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1 PURPOSE

To outline parental leave entitlements and arrangements including:

- maternity leave
- spousal leave
- pre-natal/pre-adoption leave
- adoption leave

2 APPLICATION

This policy applies to eligible permanent employees, temporary employees and long-term casual employees (as defined in section 16 of the Industrial Relations Act 1999) of Queensland Health.

3 GUIDELINES

Guidelines may be developed to facilitate implementation of this policy. The guidelines must be consistent with this policy.

4 DELEGATION

The ‘delegate’ is as listed in the Queensland Health Human Resource Delegations Manual as amended from time to time.

5 REFERENCES

- Education (General Provisions) Act 1989
- Industrial Relations Act 1999
- Public Service Act 2008
- Queensland Public Health Sector Certified Agreement (No. 7) 2008 (EB7)
- Family Leave (Queensland Public Sector) – State 2004 Award
- Directive 5/08 - Paid Parental Leave
- Work Life Balance HR Policy C4
- Leave Without Salary Credited as Service HR Policy C19

6 SUPERSEDES

- IRM 11.7-2 Parental Leave – Paid and Unpaid, Including Maternity, Adoption and Spousal Leave

7 POLICY

The provisions of this policy apply from 1 July 2008. Transition arrangements apply for those employees who commenced maternity/adoption leave up to 12 weeks prior to 1 July 2008 (refer section 7.2).

7.1 Background

Queensland Health acknowledges the importance of supporting employees with parental responsibilities and the need for flexible work arrangements to facilitate this support.
The parental leave policy provides the framework and outlines the overarching principles and general conditions for the management of parental leave entitlements (paid and unpaid).

The parental leave policy is to be read in conjunction with the Family Leave – (Queensland Public Sector) Award – State 2004.

The *Industrial Relations Act 1999* provides for extensions in parental leave entitlements by agreement. These provisions of the *Industrial Relations Act 1999* are reflected in sections 11.5 and 11.6 of this policy. Queensland Health encourages the reasonable application of the extended entitlements to parental leave.

### 7.2 Transition arrangements

Employees who commenced maternity/adoption leave up to 12 weeks prior to 1 July 2008 are entitled to access the additional two weeks paid leave. An employee who commences paid maternity/adoption leave on 8 April 2008 or after such date is entitled to 14 weeks paid maternity/adoption leave.

For the purposes of these transitional arrangements, employees taking maternity/ adoption leave on half pay will be treated as though the leave was taken on full pay.

For example, an employee who commenced leave on half pay on 3 April 2008 and is due to conclude their paid maternity/adoption leave on 17 September is not entitled to the additional two weeks paid maternity/adoption leave. The reason being that if the employee had taken the leave on a full pay basis the period would have ended prior to 30 June 2008. An employee may elect to have their additional two weeks maternity/ adoption leave paid at either full pay or half pay.

Employees who conclude their paid maternity/adoption leave prior to 30 June 2008 are not entitled to the additional two weeks paid maternity/adoption leave. An employee who concludes their paid maternity/adoption leave on 30 June 2008 is entitled to the additional two weeks paid leave.

### 7.3 Eligibility

To be eligible for **paid maternity** or **paid adoption** leave, an employee (excluding casual employees other than **long term casual employees**) is to meet the qualifying service period of at least 12 months **recognised service**.

To be eligible for **paid spousal** leave an employee (excluding casual employees other than long term casual employees) is to meet the qualifying service period of at least 12 months **continuous service**.

Employees are eligible for **unpaid parental leave**, irrespective of whether they have served a qualifying service period.

The **qualifying service period** may be spread over more than one Queensland government department, Queensland public service office or Queensland statutory authority.
Part-time and long-term casual employees are entitled to the provisions of this policy on a pro rata basis.

*See part 13 for definitions.

7.4 Eligibility exceptions

The qualifying period is nullified where there is a break in service.

Casual employment is not recognised as contributing towards the qualifying service period except when:

- the employment is on a casual long-term basis as defined in section 15A of the Industrial Relations Act 1999
- a period of casual service forms part of a period of continuous service with temporary or permanent full-time or part-time service.

Employees who are ineligible are:

- short term casual employees who do not accrue an entitlement to paid sick leave
- solely remunerated by fees, allowances or commission
- on unauthorised absence immediately before the start of the minimum period of maternity leave.

8 MATERNITY LEAVE

8.1 Maternity leave

A female employee is entitled to take approved maternity leave in one unbroken period at any time after she becomes pregnant, irrespective of the period of service. This does not apply to maternity leave that she is directed to take under transfer to safe duties (refer section 8.6), which may be taken over one or more periods.

Maternity leave is to finish no later than the first birthday of the child in relation to who the leave is granted, except when the leave is extended in accordance with the parental leave arrangements (refer section 11.6).

8.2 Paid maternity leave

An eligible employee (refer section 7.2), whose expected date of birth has been confirmed in writing by a medical practitioner is entitled to 14 weeks paid maternity leave, to be taken as the initial absence on such leave regardless of when the leave is accessed.

