What is parental leave?

Parental leave is a general term encompassing paid and unpaid leave associated with the birth or adoption of a child.

Except for special leave taken concurrently, parental leave is restricted to the parent who gives birth and/or will be the primary carer for a newborn or newly adopted child.

The maximum period of parental leave is 2 years from the date of birth or adoption.

How is primary carer defined?

The primary carer is the person who is undertaking the day to day care of a newborn or newly adopted child. You become the primary carer for your child if:

- you have given birth and you are taking leave to care for your baby full time;
- you are a sole parent;
- your partner is returning to work following a period as primary carer; or

the parent who was the primary carer becomes unable to care for the child due to illness, incapacity or death.

Who is entitled to parental leave?

All continuing and fixed term employees can access parental leave. An employee who has more than 40 weeks’ continuous service immediately prior to the expected date of birth is entitled to paid parental leave.

Up to 26 weeks’ paid leave is available as follows:

- **6 weeks’ paid maternity leave (or 12 weeks at ½ pay)** available only to an employee who gives birth to a child.
- **20 weeks’ paid primary carer leave (or 40 weeks at ½ pay)** available to an employee who takes on the role of primary carer following the birth or adoption of a child.

**Note:** A person employed on a fixed-term contract will cease to have an entitlement to parental leave upon the date the contract expires.

I am a casual employee. Am I entitled to parental leave?

A casual employee is **not** eligible for parental leave unless he or she has been employed on a regular and systematic basis during a period of at least 12 months and has a reasonable expectation of ongoing employment.

If I am not the primary carer, am I entitled to any leave when my child is born or I adopt a child?

Yes, up to 8 weeks’ concurrent leave is available. If you are eligible, some of this may be paid under the provisions of special leave (see fact sheet on Concurrent Parental Leave).

When must paid parental leave commence?

Maternity leave can commence up to 6 weeks before the expected date of birth and must commence no later than the actual date of birth.

Primary carer leave must be taken within 26 weeks of the date of birth or 20 weeks of the date of adoption (if taking leave on full pay) and is reduced to take account of the primary care responsibilities of the other parent (whether or not they are a University employee). For example: if a University staff member becomes the primary carer when their birth child reaches 10 weeks of age, then only 16 weeks’ paid primary carer leave is available.
## Parental Leave (for staff in Australia)

### Division of Human Resources Fact Sheet

In the event of any discrepancy between this fact sheet and the Enterprise Agreement or Leave Manual, the terms of the Agreement or Leave Manual will prevail.

**Can I take parental leave at different times during the first two years after the actual date of birth or adoption?**

No. Parental leave must be taken as one continuous period (with the exception of concurrent parental leave).

**Both my partner and I work at the University – can we each receive paid parental leave?**

No. The University will only pay once for each pregnancy or adoption. However, where both parents work at the University, parental leave may be divided between them if each takes the role of primary carer at different times (up to a maximum of 26 weeks equivalent full-time in the case of a birth and 20 weeks in the case of adoption).

In addition, the parent who is not taking the role of primary carer may be able to access up to 10 days’ paid special leave as a form of concurrent parental leave.

**How much notice do I need to provide when I apply for parental leave?**

At least 8 weeks’ written notice is required when applying for either paid or unpaid parental leave.

**Parental Leave application**

**What evidence is required?**

If you are the birth mother and you plan to take maternity leave you need to provide a Medical Certificate which details the expected date of birth. If you also plan to take primary carer leave you should confirm via email:

- that you will have primary care of your child during the period of primary carer leave for which you have applied;
- that you will not be undertaking paid work during the primary carer leave; and
- that you agree to notify the University if circumstances change in relation to primary care arrangements for your child during the period of paid leave.

If you are not the birth mother a **statutory declaration** is required to confirm the above:

- the expected date of birth or date of placement;
- that you will have primary care of your child during the period of primary carer leave for which you have applied;
- that you will not be undertaking paid work during the primary carer leave; and
- that you agree to notify the University if circumstances change in relation to primary care arrangements for your child during the period of paid leave.

Within 2 weeks of the birth of your child, you must also advise the Division of Human Resources (in writing or by email) of your child’s actual date of birth.

