

Parental Leave Entitlements Policy

This policy is being updated to reflect the new Enterprise Agreement and may currently contain out of date information. If you have any questions, please lodge an Ask HR ticket.

Section 1 - Background and Purpose

(1) This Policy is in addition to the paid and unpaid parental leave entitlements set out in the [Collective Agreement](#), specifically the 'Parental Leave' clause, and supports parents of all genders to fulfil Primary Carer responsibilities.

Section 2 - Scope

(2) This Policy applies to fixed term and continuing Employees under the [Collective Agreement](#).

(3) Casual Employees are not entitled to paid parental leave entitlements set out in this Policy.

Section 3 - Policy Statement

(4) La Trobe is committed to the equitable provision of paid parental leave to parents of all genders who are Primary Carers of children, including adopted children.

(5) This Policy reflects La Trobe's commitment to gender equality, inclusiveness and non-discrimination, and supports families to make decisions about the care of their children.

Section 4 - Procedures

Part A - Paid Parental Leave Entitlements

(6) Paid parental leave entitlements for non-casual Employees are subject to the following:

- a. at an Employee's request, paid parental leave entitlements may be paid at a proportion of full pay (e.g. someone entitled to 26 weeks paid parental leave may be paid at 50% of the applicable rate for 52 weeks instead of 26 weeks; someone entitled to 36 weeks may be paid at full rate for 20 weeks and then 50% for the remaining 16 weeks meaning they receive some level of payment during a consecutive period of 52 weeks), provided that:
 - i. the total parental leave entitlement will not exceed the maximum quantum specified in the table below;
 - ii. the periods are consecutive (that is, there is no break between any differently paid periods); and
 - iii. other leave entitlements will accrue on that same pro rata basis during the relevant period.

Parental Leave (Primary Carer)

(7) The provision of paid parental leave for a Primary Carer ([parental leave Primary Carer](#)) includes the following

entitlements:

Length of Service	Quantum of Paid Leave
< 12 months	2 weeks for each completed month of service
Between 12-24 months	26 weeks
24 months or greater	36 weeks

The above entitlement may be reduced by the terms in clauses (8) and (9).

Employees on a fixed term contract whose contract expires during the period of paid parental leave shall not be eligible for further leave after the contract's end date (unless the Employee is re-employed and there is no break in service).

(8) The provision of parental leave (Primary Carer) is made under the following conditions:

- a. Available to an Employee who is or intends (in the care of a birth parent) to be the Primary Carer of a newborn, or a newly adopted child;
- b. For a birth parent, the leave will commence 6 weeks prior to the due date/date of confinement or closer with a medical certificate;
- c. For a non-birth parent who is the Primary Carer, the leave may commence at the date of birth of the child but total leave may be reduced by the terms of (9) where applicable;
- d. For the Primary Carer of an adopted child, leave may commence on the date of placement of the adopted child but total leave may be reduced by the terms of clause (9) where applicable;
- e. All entitlements to paid parental leave will not extend beyond the child's first birthday, or the first anniversary of the date of placement of the adopted child.

Change in Primary Carer

(9) If an Employee is initially not the Primary Carer of the child but converts to the Primary Carer of the child, the entitlement to paid parental leave as set out in the table at (7) above, will be reduced by the amount of time taken by the prior Primary Carer of the child. This is irrespective of whether the time taken by the prior Primary Carer of the child was paid or unpaid or whether the Primary Carer of the child is or is not an Employee.

Part B - How to Apply for Paid Parental Leave

(10) Employees are required to provide written notice to their manager no later than 10 weeks before the expected start date of leave (or as soon as reasonably practicable). Applications for paid parental leave are to be submitted via ASK HR including the completed 'Application for Absences' form (available on the intranet using the search function) with manager's approval and a medical certificate detailing the expected date of birth or placement of the child.

(11) An Employee who is not the birth mother, or who converts to Primary Carer, must attach to their application for parental leave (Primary Carer) a statutory declaration or a letter from their spouse or partner's place of employment attesting to the fact that their spouse or partner has returned to work or will have returned to work by the date when the Employee proposed to commence parental leave (Primary Carer).

(12) If applicable, Employees should check their leave entitlements before completing the form. ASK HR can assist with calculating entitlements.

Part C - Entitlement to Paid Surrogacy Leave

(13) The provision of Paid Surrogacy Leave is made under the following conditions:

- a. An employee who is a surrogate mother is entitled to take up to 12 weeks Paid Surrogacy Leave.
- b. Casual Employees are not eligible for Paid Surrogacy Leave.
- c. Paid Surrogacy Leave will commence 6 weeks prior to the due date/date of confinement or closer with a medical certificate.
- d. The entitlement to Paid Surrogacy Leave will cease 6 weeks after the birth of the child.
- e. Paid Surrogacy Leave must be taken at full pay and cannot be taken as a proportion of full pay.
- f. Employees are required to provide written notice to their manager no later than 10 weeks before the expected start date of Paid Surrogacy Leave (or as soon as reasonably practicable). Applications for Paid Surrogacy Leave are to be submitted via ASK HR including the completed 'Application for Absences' form (available on the intranet using the search function) with the manager's approval and a medical certificate detailing the expected date of birth.

Section 5 - Definitions

(14) For the purpose of this Policy and Procedure:

- a. Employee: An employee of La Trobe University. Refer to the La Trobe University [Collective Agreement](#) for definitions of fixed term, continuing and casual staff.
- b. Primary Carer: the person who has the principal role for the care and attention and supervision of the child.

Status and Details

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