

Parental Leave Policy

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Created by	HR & Operations Manager	Created on	23 September 2024
Responsible person	HR & Operations Manager	Scheduled review date	22 September 2027

Purpose

The New England Conservatorium of Music (NECOM) recognises the importance of providing employees with the opportunity to devote time and care to their newborn or adopted children, without disadvantaging their work. This policy provides details on the parental leave policy available to care givers at NECOM.

Please note that the NECOM parental leave program operates as per the requirements of the Australian Government's Paid Parental Leave (PPL) scheme which was introduced on 1 July 2023, and the conditions of the National Employment Standards (NES).

Scope

This policy applies to all staff members engaged by NECOM.

Overview

Unpaid parental leave is part of the National Employment Standards (NES). The NES apply to all employees in the national workplace relations system, regardless of any award, agreement or contract. The NES entitlement to unpaid parental leave and related entitlements applies to all employees in Australia. The parental leave provisions include:

- birth-related leave and adoption-related leave (including in relation to premature birth, stillbirth or infant death)
- unpaid special parental leave
- a right for pregnant employees to transfer to a safe job in appropriate cases, or to take 'no safe job leave'
- consultation requirements
- a return to work guarantee
- unpaid pre-adoption leave.

All employees at NECOM are eligible for unpaid parental leave if they have completed at least 12 months of continuous service.

This includes casual employees if they have:

- been working for the NECOM on a regular and systematic basis for at least 12 months
- a reasonable expectation of continuing work for NECOM on a regular and systematic basis, had it not been for the birth (or expected birth) or adoption (or expected adoption) of a child.

Unpaid Parental Leave

Unpaid parental leave applies to employees who have, or will have, responsibility for the care of a child. Parents who experience a stillbirth or the death of an infant during the first 24 months of life can also take unpaid parental leave.

Parents are entitled to unpaid parental leave if:

- the employee, the employee's spouse, or the employee's de facto partner gives birth or
- the employee adopts a child under 16.

An employee's 'de facto partner' is someone who lives with the employee in a relationship as a couple on a genuine domestic basis. The employee's partner can be the same sex or different sex to the employee, and either a current or former de facto partner of the employee.

Each parent can take up to 12 months unpaid parental leave, or up to 24 months if NECOM is in agreement. An employee's entitlement to unpaid parental leave is not affected by how much leave their partner takes. The following regulations apply:

- The leave can be taken as a single continuous period, flexibly, or a combination of both.
- For a pregnant employee, leave can start up to 6 weeks before the expected date of birth (or earlier if agreed), or within 24 months of the birth of the child. The parental leave must end within 24 months of the birth of the child.
- The employee who isn't pregnant can take parental leave at any time within 24 months of the birth or placement of the child, but the leave must end within 24 months of the birth or placement of the child.
- Parents can take parental leave concurrently (at the same time) for part or all of their period of leave.
- Employees can take paid leave such as annual leave at the same time as unpaid parental leave.
- Employees can take part of their 12 months of unpaid parental leave flexibly, at any time within 24 months of the child's birth or adoption.
- The amount of parental leave that can be taken as flexible parental leave depends on when the child is born or placed for adoption:
 - before 1 July 2024 – up to 100 days
 - between 1 July 2024 and 30 June 2025 – up to 110 days
 - between 1 July 2025 and 30 June 2026 – up to 120 days
 - on or after 1 July 2026 – up to 130 days.
- Flexible unpaid parental leave can be taken as:
 - a single continuous period of one day or longer
 - separate periods of one day or longer each.

Extension of Unpaid Parental Leave

An employee taking 12 months parental leave can request an extension of up to a further 12 months leave (up to 24 months in total).

The request must be in writing and given to the HR & Operations Manager at least 4 weeks before the end of the employee's initial period of parental leave. NECOM must respond **in writing** within 21 days, stating whether they grant or refuse the request.

Working within 6 weeks prior to the birth

If a pregnant employee wants to work during the 6 weeks before birth, NECOM will request for a medical certificate to be provided within 7 days which states:

- the employee is fit for work
- if the employee is fit for work, whether it is inadvisable for the employee to continue in their present position because of:

- illness or risks arising out of the employee's pregnancy, or
- hazards connected with the position.

NECOM may require the employee to take a period of unpaid parental leave as soon as possible if:

- the employee fails to provide the requested medical certificate within 7 days of the request, or
- the employee provides a certificate within 7 days that states they are not fit for work, or
- the certificate says it's inadvisable for the employee to continue in their present position and the employee hasn't provided the required notice and evidence for taking unpaid parental leave.

The employee's unpaid parental leave will then start when they are directed to take unpaid parental leave and will count as part of the employee's total unpaid parental leave entitlement.

Notice and evidence required

An employee is not entitled to take unpaid parental leave (either continuously, flexibly or both) unless they:

- inform NECOM of their intention to take unpaid parental leave by giving at least 10 weeks written notice (unless it is not possible to do so)
- complete a Leave form
- specify the intended start and end dates for any continuous unpaid parental leave
- state the total number of flexible unpaid parental leave days the employee intends to take
- at least 4 weeks before the intended start date:
 - confirm the intended start and end dates
 - confirm the number of flexible unpaid parental leave days they're taking
 - advise NECOM of any changes to the intended start and end dates (unless it is not possible to do so).

NECOM will require evidence of the actual or expected date of birth of a child (for example a medical certificate), or the day or expected day of placement of a child under 16.

Parental Leave for stillbirth, premature birth or infant death

Leave relating to stillbirth, premature birth or infant death is as per the National Employment Standards. Clarity regarding this can be sought from the HR & Operations Manager.

Keeping in touch days

A keeping in touch day is when an employee performs work for NECOM on a day or part of a day while on a period of approved parental leave.

An employee on unpaid parental leave receives 10 keeping in touch days. If the employee extends their period of unpaid parental leave beyond 12 months, they can take an additional 10 days.

Keeping in touch days can be worked:

- as a part day
- one day at a time
- a few days at a time, or
- all at once.

Keeping in touch days can occur at least 42 days after the date of birth or adoption of the child or earlier if the employee requests it. If a request is made, a keeping in touch day can't be worked earlier than 14 days after the date of birth or placement of the child.

NECOM and the employee are required to agree to the keeping in touch days. An employee doesn't have to use keeping in touch days if they don't wish to.

An employee will receive their normal pay and accumulates leave entitlements for each keeping in touch day (or part day).

Paid parental leave

Some employees are also entitled to paid parental leave.

The Australian Government Paid Parental Leave scheme provides government-funded Parental Leave Pay at the National Minimum Wage to employees who meet the eligibility criteria. For more information about government funded paid parental leave, please visit the [Services Australia website](#) or call them on 13 61 50.

Returning to Work

Your intention to return to work should be discussed with the HR & Operations Manager no later than 4 weeks before your anticipated return to work date, and placed in writing.

Employees with 12 months or more continuous employment with NECOM when returning to work following a period of parental leave are entitled to return to the same position as that held immediately before they started their parental leave. From time to time, due to changing requirements, this position may no longer exist. Where this is the case, the employee will be entitled to a comparable position, both in terms of status and remuneration.

Policy version and revision information

Policy Authorised by:

Title: