

PRE-NATAL AND PARENTAL LEAVE PROCEDURE

SCOPE

The procedure applies to all fixed-term and continuing staff employed by Monash University Australia.

It does not apply to casual and sessional staff except that in some circumstances long-term casual or sessional staff may have access to unpaid parental leave entitlements.

For the purposes of this procedure, references to 'the University' only apply to Monash University Australia.

PROCEDURE STATEMENT

Monash University is committed to supporting staff with family responsibilities and to promoting equal opportunity and equity in employment. The University provides support to expectant parents by providing leave opportunities to attend pre-natal medical visits and generous parental leave entitlements to care for newborn or adopted children.

This procedure should be read in conjunction with the applicable Enterprise Agreement provisions and the [Fair Work Act 2009](#).

This procedure contains four sections which include:

Understanding parental leave entitlements	Planning parental leave	During parental leave	Returning to work
<ul style="list-style-type: none"> • Australian Government Paid Parental Leave Scheme • Pre-natal leave • Birth parent and adoption leave • Return to work obligation • Spouse or domestic partner leave • Paid primary caregiver leave • Unpaid and flexible parental leave • Cessation of pregnancy 	<ul style="list-style-type: none"> • Fitness for work • Commencing leave • Applying for parental leave 	<ul style="list-style-type: none"> • Service continuity and maintaining communication • Permitted work period for hospitalised child (unpaid leave only) 	<ul style="list-style-type: none"> • Notice of intended return to work • Extension of parental leave request

UNDERSTANDING PARENTAL LEAVE ENTITLEMENTS

1. Australian Government Paid Parental Leave Scheme

- 1.1 The Government-funded Paid Parental Leave scheme (PPL) is designed to complement the parental leave entitlements offered by the University. The scheme provides payments to eligible recipients but does not provide a new entitlement to leave.
- 1.2 For more information, refer to [Government Paid Parental Leave Scheme](#) information sheet or visit Services Australia for more information on [Parental Leave Pay](#) and [Dad and Partner Pay](#).

2. Pre-natal leave

- 2.1 Pre-natal leave is paid leave and allows staff to attend regular medical appointments in the course of their pregnancy or their spouse or domestic partner's pregnancy. There is no limit to the amount of leave staff can apply for however their supervisor should consider the operations implications of their absence to ensure minimal impact on the work unit prior to any approval.

- 2.2 Staff should notify their supervisor of their requirement to take pre-natal leave at least 7 days prior to the medical appointment. Immediately following the leave staff must apply for pre-natal leave via [ESS](#) attaching a medical certificate or other relevant evidence to support their request. Where there is no online facility available, an Application for Leave form can be submitted to their supervisor for approval and then forwarded to hr@monash.edu.

3. Birth parent leave and adoption leave

- 3.1 As a birth parent or an adoptive parent, a staff member is entitled to parental leave for a continuous period of paid and/or unpaid leave for 52 weeks depending upon the length of continuous service with the University.

Length of service with the University	Initial 52 weeks	Subsequent 52 weeks
24 months or more	<ul style="list-style-type: none"> 14 weeks at 100% pay*; and 38 weeks at 60% pay* taken as paid leave or converted to the cash value as outlined below in section 3.3 	A further period of up to 52 weeks' unpaid parental leave to commence immediately following the conclusion of the initial period of 52 weeks' parental leave, subject to University approval.
12-24 months	<ul style="list-style-type: none"> 14 weeks at 100% pay*; Leave at 60% pay* at the rate of 3.16 weeks for each completed month of service after the first 12 months (may be converted to a return to work conversion benefit option as outlined below); and Unpaid leave for remainder of 52 weeks. 	
Less than 12 months	<ul style="list-style-type: none"> Leave at 100% pay* at the rate of 1.16 weeks for each completed month of service; and Unpaid leave for remainder of 52 weeks. 	

