



sda
**Parental
Leave**



A Message from Your Secretary, Paul Griffin

These days, more and more parents find themselves in the paid workforce, so it is important to know your rights regarding maternity, paternity and adoption leave.

Parental leave ensures that parents can care for their child after birth, while feeling secure in the knowledge that they still have their job.

The SDA works extremely hard to not only maintain, but to improve the parental leave provisions in our Enterprise Agreements and Awards.

In the last 12 months, these improvements have included pre-natal leave, parental leave for casuals, and extending the maximum period of leave from 12 months to 15 months and in some cases up to 18 or 24 months.

*In this booklet we answer some common questions that you may have about your parental leave entitlements. Should you have any further questions, please speak to your workplace Delegate, Organiser or phone the SDA office on **(03) 6331 8166**.*

Disclaimer

The information contained in this booklet was written taking into account the relevant provisions of the Workplace Relations Act 1996. The questions and answers are intended as a guide only. Please contact the Shop, Distributive and Allied Employees' Association, Tasmanian Branch for further information about your parental leave entitlements.

The information is correct at the time of printing.

This edition printed April 2005.



What is Parental Leave?

Parental Leave is the term used to describe maternity, paternity and adoption leave provided for employees in connection with the birth or adoption of a child.

Maternity Leave is unpaid* leave of up to 52 weeks* for a mother before, during and after her child's birth.

Paternity Leave is unpaid leave of up to 52 weeks* for a father during and after his child's birth.

Adoption Leave is unpaid leave available to both men and women when adopting a child under five years of age. Up to 52 weeks* of this leave is available to the parent who assumes the role of primary carer.



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The information contained in this booklet represents the minimum entitlements available to parents.

Some Enterprise Agreements and Awards have provisions which extend some of these entitlements.

You should always refer to your Enterprise Agreement or Award for your specific entitlements.

Please contact the SDA for more information about your specific circumstances.

Asterisks () denote areas where there may be some variation.*

Make sure you keep copies of all the letters and documents that you give your employer.

Sample Letter 1

Notification of pregnancy

This letter is to officially notify you that I am pregnant and that the expected birth date of my child is (insert date). A medical certificate is enclosed confirming this.

Sample Letter 2

Application for maternity leave

I wish to commence maternity leave on (insert date). I will be taking (insert number) weeks leave and will return to work on (insert date).

Sample Letter 3

Statutory Declaration

I, (insert name), of (insert address) declare that:

My partner, (insert name), of (insert address), has applied for (insert number) weeks paternity leave on the birth of our child.

During my own leave I will not engage in any activities inconsistent with my Enterprise Agreement or Award.

(The Declaration must be signed by either a Justice of the Peace, a member of the police force, a solicitor or a bank manager, who must also witness your signature.)

Maternity Leave

Maternity leave is unpaid* leave of up to 52 weeks* for a mother before, during and after her child's birth.

Are all pregnant women entitled to maternity leave?

To qualify for maternity leave, you must be a full or part-time employee who has 12 months' continuous service with your employer.

Some casual employees are entitled to maternity leave, subject to certain conditions. If you are a casual employee, please contact the Union to check your entitlements.

Do I have to take maternity leave?

Yes. Immediately following the birth of your child, you must take six weeks' compulsory maternity leave*.

How do I apply for maternity leave?

At least 10 weeks before the expected birth of your child, you must officially notify your employer by providing a medical certificate stating that you are pregnant and the expected birth date of your child (see sample letter 1).

At least four weeks before you propose to take maternity leave, you must provide your employer with:

- Written notification of the period of leave you wish to take (see sample letter 2).
- A Statutory Declaration stating any paternity leave your partner has applied for, and that you will not engage in any activities inconsistent with your Enterprise Agreement or Award during your maternity leave (see sample letter 3).

Note: If your child is born sooner than expected, you will not be in breach of the above stated time frames.

Can my employer require me to take maternity leave earlier than I plan to?

Yes. Your employer may require you to start maternity leave within the six-week period leading up to the expected birth date of your child*. You must be provided with 14 days' written notice.

Can I take maternity leave at the same time as my partner takes paternity leave?

Only for one week at the time of the birth of your child*.

Maternity leave is reduced by any period of paternity leave taken by your partner, and cannot be taken at the same time. The combined total of maternity/paternity leave available to each family is 52 weeks*.

*denotes variation



Sample Letter 4

Extension of maternity leave

I left work on (insert date) to commence (insert number) weeks' maternity leave. I now wish to lengthen my leave by (insert number) weeks and will return to work on (insert date).



Sample Letter 5

Shortening of maternity leave

I left work on (insert date) to commence (insert number) weeks' maternity leave.

I now wish to shorten my leave by (insert number) weeks and return to work on (insert date).

Could you please provide me with your written confirmation as soon as possible).

Can I extend my maternity leave?

Yes, but only once. You must provide your employer with 14 days' written notice, stating the period by which the leave is to be extended (see sample letter 4).

Maternity leave can be further extended only by agreement with your employer.

Note: The total time of your maternity leave cannot exceed 52 weeks*.

Can I shorten my maternity leave?

Yes, with your employer's consent. You must provide your employer with 14 days' written notice, stating the period by which the leave is to be shortened (see sample letter 5).

If my job poses a hazard to my health during pregnancy can I request a transfer to a 'safer job'?

Yes, provided that you give your employer a medical certificate stating that it is not advisable for you to continue your job because of illness, risks arising from your pregnancy or hazards connected with your job.

This applies even if you are not entitled to maternity leave.

Once transferred to a 'safer job' you will be paid at the rate applicable to that position.

Your employer is obligated to provide you with a 'safer job' if it is available. However, if a 'safer job' is not available or practical, you and your employer may decide that maternity leave should be taken sooner than originally planned.

Alternatively, your medical practitioner may request that you start maternity leave immediately. Please contact the SDA for further advice.

What happens if I become ill while pregnant and still working?

A medical practitioner may recommend a period of special maternity leave. You also have the option of taking accrued sick leave (subject to the same conditions that apply to sick leave generally in accordance with your Enterprise Agreement or Award), annual leave or long service leave.

Special maternity leave is maternity leave recommended by a registered medical practitioner. It is counted as part of maternity leave (maximum 52 weeks*).

What happens if I have a miscarriage or stillbirth?

If this happens before you start maternity leave, your maternity leave is automatically cancelled. If you are more than 28 weeks pregnant at the time of the miscarriage or stillbirth, you may take a period of special maternity leave recommended by a medical practitioner.

If it happens while you are on maternity leave, you must inform your employer and advise them of the date when you wish to return to work. Your employer must then advise you of the date when you can resume work. This date must be within four weeks of the date you gave notice (see sample letter 6 on the next page).

If you do not fit into either of the above categories, please contact the SDA for details of the options available to you.

*denotes variation

Sample Letter 6

Shortening of maternity leave

I left work on (insert date) to commence (insert number) weeks' maternity leave.

My pregnancy has ended other than by the birth of a living child and I wish to resume work on (insert date).

I am aware that I am entitled to return to work within four weeks from the date of this letter and that you must nominate a date for my return.

Could you please notify me as soon as possible of the date I can resume work.



Can I take annual or long service leave in conjunction with maternity leave?

Yes. If you are entitled to annual leave or long service leave, you may take it instead of, or in addition to, unpaid maternity leave. However, the total of all leave taken at the time of the birth of your child must not exceed 52 weeks*.

For example: You cannot take a combination of 52 weeks* of maternity leave and in addition four weeks of annual leave – you can only take 48 weeks* of maternity leave and four weeks of annual leave.

During maternity leave, you cannot take paid sick leave or other paid authorised Enterprise Agreement or Award absences (excluding annual leave or long service leave).

Can my employer appoint a replacement employee while I am on maternity leave?

Yes. Your employer must inform the replacement employee of the temporary nature of their employment.

However, your employer is not obligated to engage a replacement employee while you are on leave.

Can I resign while I am on maternity leave?

Yes. You may resign at any time during your maternity leave by giving notice in accordance with your Enterprise Agreement or Award.

