

# PRE-NATAL AND PARENTAL LEAVE PROCEDURE

## SCOPE

The procedure applies to all fixed-term and continuing (unless otherwise stated) professional, academic and trades and services staff, herein collectively referred to as 'you' for the purpose of this procedure.

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 and related entitlements.

## PROCEDURE STATEMENT

Monash University ('us', 'our' or 'we') is committed to supporting staff with family responsibilities and to promoting equal opportunity and equity in employment. We provide 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 for your ease of reference.

Understanding parental leave entitlements	Planning parental leave	During parental leave	Returning to work
<ul style="list-style-type: none"> <li>• Australian Government Paid Parental Leave Scheme</li> <li>• Pre-natal leave</li> <li>• Maternity and adoption leave</li> <li>• Spouse or domestic partner leave</li> <li>• Cessation of pregnancy</li> </ul>	<ul style="list-style-type: none"> <li>• Fitness for work</li> <li>• Commencing leave</li> <li>• Applying for maternity or adoption leave</li> <li>• Applying for spouse or domestic partner leave</li> </ul>	<ul style="list-style-type: none"> <li>• Accruals of entitlements and service</li> <li>• Superannuation</li> <li>• Communication</li> <li>• Keeping in touch days</li> </ul>	<ul style="list-style-type: none"> <li>• Giving notice of your return</li> <li>• Returning to substantive position</li> <li>• Flexible work</li> <li>• Extension of parental leave</li> </ul>

## 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 your parental leave entitlements with us. The scheme provides payments to eligible recipients but does not provide a new entitlement to leave.
- 1.2 For more information, refer to our [Government Paid Parental Leave Scheme](#) information sheet or visit the [Department of Human Services](#) 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 you to attend regular medical appointments in the course of your pregnancy or your spouse or domestic partner's pregnancy. There is no limit to the amount of leave you can apply for however your supervisor should consider the operations implications of your absence to ensure minimal impact on the work unit prior to any approval.
- 2.2 You should notify your supervisor of your requirement to take pre-natal leave at least 7 days prior to the medical appointment. Immediately following the leave you must apply for pre-natal leave via [ESS](#) attaching a medical certificate or other relevant evidence to support your request. Where there is no online facility available, an Application for Leave form can be submitted to your supervisor for approval and then forwarded to [hr@monash.edu](mailto:hr@monash.edu) or to Monash HR, Monash University VIC 3000.

### 3. Maternity leave and adoption leave

3.1 As a birth mother or an adoptive parent you are entitled to either maternity or adoption 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"> <li>14 weeks at 100% pay*; and</li> <li>38 weeks at 60% pay* taken as paid leave or converted to a return to work conversion option as outlined below.</li> </ul>	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"> <li>14 weeks at 100% pay*;</li> <li>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 return to work conversion option as outlined below); and</li> <li>Unpaid leave for remainder of 52 weeks.</li> </ul>	
Less than 12 months	<ul style="list-style-type: none"> <li>Leave at 100% pay* at the rate of 1.16 weeks for each completed month of service; and</li> <li>Unpaid leave for remainder of 52 weeks.</li> </ul>	

**Note:** Pay\* is your 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) 2014. Provided that pay for maternity 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 You can use the [Maternity/adoption leave calculator](#) to provide an initial estimate the amount of paid maternity or adoption leave you may be entitled to. Contact [Access HR](#) for an accurate calculation.

3.3 Separate adoption leave provisions apply for trades and services staff employed under the Monash University Enterprise Agreement (Trades and Services Staff – Catering and Retail, Cleaning and Caretaking, and Miscellaneous Services Staff) 2005.

#### Conversion options for maternity or adoption leave at 60% pay

3.4 Where you elect to return to work during the initial 52 week period, an entitlement to leave at 60% pay may be converted to a return to work conversion option. A conversion option must be nominated when completing your initial leave application.