The period of paid maternity leave can be extended by the employee taking the leave on a half-pay basis or by taking sick leave while on paid maternity leave.
8.3  Paid pre-natal leave

In addition to the paid maternity leave provisions above, an eligible employee who presents a medical certificate from a doctor stating that she is pregnant has access to paid pre-natal leave up to a total of full-time ordinary hours (36.25 or 38 hours based on the average number of ordinary hours worked in a week) per pregnancy to attend medical appointments prior to the birth of a child/children.

A leave form is to be submitted for every absence for which pre-natal leave is sought. Each application is to be accompanied by a medical certificate.

The work unit is to be flexible enough to allow such employees the ability to leave and return to work on the same day.

Paid pre-natal spousal leave may be accessed in accordance with section 10.2.

8.4  Unpaid maternity leave

In accordance with the Family Leave (Queensland Public Sector) Award – State 2004, an employee is entitled to a period of unpaid maternity leave irrespective of whether she has served the qualifying service period.

The employee is entitled to a period of unpaid maternity leave of up to 52 weeks. This period may be extended in accordance with section 11.6.

8.5  Period of maternity leave

A woman may start a period of maternity leave at any time within the six week period immediately before the expected date of birth. When she continues to work within that period, she is to provide a medical certificate stating that she is fit to work.

8.6  Transfer to safe duties

Managers are responsible for ensuring that a pregnant employee has a safe working environment. This may call for reasonable modification to conditions of work including appropriate clothing to accommodate special needs arising from the pregnancy. If, notwithstanding any modifications made to the employee’s work conditions, in the opinion of a medical practitioner:

• an illness or risk arising out of an employee’s pregnancy
• a hazard connected with the work of an employee having regard to the employee’s pregnancy makes it inadvisable for the employee to continue her existing duties, the employee may be assigned to other duties that she can perform safely and efficiently.

The assignment:

• may only be made with the agreement of the employee
• is not to involve a reduction in the employee’s status or salary.
If a transfer to other duties is impracticable, the Director-General or delegate may direct an employee to take maternity leave for a period certified as necessary by a medical practitioner.

When an employee has been directed to commence leave under this section, the period of maternity leave may be taken over one or more periods.

Without limiting the provisions of this section, an employee may access sick leave or other forms of leave where appropriate (see section 11.11).

8.7 Termination of pregnancy

When a pregnancy terminates in other than the birth of a living child, the employee is to notify the Director-General or delegate of the changed circumstances as soon as reasonably possible.

If after the first 20 weeks a pregnancy terminates in other than the birth of a living child or where the child dies during the period of paid maternity leave, the employee if eligible continues to be entitled to 14 weeks paid maternity leave.

The employee is to resume work on a date to be determined by the Director-General or delegate in consultation with the employee. The date of return to duty is to be nominated within 28 days of receipt of the notification from the employee. Where an employee has nominated a date to return to duty, this does not preclude the employee accessing other leave entitlements eg recreation and long service leave where it is agreed that the employee would benefit with more time off.

Where an employee wishes to resume duty within 6 weeks of the termination, an application is to include a certificate from a medical practitioner certifying that the employee is fit to return to duty.

9 ADOPTION LEAVE

9.1 Paid adoption leave

An eligible employee (refer section 7.2) who presents documentation from the Director-General of the relevant Queensland Government department administering adoptions confirming that an adoption order or interim adoption order has been made for the relevant child/children is entitled to:

- 14 weeks paid adoption leave at the time of placement or taking custody of the child if he or she is the primary caregiver or
- one week paid adoption leave if he or she is the secondary caregiver.

The period of paid adoption leave can be extended by the employee taking the leave on a half-pay basis.
9.2 Paid pre-adoption leave

In addition to the adoption leave provisions above, an eligible employee who will be the primary caregiver and who presents a letter from the Director-General of the relevant Queensland Government department administering adoptions, confirming the employee’s status as a prospective adopter, is to have access to paid leave up to a total of full-time ordinary hours (36.25 or 38 hours based on the average number of ordinary hours worked in a week) per adoption to attend related interviews/matters prior to the adoption of a child/children.

An employee who is to be the secondary caregiver at the time of placement and who presents a letter from the Director-General of the relevant Queensland Government department administering adoptions, confirming that the employee is a prospective adopter, is to have access to paid leave under this sub-section up to a total of either 7.25 or 7.6 hours (based on the average number of ordinary hours worked in a day) per adoption to attend related interviews prior to the adoption of a child/children.

An employee cannot be deemed to be both the primary and secondary caregiver and therefore cannot access both entitlements to pre-adoption leave (i.e. one week and one day).

A leave form is to be submitted for every absence for which a pre-adoption leave is sought. Applications are to be supported by evidence to the satisfaction of the Director-General or delegate. The work unit is to be flexible enough to allow such employees the ability to leave work and return on the same day.

9.3 Unpaid adoption leave

In accordance with the Family Leave (Queensland Public Sector) Award – State 2004 an employee is entitled to take unpaid adoption leave, irrespective of whether they have served the qualifying service period.