Return to work notification

I left work on (insert date) to commence maternity leave.

I now wish to confirm my intention of returning to work on (insert date) as previously advised.

Can I be dismissed because I am on maternity leave?

No. Your employer cannot dismiss you because you are pregnant or because you are on maternity leave or special maternity leave.

What are the procedures for returning to work after maternity leave?

At least four weeks before your maternity leave is due to end, you must provide your employer with written confirmation that you will be returning to work on the date previously advised (see sample letter 7).

When I return from maternity leave, am I entitled to my original position?

Yes. If you were transferred to a 'safer job' prior to taking maternity leave, you will be entitled to the job you held prior to the transfer.

What happens if I return from maternity leave and my original job no longer exists?

If your job no longer exists when you return to work, and other jobs are available, you must be given the job which is, in terms of salary and status, most like the one you did before you went on leave. It must also be a job which you are capable of doing.

Is maternity leave counted as part of continuous service?

No. However, it does not break the period of continuous service.

* denotes variation





After the birth of my child, can I temporarily transfer my employment from full time to part time?

Yes. You can enter an agreement with your employer to work on a part-time basis up to your child's second birthday.

After a period of part-time work, you have the right to return to your former full-time job.

Some Enterprise Agreements and Awards contain provisions giving full-time employees the right to return to work part time without needing the employer's agreement. Consult your specific Enterprise Agreement or Award or contact the Union for more information.

Please note, however, that your long service leave or annual leave may be affected. Please contact the SDA for advice.

Do I have to complete another 12 months of service before I can take maternity leave again?

No, unless your period of continuous service is broken. (See page 23 for more information).

Maternity Payment and Maternity Immunisation Allowance

What is the Maternity Payment?

The Maternity Payment helps with the cost of a new baby.

It is a non-income tested lump sum payment.

A Maternity Payment of \$3,000 is available to families to help with the costs of a new baby born on or after 1 July 2004 (including still born babies).

A mother who gives birth to twins receives \$6,000.

By July 2006, this payment will increase to \$40,00, and by July 2008 it will increase to \$5,000, payable to the family at the birth or adoption of a baby.

Important note: You must lodge your claim with the Family Assistance Office within 26 weeks of the birth or, in the case of adoption, within 26 weeks of the child being entrusted to your care.

What is the Maternity Immunisation Allowance?

The Maternity Immunisation Allowance is a non-income-tested, one-off payment to encourage parents to immunise their children. It is for children between 18 and 24 months of age, who have been fully immunised and is usually paid in the 19th month.

For Further Information

- Visit your nearest Family Assistance Office located in Medicare offices, Centrelink Customer Service Centres and Tax Office shopfronts.
- Visit the Family Assistance website at www.familyassist.gov.au
- Call the Family Assistance Office on 13 61 50 between 8.00am and 8.00 pm Monday to Friday (13 12 02 for information in languages other than English).



Sample Letter 8

Application for up to one week's paternity leave

I wish to commence paternity leave on (insert date).

I will be taking (insert number) days' leave and will return to work on (insert date).

A doctor's certificate is enclosed stating the expected birth date of my child.

Sample Letter 9

Application for up to 51 weeks' paternity leave

I wish to commence paternity leave on (insert date).

I will be taking (insert number) weeks' leave and will return to work on (insert date).

A doctor's certificate and Statutory Declaration are enclosed.

Paternity Leave

Paternity leave is unpaid leave of up to 52 weeks* for a father during and after his child's birth.

Are all fathers eligible for paternity leave?

To qualify for paternity leave, you must be a full or part-time employee who has 12 months' continuous service with your employer. Some casual employees are entitled to paternity leave, subject to certain conditions. If you are a casual employee, please contact the Union to check your entitlements.

Does paternity leave have to be taken in one period?

No. It can be taken in one or two periods as follows:

- An unbroken period of up to one week* at the time of the child's birth.
- A further unbroken period of up to 51 weeks* in order to be the child's primary carer (paternity leave cannot extend past the child's first birthday).

How do I apply for paternity leave?