Note: Pay* is the staff member's ordinary rate of pay calculated on the base annual salary payable and no more than the ordinary rate payable at HEW level 10 or Level E according to Schedule 1 of the Monash University Enterprise Agreement (Academic and Professional Staff) 2019. Provided that pay for birth parent or adoption leave at 100% pay for staff on performance-based contracts (PBCs) is the ordinary rate of pay calculated on the base annual salary payable to the staff member under their PBC.

- 3.2 Where a staff member (other than the birth mother) is expecting the birth/placement of a child via surrogacy arrangements and those arrangements are not covered by a type of parental leave set out in their Enterprise Agreement, the staff member may take parental leave equivalent to an adoptive parent subject to the approval of the Chief People Officer.
- 3.3 Staff can use the [Birth parent/adoption leave calculator](#) to provide an initial estimate of the amount of paid parental leave they may be entitled to. Contact [Access HR](#) for an accurate calculation.
- 3.4 Where an academic or professional staff member with an entitlement to parental leave at 60% pay returns to work before exhausting that entitlement, they will be entitled to a payment of the cash value (non superannuable) of the unexpired portion of the 60% pay entitlement as a lump sum subject to entering into a Parental Leave Return-to-Work Agreement.
- 3.5 Separate return to work conversion option benefit provisions apply for trades and services staff - refer to the applicable Enterprise Agreement.

Return to work obligation

- 3.6 It is a condition of payment of parental leave at 60% pay and/or a return-to-work conversion benefit option that staff must return to work for:
- the period of leave taken at 60% pay (irrespective of their return to work fraction); and/or
 - the period it takes for staff to earn salary equivalent in aggregate to the cash value to the return to work conversion option benefit received.
- 3.7 A staff member's return to work period commences immediately when they start back at work (including under a return-to-work conversion option), but excludes any periods of leave following their return (other than for trades and services staff).
- 3.8 If a staff member will be using their parental leave at 60% pay entitlement, they must complete and submit a [Parental Leave Return-to-Work Agreement](#) with their application for birth parent or adoption leave and prior to receiving any parental leave at 60% pay entitlement.

4. Spouse or domestic partner leave

- 4.1 Where a staff member's spouse or domestic partner is expecting a child, the staff member is entitled to 5 days' paid leave and 10 days unpaid leave to assist the birth mother before and after the birth regardless of the staff member's length of service.
- 4.2 Spouse or domestic partner leave can be taken no earlier than one week prior to the expected date of birth and no later than 6 weeks after the birth.

- 4.3 Additional unpaid leave provisions within section 6 apply to spouses or domestic partners with 12 months or more continuous service and to staff who are primary caregivers, including where they have less than 12 months' continuous service

5. Paid primary caregiver leave

- 5.1 Up to 40 days (pro rata for fractional staff) of paid primary caregiver leave at the ordinary rate of pay leave is available for eligible staff. To be eligible the staff member must:
- be a continuing staff member who has served a minimum of 12 months' continuous service prior to commencing the leave;
 - not be eligible to receive a transfer of parental leave at 60% pay entitlement under clause 5.10 at Schedule 6 of the Monash University Enterprise Agreement (Trades and Services Staff – Building and Metal Trades Staff) 2009;
 - not have any excess annual or long service leave balance under [clause 40](#) or [42](#) of the Monash University Enterprise Agreement (Academic and Professional Staff) 2019, or clause 1 or 2 at Schedule 6 of the Monash University Enterprise Agreement (Trade and Services Staff – Building and Metal Trades Staff) 2009.
- 5.2 Paid primary caregiver leave is reduced by the amount of any paid spouse or domestic partner leave already taken.
- 5.3 Paid primary caregiver leave must be taken (and exhausted) in a continuous block, within nine months of the birth of the child or placement of the adopted child. It cannot be split by periods of other types of leave or periods of work.

