause 3.2.



- 2.4 "Paid adoption leave" is the period of adoption leave during which there is paid leave accessed in accordance with clause 3.3.
- 2.5 "Unpaid maternity leave" is the unpaid period of leave which allows the employee to be the child's primary caregiver, consistent with clause 2.1 of the FL Award.
- 2.6 "Unpaid paternity leave" is the unpaid period of leave which allows the father to be the child's primary caregiver consistent with clause 2.2 of the FL Award. This is referred to as "parental leave" in the FL Award to encompass same sex couples.
- 2.7 "Short paternity leave" means the leave taken by the father in connection with the birth of the child or the termination of the pregnancy.
- 2.8 "Unpaid adoption leave" is the period of adoption leave which is unpaid, see clause 2.3 of the FL Award.
- 2.9 "Short adoption leave" means the leave taken by the employee at the time of placement of the adopted child.
- 2.10 "Parental leave" generically encompasses all leave taken by either parent in connection with the birth or adoption of a child. However, clause 2.2 of the FL Award uses the term "parental leave" to refer to unpaid leave which is not maternity or adoption leave, ie usually paternity.
- 2.11 "Primary care-giver" means a person who assumes the principal role of providing care and attention to a child.
- 2.12 "Unauthorised absence" is an absence for which leave has not been authorised. Employees on unauthorised absence at the time of commencing the minimum period of maternity leave are not entitled to paid maternity leave.

### **3. POLICY - PAID LEAVE**

#### **3.1 Maternity Leave**

3.1.1 An eligible employee shall be entitled to six weeks paid maternity leave to be taken immediately upon commencement of maternity leave.

3.1.2 Eligible employees are full time, part-time and term-time employees, who have completed twelve (12) months continuous service at the time of taking paid maternity leave, and:

- whose expected date of confinement has been confirmed by a doctor; and
- who will be the primary care-giver to the new born child.

3.1.3 The period of paid maternity leave will be discounted by any paid paternity leave granted to the other parent.



## **3.2 Paternity Leave (Diocese of North Queensland)**

3.2.1 An eligible employee shall be entitled to six weeks paid paternity leave to be taken immediately upon commencement of paternity leave.

3.2.2 Eligible employees are full time, part-time and term-time employees, who have completed twelve (12) months of continuous service, and:

- whose spouse's expected date of confinement has been confirmed by a doctor; and
- who will be the primary care-giver to the new born child.

3.2.3 The period of paid paternity leave will be discounted by any paid maternity leave granted to the other parent.

## **3.3 Adoption Leave**

3.3.1 An eligible employee shall be entitled to six weeks paid adoption leave to be taken immediately upon commencement of adoption leave.

3.3.2 Eligible employees are full time, part-time and term-time employees, who have completed twelve (12) months continuous service, and:

- who are adopting a child of five (5) years old or less; and
- whose adoption order has been confirmed by the Department of Families; and
- who will be the primary care giver to the adopted child.

3.3.3 The period of paid adoption leave will be discounted by any paid adoption leave granted to the other parent.

## **3.4 General**

3.4.1 Casual employees are not entitled to paid maternity leave and casual employment is not recognised toward the qualifying period of service.

3.4.2 The six week period is inclusive of any public holidays falling within that time.

3.4.3 For teaching employees who do not accrue annual leave credits, the period of leave is inclusive of paid school vacation periods.

3.4.4 For non-teaching employees the period of leave is exclusive of accrued annual leave.



3.4.5 The unused portion of the period of paid leave cannot be banked, extended or preserved in any way.

3.4.6 Periods of paid parental leave count as service for the purpose of calculating an employee's annual salary increment.

### **3.5 Teaching Staff - Payment on commencing paid leave**

3.5.1 On commencement of paid leave employees shall be paid the following amounts:

- six weeks paid maternity, paternity or adoption leave; and
- *pro rata* payment in lieu of vacation periods in accordance with the provisions for calculating paid vacation periods for fixed term teachers.

3.5.2 *Pro rata* paid vacation period is calculated by dividing the actual number of hours worked by the annualised quantum of hours worked by a full time teacher multiplied by the appropriate annual salary.

3.5.3 Example:- The calculation for a teacher who has worked full time for two terms would be as follows:

$$\frac{615}{1230} \times \text{annual salary} = \frac{1}{2} \text{ annual salary} *$$

(\* including all wages received from 1 January including in the vacation periods)

Therefore, in total the employee would be paid six weeks leave and  $\frac{1}{2}$  annual salary (minus wages already paid) which includes *pro rata* vacation payment.

## **4. POLICY - UNPAID LEAVE**

4.1 On becoming aware that an employee or an employee's spouse is pregnant, or that an employee is adopting a child, the employer must inform the employee of:

- the employee's entitlement to parental leave consistent with the FLA and this document; and
- the employee's obligations to notify the employer of any matter in this policy and the FLA.

### **4.2 Maternity Leave**

4.2.1 An eligible employee shall be entitled to one hundred and four (104) weeks maternity leave.

Employees seeking to access maternity leave must do so in full-term blocks, or by returning to work at the beginning of a new term.



4.2.2 Eligible employees are full time, part-time and term-time employees, who have completed one (1) year of continuous service and long term casual employees who have been employed on a regular and systematic basis for at least one (1) year and whose expected date of confinement has been confirmed by a doctor.