Employees are entitled to unpaid adoption leave in not more than two unbroken periods in accordance with the following:

- An employee may take one period of short unpaid adoption leave of not more than three weeks on the placement of the child/children with the employee. Both parents may access this provision at the same time. (This is taken to include the one week paid adoption leave, where eligible).
- An employee may take one period of long unpaid adoption leave of not more than 52 weeks only if the employee is the primary caregiver for a child the employee has adopted or applied to adopt from the day on which the employee intends to be the primary caregiver of the child/children. (This is taken to include the 14 weeks paid adoption leave, where eligible).
- Adoption leave is not to finish later than the fifth birthday of the child/children in relation to whom the leave is granted except where the leave is extended in accordance with section 11.6 of this policy.

Unpaid adoption leave may be extended in accordance with section 11.6 of this policy.
9.4 **Special adoption leave**

An employee seeking to adopt a child is entitled, on written application to the Director-General or delegate, to:

- two working days unpaid leave
  or
- two working days leave debited against the employee’s recreation leave entitlement

for the purposes of attending interviews or examinations in relation to the proposed adoption.

10 **SPOUSAL LEAVE**

10.1 **Paid spousal leave**

An eligible employee (refer section 7.2) who produces a certificate from a medical practitioner which states the expected date of birth of the child for whom that employee has accepted responsibility is entitled to one week paid spousal leave in connection with the birth. The period of paid spousal leave can be extended by the employee taking the leave on a half-pay basis.

The period of paid spousal leave taken is to be the “initial” absence. The exact timing of such leave is at the employee’s discretion. For example:

- An employee may seek to take the spousal leave immediately after the birth.
  or
- An employee may prefer to continue working for the duration of the mother’s stay in hospital, and take the first week the mother and child are home.

10.2 **Paid pre-natal leave**

In addition to the paid spousal leave provisions above, an eligible employee who presents a medical certificate from a doctor stating that their spouse is pregnant is to have access to paid leave up to a total of full-time ordinary hours (7.25 or 7.6 hours based on the average number of ordinary hours worked in a day) per pregnancy to attend related medical appointments prior to the birth of a child/children.

A leave form is to be submitted for every absence for which a pre-natal leave is sought. Each application is to be accompanied with a medical certificate.

The work unit is to provide for enough flexibility to allow such employees the ability to leave and return to work on the same day.

10.3 **Unpaid spousal leave**

In accordance with the Family Leave (Queensland Public Sector) Award – State 2004 an employee is entitled to access a period of unpaid spousal leave, irrespective of whether they have served the qualifying service period.
Employees are entitled to unpaid spousal leave in not more than two unbroken periods in accordance with the following:

- An employee may take one period of short unpaid spousal leave of not more than one week from the time of the birth of the child. (This is taken to substitute the one week paid spousal leave, when employees are ineligible to receive the paid entitlement).
- An employee may take one period of long unpaid spousal leave of not more than 52 weeks in order to be the primary caregiver of a child provided that such leave will not extend beyond the child’s first birthday (This is taken to include the one week paid spousal leave, when eligible).

Unpaid spousal leave may be extended in accordance with section 11.6.

11 GENERAL CONDITIONS

11.1 Principles

The following principles apply with respect to parental leave entitlements and across all kinds of parental leave:

- An application for parental leave or extension of the period of parental leave is not to be unreasonably refused.
- On return to work from parental leave, flexible work practices (e.g. part-time employment or job sharing) may be used where suitable to both the Queensland Health and employee. Applications for flexible work practices are not to be unreasonably refused.

11.2 Period of parental leave

A period of parental leave is not to exceed 52 weeks, except when an employee applies for an extension of unpaid parental leave (refer section 11.6).

A period of parental leave is taken to include:

- the period of parental leave (paid or unpaid) taken by the employee’s spouse in relation to the same pregnancy or child
- any sick leave, recreation leave or long service leave (other leave) which is applied for in relation to the period of parental leave.

The period of paid parental leave is inclusive of any public holidays arising within that time.

11.3 Timing of parental leave for caregivers

Parental leave may be taken by only one caregiver at a time. However, both caregivers are able to take parental leave at the same time in the following circumstances:

- When an employee takes a period of less than one week spousal leave from the time of birth of the child.
or

- In the case of an adoption when an employee takes a period of not more than three weeks on the placement of the child with the employee.

### 11.4 Making an application

An application for maternity or spousal leave is to be submitted at least 10 weeks before the expected date of birth of the child/children or, if the employee proposes to commence leave before that time, 10 weeks before the date at which leave is to commence.

An application for adoption leave is to be submitted as soon as possible before the proposed period of leave.

An application is to stipulate the manner in which the paid maternity, spousal or adoption leave is to be taken, i.e. either at the full pay or the half-pay option.

Leave forms are to be accompanied by the relevant written statements and undertakings as prescribed in the Family Leave (Queensland Public Sector) Award – 2004.

### 11.5 Variation of period of parental leave

If the period of parental leave taken by an employee is less than 52 weeks, the employee, at least 14 days before the end of the period, may make written application to the Director-General or delegate to extend the period up to the 52 week maximum.

The Director-General or delegate is:

- to approve the first application to extend the period
- not to unreasonably refuse to approve a subsequent application to extend the period.

