Parental Leave Entitlements Policy

Section 1 - Key Information

Policy Type and Approval Body	Administrative – Vice-Chancellor
Accountable Executive – Policy	Chief Operating Officer
Responsible Manager – Policy	Chief People Officer
Review Date	27 August 2029

Section 2 - Purpose

(1) This Policy outlines a range of parental leave entitlements, arrangements and procedures related to caring responsibilities for children. The University acknowledges the diversity of family structures and entitlements related to parental leave are designed to be inclusive and recognise either parent may take on the role of primary carer or secondary carer.

(2) The objective of this Policy is to confirm the University's commitment to providing members of staff with a range of parental leave entitlements, as required by the Fair Work Act 2009 and the La Trobe University Enterprise Agreement 2023 (Enterprise Agreement).

Section 3 - Scope

(3) This Policy applies to staff, including eligible casual staff. The types of leave that are provided in this Policy include:

Leave Type	Policy Reference
Paid Primary Carer Leave Procedures	Part A
Unpaid Parental Leave Procedures	Part B
Further Unpaid Parental Leave Procedures	Part C
Paid 'School Age' Primary Carer Leave Procedures	Part D
Paid Secondary Carer Leave Procedures	Part E
Early Pregnancy Loss Leave Procedures	Part F
Late Pregnancy Loss Leave Procedures	Part G
Paid Surrogacy Leave Procedures	Part H

(4) Eligible casual staff are only entitled to Unpaid Parental Leave, Further Unpaid Parental Leave and Unpaid Early Pregnancy Loss Leave.

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(5) Part A-J of this Policy outline detailed information on entitlements, eligibility, notice and evidence requirements and information for applications and approvals for each separate type of leave listed in the table above.

(6) An overview of all parental leave types, entitlements, eligibility, notice is provided below and more detailed information is provided in parts A-J of this Policy.

Length of Service

Less than 12 Months (or leave may be available irrespective of length of service)

Parental Leave	Notice Requirement
2 weeks Paid Primary Carer Leave per completed month of service for fixed term/continuing staff who have or will have responsibility for the care of a child as a single continuous period.	10 weeks
1 week Paid 'School Age' Primary Carer Leave per completed month of service for fixed term/continuing staff who have or will have responsibility for care of school-aged child from adoption or Indigenous Australian Kinship caring arrangement as a single continuous period.	10 weeks
3 weeks Paid Secondary Carer Leave for fixed term/continuing staff who will be secondary carer of a child which may be taken as periods of one day or greater.	Notice for Paid Secondary Carer Leave to be provided as soon as reasonably possible*
12 weeks Paid Surrogacy Leave for fixed term/continuing staff who have entered a formal surrogacy arrangement as a single continuous period.	10 weeks
3 weeks Paid Early Pregnancy Loss Leave for fixed term/continuing staff in relation to circumstances as outlined in part G of this Policy.	As soon as reasonably possible
Pro-rata of 14 weeks to Paid Late Pregnancy Loss Leave dependent on length of service for fixed term/continuing staff in relation to circumstances outlined in part G of this Policy.	As soon as reasonably possible

*Should staff seek to take in combination with other leave then higher notice periods may apply

12 Months or more

Parental Leave	Notice Requirement
Staff (including eligible casual staff) must have 12 months service to access Unpaid Parental Leave which may be taken as single continuous period or a flexible period subject to requirements listed in part B-C of this Policy. Staff may request a further period of up to 52 weeks of Unpaid Parental Leave subject to requirements listed in part B-C of this Policy. Fixed term staff requests subject to requirements listed in part B-C of this Policy.	10 weeks
12 weeks Paid 'School Age' Primary Carer Leave for staff who have or will have responsibility for care of school-aged child from adoption or Kinship caring arrangement as a single continuous period.	10 weeks
14 weeks Paid Early Pregnancy Loss Leave for fixed term/continuing staff in relation to circumstances outlined in part F of this Policy.	As soon as reasonably possible.(Medical certificates may be requested)

Between 12 Months and 24 Months

Parental Leave	Notice Requirement
26 weeks Paid Primary Carer Leave for staff who have or will have responsibility for the care of a child as a single continuous period.	10 weeks

24 Months or more

Parental Leave	Notice Requirement
36 weeks Paid Primary Carer Leave for staff who have or will have responsibility for the care of a child as a single continuous period.	10 weeks

(7) This Policy does not cover procedures related to requests for Flexible Work Arrangements. For further information about this please refer to the Flexible Working Policy.