4.2.3 The first six (6) weeks leave following confinement is compulsory.

### **4.3 Paternity Leave**

4.3.1 An eligible employee shall be entitled to unpaid leave as follows:

- An unbroken period of up to one (1) week at the time of confinement of the employee's spouse; and/or
- A further unbroken period of up to fifty-one (51) weeks in order to be the primary caregiver of the child.

4.3.2 Eligible employees are full time, part-time and term-time employees, who have completed one (1) year of continuous service and long term casual employees who have been employed on a regular and systematic basis for at least one (1) year and whose spouse's expected date of confinement has been confirmed by a doctor.

### **4.4 Adoption Leave**

4.4.1 An eligible employee shall be entitled to unpaid leave as follows:

- An unbroken period of up to three (3) weeks at the time of the placement of the child; and/or
- An unbroken period of up to fifty-weeks (52) weeks from the time of placement in order to be the primary caregiver of the child.

4.4.2 Eligible employees are full time, part-time and term-time employees, who have completed one (1) year of continuous service and long term casual employees who have been employed on a regular and systematic basis for at least one (1) year and whose adoption order has been confirmed by the Department of Families.

### **4.5 General**

4.5.1 The entitlement to unpaid leave is reduced by any period of parental leave taken by the employee's spouse in relation to the same child, apart from short parental leave of up to one (1) week for maternity / paternity leave, or three (3) weeks for adoption leave, taken at the time of confinement.

4.5.2 Parental leave cannot be taken by both parents concurrently apart from short parental leave of up to one (1) week for maternity / paternity leave, or three (3) weeks for adoption leave, taken at the time of confinement.



## **5. PROCEDURE**

- 5.1 Eligible employees should submit their application for parental leave with a medical certificate stating the expected date of confinement, ten (10) weeks before the expected date of commencement of leave.
- 5.2 The total period of parental leave may not exceed fifty-two (52) weeks generally, or one hundred and four (104) weeks for maternity leave. However, the period of parental leave may be lengthened once only by the employee giving at least fourteen (14) days notice.
- 5.3 The period of parental leave may, with consent of the employer, be shortened by the employee giving at least fourteen (14) days notice.

## **6. OTHER CONDITIONS**

### **6.1 Access to Other Leave**

- 6.1.1 Employees who are entitled to such leave may access accrued annual leave and/or accrued long service leave during the period that would otherwise be unpaid maternity or other unpaid parental leave. Provided that the aggregate of paid and unpaid parental leave and other forms of leave shall not exceed 52 weeks generally, or 104 weeks for maternity leave.
- 6.1.2 Paid sick leave is not available to an employee on parental leave.
- 6.1.3 Clause 2.19 of the FL Award contains provisions for special maternity leave and sick leave for situations where a pregnancy terminates other than by the birth of a living child. Clause 2.19 also provides for paid sick leave for employees prior to commencing maternity leave.
- 6.1.4 If the employee returns to normal duties and then wishes to take long service leave and/or annual leave, three (3) months notice must be given.

### **6.2 Recognition of Service**

- 6.2.1 Periods of paid leave during parental leave count as service and therefore annual leave (if applicable), long service leave and sick leave continue to accrue.
- 6.2.2 Continuity of service is not broken by authorised leave, paid or unpaid, however absences on unpaid leave do not count as service for leave accruals except as provided in 6.2.3.
- 6.2.3 The first three months of maternity leave (paid or unpaid) will count as service for the purpose of annual leave accrual.



### **6.3 Salary Increments**

6.3.1 Unpaid parental leave does not count as service for the purpose of progressing from one salary increment to the next.

### **6.4 Resignation**

6.4.1 An employee may resign by giving the appropriate notice while on paid or unpaid parental leave without penalty. The provision of paid parental leave does not bond the employee to the employer either during or after the period of leave.

### **6.5 Employment**

6.5.1 The intention of parental leave provisions are to enable an employee to be absent to care for his or her child. An employee wishing to engage in regular employment would be expected to resume normal duties.

6.5.2 An employee and the employer may agree that the employee break the period of parental leave by returning to work on a full-time, part-time or casual basis.

#### 6.5.3 Part-Time or Casual Employment

An employee and the employer may agree that the employee work part-time or casual either during the pregnancy, because it is necessary or desirable or at any time after the date of birth of the child up until its second birthday.

### **6.6 Professional Development And Workplace Information**

6.6.1 The employer may offer an employee on parental leave (paid or unpaid), opportunities for Professional Development, so that the employee can keep their skills current.

6.6.2 It is considered best practice to keep employees on parental leave informed of changes/updates occurring at work. This is usually done through mailing information to the employee, or inviting employees to planning activities or significant briefings.

6.6.3 Keeping the employee informed can make the return to work and transition easier.

#### 6.6.4 Voluntary Participation

The employee participation in such opportunities is voluntary. Similarly the provision of such opportunities is at the employer's discretion.

While the provision of such opportunities is at the employer's discretion such initiatives conform to the principles of employment under *the Equal Opportunity for Women in the Workplace Act 1999*.



### 6.6.5 Non-Payment for Participation

Participation in the Professional Development opportunities referred to above will not extend the period of parental leave (paid or unpaid), nor impact on the period that counts for service.

Further, no payment for employee's time will be made for involvement in the Professional Development opportunities.