The Director-General or delegate may extend the period of leave beyond 52 weeks if in their opinion there are reasons, e.g. the health and well-being of the employee, the employee’s spouse or the employee’s child, that warrant an extension being granted (refer section 11.6).

An employee may apply to the Director-General or delegate to shorten the period of parental leave. This application is to be made in writing 14 days prior to the proposed date of returning to work. The Director-General or delegate may approve or reject such an application.

When an employee returns to work early from parental leave, the employee may request to resume their parental leave. Such application is to be made to the Director-General or delegate in writing within four weeks upon their return.

### 11.6 Extension of unpaid parental leave

A pregnant employee entitled to unpaid maternity leave or an employee who is taking maternity leave, may apply for an extension of the maternity leave for an unbroken
period of up to 104 weeks in total. (An application is to be made at least four weeks before the leave ends).

An employee entitled to unpaid spousal leave may apply to Queensland Health for either or both of the following:

- An extension of the short parental leave for an unbroken period of up to eight weeks in total (an application is to be made at least two days before the leave ends).
- An extension of the long parental leave for an unbroken period of up to 104 weeks in total (an application is to be made at least four weeks before the leave ends).

An employee entitled to unpaid adoption leave may apply to Queensland Health for either or both of the following:

- An extension of the short adoption leave for an unbroken period of up to eight weeks in total (an application is to be made at least two days before the leave ends).
- An extension of the long adoption leave for an unbroken period of up to 104 weeks in total (an application must be made at least four weeks before the leave ends).

Applications for an extension of unpaid parental leave are to be made by submitting a leave form and are to be accompanied by a written statement:

- stating that it is an application for extension of parental leave under section 29A of the Industrial Relations Act 1999
- stating the dates the extension being applied for is to start or end
- stating the impact the refusal of the application might have on the employee and the employee’s dependants
- an application for an extension of maternity leave, long parental leave or long adoption leave is to be accompanied by a statutory declaration by the employee stating the employee is seeking the extension to unpaid parental leave so the employee can continue to be the child’s primary caregiver.

Applications in relation to extension of the periods outlined above is not to be unreasonably refused.

In deciding whether to agree to an application for an extension of the period of parental leave, the following is to be considered:

- The particular circumstances of the employee that give rise to the application, particularly circumstances relating to the employee’s role as the child’s caregiver.
- The impact the refusal of the application might have on the employee and the employee’s dependants.
- The effect that agreeing to the application would have on the conduct of Queensland Health, including, for example:
  - any additional cost Queensland Health would incur
  - Queensland Health’s capacity to reorganise work arrangements
  - the availability of competent replacement staff


- any loss of efficiency in the conduct of Queensland Health
- the impact of the employee’s absence or temporary absence on the delivery of customer service.

The employee is to be advised in writing of the decision:

- if the application is for an extension of short spousal leave or short adoption leave as soon as possible after receiving the application, but before the short spousal or short adoption leave ends or
- for any other application within 14 days after receiving the application.

The Director-General or delegate may extend the period of leave beyond the periods outlined above if in the Director-General’s or delegate’s opinion, there are reasons, e.g. the health and well-being of the employee, the employee’s spouse or the employee’s child, that warrant an extension being granted.

11.7 Conversion to an hourly basis

Leave prescribed in the parental leave arrangements may be converted to an hourly basis for the purpose of accrual, granting and recording of leave on the following basis.

If an employee’s leave entitlement is expressed in weeks or days, it may be read as if it were expressed in hours using the following formula:

\[
LE = W \times WH \\
OR \\
LE = D \times DH
\]

- **LE** (leave entitlement): The amount of leave entitlement expressed in working hours to which the employee is entitled
- **D** (days): The entitlement accrued in calendar days under the Parental Leave Arrangements
- **DH** (daily hours): The employee’s daily hours or the average number of hours per working day of an employee during a pay period or other period that is reasonable under the circumstances
- **W** (weeks): The entitlement accrued in calendar weeks under the Parental Leave Arrangements
- **WH** (weekly hours): The employee’s weekly hours of work or the average number of hours per working week of an employee during a pay period or the period that is reasonable under the circumstances.

When an employee’s existing entitlement is expressed in weeks, the conversion from weeks to hours is determined by applying the formula. For example, to convert an entitlement for a public service officer whose weekly hours are 36.25 and who currently has 14 weeks leave:

\[
LE (\text{weeks}) = 14 \times 36.25 = 507.5 \text{ hours full entitlement}
\]
11.8 Pro-rata payment for part-time and long term casual employees

Part-time and long-term casual employees are entitled to the provisions of this policy on a pro rata basis.

The same principle applies when an employee converts from full-time to part-time in the 12 month period prior to seeking approval for a period of paid parental leave.