6. Unpaid and flexible parental leave

Unpaid parental leave

- 6.1 A staff member who assumes responsibility for the care of a child may be eligible for up to 12 months of unpaid parental leave from the date on which their period of leave is to start.
- 6.2 Where the staff member has completed at least 12 months' continuous service, any paid leave they have taken in accordance with this procedure (excepting paid spouse/domestic partner leave) is counted towards their 12-month available leave period, which includes both paid and unpaid leave entitlements.
- 6.3 Unpaid parental leave (excepting flexible unpaid parental leave) must be taken as a continuous period and concluded within no more than 24 months from the date of birth or adoption, as applicable. Staff returning to work after a period of parental leave have no access to further parental leave (with the exception of flexible unpaid parental leave or where a permitted work period applies in the case of a hospitalised newborn) until the birth or adoption of another child.
- 6.4 Where the staff member has not completed 12 months' continuous service from the date on which the staff member's leave is to start, but is primarily responsible for the ongoing care of the child, the staff member will be entitled to unpaid leave of up to 52 weeks from the date of delivery (less any other period of spouse/domestic partner leave already taken by the staff member).
- 6.5 A further period of up to 52 weeks' unpaid parental leave may be applied for, to commence immediately following the conclusion of the initial period of 52 weeks' parental leave, subject to University approval. Refer to Section 14.
- 6.6 During unpaid parental leave, if a staff member is no longer responsible for the care of a child (other than if the child was stillborn or dies during the 24-month period after birth) the University may request they to return to work with 4 weeks' notice.
- 6.7 For staff that are the birth parent, this return must not be earlier than 6 weeks after the date of birth of the child.

Flexible unpaid parental leave

- 6.8 Flexible unpaid parental leave forms a component of a staff member's unpaid parental leave entitlements and allows them to use unpaid parental leave entitlements flexibly after they have returned to work.
- 6.9 Staff who are birth parents or adoptive parents with 12-months or more continuous service at the time of the child's birth or placement (or at least 12 months' continuous service at the time they start leave for staff other than birth parents or adoptive parents), may reserve up to 100 days of their available unpaid parental leave entitlement (excluding any unpaid spouse/domestic partner birth leave) to be taken as flexible unpaid parental leave during the 24-month period starting on the date of birth or day of placement of the child (or, for pregnant staff, within the period that starts 6 weeks before the expected date of birth of the child).
- 6.10 The staff member must give notice to the University:
- (a) at least 10 weeks in advance before starting any of the leave covered by the notice; or
- (b) by written notice at a later date where agreed by the University.
- Such notice will specify the number of days of unpaid parental leave entitlement being reserved to be taken as flexible unpaid parental leave and may be provided by the staff member in their submitted parental leave application.
- 6.11 Staff may only reserve flexible unpaid parental leave to be taken from their available unpaid parental leave entitlement. Staff who take 12 months of parental leave (including any paid parental leave entitlement) or otherwise exhaust their unpaid parental leave will have no unpaid parental leave entitlement available to be reserved to be taken as flexible unpaid parental leave.

- 6.12 Flexible unpaid parental leave may be taken as either a single continuous period or as multiple periods of one or more days each which are not continuous.
- 6.13 The staff member is required to provide written notice of the date(s) they will take their flexible unpaid parental leave and, wherever practicable, that notice is to be at least four weeks in advance. The staff member is required to take their flexible unpaid parental leave on the date(s) notified unless the University agrees to an alternative date or dates.
- 6.14 Staff will be required to take the number of days of flexible unpaid parental leave that they have nominated unless the University subsequently agree to a higher or lesser number of days of flexible unpaid parental leave to be taken.
- 6.15 If staff are a part of an employee couple, staff may take flexible unpaid parental leave on the same day their partner takes parental leave.
- 6.16 Staff who have twins or multiple children in the same birth or if they adopt more than one child may only apply for a maximum of 100 days of flexible unpaid parental leave.

7. Cessation of pregnancy

- 7.1 In the unfortunate circumstance a staff member's pregnancy terminates or results in a still birth, their supervisor and Monash HR will work with them to provide support as appropriate and to ensure that their return to work is safe and at an appropriate time.
- 7.2 If a staff member's pregnancy terminates or results in a still birth after at least 20 weeks, they are entitled to a maximum aggregate continuous leave period of 26 weeks comprising:
 - paid leave equivalent to their parental leave at 100% pay entitlement that would otherwise have applied or the remaining balance thereof; and
 - unpaid leave.
- 7.3 The maximum aggregate continuous period may be extended to 52 weeks where certified by a medical practitioner.