Section 4 - Key Decisions

Key Decisions	Role
Submit an application for paid and unpaid parental leave periods to be forwarded to online platform Ask HR for notification at least ten (10) weeks prior expected start date of Paid Primary Carer Leave and Unpaid Parental Leave. See relevant sections below for other types of parental leave notification requirements.	Staff member
Approval of written requests for Unpaid Parental Leave, Further Unpaid Parental Leave, Paid Parental Leave, Paid Surrogacy Leave, Paid 'School Age' Primary Carer Leave and Paid Secondary Carer Leave, Early Pregnancy Loss Leave and Late Pregnancy Loss Leave in accordance with this Policy and the Enterprise Agreement.	Line Manager/Supervisor
Verify and confirm staff member's entitlements and process the application for leave. Confirmation in writing of start and end dates for parental leave including the date on which the staff member is expected to return to work.	P&C
Approve changes to parental leave in accordance with this Policy and the Enterprise Agreement. Advice may be sought from People & Culture (P&C) prior to providing approval.	Line Manager/Supervisor
Written response to a request for change to parental leave within 21 days in accordance with this Policy and the Enterprise Agreement. Advice may be sought from P&C prior to providing response.	Line Manager/Supervisor
Develop a return-to-work plan with a staff member returning to work from a period of parental leave greater than 26 weeks in accordance with this Policy. Ensure a notification that staff member will return to work on specified and agreed date to P&C via online platform AskHR.	Line Manager/Supervisor
Notification of return to work of the staff member through the online platform ASKHR at least six (6) weeks prior to return to work.	Staff member and Line Manager/Supervisor

Section 5 - Policy Statement

(8) The Policy is to confirm the University's commitment to providing members of staff with a range of parental leave entitlements, as required by the Fair Work Act 2009 and the La Trobe University Enterprise Agreement 2023 (Enterprise Agreement).

Section 6 - Procedures

Part A - Paid Primary Carer Leave

(9) The provision of Paid Primary Carer Leave includes the following entitlements for staff employed on a continuing or fixed-term basis in accordance with Clause 46 of the Enterprise Agreement:

Length of Service of Eligible Staff Member	Paid Leave Entitlement
Less than 12 months	2 weeks paid leave for each completed month of service
Between 12 and 24 months	26 weeks paid leave

Length of Service of Eligible Staff Member	Paid Leave Entitlement
24 months or greater	36 weeks paid leave

(10) To be eligible for Paid Primary Carer Leave a staff member employed on a continuing or fixed-term basis must have or will have, responsibility for the care of the child during the leave either by way of:

a. birth of a child of the staff member, or the staff member's partner or former partner or a legal surrogate; or
b. adoption of a child under the age of 16 years; or
c. an Indigenous Australian Kinship caring arrangement of a child.

(11) A staff member will be considered as being responsible for the care of the child during the leave in circumstances where they are solely responsible for the day-to-day caregiving of the child for the majority of the time each week during the leave period (noting that for up to eight (8) weeks during the leave period the responsibility for the care of the child can be shared). For the purpose of entitlement to Paid Primary Carer Leave, a staff member will be considered as being responsible for the care of a child if the child attends an early childhood education and care service for part of each day. For the avoidance of doubt:

a. the provision allowing for shared responsibility for the care of a child for up to eight (8) weeks applies only where a staff member is taking Paid Primary Carer Leave and will be the primary carer beyond the 8 week shared leave period;
b. the eight (8) weeks of shared care does not constitute an additional or standalone paid leave entitlement and does not apply to staff who are not the primary carer;
c. a staff member who is not the initial primary carer following the period after birth or placement is only entitled to Paid Secondary Carer Leave of three (3) weeks in accordance with Part E of this Policy, unless they become the primary carer at a later date;
d. the transition or shared care arrangements under this Policy do not provide for a combined or cumulative entitlement to Paid Primary Carer Leave and Paid Secondary Carer Leave, staff will only be entitled to a total period of 8 weeks shared care between both the Paid Secondary Carer Leave and Paid Primary Carer Leave entitlements, and this can only occur as a result of a transition to primary carer.

(12) A staff member who is not assuming sole responsibility for the day-to-day caregiving of the child for the majority of the leave period is not entitled to Paid Primary Carer leave.

(13) If a staff member takes Paid Secondary Carer Leave and later becomes eligible to take Paid Primary Carer Leave, their entitlement to Paid Primary Carer Leave will be reduced by any period of Paid Secondary Carer Leave taken.

(14) Eligible staff employed on fixed-term employment contract which expires during a period of Paid Primary Carer Leave, will not be eligible for further parental leave after the date the fixed-term employment contract expires, unless they are re-employed on a continuing basis or in a further fixed-term and there is no break in service in accordance with clause 46.11 of the Enterprise Agreement.

Planning for and the timing of Paid Primary Carer Leave

(15) Paid Primary Carer Leave is to be taken as a single continuous period and may be followed by a period of Unpaid Parental Leave. The total maximum period of leave is 52 weeks. This will not affect the entitlement for eligible staff to take Further Unpaid Parental Leave of up to a further 52 weeks.

(16) Paid Primary Carer Leave may be taken in combination with their accrued entitlements leave to recreation leave and long service leave or with unpaid Parental Leave. However, eligible staff taking parental leave may take only one form of paid leave at a time and must have utilised all of their Primary Carer Leave or Paid 'School Age' Primary Carer

Leave before a staff member can utilise other entitlements including unpaid parental leave, accrued recreation leave or long service leave. A staff member on parental leave (paid or unpaid) does not have any entitlement to University holidays or other leave entitlements (except for accessing their accrued recreation and long service leave).

(17) Eligible staff may access Paid Primary Carer Leave up to six (6) weeks prior to the expected date of birth or day of placement of the child, and all Paid Primary Carer Leave entitlements must be utilised within 52 weeks of the date of birth or date of placement of the child.