Example:
(a) A part-time or long-term casual employee’s entitlement to 14 weeks paid maternity leave is to be calculated as follows:

Number of hours x working days of entitlement

Where number of hours =

\[
\frac{\text{total ordinary hours worked over the last 12 months}}{\text{total ordinary hours of a full-time employee over previous 12 months}}
\]

Working days of entitlement = 70 (i.e. 14 x 5)

(b) A part-time or long-term casual employee’s entitlement to one week’s paid spousal leave is to be calculated as follows:

Number of hours x working days of entitlement

Where number of hours =

\[
\frac{\text{total ordinary hours worked over the last 12 months}}{\text{total ordinary hours of a full-time employee over previous 12 months}}
\]

Working days of entitlement = 5 (i.e. 1 x 5)

Notwithstanding the above formulae, any approved absence from work cannot be taken into account to disadvantage an employee when determining their paid parental leave payment.

Any arrangements enabling an existing part-time employee to access full-time paid parental leave is not to be initiated or approved by line management.

Example:
An employee working on an approved part-time arrangement is not to be converted to full-time status prior to the approved end date of part-time work in order to access a period of full-time paid parental leave. Such part-time employee is to remain on part-time duties until the commencement of the period of paid parental leave.

If there is a genuine reason/need to have the employee change to full-time status, prior to commencement of a period of paid parental leave irrespective of the timing of the change (e.g. one week or six months prior) the manager is to be able to justify that requirement.
11.9 Temporary employment

A temporary employee, except one that meets the definition of a long-term casual employee as defined in section 16 of the Industrial Relations Act 1999, cannot be granted leave of any kind beyond the date on which the temporary employment terminates. An employee’s past, present or likely pregnancy is not to influence a decision on the renewal of a temporary employee’s contract.

11.10 Preservation of paid parental leave

Any unused portion of paid parental leave cannot be banked or preserved in any way. For example, when an employee has an entitlement to 14 weeks paid maternity leave and has medical advice stating that she is fit to work up to four weeks before the expected date of birth and can return to work five weeks after the birth, the period of paid maternity leave is nine weeks. The balance of five weeks cannot be banked or preserved in any way.

11.11 Access to other leave

When there is an entitlement, employees may use full-pay or half-pay recreation and/or long service leave during the period of unpaid parental leave. However, except where authorised (refer section 11.6) the total period of parental leave is not to exceed 52 weeks and is not extended where the employee accesses other forms of leave.

Other forms of leave without pay, other than parental leave without pay, cannot be granted.

An employee can only be on one form of approved leave at any one time (e.g. an employee cannot be on paid recreation leave and paid maternity leave at the same time).

An employee may access sick leave prior to the date of birth of the child regardless of the reason for sick leave. However, if the employee is on sick leave during the pregnancy leading up to the six weeks prior to the date of birth of the child, the employee is to cease being on paid sick leave and convert to being on paid or unpaid maternity leave.

Paid sick leave is available to an employee on paid parental leave. Sick leave may be granted instead of paid parental leave already approved when:

- an employee submits a written application for sick leave, supported by a medical certificate or other evidence of the illness acceptable to the Director-General or delegate
- the period of illness is at least one calendar week.

Paid sick leave is not available to an employee on unpaid parental leave.

11.12 Second period of paid parental leave

An employee is eligible, without resuming duty, for a second period of parental leave in accordance with the provisions of this policy when they:
• become pregnant while on parental leave
• have a spouse who becomes pregnant while that employee is on parental leave or
• are to adopt a child/children while on parental leave.

11.13 Continuity of service

Continuity of employment is not broken by authorised leave, paid or unpaid. However, absences on unpaid leave do not count as service except as provided under the Leave Without Salary Credited as Service HR Policy C19, or the applicable industrial instrument.

11.14 Paid leave counted as service

Periods of paid leave during parental leave count as service for all purposes except as time served for probation. (For the purposes of probation, parental leave does not extend the time period allowed for probation in the relevant industrial instruments).

For employees with less than 12 months qualifying service, the first 12 weeks of parental leave (even though it is without pay) counts as service for all purposes.

For further details refer Salary Increments HR Policy, and Leave Without Salary Credited as Service HR Policy C19.

11.15 Extension of paid parental leave on a half-pay basis

An employee may request, and Queensland Health may agree, to extend the amount of paid spousal, maternity or adoption leave for which the employee qualifies by the employee taking the leave on half pay, i.e:

• 14 weeks paid maternity and adoption leave may be extended to 28 weeks at half-pay.
• One week paid spousal leave may be extended to two weeks at half-pay.

The employee may choose to combine a period of full and half-pay but this option is to be made before the commencement of the parental leave. Queensland Health is not to be expected to agree to any change in leave payments once leave has commenced unless the employee offers a substantial reason for the change.

Granting of the parental leave on a half-pay basis is subject to organisational convenience. However, requests for leave are not to be unreasonably refused.

The minimum period of paid parental leave on half pay is two calendar weeks irrespective of the rate of pay for the period. The leave may be taken in conjunction with long service leave and recreation leave.

An employee cannot take pre-natal or pre-adoption leave on half-pay.

Leave accrual

The period of the leave is recognised as normal full-time or part-time service applying to the employee at the time of taking the leave, i.e. accrual of sick leave, recreation
leave, long service leave and professional development leave is to remain at the normal entitlement for the period of half-pay parental leave for employees working full-time and at the relevant proportional rate for employees working part-time.