Leave at 60% pay and returning to work early (conversions options)		
Option 1	Lump Sum or fortnightly allowance	<p>Return to work and receive payment in lieu of your paid parental leave at 60% pay entitlement as a lump sum payment or in fortnightly allowance payments (non superannuable). Fortnightly allowance payments are paid at the same amount and for the same duration as if you were absent on leave at 60% pay.</p> <p><b>Example:</b> Full-time staff member takes 14 weeks maternity leave at 100% and then returns to work at 3 days per week. We will pay an allowance of 60% of their pay for 38 weeks in addition to normal salary.</p>
Option 2	Have child care fees paid in lieu of parental leave at 60% pay	<p>Return to work and have childcare (university childcare facilities only) fees paid through salary sacrificing up to the cash value (non superannuable) of the unexpired portion your parental leave at 60% pay. The period available for childcare fees cover does not extend beyond 52 weeks after your parental leave starts.</p> <p><b>Example:</b> Full-time staff member takes 14 weeks adoption leave at 100% and then returns to work at 3 days per week. They elect to have their 60% adoption leave converted to pay for childcare fees until the amount is exhausted.</p> <p><b>Note:</b> You should seek independent advice regarding how this option interacts with the <a href="#">Australian Government Childcare Subsidy</a>.</p>
Option 3	Increase work fraction while working part-time	<p>Return to work on a reduced fraction after at least 26 weeks of paid parental leave, and convert your unexpired parental leave at 60% pay to increase the fraction you are paid up to 100%, without increasing your work hours</p> <p><b>Example:</b> Full-time staff member takes 26 weeks of paid maternity leave and returns to work at 3 days per week. The remaining entitlement to 60% paid leave will be used to top their salary up to 100% for the remainder of the 52- week period following the date maternity leave commenced.</p>

Option 4	Transfer to spouse	Your entitlement to parental leave at 60% pay can be transferred to your spouse or domestic partner where your spouse or domestic partner is employed by us; and they succeed you as the primary caregiver of the child. <b>Example:</b> A staff member takes 14 weeks of paid maternity leave and returns to work. Their entitlement to 60% paid leave is transferred to her spouse or domestic partner who is also employed by us. Their spouse or domestic partner stays home as the primary caregiver of the child and is paid parental leave at 60% pay.
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## Return to work obligation

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

## 4. Spouse or domestic partner leave

- 4.1 Where your spouse or domestic partner is expecting a child, you are entitled to the following leave:

Parental leave type	Length of service with the University	Entitlement	Description
Spouse or domestic partner leave	No minimum service requirement	<ul style="list-style-type: none"> <li>5 days' paid leave; and</li> <li>10 days' unpaid leave (pro rata for fractional staff)</li> </ul>	This leave is to assist the birth mother before and after the birth.
Primary caregiver leave (unpaid)	12 months or greater	Unpaid leave for up to 52 weeks where ongoing primary caregiver of child.	If you are taking primary responsibility for the on-going care of a child born to or adopted by your spouse or domestic partner, you are entitled to unpaid leave for a continuous period for up to 52 weeks from the date of delivery (less any parental leave already taken by your spouse or domestic partner).
Primary caregiver leave (paid)	12 months or greater	40 days paid leave where ongoing primary caregiver of child (pro rata for fractional staff)	This is only applicable for staff on continuing contracts – refer below.

### Primary caregiver leave (paid)

- 4.2 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 you 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 39.16](#) of the Monash University Enterprise agreement (Academic and Professional Staff) 2014, clause 5.10 at Schedule 6 of the Monash University Enterprise Agreement (Trades and Services Staff – Building and Metal Trades Staff) 2009, or clause 7.9 at Schedule 5 of the Monash University Enterprise Agreement (Trades and Services Staff – Catering and Retail, Cleaning and Caretaking, and Miscellaneous Services Staff) 2005;
  - not have any excess annual or long service leave balance under [clause 36](#) or [38](#) of the Monash University Enterprise Agreement (Academic and Professional Staff) 2014, clause 1 or 2 at Schedule 6 of the Monash University Enterprise Agreement (Trade and Services Staff – Building and Metal Trades Staff) 2009, or clause 1 or 2 at Schedule 5 of the Monash University Enterprise Agreement (Trades and Services Staff – Catering and Retail, Cleaning and Caretaking, and Miscellaneous Services Staff) 2005.
- 4.3 Primary caregiver leave (paid) is reduced by the amount of any paid spouse or domestic partner leave already taken.
- 4.4 Primary caregiver leave (paid) 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.