(18) Eligible staff members are required provide written notice of intention to take this leave to their supervisor/manager at least 10 weeks before the expected start date of leave (or as soon as reasonably practicable). Written notice is to include:

a. Start and end dates for leave;
b. Details of all leave paid and unpaid requested (and dates if known);
c. Medical certificate detailing the expected date of birth or information confirming expected day of placement of the child or caring arrangement; and
d. Confirmation that the staff member will be the primary carer for the period of the leave (save up to eight (8) weeks during the leave period which there can be two primary carers of the child).

(19) If an eligible staff member cannot provide 10 weeks' notice in writing of expected start and end date with supporting medical certificate or information of adoption or caring arrangement to the University in writing then they must provide as soon as reasonably practicable.

(20) Applications for Paid Primary Carer Leave are to be submitted via the ASK HR platform (on the intranet). Approval from supervisor/manager to be included where possible.

(21) To assist staff, the University encourages staff to have discussions with their supervisors and managers prior to lodging an application and to obtain further information from the ASK HR platform.

Election to take Paid Primary Carer Leave at a Proportion of Full Pay

(22) Eligible staff may elect to take Paid Primary Carer Leave at a proportion of full pay over an extended period however this will not exceed the maximum total quantum of Paid Primary Carer Leave that the staff member is eligible to receive. In accordance with clause 46 of the Enterprise Agreement, all Paid Primary Carer Leave entitlements must be used within 52 weeks of the date of the birth or placement of the child.

Example

(23) By of an example, an election to take Paid Parental Leave at a Proportion of Full Pay would occur when an eligible staff member who is entitled to 26 weeks paid parental leave elects to take Paid Primary Carer Leave at half-pay. This would mean that they would be paid at 50% of their applicable rate for 52 weeks instead of 26 weeks.

(24) Paid Primary Carer Leave may be paid at a proportion of full pay over an extended period provided that:

a. the total parental leave entitlement paid will not exceed the maximum total quantum specified clause 46 of the Enterprise Agreement for eligible staff;
b. the period paid at a proportion of full pay cannot be taken flexibly and must be taken as a single continuous period (without a break until the full entitlement that an eligible staff member is entitled to is paid to the staff member);
c. other leave entitlements will accrue on that same pro rata basis during the relevant period; and
d. all Paid Primary Carer Leave entitlements must be used within 52 weeks of the date of the birth or placement of the child.

(25) In addition, eligible staff members may elect to be paid Primary Carer Leave in a combination arrangement however the combination payments must not extend past 52 weeks from the date of birth or placement of the child.

Example

(26) For example, to be paid at Full Pay for a period and then at Proportion of Full Pay for a period of the entitlement to Paid Primary Carer Leave. By way of example, an eligible staff member who is entitled to 36 weeks of Paid Primary Carer Leave may elect to be paid at their full rate of pay for 20 weeks and then at half- pay (50%) for the remaining 16 weeks. This means that the staff member receives their full entitlement over a consecutive period of 52 weeks).

Part B - Unpaid Parental Leave

Eligibility for Unpaid Parental Leave

(27) All staff with at least 12 months service with the University (subject to requirements for casual staff listed below), are entitled to 52 weeks of unpaid parental leave (less any period of paid leave) if the staff member has or will have, responsibility for the care of the child during the leave either by way of:

a. birth of a child of the staff member, or the staff member's partner or former partner or a legal surrogate; or
b. adoption of a child under the age of 16 years; or
c. an Indigenous Australian Kinship caring arrangement of a child.

(28) Casual staff will be eligible to unpaid parental leave if they:

a. have been employed by the University on a regular and systemic basis for a sequence of periods of employment of at least 12 months; and
b. the length of time between each period of engagement is not more than 3 months (unless the length of the absence is due to the staff member's terms of engagement with the University; and
c. but for the birth or placement of the child, the staff member will continue during any period of paid parental leave.

(29) Eligible staff employed on a fixed-term employment contract which expires during a period of Unpaid Parental Leave, will not be eligible for Unpaid Parental leave or Flexible Unpaid Parental Leave or Further Unpaid Parental Leave past after the end date of their fixed-term employment contract, unless they are re-employed on a continuing basis or engaged on a further fixed-term employment contract and there is no break in service in accordance with clause 46.11 of the Enterprise Agreement.

(30) Eligible staff (including eligible casual staff) are also entitled to a further period of unpaid parental leave of up to a further 52 weeks. This is outlined in part C – Further Unpaid Parental Leave procedures.

Planning for and the timing of Unpaid Parental Leave

(31) Unpaid Parental Leave is to be taken as a single continuous period (unless the eligible staff member seeks to take Flexible Unpaid Parental Leave in accordance as outlined in clause 45–51 of this Policy). For the avoidance of doubt eligible staff may request to take a combination of Unpaid Parental Leave as a single continuous period or as a Flexible Unpaid Parental Leave in separate periods of one or more days, where they meet the requirements of this Policy.

(32) Eligible staff may access Unpaid Parental Leave up to six (6) weeks prior to the expected date of birth or day of placement of the child, but it must commence no later than the date of birth or placement. Flexible Unpaid Parental Leave (up to a total of 100 days) must be taken in the 24 months after the date of birth or placement of the child in accordance with clause 45–51 of this Policy.