**Leave debit**

Periods of half-pay parental leave is debited on a full-time equivalent basis. For example:

- half-pay maternity or adoption leave for a period of 28 weeks attracts a debit of 14 weeks from full-pay credits
- half-pay spousal leave for a period of two weeks attracts a debit of one week from full-pay credits.

**Locality allowance**

For employees with an entitlement under an industrial instrument, this allowance is paid on a proportionate basis for the period of the leave, i.e. half the normal entitlement.

**Public holidays falling within a period of parental leave taken at half-pay**

Public holidays falling within periods of half-pay are paid for at the half-pay rate. Where a public holiday falls either at the beginning or at the end of a period of half paid leave, and is immediately preceded/followed by a period of unpaid leave, the public holiday is paid at the half-pay rate.

11.16 **Payment in advance**

In cases of financial hardship or other exceptional circumstances the Director-General or delegate may exercise discretion in paying the full entitlement to paid parental leave on a full-pay or half-pay basis in advance.

11.17 **Superannuation**

Superannuation contributions from both the employee and Queensland Health are to be in accordance with the employee’s existing scheme options.

11.18 **Salary increment**

Paid parental leave is to be recognised as normal service when calculating the employee’s eligibility for the next salary increment (when applicable) under the relevant Award.

11.19 **Promotion**

An employee on paid or unpaid parental leave continues to maintain their rights to promotion as if they were on duty. An employee can apply for and succeed in being promoted and transferred as well as lodging appeals and grievances.
An employee cannot be denied promotion because they are unavailable to take up
duty before the completion of paid or unpaid parental leave.

11.20 Professional development

Queensland Health may offer an employee on parental leave (paid or unpaid)
opportunities for professional development so the employee can keep their skills
current. The employee’s participation in such opportunities is voluntary. The provision
of such opportunities is at Queensland Health’s discretion. While the provision of such
opportunities is discretionary, such initiatives are to conform to the principles of
employment under the Public Service Act 2008 and the Work and Family policy.

It is also considered best practice to keep employees on parental leave informed of
changes/updates occurring at work. This is usually done through mail or electronic
mail information to the employee but may extend to inviting the employee to attend
planning activities or significant briefings. Involvement would be voluntary.

Health service districts/branches are expected to meet out of pocket expenses for
childcare to allow the employee to attend. It would be unusual for a health service
district/branch to offer more than five days of professional development under these
arrangements.

Participation in these professional development opportunities does not extend the
period of parental leave (paid or unpaid) and does not impact on the period of time
that counts for service. If the employee is on unpaid parental leave no payment is to
be offered for the employee's time.

11.21 Higher duties allowance while on paid parental leave

An employee on full-pay or half-pay parental leave who, before taking the leave had
been directed to assume higher duties and responsibilities, is to continue to receive
the higher duties amount while on leave when full salary is payable and the leave is
credited as service.

11.22 Cancellation of leave/recall to duty

Subject to agreement between the employee and Queensland Health, or provisions of
any industrial instrument/legislation, the employee may be temporarily recalled to duty.
This recall does not extend the period of this leave.

An employee on unpaid parental leave continues to receive entitlements associated
with this leave as well as entitlements due when working as a casual employee while
on unpaid parental leave. These two contracts of employment are mutually exclusive
and the entitlements accrued under the second (casual) contract cannot be
transferred to the first contract of employment. This clause is not intended to
encourage employees to undertake casual employment whilst on parental leave,
however makes provision if the situation arises.

A recall to duty that is accepted is to be remunerated at the casual rate for the time
worked. (Employees classified in the senior executive service or equivalent are eligible
for payment at ordinary time plus a loading in lieu of leave credits. Therefore such
employment does not accrue leave entitlements and does not count as service for purposes of increments or leave accrual entitlements).

If the employee is on unpaid leave at the time of recall then any earnings are subject to the *Superannuation Guarantee (Administration) Act 1992* (Cth).

Subject to the provisions of any industrial instrument/legislation, a recall to duty while on paid or unpaid leave is voluntary on the part of the employee. An employee who declines the offer of a recall to duty under these circumstances is not to be discriminated against as a result of that decision.

**11.23 Resumption of duty**

An employee is required to confirm their intention of returning to work by notice in writing to Queensland Health, giving not less than four weeks prior to the expiration of the period of parental leave.

An employee returning to full-time duty after:

- a period of parental leave
- one period of part-time employment in relation to parental leave provisions is to be deployed to the employee’s former position. However, an employee may be deployed in a comparable position in the same or different work unit at the same Queensland Health facility and at the same level as the employee's former position if the:
  - employee has taken a period of parental leave of more than 52 weeks
  - the former position of the employee no longer exists
  - the employee has worked more than one period of part-time work in relation to the same pregnancy or child (refer section 11.24 for further information).

**11.24 Part-time work**

The following employees may apply to work part-time:

- A female employee who is pregnant
- An employee who is the primary caregiver of a child.