At least 10 weeks before you propose to take paternity leave, you must notify your employer of the dates of each period of leave you wish to take, and provide a medical certificate stating the name of your partner and the expected birth date of your child or the date on which your child was born (see sample letter 8).

Statutory Declaration

I, (insert name), of (insert address) declare that:

For the period of my paternity leave, I will be the primary carer for my child. My partner, (insert name), of (insert address) has applied for (insert number) weeks maternity leave for the same child. During my own leave I will not engage in any activities inconsistent with my Enterprise Agreement or Award.

(The Declaration must be signed by either a Justice of the Peace, a member of the police force, a solicitor or a bank manager. This person must also witness your signature).

Extension of paternity leave

I left work on (insert date) to commence (insert number) weeks' paternity leave.

I now wish to lengthen my leave by (insert number) weeks and will return to work on (insert date).

If you are applying for an unbroken period of up to 51 weeks* of leave, you must provide a Statutory Declaration stating the length of paternity leave you propose to take and the period of maternity leave your partner intends to take (see sample letter 9).

You must also state that you are seeking paternity leave to become the child's primary carer and that you will not engage in any conduct inconsistent with your employment contract (see sample letter 10).

Can I take paternity leave at the same time as my partner takes maternity leave?

Only for one week* at the time of the birth of your child.

Paternity leave is reduced by any period of maternity leave taken by your partner, and apart from one week at the time of birth cannot be taken at the same time. The combined total of maternity/paternity leave available to each family is 52 weeks*.

Can I extend my paternity leave?

Yes, but only once. You must provide your employer with 14 days' written notice stating the period by which the leave is to be extended (see sample letter 11). Paternity leave can be further extended only by agreement with your employer.

Note: The total time of your paternity leave cannot exceed 52 weeks*.

*denotes variation

Sample Letter 12

Shortening of paternity leave

I left work on (insert date) to commence (insert number) weeks' paternity leave.

I now wish to shorten my leave by (insert number) weeks and return to work on (insert date).

Could you please provide me with your written consent as soon as possible.

Sample Letter 13

Return to work notification

I left work on (insert date) to commence paternity leave.

I now wish to confirm my intention of returning to work on (insert date) as previously advised.

Can I shorten my paternity leave?

Yes, with your employer's consent. You must provide your employer with 14 days' written notice, stating the period by which the leave is to be shortened (see sample letter 12).

Under what circumstances can paternity leave be cancelled?

If your partner has a miscarriage or a stillbirth your paternity leave is automatically cancelled.

Can I take annual or long service leave in conjunction with paternity leave?

Yes. You can take annual leave or long service leave in conjunction with, or instead of, paternity leave as long as your total period of leave does not exceed 52 weeks*.

During paternity leave, you cannot take paid sick leave or other paid authorised Enterprise Agreement or Award absences (excluding annual leave or long service leave).

Can my employer appoint a replacement employee while I am on paternity leave?

Yes. Your employer must inform the replacement employee of the temporary nature of their employment. However, your employer is not obliged to engage a replacement employee while you are on leave.

Can I resign while on paternity leave?

Yes. You may resign at any time during your paternity leave by giving notice in accordance with your Enterprise Agreement or Award.

Can I be dismissed because I am on paternity leave?

No. Your employer cannot dismiss you because you are on paternity leave.

What are the procedures for returning to work after paternity leave?

At least four weeks before your paternity leave is due to end, you must provide your employer with written confirmation that you will be returning to work on the date previously advised (see sample letter 13).

When I return from paternity leave, am I entitled to my original position?

Yes.

What happens if I return from paternity leave and my original job no longer exists?

If your job no longer exists when you return to work, and other jobs are available, you must be given the job which is, in terms of salary and status, most like the one you did before you went on leave. It must also be a job which you are capable of doing.

Is paternity leave counted as part of continuous service?

No. However, it does not break the period of continuous service.

After my child is born, can I temporarily transfer my employment from full time to part time?

Yes. You can enter an agreement with your employer to work on a part-time basis up to your child's second birthday. After this period of part-time work, you have the right to return to your former full-time job.