(33) Eligible staff members are required provide written notice of intention to take Unpaid Parental Leave to their supervisor/manager at least 10 weeks before the expected start date of leave (or as soon as reasonably practicable) Written notice is to include:

a. Start and end dates for leave;
b. Type of leave requested;
c. Medical certificate detailing the expected date of birth or information confirming expected day of placement of the child; and
d. Confirmation that the staff member will be the primary carer for the period.

(34) Applications for Unpaid Parental Leave are to be submitted via the ASK HR portal (on the intranet). Approval from supervisor/manager to be included where possible.

(35) Eligible staff may take accrued recreation leave and/or accrued long service leave in one continuous period to offset any period of Unpaid Parental Leave.

(36) A staff member on Unpaid Parental Leave is not entitled to payment for a University Holiday as defined in clause 41.7 of the Enterprise Agreement. A staff member is not entitled to take personal leave during a period of Unpaid Parental Leave.

(37) To assist staff, the University encourages staff have discussions with their supervisors and managers prior to lodging an application and to obtain further information from the ASK HR platform.

Transfer to a Safe Job

(38) A staff member who is pregnant is entitled to be transferred to an appropriate safe job that has the same ordinary hours as their present position or a different number of ordinary hours that the staff member agrees to.

(39) The staff member must provide evidence that would satisfy a reasonable person that they are fit for work, but it is inadvisable for them to continue in their present position for a stated period because of illness, risks associated out of the staff member's pregnancy or hazards connected to the position. For example, in the form of a medical certificate.

(40) If a staff member is entitled to unpaid parental leave and satisfies the evidence requirements to transfer a safe job but there is no safe job, the University will pay the staff member (if they have completed 12 months of service) for their ordinary hours of work until the risk period ends or a period of parental leave commences. For staff who are yet to complete 12 months service the University will grant the staff member unpaid no safe job leave until their period of parental leave commences.

(41) If the staff member is on no safe job leave during the 6-week period before the expected birth date, then the University can ask the staff member for a medical certificate stating whether they are fit for work. If the staff member does not provide the medical certificate within seven (7) days of the request, the University can require that they commence parental leave.

Unpaid Special Parental Leave

(42) If a staff member is not fit for work due to pregnancy-related illness they are able to take unpaid special parental leave or accrued personal leave. The staff member is entitled to unpaid special parental leave in the 6-week period before the expected date of the birth of the child. The University may require the employee to provide medical certificates for unpaid special leave for this period of leave.

Taking Flexible Unpaid Parental Leave

(43) Eligible staff (including eligible casual staff) may take Unpaid Parental Leave entitlement flexibly (i.e. not as one continuous block) during 24-month period following the date of birth or day of placement of the child. The amount of parental leave that can be taken as flexible parental leave depends on when the child is born or place for adoption:

a. Before 1 July 2024 – up to 100 days
b. Between 1 July 2024 to 30 June 2025 – up to 110 days
c. Between 1 July 2025 to 30 June 2026 – up to 120 days
d. On or after 1 July 2026 – up to 130 days.

(44) This is referred to Flexible Unpaid Parental Leave. The University encourages staff to seek further information as to how this might apply and to note that clause 46.4 of the Enterprise Agreement provides that staff can offset a period of Unpaid Parental Leave or Further Unpaid Parental Leave by utilising their paid entitlements, if eligible, provided that staff must use any entitlement to paid leave prior to using an entitlement to Flexible Unpaid Parental Leave.

(45) Flexible Unpaid Parental Leave forms part of the total entitlement of 52 weeks of Unpaid Parental Leave and the eligible staff member must have responsibility for the care of the child. Staff can take Flexible Unpaid Parental Leave whether or not they have taken other periods of Unpaid Parental Leave. However, the total of the period must not be longer than 52 weeks.

(46) Eligible staff may take Flexible Unpaid Parental Leave in a single continuous period of one or more days or separate periods of one or more days following the date of birth or day of placement of the child.

(47) It is a requirement that an eligible staff member who wishes to request Flexible Unpaid Parental Leave, should make a request in writing 10 weeks prior to starting any period of leave. Exact dates for Flexible Unpaid Parental Leave should be provided in writing at least four (4) weeks prior to starting any period of leave.

(48) Eligible staff can take Flexible Unpaid Parental Leave whether or not they have taken other periods of Unpaid Parental Leave, however the combined total of Unpaid Parental Leave must not be no longer than 52 weeks.

(49) To assist staff, the University encourages staff have discussions with their supervisors and managers prior to lodging an application and to obtain further information from the ASK HR platform.

(50) Eligible staff employed on a fixed-term employment contract, which expires during a period of Unpaid Parental Leave, will not be eligible for Unpaid Parental leave or Flexible Unpaid Parental Leave or Further Unpaid Parental Leave after the date of the fixed-term employment contract expires, unless they are re-employed on a continuing basis or on a further fixed-term employment contract and there is no break in service in accordance with clause 46.11 of the Enterprise Agreement.

Part C - Further Unpaid Parental Leave Procedures

(51) In accordance with clause 46 of the Enterprise Agreement, a staff member is entitled to request Further Unpaid Parental Leave of up to 52 weeks if the staff member:

a. has been granted an initial period of Unpaid Parental Leave; and
b. has or will have, responsibility for the care of the child for the duration of the leave.

