

Parental and Adoption Leave Policy of Marcoola Surf Club

1. Purpose

- 1.1 This policy sets out the conditions and process for applying for Parental and Adoption Leave.

2. Definitions

- 2.1 **Child**, in relation to the adoption of a child, 'child' means a person who is, or will be, under the age of 16 years at the day of, or the anticipated day of, placement with the employee for adoption.
- 2.2 **Day of Placement**, in relation to the adoption of a child, 'day of placement' means the day on which the employee first takes custody, or anticipates that they will first take custody, of the child for adoption.
- 2.3 **Employee** refers to all employees of the Club. This includes casual employees if they have been employed by the Club on a regular and systematic basis for a sequence of periods over at least 12 months and would reasonably have expected to continue working for the employer on a regular and systematic basis, had it not been for the expected birth or adoption of a child.
- 2.4 **Employee couple** refers to two employees that are in a spousal or de facto relationship and want to take leave. They do not need to be working for the same employer.
- 2.5 **Miscarriage** means the spontaneous loss of an embryo or foetus before 20 weeks of pregnancy.
- 2.6 **Partner** refers to the employee's spouse or de facto partner. 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 a different sex to the employee, and either a current or former de facto partner of the employee.
- 2.7 **Stillbirth** means the birth of a baby where the baby weighed at least 400 grams or reached at least 20 weeks' gestation but has not breathed or had a heartbeat since their delivery.

3. Eligibility

- 3.1 An employee is entitled to 12 months unpaid parental or adoption leave when:
- (a) the employee has completed 12 months continuous service with the Club; and
 - (b) the employee will have the responsibility for the care of the child; and
 - (c) the leave is associated with:
 - i. the birth of a child, whether living or stillborn, by the employee; or
 - ii. the birth of a child, whether living or stillborn, by the employee's partner; or
 - iii. the placement of a child with the employee for adoption.

Additional Child

- 3.2 If an employee is having another child, they do not need to work for another 12 months before they can take an additional period of unpaid parental or adoption leave.

Leave Extension

- 3.3 An employee taking 12 months parental or adoption leave may request an extension of a further 12 months leave (up to 24 months in total), unless they are a member of an employee couple and the other member has already taken 12 months of leave.
- 3.4 Requests for additional parental or adoption leave will only be refused if the Club has reasonable business grounds requiring the refusal.

4. Notice Requirements

Commencing Parental or Adoption Leave

- 4.1 In order to access unpaid parental or adoption leave, an employee must provide:
 - (a) at least 10 weeks' written notice of the anticipated date of birth or date of placement of the child; and
 - (b) at least 4 weeks' written notice of the date on which the employee proposes to commence Parental or Adoption Leave and the period of leave to be taken.
- 4.2 An employee will not be in breach of the notice requirements if failure to provide the required notice was because:
 - (a) the child was born earlier than the anticipated date; or
 - (b) the failure results from a requirement of an adoption agency to accept earlier or later placement of the child.

Additional Unpaid Parental or Adoption Leave

- 4.3 If an employee wishes to request an extension of unpaid parental or adoption leave, the request must be provided to the Club at least four weeks before the end of the available parental or adoption leave period.
- 4.4 All requests for an extension of parental leave will be responded to in writing within 21 days of receipt, stating whether the request has been granted or refused.

Return to work

- 4.5 An employee must advise the Club of the expected date of return to work prior to the commencement of parental or adoption leave.
- 4.6 A request to change the end date for a period of unpaid parental or adoption leave must be made to the Club at least four weeks prior to the commencement of the change sought.

5. Evidence Requirements

- 5.1 An employee must provide a medical certificate or other relevant documentation confirming their pregnancy and expected date of birth, or the expected day of placement of the child.

6. Special rules for premature births

- 6.1 An employee can request to put their unpaid parental leave on hold if:
 - (a) they experience a premature birth or gestational or other birth-related complications; and

(b) their child has to stay in hospital or be hospitalised immediately after birth.

6.2 This means that while the child is in hospital, the employee can, if they wish, return to work and the period when they are back at work will not be deducted from their unpaid parental leave.

