

MATERNITY LEAVE GUIDELINES

1. OVERVIEW

These guidelines should be read in conjunction with the Maternity Leave Clause 53 in the Enterprise Certified Agreement 2005-2006 and provide information on the process of taking maternity leave and the available return to work options. These guidelines do not apply to casual employees.

Part-time employees will have the paid leave at pro-rata rates.

The principles of these guidelines apply for staff adopting a child under the age of five. For information on adoption leave, see the Adoption of a Child Clause 55 in the Enterprise Certified Agreement 2004-2006.

2. DEFINITIONS

2.1 Maternity leave consists of paid leave and unpaid leave:

2.1.1 Paid maternity leave: 26 weeks of paid leave. Paid maternity leave is made up of 2 components: 14 weeks mandatory paid leave and 12 weeks of 'bonus' paid leave (see section 4 Return to Work Bonus).

2.1.2 Unpaid maternity leave: leave, which is not paid (leave without pay for any of the remainder of the 104 weeks maternity leave, after taking 26 weeks paid maternity leave).

3. MATERNITY LEAVE PARAMETERS

3.1 Maternity leave payment options can be taken in the following ways within the maximum maternity leave period (104 weeks):

- 26 weeks, at full-time pay (1.0 FTE)
- 52 weeks, at half pay (0.5 FTE)
- 78 weeks, at third pay (0.33 FTE)
- The remainder of the 104 weeks maternity leave may be taken up with one or a combination of annual leave, long service leave and/or leave without pay.

3.2 The mandatory period of maternity leave is 14 weeks. Maternity leave must commence no later than 6 weeks prior to the expected date of birth (or up until 2 weeks prior if a medical certificate of fitness is provided). The earliest the staff member may return to work following the birth is 8 weeks. The staff member can only return to work earlier provided a medical certificate of fitness is provided and approval is given from the supervisor.

Staff members that do not use the entire 14-week mandatory period (due to the provision of a medical certificate) will forfeit the remainder of the paid leave.

3.3 Maternity leave is to be taken in one continuous period of leave. Other types of leave, such as annual leave, long service leave and/or leave without pay may be used to make up the remainder of the maternity leave period (104 weeks).

3.4 Academic staff may take their annual leave entitlement as part of their maternity leave (if not already taken).

3.5 Sick leave cannot be used in the paid maternity leave period or while the staff member uses leave without pay in the maternity leave period.

General staff who use long service leave or annual leave within the maternity leave period may have their sick leave reimbursed, providing the sickness is not directly or indirectly related to the pregnancy.

3.6 The paid maternity leave will be calculated on a pro-rata basis that is based on the average hours worked in the 12 months prior to the date of commencement of maternity leave.

All other leave (e.g. long service leave) used during the period of maternity leave will be taken at the FTE the staff member is before they go on leave unless formal arrangements were already in place to change the FTE during the period of leave. There is no option to take recreation leave at half pay or third pay, however long service leave can be taken at half pay (but not third pay).

4. RETURN TO WORK BONUS

The return to work bonus is available to staff to facilitate return to work after maternity leave and can assist with career development.

Paid maternity leave is 26 weeks and the mandatory period is 14 weeks (unless forfeited under 3.2); therefore the remainder of the paid maternity leave is 12 weeks. This remaining 12 weeks paid component is deemed a 'bonus' and can be converted into a combination of salary and non-salary options. The options for the bonus are as follows:

- 12 weeks paid leave (which must be taken concurrently with the mandatory period)
- 12 weeks made up of a combination of paid leave and the remainder as return to work options
- 12 weeks of return to work options.

The Division of Student and Staff Services Finance Unit will administer funds based on the return to work calculations by either paying expenses directly (invoices, registration forms etc) or reimbursing employees accordingly (receipts).

Funds not utilised within the maternity leave period (104 weeks) will be forfeited. The value of the return to work option/s are fixed at the rate when the staff member takes the mandatory paid leave.

Return to work options cannot be changed into further paid leave if the staff member has completed their paid leave component, but may use the money for other return to work options within the 104 week period.

Please note that all return to work arrangements must be included on the maternity leave form for the approval of the supervisor. The return to work options are limited to the list below, but other appropriate options may be allowed at the approval of the supervisor and Head of School / Area.

4.1 RETURN TO WORK OPTIONS:

4.1.1 Academic Staff

- Conference Leave (relevant to profession)
- Convert appointment to part-time while being paid full-time (for example, work three days, have two days off courtesy of maternity leave, therefore extending the paid maternity leave period)
- Seminar attendance (relevant to discipline)
- Employing a casual for teaching support (to allow more time spent on research)
- Employing a research assistant (for a fixed period to ensure research continues)

4.1.2 General Staff

- Conference Leave (relevant to employment)
- Convert appointment to part-time while being paid full-time (for example, work three days, have two days off courtesy of maternity leave, therefore extending the period of maternity leave)
- Time-off for study leave (also, see the policy 'Time off for Study Purposes')
- Job related courses

For examples of scenarios using return to work options, see [examples](#).

5. CIRCUMSTANCES WHEN RETURN TO WORK PROPOSALS MAY NOT BE SUITABLE

5.1 If the return to work option/s falls outside the 104 weeks of maternity leave, the application may be refused.

5.2 If the option does not suit the needs of the School / Area at a specific time, the application may be refused.

6. SUPERANNUATION ENTITLEMENT DURING MATERNITY LEAVE

Please refer to Clause 53.20 in the Enterprise Certified Agreement 2005-2006, or ring the Superannuation Officer on 830 35222 for further information.

7. APPLICATIONS FOR MATERNITY LEAVE

7.1 The application for maternity leave must be completed by the staff member going on leave and include the relevant attachments. The attachments may include a medical certificate from a registered practitioner, identifying the expected date of birth, a letter from an adoption agency identifying the date of adoption, and any return to work options taken up.

The application for maternity leave must be submitted to the General Manager of Human Resources through the supervisor and Head of School.

7.2 Maternity leave forms must be received in Human Resources no later than 4 weeks prior to the expected commencement date of maternity leave.

7.3 Amendment of maternity leave (including return to work options) may be granted after the maternity leave form has been submitted, provided agreement is made with the supervisor and the Head of School / Area. However, return to work options can only be amended once.

7.4 The amendment form for maternity leave must be submitted prior to the staff member going on maternity leave. Changes to leave arrangements whilst on maternity leave must be agreed with the supervisor and / or Head of School / Area.

8. EFFECTS OF PREGNANCY ON EMPLOYMENT

A staff member who returns to work after maternity leave has the right to return to the same position the staff member held before taking maternity leave if she returns to the position full-time.

Should a restructure occur while a staff member is on maternity leave, the staff member will be consulted with and given the same rights as if she were occupying the position.

9. CHECKLIST

Have you read the Maternity Leave Clause 53 in the Enterprise Certified Agreement 2004-2006?

Have you discussed and considered the return to work options available with your supervisor?

Have you completed the maternity leave form with any return to work options taken up and forwarded to your Head of School / Manager for approval?

If you are making any changes to your maternity leave (including return to work options taken up), have you completed the amendment form and forwarded it to the Head of School / Area for approval?

If you intend to convert your appointment to part-time for care of child, have you submitted the [Part-time Leave for the Care of Child](#) form to the General Manager, Human Resources 3 months prior to the commencement of part-time appointment. The form must have approval from the Head of School / Area and Executive Dean / Executive Director.

10. REVIEWAL OF GUIDELINES

These guidelines will be reviewed annually and amended as required.