(52) Staff are not entitled to extend the period of unpaid parental leave beyond 24 months after the date of birth or date of placement of the child.

(53) Eligible staff employed on fixed-term employment contract, which expires during a period of Further Unpaid Parental Leave, will not be eligible for Unpaid Parental leave or Flexible Unpaid Parental Leave or Further Unpaid Parental Leave after the date of the fixed-term employment contract expires, unless they are re-employed on a continuing basis or on a further fixed-term employment contract and there is no break in service in accordance with clause 46.11 of the Enterprise Agreement.

(54) The eligible staff member must make a request for Further Unpaid Parental Leave in writing to their Supervisor/Manager at least 4 weeks before the end of the current parental leave period.

(55) The Supervisor/Manager will provide a written response to the request as soon as practicable, and no later than 21 days after the written request has been received by the University. The response will include details of the reasons for any refusal on reasonable business grounds in accordance with clause 46 of the Enterprise Agreement.

(56) The response must state either that:

a. the University grants the request; or
b. following discussion between the University and the staff member, the agreed period of the extension that differs from the period requested; or
c. refusal as outlined below.

(57) If the request is refused, the written response must include the following information:

a. the details of the reason for refusal, including the reasonable business grounds and explain how the grounds apply to the request;
b. either set out an alternative period of unpaid parental leave that the University could accommodate or state that there will be no extension that the University would be willing to agree to; and
c. explain dispute resolution procedures, including that the Fair Work Commission can deal with disputes.

(58) The University must only refuse the request for an extension of unpaid parental leave only if:

a. the University has discussed the request with the staff member;
b. the University has genuinely tried to reach an agreement with the staff member about the extension of Unpaid Parental Leave;
c. the University and the staff member have not reached such an agreement;
d. the University has had regard to the consequences of refusal for the staff member; and
e. the refusal is on reasonable business grounds as outlined below.

(59) Reasonable business grounds for refusal may include the following:

a. the extension of unpaid parental leave would be too costly;
b. that there is no capacity to change the working arrangements of other staff members to accommodate the extension of Unpaid Parental Leave;
c. that it would impractical to change the working arrangements of other staff, or recruit new staff, to accommodate the extension of Unpaid Parental Leave;
d. that the extension of Unpaid Parental Leave would likely result in a significant loss in efficiency or productivity;
e. that the extension of Unpaid Parental Leave requested by the staff member would be likely to have a significant negative impact on customer service.

Part D - Paid ‘School Age’ Primary Carer Leave

(60) The provision of Paid ‘School Age’ Primary Carer Leave includes the following entitlements for staff employed on a continuing or fixed-term basis in accordance with Clause 46 of the Enterprise Agreement:

Length of Service of Eligible Staff Member	Paid Leave Entitlement
Less than 12 months	1 week paid leave for each completed month of service
12 months or greater	12 weeks paid leave

(61) To be eligible for Paid ‘School Age’ Primary Carer Leave a staff member employed on a continuing or fixed-term basis must have or will have, responsibility for the care of the child during the leave either by way of:

a. adoption of a school aged child; or
b. an Indigenous Australian Kinship caring arrangement of a school aged child.

(62) If a staff member accesses Paid Secondary Carer Leave and later becomes eligible to take Paid ‘School Age’ Primary Carer Leave, their entitlement to Paid ‘School Age’ Primary Carer Leave will be reduced by any period of Paid Secondary Carer Leave taken.

(63) Eligible staff employed on fixed-term employment contract, which expires during a period of Paid ‘School Age’ Primary Carer Leave, will not be eligible for further parental leave after the date of the fixed-term employment contract expires, unless they are re-employed on a continuing basis or in a further fixed-term employment contract and there is no break in service in accordance with clause 46.11 of the Enterprise Agreement.

Planning for and the timing of Paid ‘School Age’ Primary Carer Leave

(64) Paid ‘School Age’ Primary Carer Leave is to be taken as a single continuous period and may be taken in combination with Unpaid Parental Leave. However, the total maximum period of combined leave for Paid ‘School Age’ Primary Carer Leave and Unpaid Parental Leave must not be over 52 weeks. This will not affect the entitlement for eligible staff to take Further Unpaid Parental Leave of up to 52 weeks.

(65) Eligible staff may access Paid ‘School Age’ Primary Carer Leave up to four (4) weeks prior to the day of placement of the child, and all entitlements to Paid ‘School Age’ Primary Carer leave must be utilised within 52 weeks of the date of placement of the child.

(66) Eligible staff members are required provide written notice of intention to take this leave to their supervisor/manager at least 10 weeks before the expected start date of leave (or as soon as reasonably practicable). Written notice is to include:

a. Start and end dates for leave;
b. Details of all leave paid and unpaid requested (and dates if known);
c. Evidence confirming expected day of placement of the child or the Indigenous Australian Kinship caring arrangement; and
d. Confirmation that the staff member will be the primary carer for the period of the leave.