6.3 If the employee chooses to return to work, the employee can resume their unpaid parental leave at the earliest of:

(a) a time agreed with the Club; or

(b) the end of the day when the child is discharged from hospital; or

(c) if the child dies, the end of the day when the child dies.

7. Special rules for stillbirths or infant deaths

7.1 If an employee's baby is stillborn, or the employee's child dies in the first 24 months of life, the employee can take up to 12 months' unpaid parental leave.

7.2 During this time, the Club cannot call the employee back to work, or cancel their unpaid parental leave.

7.3 If an employee experiences a stillbirth or death of their child, they can choose to cancel their unpaid parental leave and return to work. If the employee chooses to do this, they need to give the Club at least 4 weeks' written notice before returning.

8. Compassionate leave for stillbirths, miscarriages or infant deaths

8.1 An employee is eligible to take compassionate leave if:

(a) a member of their immediate family or household dies, or contracts or develops a life-threatening illness or injury; or

(b) a baby in their immediate family or household is stillborn; or

(c) they have a miscarriage; or

(d) their current spouse or de facto partner has a miscarriage.

8.2 An employee is entitled to two (2) days compassionate leave each time they meet the above criteria.

8.3 Full time and part time employees receive paid compassionate leave at their base pay rate for the ordinary hours they would have worked during the leave.

8.4 Casual employees receive unpaid compassionate leave.

9. Illness during pregnancy

Special Maternity Leave

9.1 If a pregnant employee experiences a pregnancy-related illness or injury, they can take personal leave from their personal leave entitlements.

9.2 A pregnant employee may also take unpaid special maternity leave if they have a pregnancy related illness or they have a miscarriage.

- 9.3 If an employee takes unpaid special maternity leave because of a pregnancy related illness, the leave will end when the pregnancy or illness ends, whichever is earlier.
- 9.4 A pregnant employee who is eligible for unpaid parental leave can take unpaid special maternity leave if they have a pregnancy related illness or they have a miscarriage.
- 9.5 If an employee takes unpaid special maternity leave because of a miscarriage or termination, the leave can continue until the employee is fit for work.

Transfer to a safe job

- 9.6 All pregnant employees have an entitlement to be moved to a safe job if it isn't safe for them to do their usual job because of their pregnancy. This includes employees that are not eligible for unpaid parental leave.
- 9.7 An employee who moves to a safe job will still get the same pay rate, hours of work and other entitlements that they got in their usual job, unless different working hours are agreed between the Club and the employee.
- 9.8 The employee will be required to provide the Club evidence that they can work, but they cannot do their normal job, why their normal job is not safe and how long they should not work in their normal job.

No safe jobs available

- 9.9 If there are no safe job available, the employee can take no safe job leave.
- 9.10 If the employee is entitled to unpaid parental leave, no safe job leave is paid at the base rate of pay for the employee's ordinary hours of work. If the employee is casual, no safe job leave is paid for the average number of hours they would have worked in the period they are on leave.
- 9.11 If the employee is not entitled to unpaid parental leave, the employee can take unpaid no safe job leave.

10. Working within six weeks before birth

- 10.1 If a pregnant employee wants to work during the six (6) weeks before birth the Club can ask them to provide a medical certificate within seven days that states that:
- (a) The employee is fit for work; and
 - (b) Whether it is inadvisable for the employee to continue in her present position because of illness or risks arising out of the employee's pregnancy or hazards connected with the position.
- 10.2 The Club can require the employee to take a period of unpaid parental leave as soon as possible if the employee:
- (a) Fails to provide the requested medical certificate within 7 days of the request; or
 - (b) Provides a certificate within 7 days that states they are not fit to work.

11. Federal Government Paid Parental Leave

- 11.1 The Club recognises that the Federal Government may provide a separate paid parental leave entitlement.

11.2 The Club may administer payment on behalf of the Federal Government.

11.3 For further information regarding the Federal Government's entitlement for paid parental leave, please refer to the [Parental Leave Pay webpage](#).

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