Some Enterprise Agreements and Awards contain provisions giving full-time employees the right to return to work part time without needing the employer's agreement. Consult your specific Enterprise Agreement or Award or contact the Union for more information.

Please note, however, that your long service leave or annual leave may be affected. Please contact the SDA for advice.

*denotes variation

Adoption Leave

Adoption leave is unpaid leave for men and women when adopting a child under five years of age.

Up to 52 weeks* are available to the parent who assumes the role of primary carer.

It also applies where a child is adopted by a relative, such as a grandparent, brother, sister, aunt or uncle.

Who is eligible for adoption leave?

Male and female full and part-time employees who have 12 months' continuous service with their employer are eligible for adoption leave.

Some casual employees are also entitled to unpaid adoption leave, subject to certain conditions. If you are a casual employee, please contact the Union to check your entitlements.



How much adoption leave can I take?

Adoption leave cannot exceed 52 weeks*, but can be taken as:

- short adoption leave – an unbroken period of up to three weeks* at the time of the child's placement; and/or
- extended adoption leave – an unbroken period of up to 52 weeks* from the time of the child's placement.

Adoption leave cannot be taken where the adoption includes a child who has lived with you for a continuous period of six months or more, or where the adoption involves your own or your partner's child or stepchild.

Adoption leave cannot extend beyond the first anniversary of the child's placement.

Can I take leave to handle adoption procedures?

Yes. Two days' unpaid leave is available to attend compulsory interviews or examinations required for adoption purposes. This is called special adoption leave.

Can I take adoption leave at the same time as my partner takes adoption leave?

Yes. Both you and your partner can take up to three weeks* at the time of the child's placement.

The remaining time can be taken by one parent or shared between both parents.

The combined total of adoption leave for both you and your partner cannot exceed 52 weeks*.

How do I apply for adoption leave?

As soon as you receive confirmation that your adoption application has been approved, you must notify your employer (see sample letter 14). Within two months of the confirmation, you must provide your employer with:

- Written notification of the period of adoption leave you intend to take, based on the presumed date of placement of the child (see sample letter 15).
- A statement from an adoption agency or other appropriate body of the presumed date of the child's placement (if known) or a statement from the appropriate government authority confirming that the adoption will take place pending application for an adoption order.
- A Statutory Declaration stating that you are seeking adoption leave to become the child's primary carer and the particulars of any period of adoption leave sought or taken by your partner. You must also state that you will not engage in any conduct inconsistent with your Enterprise Agreement or Award (see sample letter 16 on the next page).

* denotes variation

Sample Letter 14

Adoption application approval

I wish to notify you that my application for the adoption of a child has been approved.

Sample Letter 15

Application for adoption leave

I wish to notify you that the presumed date of placement of a child with me is (insert date).

A statement is enclosed from (insert name of adoption agency or other body) confirming this.

As a result, I propose to start adoption leave on (insert date).

I will be taking (insert number of days or weeks) leave and will return to work on (insert date).

Sample Letter 16

Statutory Declaration

I, (insert name), of (insert address), declare that:

For the period of my adoption leave I will be the primary carer of my child.

My partner, (insert name), of (insert address), has applied for (insert number) weeks' adoption leave for the same child.

During my own leave I will not engage in any activities inconsistent with my Enterprise Agreement or Award.

(The Declaration must be signed by either a Justice of the Peace, a member of the police force, a solicitor or a bank manager. This person must also witness your signature).

Sample Letter 17

Confirmation of adoption leave

I wish to notify you that a child will be placed with me on (insert date) and that I wish to start adoption leave on (insert date).

I will be taking (insert number of days or weeks) leave and will return to work on (insert date).

Once the placement date of the child has been confirmed, you must provide your employer with written notification. This must be no later than 14 days before the placement occurs and must also confirm the date you propose to start adoption leave (see sample letter 17).

Note: You will not be in breach of the above time frames if an adoption agency requires you to accept an earlier placement.

Can I extend my adoption leave?

Yes, but only once. You must provide your employer with 14 days' written notice stating the period by which the leave is to be extended (see sample letter 18 on opposite page).