(67) Paid ‘School Age’ Primary Carer Leave may be taken in combination with other paid leave such as recreation leave and long service leave and Unpaid Parental Leave. However, eligible staff must use any entitlement to Paid ‘School Age’ Primary Carer Leave before they utilise any accrued recreation leave or long service leave.

(68) Applications for Paid ‘School Age’ Primary Carer Leave are to be submitted via the ASK HR platform (on the intranet). Approval from supervisor/manager to be included at this stage where possible.

(69) If an eligible staff member cannot provide 10 weeks' notice in writing of expected start and end date with supporting adoption or caring arrangement details to the University then they must provide this as soon as reasonably practicable.

(70) To assist staff, the University encourages staff have discussions with their supervisors and managers prior to lodging an application and to obtain further information from ASK HR platform.

Election to take Pad 'School Age' Primary Carer Leave at a Proportion of Full Pay

(71) Eligible staff may elect to take Paid 'School Age' Primary Carer Leave at a proportion of full pay over an extended period however this will not exceed the maximum total quantum of Paid 'School Age' Primary Carer Leave that the staff member is eligible to receive. In accordance with clause 46 of the Enterprise Agreement, all Paid 'School Age' Primary Carer Leave entitlements must be used within 52 weeks of the date placement of the child or commencement of caring arrangement.

Example

(72) An election to take Paid 'School Age' Parental Leave at a Proportion of Full Pay would occur when an eligible staff member who is entitled to 12 weeks paid parental leave elects to take Paid 'School Age' Primary Carer Leave at half – pay. This would mean that they would be paid at 50% of their ordinary fortnightly rate of pay for 26 weeks instead of 12 weeks.

(73) Paid 'School Age' Primary Carer Leave may be paid at a proportion of full pay over an extended period provided that:

a. the total parental leave entitlement paid will not exceed the maximum total quantum specified in the table above in clause 52 of this Policy;
b. the periods are consecutive (that is, there is no break between any differently paid periods);
c. other leave entitlements will accrue on that same pro rata basis during the relevant period; and
d. all Paid 'School Age' Primary Carer Leave entitlements must be used within 52 weeks of the placement of the child.

(74) In addition, eligible staff members may elect to be Paid 'School Age' Primary Carer Leave in a combination arrangement however the combination payments must not extend past 52 weeks from placement of the child.

Example

(75) To be paid at Full Pay for a period and then at Proportion of Full Pay for a period of the entitlement to Paid Primary Carer Leave. By way of example, eligible staff member who is entitled to 12 weeks of Paid 'School Age' Primary Carer Leave may elect to be paid at their full rate of pay for 10 weeks and then at half- pay (50%) for 2 weeks which would mean the total length of the period is 14 weeks.

Part E - Paid Secondary Carer Leave Procedures

(76) Eligible staff employed on a continuing or fixed-term basis (irrespective of the length of service) are entitled to three (3) weeks Paid Secondary Carer Leave in accordance with Clause 46 of the Enterprise Agreement.

(77) To be eligible for Paid Secondary Carer Leave an eligible staff member will be the Secondary Carer of a child either by way of:

a. Birth of a child of the staff member, or their partner or legal surrogate;
b. adoption of a child; or

c. an Indigenous Australian Kinship caring arrangement of a child.

Planning for and the timing of Paid Secondary Carer Leave

(78) Paid Secondary Carer Leave is to be taken for periods of one (1) day or greater and may commence one (1) week prior to the expected birth or placement of the child and must be used within 52 weeks from the date of birth or placement of the child.

(79) Eligible staff members are required to provide written notice of intention to take this leave to their supervisor/manager as soon as reasonably practicable. Written notice is to include:

a. Start and end dates for leave;
b. Details of all leave paid and unpaid requested (and dates if known); and
c. Medical certificate detailing the expected date of birth or information confirming expected day of placement of the child or caring arrangement.

(80) Applications for Paid Secondary Carer Leave are to be submitted via MyHR (on the intranet).

(81) If a staff member takes Paid Secondary Carer Leave and later becomes eligible to take Paid Primary Carer Leave or Paid 'School Aged' Primary Carer Leave, their entitlement to Paid Primary Carer Leave or Paid 'School Age' Primary Carer Leave will be reduced by any period of Paid Secondary Carer Leave taken.

Part F - Early Pregnancy Loss Leave

(82) Where a continuing or fixed-term staff member's pregnancy ends by miscarriage during the first 20 weeks of the pregnancy, the staff member is entitled to up to three (3) weeks of Paid Early Pregnancy Loss Leave.

(83) Where a casual staff member's pregnancy ends by miscarriage during the first 20 weeks of the pregnancy, the staff member is entitled to up to three (3) weeks of unpaid Early Pregnancy Loss Leave.

(84) Staff must provide their supervisor/manager with a notice of absence as soon as reasonably practicable which may be at the time or after the leave has started and include information of the estimated length of the absence. The supervisor/manager is responsible to lodge a request via the AskHR platform in relation to this leave as soon as possible after receiving notification from the staff member if the staff member is not able to complete this type of request.

