

Parental Leave Policy

For Australian Small & Medium Enterprises

Template Version 1.0 | December 2024

Important Notice

This template reflects the National Employment Standards (NES) minimum entitlements for unpaid parental leave. Government Paid Parental Leave is separate and administered by Services Australia. Your modern award or enterprise agreement may provide additional entitlements.

1. Purpose

This policy outlines the parental leave entitlements and procedures for [Company Name] employees in accordance with the National Employment Standards (NES) and the Fair Work Act 2009.

2. Scope

This policy applies to:

- Employees who have completed at least 12 months of continuous service
- Employees who have, or will have, responsibility for the care of a child
- Birth parents, partners, and adoptive parents

3. Types of Parental Leave

3.1 Birth-Related Leave

- Up to 12 months unpaid parental leave
- Available to the birth parent
- May start up to 6 weeks before expected date of birth

3.2 Partner Leave

- Up to 12 months unpaid parental leave
- Available to the partner of a birth parent
- Can be taken concurrently with birth parent for up to 8 weeks

3.3 Adoption Leave

- Up to 12 months unpaid parental leave
- For adoptive parents of a child under 16 years
- Similar provisions to birth-related leave

3.4 Pre-Adoption Leave

- Up to 2 days unpaid leave for adoption-related interviews and examinations

- Available to employees seeking to adopt

4. Eligibility

To be eligible for unpaid parental leave under the NES, employees must:

- Have completed at least 12 months of continuous service with [Company Name]
- Have, or will have, responsibility for the care of a child

Long-term casual employees are eligible if they:

- Have been employed on a regular and systematic basis for at least 12 months
- Have a reasonable expectation of ongoing employment on a regular and systematic basis

5. Length of Leave

5.1 Initial Leave Period

- Up to 12 months unpaid parental leave
- This is per child (not shared between parents)
- Each eligible parent can take up to 12 months

5.2 Extended Leave

- Right to request an additional 12 months (total 24 months)
- Request must be made at least 4 weeks before end of initial leave
- [Company Name] may only refuse on reasonable business grounds

5.3 Concurrent Leave

- Both parents can take leave at the same time for up to 8 weeks
- Can be taken in separate periods of at least 2 weeks
- Does not reduce the individual 12-month entitlement

6. Notice Requirements

6.1 Initial Notice

Employees must give at least 10 weeks' notice before starting parental leave, including:

- Intention to take parental leave
- Proposed start and end dates
- Period of any concurrent leave

6.2 Confirmation

At least 4 weeks before leave starts, employees must confirm:

- The intended start and end dates (or provide evidence of birth/adoption)
- Any changes to previously notified dates

6.3 Evidence

Employees must provide evidence if requested:

- Medical certificate or other evidence of pregnancy/birth
- Evidence of adoption or placement

7. Starting Parental Leave

7.1 Birth Parent

- Can start leave up to 6 weeks before expected date of birth
- Must start no later than the date of birth
- If birth occurs early, leave starts on the date of birth

7.2 Partner

- Leave must start within 12 months of birth or adoption
- Can start on the date of birth/placement

7.3 Adoption

- Starts on the day of placement (or earlier if required to travel)
- Same entitlements as birth-related leave

8. Keeping in Touch Days

Employees on parental leave may work up to 10 "keeping in touch" days:

- Must be agreed between employee and [Company Name]
- Can be used for any purpose (training, meetings, work)
- Does not extend the leave period
- Employee receives normal pay for days worked
- Neither party can be compelled to participate

9. Return to Work

9.1 Notice of Return

- At least 4 weeks' notice of intended return date
- May return earlier by agreement

9.2 Position on Return

- Entitled to return to the same position held before leave
- If position no longer exists, entitled to an available comparable position
- Same terms and conditions, including pay

9.3 Flexible Work

- Right to request flexible working arrangements on return
- [Company Name] can only refuse on reasonable business grounds

10. Interaction with Other Leave

10.1 Annual Leave

- Annual leave continues to accrue during paid parental leave
- Does not accrue during unpaid parental leave
- Can be taken before or after parental leave by agreement

10.2 Personal Leave

- Does not accrue during unpaid parental leave
- Can be used for pregnancy-related illness before parental leave starts

10.3 Long Service Leave

- Check applicable state legislation for accrual during parental leave

11. Government Paid Parental Leave

The Government's Paid Parental Leave scheme is separate from employer entitlements:

- Administered by Services Australia
- Eligibility based on work and income tests
- Paid at the national minimum wage rate
- Employees should check their eligibility via Services Australia

[Company Name] will facilitate Paid Parental Leave claims as required.

12. Superannuation

During unpaid parental leave:

- [Company Name] is not required to make superannuation contributions
- Employees may make voluntary contributions

During any paid leave period, normal superannuation contributions apply.

13. Communication During Leave

[Company Name] will:

- Keep employees informed of significant workplace changes
- Provide information about return to work processes
- Maintain contact as agreed with the employee

14. Responsibilities

14.1 Employees

- Provide required notice and evidence
- Keep [Company Name] informed of any changes
- Participate in keeping in touch opportunities as agreed

14.2 Management

- Process leave requests fairly and promptly
- Maintain contact with employees on leave
- Facilitate return to work

15. Review

This policy will be reviewed:

- At least annually
- When NES changes occur
- When government paid parental leave provisions change

Employee Acknowledgement

I acknowledge that I have read and understood [Company Name]'s Parental Leave Policy. I understand my entitlements and agree to follow the procedures for requesting parental leave.

Employee Name: _____

Signature: _____

Date: _____