PLANNING PARENTAL LEAVE

8. Fitness for work

- 8.1 A staff member's health and safety while pregnant is very important to the University. As staff plan for parental leave, it is also important that staff members consider their health and safety and their baby when performing their current work for the University.
- 8.2 Where a staff member's supervisor has concerns about a staff member's fitness for work or hazards connected with their position, the supervisor may request with at least 7 days' notice that the staff member obtain medical evidence from their doctor that they are fit to continue to work prior to their intended commencement of parental leave. If the staff member does not provide medical evidence or if the medical evidence indicates staff member is unfit to continue working, the University may direct the staff member to commence parental leave early at any date within six weeks prior to the expected date of delivery.
- 8.3 If staff members have any concerns about risks associated with the workplace or duties, they should raise them immediately with their supervisor so that proper risk management measures can be undertaken.

Transfer to a safe job

- 8.4 If a staff member's medical practitioner is of the opinion that working in their current position poses a risk to them or their baby (either due to illness or risks arising out of the pregnancy, or because of hazards connected with the position) and that they should not continue in their current position, the University will assess if there is an appropriate safe job for them to transfer into until it is safe for the staff member to return to their normal job or until they commence their parental leave. Staff will be required to provide the University with satisfactory medical evidence from their doctor.

9. Commencing leave

- 9.1 A staff member's birth parent leave may start no earlier than six weeks prior to the expected date of delivery, unless medical evidence recommends otherwise. Adoption leave commences on the date of placement of a staff member's adopted child.
- 9.2 In the case of an unexpected birth (e.g. premature birth) and the staff member has not already commenced their birth parent leave, their birth parent leave will ordinarily commence on the date of delivery.

10. Applying for parental leave

- 10.1 Staff should initially discuss your parental leave plans with their supervisor.
- 10.2 After discussing with their supervisor, the staff member should then complete the relevant leave application and submit this to their Supervisor and Head of School/Department or Director for approval and any supporting documentation at least 4 weeks before the start date of leave or, where that is not practicable in the case of unpaid parental leave, as soon as practicable thereafter.

Leave Type	Leave Application	Supporting Documentation
Birth parent leave	Parental Leave Application	<ul style="list-style-type: none"> A medical certificate confirming their pregnancy and expected date of delivery; and Parental leave Return to Work Agreement (If applicable)
Adoption leave	Adoption Leave Application	<ul style="list-style-type: none"> Evidence that they are an approved applicant for the adoption of a child, that they are the primary care giver for that child and the date of placement of the child; and Parental leave Return to Work Agreement (If applicable)
Spouse or domestic partner leave	Apply via ESS	<ul style="list-style-type: none"> A medical certificate confirming their spouse or partner is pregnant and expected date of delivery; or The University may require further documentation to confirm that the staff member are the spouse or a domestic partner of the birth mother or adoptive parent.
Paid primary caregiver leave	Application for Leave	<p>A birth certificate of the child or Birth Registration Statement if a birth certificate has not yet been issued or evidence of the child's placement on adoption.</p> <p>Staff are also required to provide one of the following documents:</p> <p>(a) evidence from the spouse or domestic partner's employer, that they have returned or will return to work at a fraction that prevents them from being the primary caregiver to the child, for the duration of the period of paid primary caregiver leave being applied for;</p> <p>or</p> <p>(b) medical evidence from the spouse or domestic partner's doctor which demonstrates they are unable to perform the role of primary caregiver because of a medical condition that renders them unable to take care of the child and specify how long they will be unable to care for the child.</p>

- 10.3 For spouse or domestic partner leave, staff submit their leave request and the required supporting documentation via [ESS](#). For all other leave types, staff submit their authorised application and required supporting documentation to hr@monash.edu or Monash HR.

Note: All leave approvals are subject to Monash HR verification that staff have an entitlement to the leave requested, and that the leave is in accordance with the applicable provisions of the [Fair Work Act 2009](#) and the relevant workplace agreement.