Part G - Late Pregnancy Loss Leave

(85) Where a continuing or fixed-term staff member's pregnancy ends by miscarriage or the birth of a still-born child (after at least 20 weeks pregnancy), the staff member is entitled to the following as provided in clause 46 of the Enterprise Agreement:

Length of Service	Paid Leave Entitlement
Less than 12 months	Pro-rata
12 months or greater	14 weeks paid leave

(86) For the avoidance of doubt, if a child is stillborn within the definition under section 77A(2) of the Fair Work Act 2009 (Cth) the staff member would be entitled to late pregnancy loss leave. However if the child, following birth or placement is subsequently required to be hospitalised or dies then the provisions in part J of this Policy will apply.

(87) Late Pregnancy Loss Leave may be extended by a further unpaid period of leave up to a total of 12 months

(inclusive of the period of paid late pregnancy loss leave) if supported by a medical certificate/s.

(88) If the staff member has already commenced parental leave, the leave will be deemed to have been Late Pregnancy Loss Leave and the staff member will receive the balance of Late Pregnancy Loss Leave that remains. Other forms of parental leave applied for, but which have not commenced will be cancelled.

(89) The staff member must provide medical certificate and notice of absence including estimated length of absence to the staff member's supervisor/manager as soon as reasonably practicable (which may be after the leave has started). The supervisor/manager is responsible to lodge a request via the Ask HR platform in relation to this leave as soon as possible after receiving notification from the staff member if the staff member is not able to complete this request.

(90) Staff should also complete application for leave via the Ask HR platform as soon as practicable and may be at the time or after the leave has started. For reference the MYHR online system is not available to complete a request for Late Pregnancy Loss Leave.

(91) Compassionate Leave as provided in clause 49 of the Enterprise Agreement, is available for staff members where their partner's pregnancy ends by miscarriage or the birth of a still-born child after at least 20 weeks pregnancy.

Part H - Paid Surrogacy Leave

(92) All staff employed on continuing or fixed-term basis, who enter into a formal surrogacy arrangement which complies with Part 4 of the Assisted Reproductive Treatment Act 2008 (Vic) as the surrogate will be entitled to up to 12 weeks Paid Surrogacy Leave.

(93) Eligible staff may access Paid Surrogacy Leave up to six (6) weeks prior to the expected date of birth, but it must commence no later than the date of birth.

Planning for and Taking Paid Surrogacy Leave

(94) Eligible staff members are required provide written notice of intention to take Paid Surrogacy Leave to their supervisor/manager at least 10 weeks before the expected start date of leave (or as soon as reasonably practicable). Written notice is to include:

a. Start and end dates for leave;
b. Type of leave requested including any other type of accrued leave that the staff member seeks to also take; and
c. Medical certificate detailing the expected date of birth or information confirming expected date of birth of the child and formal surrogacy arrangement.

(95) Applications for Paid Surrogacy Leave are to be submitted via the ASK HR platform by the staff member. Where possible approval from the manager/supervisor could be included with the leave request.

Part I - Consultation during Leave and Return to Work

(96) Prior, to the commencement of parental leave, supervisors/managers are encouraged to check with the staff member, how the staff member wants to be kept informed of relevant changes or updates or of important events and functions.

(97) During parental leave, supervisors are encouraged to inform staff members of important functions, activities and professional development opportunities that occur whilst they are on leave.

(98) Staff members are encouraged to stay connected and maintain communication with their supervisor/manager

and colleagues while away on parental leave by:

a. Continued access to email account
b. Visiting the workplace and/or attending functions;
c. Accessing professional development opportunities through La Trobe's professional development programs.

(99) A staff member returning to work from a period of parental leave greater than 26 weeks will, together with their supervisor/manager, develop a return to work plan to facilitate re-entry to work and align with their stated career goals and the requirements of the University.

(100) If, while the staff member is on parental leave, the University makes a decision that results in organisational change in their work area, the University will ensure that the staff member is consulted in accordance with the procedures in the Enterprise Agreement.

(101) On ending a period of unpaid or paid parental leave (which may include a total combined period of unpaid and paid parental leave or further Unpaid Parental Leave Period), a staff member is entitled to return to:

a. the staff member's pre-parental leave position; or
b. If that position no longer exists – an available position for which the staff member is qualified and suited nearest in status and pay to the pre-parental leave position.

(102) Staff member on parental leave must confirm their intention to return to work from parental leave in writing at least six (6) weeks prior to expiration of their absence to their supervisor or manager. If staff members are seeking to use Flexible Unpaid Parental Leave as part of their return to work from parental leave then they must provide this intention to take Flexible Unpaid Parental Leave at least ten (10) weeks prior to intended start date and are encouraged to include this in their original application to take parental leave. Staff are encouraged to provide information on specific dates to take Flexible Unpaid Parental leave as soon as possible and at least four (4) weeks prior to the intended start date/s for Flexible Unpaid Parental Leave.

(103) A staff member may request to reduce or vary the period of parental leave that they have been approved to take by providing at least six (6) weeks written notice to their supervisor/manager. In considering the staff member's request, the University may refuse any such request on reasonable business grounds which may include but not be limited to consideration of backfill arrangements the University has put in place in line with the original approved leave period.

Keeping in Touch Days

(104) While on Unpaid Parental Leave, staff may agree to undertake duties or perform work approved by their supervisor. Examples of activities could be to attend team building days or training.