Adoption leave may be further extended only by agreement with your employer.

Note: The total of your adoption leave cannot exceed 52 weeks*.

Can I shorten my adoption leave?

Yes, with your employer's consent. You must provide your employer with 14 days' written notice, stating the period by which the leave is to be shortened (see sample letter 19 on opposite page).

Under what circumstances can adoption leave be cancelled?

Adoption leave is cancelled if the placement of the child does not proceed.

If adoption leave commences but the placement does not continue, you must immediately provide your employer with written notice (see sample letter 20 on the next page).

Your employer must nominate a date for your return to work within the next four weeks.

Can I take annual or long service leave in conjunction with adoption leave?

Yes. You can take annual leave or long service leave in conjunction with, or instead of, adoption leave as long as your total period of leave does not exceed 52 weeks*. During adoption leave you cannot take paid sick leave or other paid authorised Enterprise Agreement or Award absences (excluding annual leave or long service leave).

Can my employer appoint a replacement employee while I am on adoption leave?

Yes. Your employer must inform the replacement of the temporary nature of their employment. However, your employer is not obliged to engage a replacement employee while you are on leave.

Can I resign while on adoption leave?

Yes. You may resign at any time during your adoption leave by giving notice in accordance with your Enterprise Agreement or Award.

Sample Letter 18

Extension of adoption leave

I left work on (insert date) to commence (insert number) weeks' adoption leave.

I now wish to lengthen my leave by (insert number) weeks and will return to work on (insert date).

Sample Letter 19

Shortening of adoption leave

I left work on (insert date) to commence (insert number) weeks' adoption leave.

I now wish to shorten my leave by (insert number) weeks and return to work on (insert date).

Could you please provide me with your written consent as soon as possible.

*denotes variation

Sample Letter 20

Cancellation of adoption leave after it has commenced

I left work on (insert date) to start adoption leave.

The placement of the child has not proceeded and I am now available to resume work.

I am aware that I am entitled to return to work within four weeks of the date of this letter and that you must nominate a date for my return.

Could you please notify me as soon as possible as to the date I can resume work.

Sample Letter 21

Return to work notification

I left work on (insert date) to commence adoption leave.

I now wish to confirm my intention of returning to work on (insert date) as previously advised.

Can I be dismissed because I am on adoption leave?

No. Your employer cannot dismiss you because you are on adoption leave (or special adoption leave).

What are the procedures for returning to work after taking adoption leave?

At least four weeks before your adoption leave is due to end, you must provide your employer with written confirmation that you will be returning to work on the date previously advised (see sample letter 21).

When I return from adoption leave, am I entitled to my original position?

Yes.

What happens if I return from adoption leave and my original job no longer exists?

If your job no longer exists when you return to work, and other jobs are available, you must be given the job which is, in terms of salary and status, most like the one you did before you went on leave. It must also be a job which you are capable of doing.

Is adoption leave counted as part of continuous service?

No. However, it does not break the period of continuous service.

***After my child's placement
can I temporarily transfer my
employment from full time to
part time?***

Yes. You can enter an agreement with your employer to work on a part-time basis up to the second anniversary of the child's placement.

After this period of part-time work, you have the right to return to your former full-time job.

Some Enterprise Agreements and Awards contain provisions giving full-time employees the right to return to work part time without needing the employer's agreement.

Consult your specific Enterprise Agreement or Award or contact the Union for more information.

Please note, however, that your long service leave or annual leave may be affected.

Please contact the SDA for further advice.

*denotes variation



Commonly-Asked Questions

Are casuals entitled to parental leave?

A very significant improvement in parental leave entitlements came with the introduction of parental leave for regular casual employees.

Casual employees are entitled to parental leave, provided that:

- they are employed on a regular and systematic basis for an ongoing period of at least 12 months immediately preceding when the employee proposes to commence parental leave; and
- have, but for the pregnancy or the decision to adopt, a reasonable expectation of ongoing employment; and
- are employed under an Enterprise Agreement or Award which has specific provisions for parental leave or are covered by the parental leave provisions of relevant state or federal industrial relations legislation.