DURING PARENTAL LEAVE

11. Service continuity and maintaining communication

Accrual of entitlements and service continuity

- 11.1 The first 26 weeks of paid and/or unpaid parental leave count as service for calculating annual or long service leave entitlements.

Superannuation

- 11.2 Superannuation contributions will continue to be paid during paid parental leave.

Maintaining communication and contact

- 11.3 Staff are encouraged to stay in touch with their supervisor and co-workers during their parental leave. Staff may wish to discuss and agree on how they would like to receive communications and be contacted. Refer to the [Expectant and New Parents guide](#) for suggestions about how to maintain contact.

Keeping in touch days (unpaid leave only)

- 11.4 While on **unpaid** parental leave, staff are entitled to 10 paid keeping in touch days to undertake duties or perform work approved by their supervisor to facilitate their return to work. Keeping in touch days do not break the continuity of their unpaid parental leave.

- 11.5 Staff will be remunerated for the days/hours worked. The staff member's supervisor will notify Payroll, Monash HR by email of the time worked.
- 11.6 Should staff wish to keep in touch at other times, they should contact their HR Business Partner to discuss their options.

12. Permitted work period for hospitalised child (unpaid leave only)

- 12.1 If a staff member is on unpaid parental leave and their child is either required to stay in hospital after their birth or hospitalised immediately after their birth, the staff member may apply to the University to agree to a permitted work period provided that they have had at least 12 months' continuous service at the commencement of their unpaid parental leave
- 12.2 If a permitted work period is agreed:
- the staff member's unpaid parental leave will be paused and the staff member may elect to return to work during the permitted work period;
 - the permitted work period will not break the continuity of the staff member's unpaid parental leave; and
 - the staff member's unpaid parental leave end date will be extended by the period of the permitted work period.
- The permitted work period will end:
- on the agreed expiry date;
 - at the end of the day of the first discharge from hospital after birth of the staff member's child; or
 - at the end of the day of the death of the staff member's child if they die before being discharged,
- whichever is the earliest.

RETURNING TO WORK

13. Notice of intended return to work

- 13.1 Staff are entitled to return to work on the same substantive classification, fraction of employment, salary and with commensurate duties that applied before their leave.

Return to work intention	Notice period	Description
Return to substantive position (no change)	4 weeks	Confirm in writing their return to work date with their supervisor at least four weeks prior to their return.
Applying for a flexible work arrangement	6 weeks	Should staff wish to request a flexible work arrangement, staff must submit their request at least six weeks' prior to returning to work in accordance with the Flexible Work procedure .

14. Extension of parental leave request

- 14.1 Staff may request up to a further 12 months of parental leave (unpaid) if:
- staff have completed at least 12 months' continuous service with us immediately prior to the date of delivery/expected date of delivery/placement of the child; and
 - have already taken 12 months of parental leave; and
 - the extension commences immediately following the conclusion of the initial 12-month period of parental leave.
- 14.2 If a staff member's spouse or domestic partner has already taken parental leave to care for the child, the staff member will not be approved any parental leave that exceeds 24 months in aggregate with their partner. Please refer to the [Fair Work Act 2009](#) for further information.
- 14.3 If a staff member is already on an approved unpaid extension of parental leave more than 52 weeks after the birth or adoption of their child, that staff member is not eligible to apply for a subsequent extension of parental leave for that birth or adoption. That staff member may instead submit an application for unpaid special leave under the [Special Leave Procedure](#), including the period of any current approved extension.

Application and approval process

- 14.4 The staff member completes the [Extension of Parental Leave Request](#) and submits it to their HR Business Partner at least four weeks prior to the return date from parental leave. The staff member's HR Business Partner, their supervisor and Head of School/Department or Director will consider if their request can be accommodated, however, it may be refused on reasonable business grounds. The University will notify the staff member of the outcome within 21 calendar days of receiving their request.
- 14.5 Where the extension is supported, the staff member's HR Business Partner will submit their request to the following approvers:

Length of Extension	Delegated approver
Unpaid leave of up to six months	Director, HR Business Partnering & Recruitment
Unpaid leave greater than six months; or Requests that extend unpaid leave previously approved under this procedure to greater than six months	<ul style="list-style-type: none"> Chief Operating Officer (professional staff); or Provost (academic staff) On advice of the Chief People Officer.