(105) Staff are entitled to ten (10) Keeping in Touch Days per year. If the staff member extends their period of Unpaid Parental Leave beyond 12 months, they can take an additional 10 Keeping in Touch Days.

(106) Keeping in Touch Days can be worked:

a. As a part day
b. One day at a time
c. A few days at a time; or
d. All at once

(107) Staff will receive their ordinary pay and will accumulate leave entitlements for the time worked on a keeping in touch day.

(108) Staff members or their supervisors/managers must notify ASK HR of the days/hours worked by a staff member on a Keeping in Touch Day.

(109) Keeping in Touch Days do not break the continuity of any period of unpaid parental leave and therefore do not alter the end date of Unpaid Parental Leave.

Part J - Hospitalisation of a child and death of a child

(110) This section provides processes related to hospitalisation of a child or death of a child. For the avoidance of doubt, if a child is stillborn within the definition under section 77A(2) of the Fair Work Act 2009 (Cth) the staff member would be entitled to late pregnancy loss leave. However if the child, following birth or placement is subsequently required to be hospitalised or dies then the following will apply.

(111) If a staff member has commenced leave either as

a. a period of paid parental leave, or
b. a period of unpaid parental leave,

(112) They can remain on parental leave where:

a. Their child has to stay in hospital or be hospitalised immediately after birth;
b. Their child is hospitalised during the 52-week period from the child's date of birth; or
c. Their child dies during the 52-week period from the child's date of birth.

(113) If, prior to commencement of leave either as:

a. A period of paid parental leave, or
b. A period of unpaid parental leave

(114) The staff member can commence the agreed period of parental leave where:

a. Their child has to stay in hospital or be hospitalised immediately after birth;
b. Their child is hospitalised during the 52-week period from the child's date of birth; or
c. Their child dies during the 52-week period from the child's date of birth.

(115) A staff member may also seek to cancel or shorten the period of parental leave (paid and unpaid) by providing the University with four (4) weeks written notice prior to their return to work where:

a. Their newborn has to stay in hospital or be hospitalised immediately after birth;
b. Their child is hospitalised during the 52-week period from the child's date of birth; or
c. Their child dies during the 52-week period from the child's date of birth.

(116) The University cannot require a staff member to return to work but may agree with staff member of an earlier return to work date than specified for a parental leave period which was agreed between University and staff member, prior to any events of hospitalisation/death.

(117) A staff member is entitled to a further unpaid parental leave period in circumstances where their child is hospitalised or their child dies during the 24-month period from the child's date of birth.

Section 7 - Definitions

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

a. Eligible casual staff refers to casual staff with at least 12 months service as defined in clause 46.7 of the Enterprise Agreement.
b. Enterprise Agreement refers to the La Trobe University Enterprise Agreement 2023.
   Day of Placement is defined in clause 67(6) of the Fair Work Act 2009 (Cth) relates to the adoption of a child by a staff member and means the earlier of the following days:
   i. The day on which the staff member first takes custody of the child for the adoption;
   ii. The day on which the staff member starts any travel that is reasonably necessary to take custody of the child for the adoption.
c. Flexible Unpaid Parental Leave is defined under section 72A Fair Work Act 2009 (Cth) as an entitlement to Flexible to take a number of days of unpaid parental leave flexibly either as single continuous period/s or separate periods of one or more days. This may only be accessed in the 24-month period following the date of birth of the child or date of placement of the child or the date that the employee took unpaid parental leave (whichever is earlier). The amount of parental leave that can be taken as flexible parental leave depends on when the child is born or place for adoption:
   i. Before 1 July 2024 – up to 100 days
   ii. Between 1 July 2024 to 30 June 2025 – up to 110 days
   iii. Between 1 July 2025 to 30 June 2026 – up to 120 days
   iv. On or after 1 July 2026 – up to 130 days.
d. Fixed Term Employment refers to employment for a specified term or ascertainable period as defined in clause 11 of the Enterprise Agreement.
e. Immediate Family Member refers to the definition as provided in Schedule 10 and includes;
   i. partner, former partner, child, foster child, grandchild, parent, legal guardian, grandparent, siblings of the staff member;
   ii. child, foster child, parent, legal guardian, grandparent, grandchild, siblings of the staff member's partner or former partner;
   iii. a relative who has taken the place of a parent;
   iv. a person for who the staff member has caring responsibilities arising from an Indigenous Australian kinship relationship or equivalent status to (1) – (3) above or is the Indigenous kin of the person for who they have caring responsibilities and is accepted by the community as having an Indigenous Australian Kinship relationship with that person.
   v. a person from a chosen family of the staff member, being a family of non-kinship bonds (whether legally recognised or not) that is based on foundations of love, understanding and acceptance, for who the staff member has caring responsibilities.
f. NES refers to National Employment Standards are provided in the Fair Work Act 2009 (Cth).
g. Partner refers to spouse or de factor partner of a staff member.
h. Staff refers to an employee of La Trobe University.

Section 8 - Authority and Associated Information

(119) This Policy is made under the La Trobe University Act 2009.

(120) Associated information includes:

a. Assisted Reproductive Treatment Act 2008 (Vic)
b. Fair Work Act 2009 (Cth)
c. Flexible Working Policy
d. Leave Entitlements Policy

Status and Details

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