An application for part-time work under the parental leave provisions is to be made in writing:

- Before the child is required to be enrolled for compulsory schooling under the *Education (General Provisions) Act 1989*.
- State that it is an application to return to work on a part-time basis under section 29B of the *Industrial Relations Act 1999*.
- State the dates the return to work on a part-time basis is to start or end.
- State the impact the refusal of the application might have on the employee and the employee’s dependants.
• Be accompanied by a statutory declaration by the employee stating the employee is seeking to work on a part-time basis so the employee can continue to be the child’s primary caregiver when not at work.

An employee may not make more than one application under this section within any 12 month period unless there is agreement.

Approval to work part-time is at the discretion of the Director-General or delegate, and is not to be unreasonably withheld nor are unreasonable restrictions to be placed upon returning to part-time work following parental leave.

In assessing an application the following is to be considered:

• The particular circumstances of the employee that give rise to the application, particularly circumstances relating to the employee’s role as the child’s caregiver.
• The impact refusal of the application might have on the employee and the employee’s dependants.
• The effect that agreeing to the application would have on the conduct of Queensland Health, including for example:
  o any additional cost Queensland Health would incur
  o the employer’s capacity to reorganise work arrangements
  o the availability of competent replacement staff
  o any loss of efficiency in the conduct of Queensland Health
  o the impact of the employee’s absence or temporary absence on the delivery of customer service.

Employees are to be advised in writing of the decision within 14 days after receiving the application. If the application is refused the employee is to be provided with written reasons for the refusal.

When an application to work part-time is approved, an employee, who is the primary caregiver, may work part-time in one or more periods:

• during the term of the pregnancy, until six weeks before the expected date of birth of her child, and from the seventh week following the birth of the child until the child is required to be enrolled for compulsory schooling under the Education (General Provisions) Act 1989 (these periods may be reduced upon the production of a certificate from a medical practitioner certifying that, in the opinion of the medical practitioner, the employee is fit for duty until a specified date or fit to resume duty)
  if the employee adopts a child, from the day of the child’s placement until the child is required to be enrolled for compulsory schooling under the Education (General Provisions) Act 1989
• if the employee’s spouse gives birth to a child and for any reason ceases to be the primary caregiver, upon presentation of a statutory declaration stating such change in circumstances from the day of the child’s birth until the child is required to be enrolled for compulsory schooling under the Education (General Provisions) Act 1989 or
• if the employee’s spouse returns to work from the date the spouse resumes duty following the birth of the child until the child is required to be enrolled for compulsory schooling under the Education (General Provisions) Act 1989.

Part-time work arrangements are to be made in accordance with the provisions contained in the relevant industrial instrument.

The Family Leave (Queensland Public Sector) Award – State 2004 provides that a provision in the permanent part-time employment arrangements or in the relevant Award or industrial Agreement relating to:

• the limiting of the number of employees who may work part-time
• the establishment of quotas relating to the ratio of part-time to full-time employees
• the prescribing of minimum or maximum hours a part-time employee may work or
• a requirement in relation to part-time employment
  o of consultation with an employee’s union
  o that the consent of an employee's union be sought or
  o that an employee's union monitor the employment arrangement

does not apply to part-time employment approved in relation to parental leave.

11.25 Effect of resignation upon paid parental leave

If an employee resigns while on paid parental leave then the resignation takes effect by its own force. The provision of paid parental leave has no element of bonding or penalty for any employee who resigns at or after the conclusion of the period of parental leave.

Normal action must be taken where an employee’s resignation date precedes the end date of a period of paid parental leave and there is insufficient leave accrual to cover the extent of the overlap.

11.26 Employer’s obligations to advise employees about particular changes

When any significant workplace change is to be implemented districts must take reasonable action to advise each employee who is absent from the workplace on parental leave about the proposed change before it is implemented.

The advice is to inform the employee of the change and any effect it will have on the position the employee held before starting parental leave, including for example, its status or the level of responsibility attaching to the position.

The employee is to be given a reasonable opportunity to discuss any significant effect the change will have on the employee’s position.

11.27 Employee’s obligations to advise employer about particular changes

An employee who is absent on parental leave is to advise of any change in the employee’s contact details, including any change of address.
An employee who is absent on parental leave is also to take reasonable steps to advise of any significant change affecting the following as soon as possible after the change happens:

- The length of the employee’s parental leave.
- The date the employee intends to return to work.
- An earlier decision to return to work on a full-time basis or to apply to return to work on a part-time basis.

12 GRIEVANCE PROCEDURE

Normal grievance processes apply in accordance with the relevant industrial Award or Agreement.