**Once my parental leave application is approved, can I change it?**

You can vary the agreed period of parental leave before the leave commences by giving at least 4 weeks’ notice in writing.

Once you have commenced leave, you may also apply to vary either the period of leave or your return to work arrangements by giving at least 4 weeks’ notice in writing. However, the change will only be approved if it is consistent with any other agreement that has been entered into with a replacement staff member.
## Parental Leave (for staff in Australia)

**Division of Human Resources Fact Sheet**

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<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
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</thead>
<tbody>
<tr>
<td>Can I combine other paid leave with parental leave?</td>
<td>Yes, you may use any annual leave or long service leave available to you, as long as the period of parental leave is unbroken.</td>
</tr>
<tr>
<td>How does parental leave affect my entitlements?</td>
<td>Absence on approved leave does not break continuity of service. However, periods of unpaid leave do not count as service for the purpose of calculating accruals, so you will not accrue leave while on unpaid leave. Periods of unpaid leave of over 2 months also impact on incremental salary progression. In this case your increment will be deferred from the common anniversary date (the date at which increments are normally paid) by the amount of unpaid leave taken (for the relevant year only). If you take part-time parental leave, you will receive entitlements on a pro rata basis and continue to progress through your salary range.</td>
</tr>
<tr>
<td>What happens to my super when I am on parental leave?</td>
<td>Your superannuation continues as normal during parental leave at full pay. Parental leave at half pay will reduce contributions to your fund which may result in a benefit reduction. Please refer to <a href="#">Fact Sheet – Changed Superannuation Status</a>. Should you wish to discuss maintaining contributions during periods of leave without pay please contact the Superannuation Officer via <a href="mailto:super@csu.edu.au">super@csu.edu.au</a></td>
</tr>
<tr>
<td>What happens to academic probation during parental leave?</td>
<td>Your academic probation end date will be deferred by any period of extended leave you take.</td>
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<td>Can I apply for promotion or attend professional development programs while on parental leave?</td>
<td>Yes, you can apply for promotion, or to attend any staff development or training activities run through the University while you are on parental leave. You may also apply for vacant positions if you are able to take up an appropriate start date. Before you start your leave you can make an arrangement with your manager to be advised of any vacancies or professional development opportunities that arise in your School/Section. Participation in professional development opportunities will not be paid while you are on leave.</td>
</tr>
<tr>
<td>Can I return to my normal position after taking parental leave?</td>
<td>Yes, when you take parental leave you have the right to return to your former position regardless of whether the leave was taken on a part-time or full-time basis. This right is forfeited if you fail to return when the leave period expires. If, you have been transferred temporarily to a different position because of pregnancy or while on part-time leave, you are entitled to return to your substantive position.</td>
</tr>
<tr>
<td>What happens if there is a significant change or restructure impacting on my job while I am on leave?</td>
<td>You will be kept informed of any significant change in your area that impacts on your position while you are on leave. If your position ceases to exist you will be offered a comparable position at the same salary level or, if no comparable position is available, redeployment or redundancy.</td>
</tr>
<tr>
<td>Can I reduce my hours when I return to work from parental leave?</td>
<td>Yes, you can return to work in your former position at a reduced fraction up to your child’s second birthday or 2 years from the date of adoption. After that you have the option of applying for conversion to part-time employment on a temporary or permanent basis.</td>
</tr>
</tbody>
</table>

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### How often can I take parental leave?

There is no restriction on the number of times you may take parental leave. However, if a new period of parental leave commences within 2 years of completion of a previous period of parental leave, the entitlement to paid primary carer leave will be reduced to 8 weeks. All other parental leave entitlements (such as maternity leave) remain the same.

If you have returned from a previous period of parental leave at a reduced fraction, the payment for parental leave for the subsequent period will be based on an average service fraction for the 12 months preceding the subsequent period of parental leave.

### If I am on CSU Parental Leave am I entitled to the Government Paid Parental Leave?

Yes, if you meet Family Assistance eligibility. Information regarding eligibility is available on the [Family Assistance](#) site.

### Further Details

- [Charles Sturt University Enterprise Agreement (2013 – 2016)](#)
- [Leave Manual](#)
- [Statutory Declaration Examples for Parental Leave](#)

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