## 5. Cessation of pregnancy

- 5.1 In the unfortunate circumstance your pregnancy terminates or results in a still birth, your supervisor and Monash HR will work with you to provide support as appropriate and to ensure that your return to work is safe and at an appropriate time.
- 5.2 If your pregnancy terminates or results in a still birth after at least 20 weeks, you are entitled to a maximum aggregate continuous leave period of 26 weeks comprising:
- paid leave equivalent to your maternity leave at 100% pay entitlement that would otherwise have applied or the remaining balance thereof; and
  - unpaid leave.
- 5.3 The maximum aggregate continuous period may be extended to 52 weeks upon where certified by a medical practitioner.
- 5.4 Separate provisions apply for trades and services staff employed under the Monash University Enterprise Agreement (Trades and Services Staff – Catering and Retail, Cleaning and Caretaking, and Miscellaneous Services Staff) 2005.

## PLANNING PARENTAL LEAVE

### 6. Fitness for work

- 6.1 Your health and safety while pregnant is very important to us. As you plan for parental leave, it is also important to consider the health and safety of you and your baby when performing your current work for us
- 6.2 Where your supervisor has concerns about your fitness for work or hazards connected with your position, they may request with at least 7 days' notice that you obtain medical evidence from your doctor prior to your intended commencement of maternity leave. If you do not provide medical evidence or if your medical evidence indicates you are unfit to continue working, we may direct you to commence maternity leave early if within six weeks prior to the expected date of delivery.
- 6.3 If you have any concerns about risks associated with the workplace or duties, raise them immediately with your supervisor so that proper risk management measures can be undertaken.

#### Transfer to a safe job

- 6.4 If your medical practitioner is of the opinion that working in your current position poses a risk to you or your baby (either due to illness or risks arising out of your pregnancy, or because of hazards connected with your position) and you should not continue in your current position, we will assess if there is an appropriate safe job for you transfer into until it is safe for you to return to your normal job or until you commence your maternity leave. You will be required to provide us with satisfactory medical evidence from your doctor.

### 7. Commencing leave

- 7.1 Your maternity leave may start no earlier than six weeks prior to the expected date of delivery, unless medical evidence recommends otherwise. Your adoption leave commences on the date of placement of your adopted child.
- 7.2 In the case of an unexpected birth (e.g. premature birth), your maternity leave will commence on the date of delivery.
- 7.3 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.

### 8. Applying for parental leave

- 8.1 You should initially discuss your parental leave plans with your supervisor.
- 8.2 Complete the relevant leave application and submit this to your Supervisor and Head of School/Department or Director for approval and any supporting documentation at least 4 weeks before the start date of your leave.

Leave Type	Leave Application	Supporting Documentation
Maternity leave	<a href="#">Maternity Leave Application</a>	<ul style="list-style-type: none"><li>• A medical certificate confirming your pregnancy and expected date of delivery; and</li><li>• <a href="#">Parental leave Return to Work Agreement</a> (If applicable)</li></ul>

Adoption leave	<a href="#">Adoption Leave Application</a>	<ul style="list-style-type: none"> <li>Evidence that you are an approved applicant for the adoption of a child, that you are the primary care giver for that child and the date of placement of the child; and</li> <li><a href="#">Parental leave Return to Work Agreement</a> (If applicable)</li> </ul>
Spouse or domestic partner leave	Apply via <a href="#">ESS</a>	<ul style="list-style-type: none"> <li>A medical certificate confirming your spouse or partner is pregnant and expected date of delivery; or</li> <li>Evidence that you are an approved applicant for the adoption of a child, that you are the primary care giver for that child and the date of placement of the child.</li> <li>We may require further documentation to confirm you are the spouse or a domestic partner of the birth mother or adoptive parent.</li> </ul>
Primary caregiver leave (Paid)	<a href="#">Application for Leave</a>	<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>You 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>

8.3 For spouse or domestic partner leave, submit your leave request and the required supporting documentation via [ESS](#). For all other leave types submit your authorised application and required supporting documentation to [hr@monash.edu](mailto:hr@monash.edu) or Monash HR, Monash University VIC 3800.

**Note:** All leave approvals are subject to Monash HR verification that you 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

### 9. Service continuity and maintaining communication

#### Accrual of entitlements and service continuity

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

#### Superannuation

9.2 Superannuation contributions will continue to be paid during paid parental leave.

#### Maintaining communication and contact

9.3 You are encouraged to stay in touch with your supervisor and co-workers during your parental leave. You may wish to discuss and agree on how you 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)

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

9.5 You will be remunerated for the days/hours worked. Your supervisor will notify Payroll, Monash HR by email of the time worked.