13 DEFINITIONS

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
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<tbody>
<tr>
<td>Adoption / maternity / spousal leave</td>
<td>Absence is taken to mean the entire period of leave taken for the purposes of adoption/maternity/spousal leave. It is inclusive of all forms of leave taken including recreation, long service leave, sick leave, paid and unpaid adoption/maternity/spousal leave.</td>
</tr>
<tr>
<td>Birth (or confinement)</td>
<td>The birth of a child / children, or the ending of the pregnancy in other circumstances, that occurs no earlier than 20 weeks before the expected date of birth.</td>
</tr>
<tr>
<td>Child</td>
<td>In accordance with the definition provided in the Family Leave (Queensland Public Sector) Award – State 2004.</td>
</tr>
<tr>
<td>Continuous service</td>
<td>Is not broken by authorised leave, paid or unpaid. However absences on unpaid leave do not count as service except as provided under the applicable industrial instrument.</td>
</tr>
<tr>
<td>Long-term casual employee</td>
<td>Is in accordance with the definition provided in section 15A of the Industrial Relations Act 1999 i.e. “A “long term casual employee” is a casual employee engaged by a particular employer, on a regular and systematic basis, for several periods of employment during a period of at least 1 year immediately before the employee seeks to access an entitlement under this part.”</td>
</tr>
<tr>
<td>Minimum period of maternity leave</td>
<td>Commences at least six weeks prior to the expected date of birth of a child / children and concludes six weeks after the birth of the child/children.</td>
</tr>
<tr>
<td>Paid adoption leave</td>
<td>The entitlement of 14 weeks paid leave at the time of adoption of a child/children for the primary caregiver, or one week paid adoption leave for the secondary caregiver.</td>
</tr>
<tr>
<td>Paid maternity leave</td>
<td>The initial 14 weeks of an approved period of maternity leave absence for eligible employees who meet the qualifying service period and who has had the expected date of birth of their child confirmed in writing by a medical practitioner.</td>
</tr>
<tr>
<td><strong>Paid pre-adoption leave</strong></td>
<td>The entitlement for primary and secondary caregivers to access paid leave, to attend adoption related interviews prior to the adoption of a child/children.</td>
</tr>
<tr>
<td>-----------------------------</td>
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</tr>
<tr>
<td><strong>Paid pre-natal leave</strong></td>
<td>The entitlement for primary and secondary caregivers to access paid leave, to attend pregnancy related medical appointments prior to the birth of a child/children.</td>
</tr>
<tr>
<td><strong>Paid spousal leave</strong></td>
<td>The entitlement of one week paid leave in connection with the birth of a child/children for whom an employee has accepted responsibility.</td>
</tr>
<tr>
<td><strong>Parental leave</strong></td>
<td>Maternity, spousal or adoption leave.</td>
</tr>
<tr>
<td><strong>Paternity leave</strong></td>
<td>Maternity, spousal or adoption leave.</td>
</tr>
</tbody>
</table>

**Qualifying service period**

A period of at least 12 months service in any one or more Queensland government department, Queensland public service office, or Queensland statutory authority.

The qualifying service period may be spread over more than one Queensland government department, Queensland public service office or Queensland statutory authority.

The qualifying service period need only be met once in an employee’s period of continuous service.

When a period of casual service (other than long term casual service) forms part of a period of continuous service including part time or full time, temporary or permanent service, the casual service may be included as part of the qualifying service period if it is of a regular and systematic nature.

**For the purposes of paid maternity and paid adoption leave** the qualifying service period may be **recognised service** (see definition of recognised service).

For the purposes of **paid spousal leave** the qualifying service period must be **continuous service**, therefore must be unbroken (see definition of continuity of service).

In determining the qualifying period for a part time employee the passage of time and not the completion of equivalent hours worked as a full time employee is to be used. Refer to DEIR Directive 5/08 for further information.
**Queensland Government departments**

Departments listed in Schedule 1 of the *Public Service Act 1996* and includes the Queensland Police Service, Queensland Health Service (District Health Services) and the Queensland Audit Office.

**Recognised service**

Is a period of employment, other than employment as a casual, of at least 12 months’ employment in total with Queensland Government Departments, public service offices or Queensland statutory authorities subject to these arrangements but any break in service is not to exceed 12 months.

**Secondary caregiver**

A person who assumes the secondary role of providing care and attention to a child/children. This term is used in reference to adoption leave.

**Spouse**

In accordance with the definition provided in Schedule 5 (Dictionary) of the *Industrial Relations Act 1999*. i.e. ‘spouse of an employee includes a former spouse; and a de facto spouse, including a spouse of the same sex as the employee’.

**Unauthorised absence**

Is an absence for which leave has not been authorised. Employees on unauthorised absence at the time of commencing the minimum period of maternity leave are not entitled to paid maternity leave.

**Unpaid adoption/maternity/spousal leave**

Is the period of adoption / maternity / spousal leave during which there is no paid leave accessed.

**Week**

The ordinary weekly hours of an employee as defined under the relevant industrial instrument, or for part-time employees an average (see section 12.8) of ordinary weekly hours.

### 14 HISTORY

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>June 2009</td>
<td>Protected policy updated in accordance with EB7.</td>
</tr>
<tr>
<td>August 2008</td>
<td>Amended clauses 8.2, 8.7 and 9.1 to increase paid maternity leave to 14 weeks in accordance with Directive 5/08, which is applied to Health Service Employees by the <em>Public Service Regulations 2008</em>. Date of effect is 1 July 2008. Amended clause 8.5 Period of maternity leave. ‘Date of Birth’ term has replaced ‘Date of Confinement’. Unions have endorsed amendments to the policy.</td>
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</tbody>
</table>