- 14.6 Where approved, the staff member's HR Business Partner will provide them and their supervisor with a copy of the approved request. If refused, consultation with Workplace Relations, Monash HR will occur and the reason(s) for refusing their request will be recorded on their application. The staff member's supervisor and HR Business Partner will meet with them to explain the decision and alternative options.

15. Breach of procedure

- 15.1 The University treats any breach of policies or procedures seriously. The University encourages reporting of concerns about non-compliance and manages compliance in accordance with the applicable [Enterprise Agreement](#), relevant instrument of appointment and/or applicable contract terms. A failure to comply with policies, procedures and schedules may result in action by the University. Such action may include disciplinary and other action up to and including potential termination of employment for employees and cessation of other engagements for other persons.

DEFINITIONS

Birth parent	A staff member who is pregnant or who is a parent who gives birth to their child.
ESS	An online Employee Self Service system which provides staff with easy and private access to personal and current employment information held by the University.
Head of Unit	Head of an academic or organisational work unit, for example Head of School, Head of Department or where applicable, a person acting as their nominee.
HR Business Partner	A key member of the Monash HR Business Partnering community and provides strategic advice, guidance and solutions that underpin key client goals, HR strategy and organisational vision to a particular client group.
Parental leave	Comprises adoption leave, birth parent leave, spouse or domestic partner birth leave, and primary caregiver leave.
Pay	The staff member's ordinary rate of pay calculated on the base annual salary payable and no more than the ordinary rate payable at HEW level 10 or Level E according to Schedule 1 of the Monash University Enterprise Agreement (Academic and Professional Staff) 2019. Provided that pay for birth parent or adoption leave at 100% pay for staff on performance-based contracts (PBCs) is the ordinary rate of pay calculated on the base annual salary payable to the staff member under their PBC.
Primary caregiver	For the purposes of this procedure, a primary caregiver is the person who has the primary responsibility to care for or support a newborn or adopted child.
Relevant Enterprise Agreement	The relevant Enterprise Agreement that applies to a particular staff member. Clauses relating to this procedure are: Monash University Enterprise Agreement (Academic and Professional Staff) 2019 <ul style="list-style-type: none"> Clause 43 - Parental Leave Monash University Enterprise Agreement (Trades & Services Staff- Building & Metal Trades Staff) 2009 <ul style="list-style-type: none"> Schedule 3(l) - Parental Leave (Maternity), Schedule 3(m) - Parental Leave (Adoption), and Schedule 3(n) - Parental Leave (Spouse/Domestic Partner Birth) Schedule 6, 5 - Application of Parental Leave
Spouse or Domestic Partner	Defined as including spouse, de facto spouse, former spouse and former de facto. "De facto spouse" means a person of the same or different sex or gender who lives with the staff member as husband, wife or partner of the staff member on a bona fide domestic basis although not legally married to that person, and domestic partner will have the same meaning.

Staff	For the purposes of this procedure, means persons employed by the University on a continuing or fixed-term basis.
Substantive position	The position a staff member would normally occupy in the absence of any acting appointment.
Supervisor	The person who is responsible for the day-to-day supervision of the staff member.

GOVERNANCE

Parent policy	Leave and wellbeing
Supporting schedules	N/A
Associated procedures	<ul style="list-style-type: none"> • Flexible Work Arrangements • Types of Leave - All Leave • Special Leave
Related legislation	<ul style="list-style-type: none"> • Fair Work Act 2009 - Division 5 of Part 2-2 • Paid Parental Leave Act 2010
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Approval	Chief Operating Officer (delegate) 2 September 2019
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Content enquiries	ask.monash or phone Monash HR on (03) 990 20400