9.6 Should you wish to keep in touch at other times, please contact your HR Business Partner to discuss your options.

## RETURNING TO WORK

### 10. Notice of intended return to work

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

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

### 11. Extension of parental leave request

- 11.1 You may request up to a further 12 months of parental leave (unpaid) if:
- you 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 parental leave; and
  - the extension commences immediately following the conclusion of the initial 12 month period of parental leave.
- 11.2 If your spouse or domestic partner has already taken parental leave to care for the child, you will not be approved more than 24 months of leave between you. Please refer to the [Fair Work Act 2009](#) for further information.
- 11.3 If you are already on an approved unpaid extension of parental leave more than 52 weeks after the birth or adoption of your child, you are not eligible to apply for a subsequent extension of parental leave for that birth or adoption. You may instead submit an application for unpaid special leave under the [Special Leave Procedure](#), including the period of your current approved extension.

#### Application and approval process

- 11.4 Complete the [Extension of Parental Leave Request](#) and submit it to your HR Business Partner at least four weeks prior to the return date from parental leave. Your HR Business Partner, your supervisor and Head of School/Department or Director will consider if your request can be accommodated, however, it may be refused on reasonable business grounds. We will notify you of the outcome within 21 calendar days of receiving your request.
- 11.5 Where supported, your HR Business Partner will submit your request to the following approvers:

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

- 11.6 Where approved, your HR Business Partner will provide you and your supervisor with a copy of the approved request. If refused, consultation with Workplace Relations, Monash HR will occur and the reason(s) for refusing your request will be recorded on your application. Your supervisor and HR Business Partner will meet with you to explain the decision and alternative options.

### 12. Breach of procedure

- 12.1 We treat any breach of our policies or procedures seriously. We encourage reporting of concerns about non-compliance and manage compliance in accordance with the applicable Enterprise Agreement or contract terms.

## DEFINITIONS

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, maternity 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) 2014. Provided that pay for maternity 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 of 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: <a href="#">Monash University Enterprise Agreement (Academic and Professional Staff) 2014</a> <ul style="list-style-type: none"> <li><a href="#">Clause 39 - Parental Leave</a></li> </ul> <a href="#">Monash University Enterprise Agreement (Trades &amp; Services Staff- Building &amp; Metal Trades Staff) 2009</a> <ul style="list-style-type: none"> <li><a href="#">Schedule 3(l) - Parental Leave (Maternity), Schedule 3(m) - Parental Leave (Adoption), and Schedule 3(n) - Parental Leave (Spouse/Domestic Partner Birth)</a></li> <li><a href="#">Schedule 6, 5 - Application of Parental Leave</a></li> </ul> <a href="#">Monash University Enterprise Agreement (Trades and Services Staff - Catering and Retail, Cleaning and Caretaking, and Miscellaneous Services Staff) 2005</a> <ul style="list-style-type: none"> <li><a href="#">Schedule 3(m) - Parental Leave (Maternity), Schedule 3(n) - Parental Leave (Adoption), and Schedule 3(o) - Parental Leave (Spouse/Domestic Partner Birth)</a></li> <li><a href="#">Schedule 5, 7 - Application of Parental Leave</a></li> </ul>
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 opposite or same sex 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	<a href="#">Leave and wellbeing</a>
Supporting schedules	
Associated procedures	<ul style="list-style-type: none"> <li><a href="#">Flexible Work Arrangements</a></li> <li><a href="#">Types of Leave (All Leave)</a></li> <li><a href="#">Special Leave</a></li> </ul>

	<p><i>Procedure forms</i></p> <ul style="list-style-type: none"> <li>• <a href="#">Application for Adoption leave</a></li> <li>• <a href="#">Extension of Parental Leave Request</a></li> <li>• <a href="#">Application for Maternity Leave</a></li> <li>• <a href="#">Parental Leave Return-to-Work Agreement</a></li> </ul>
Legislation mandating compliance	<ul style="list-style-type: none"> <li>• <a href="#">Fair Work Act 2009</a> - Division 5 of Part 2-2</li> <li>• <a href="#">Paid Parental Leave Act 2010</a></li> </ul>
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Content enquiries	<a href="#">ask.monash</a> or phone Monash HR on (03) 990 20400