On return from parental leave, a casual employee will be re-engaged as a casual employee in accordance with the provisions of the Enterprise Agreement or Award applying to that workplace.



Parental leave and superannuation

For members of REST, the Fund's insurance policy provides death and disability cover for up to one year from the commencement of parental leave.

If a member wishes to extend their leave beyond one year, the cover may be extended but it is important to contact REST prior to the 12 months elapsing.

For more information, phone REST Customer Service on **1300 300 778** for the cost of a local call.

Pre-natal leave

What is pre-natal leave?

The term pre-natal leave refers to the time prior to the birth of a child.

Pre-natal leave is designed to allow a full-time or part-time employee, who is pregnant, access to paid leave for the purpose of attending medical appointments associated with the pregnancy.

Most SDA Enterprise Agreements and Awards provide for employees to take paid pre-natal leave. Some Enterprise Agreements and Awards provide for paid pre-natal leave through accessing accrued family or sick leave entitlements.

Even where this is not a specified additional entitlement, pregnant employees are entitled to use their sick leave to attend regular pre-natal medical appointments or special appointments associated with pregnancy complications, subject to the same conditions that apply to sick leave generally in accordance with the employee's Enterprise Agreement or Award.

This is a position supported by the Human Rights and Equal Opportunity Commission (HREOC) in their Pregnancy Guidelines.

Employees may be required to provide proof of attendance at such appointments in accordance with the relevant provisions of the employee's Enterprise Agreement or Award.

How much notice do I have to give of such appointments?

Where possible, employees should arrange appointments as close as possible to the beginning or end of their ordinary working hours. The employee must provide reasonable notice to their employer of their desire to take pre-natal leave.

*denotes variation





What is the procedure for returning to work after taking parental leave?

If you have been on maternity, paternity or adoption leave, you must confirm your intention of returning to work by giving your employer at least four weeks' notice in writing before the end of your leave.

Am I entitled to the same job when I return from parental leave?

Yes. If you are returning to work after taking maternity, paternity or adoption leave, you are entitled to return to the job you held immediately before you began your leave (not including a job to which you were transferred because of your pregnancy).

If your job no longer exists when you return to work, and other jobs are available, you must be given the job which is, in terms of salary and status, most like the one you did before you went on leave. It must also be a job which you are capable of doing.

What if I have been replaced by another employee while I've been on parental leave?

A replacement employee is someone specifically engaged as a result of your absence on maternity, paternity or adoption leave.

Your employer must inform the replacement employee of the temporary nature of their employment and your rights when you return to work.

Your employer is not obliged to engage a replacement employee while you are on leave.

Can I resign while I'm on parental leave?

Yes. You may terminate your employment at any time by giving your employer the appropriate notice in accordance with the relevant provisions in your Enterprise Agreement or Award.

Can I be dismissed because I am on parental leave?

No. Your employer may not dismiss you because of your pregnancy or absence from work on any type of parental leave or associated special leave.

Remember:

- You can't be dismissed because you are pregnant.
- You can't be dismissed because you are sick during your pregnancy and the doctor says you must take leave.
- You can't be dismissed because you need to be transferred to a 'safer job'.

How does parental leave affect my continuity of service?

Absence on maternity, paternity or adoption leave does not break your continuity of service, but it is not included in calculating your period of service for other forms of leave, such as long service leave or annual leave.

How long do I have to be back at work before taking more parental leave for a second child?

Once you have qualified for one type of parental leave by having 12 months' continuous service with an employer, you do not have to re-qualify with that employer unless your employment is broken.

For example, you may take maternity leave, return to work several months later and then discover that you are pregnant again. You are entitled to take further maternity leave without working a 12-month period between returning to work after the first baby and taking leave a second time.

In cases where employment is broken, you would have to build up another 12 months' continuous service in order to qualify for leave again.

*denotes variation





Need More Information?

**For more information on parental leave,
contact the SDA.**

**Launceston Office
(main office)
72 York Street
Launceston Tas 7250**

**Hobart Office
75 Patrick Street
Hobart Tas 7000**

**Phone (03) 6331 8166
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