

# Yarram Early Learning Parental Leave Policy

Quality Area 7 – Leadership and service management

## PURPOSE

This policy informs staff members of their entitlements for paid and unpaid parental leave and its application at Yarram Early Learning Centre.

## POLICY STATEMENT

## VALUES

Yarram Early Learning is committed to providing a family friendly work/life balance to staff, the centre provides arrangements for staff who require leave associated with the raising and care of children who are under school age.

## SCOPE

This policy applies to the Approved Provider, Certified Supervisor, Nominated Supervisor, Educators and other staff at Yarram Early Learning.

## BACKGROUND AND LEGISLATION

### Background

**Unpaid Parental Leave:** Under the National Employment Standards in the *Fair Work Act 2009*, staff, other than a casual employee, are entitled to parental leave if the staff member has, or will have, completed at least twelve (12) months of continuous service with the YELC immediately before the birth or adoption of a child.

Educators are entitled to twelve (12) months of unpaid parental leave if leave is associated with;

- The birth of a child to the staff member or spouse of staff member
- Placement of a child with the staff member for adoption
- Staff member has or will have the responsibility of the child

Educators must give **YELC ten (10) weeks written notice before the starting of parental leave**. The notice must specify the starting date and ending date. A Doctor's confirmation letter is required to accompany the written notice.

The Employee is required to notify the employer of his/her intention to return to work not less than 4 weeks prior to the expiration of their period of parental leave. He/She shall be entitled to the position held immediately prior to taking leave, or in the case of an employee who was transferred to alternative duties, to the position held immediately prior to this transfer. Where such a position no longer exists, but other positions are available for which the employee is qualified and capable of performing, the employee will be entitled to a position as nearly comparable in status and salary to their former position.

**Australian Government Paid Parental Leave Scheme:** Employees may also be eligible to receive parental leave pay from the Australian Government under the Paid parental leave scheme.


**Eligible employees who are the primary carer of a newborn or adopted child get up to 18 weeks' leave paid at the national minimum wage.** These payments are made to the employer first, who then pays them to the employee. These payments can be paid before, after or at the same time as other entitlements such as annual leave and long service leave.

For children born or adopted on or after 1 July 2016, Parental Leave Pay entitlements paid under the Commonwealth Paid Parental Leave scheme will be reduced where a claimant is also entitled to employer provided Primary Carer Pay (paid maternity leave).

<https://www.humanservices.gov.au/corporate/budget/budget-2015-16/budget-measures/families/paid-parental-leave-changes>

### **Dad and Partner pay**

Eligible working dads and partners (including same-sex partners) get 2 weeks leave paid at the national minimum wage. These payments are made directly to the employee.

Visit Centrelink - Dad and Partner Pay  for eligibility information and to make a claim for dad and partner pay

### **Record-keeping for paid parental leave**

In addition to their usual record-keeping requirements, employers that have employees getting government-funded parental leave also have to keep the following records:

- the amount of parental leave pay funding received from the government for each employee and the period it covers
- the date each parental leave payment was made to the employee
- the period each payment covers
- the gross amount of the payment
- the net amount paid and the amount of income tax withheld (including other payments, if any, were made)
- a statement identifying the payment as parental leave pay under the Australian Government Paid Parental Leave Scheme
- the amount of any deductions made from each payment.
- Pay slips for parental leave payments

Employees who get parental leave pay have to be given a pay slip for each payment. The pay slip must specify that the payments are parental leave pay under the Australian Government Paid Parental Leave Scheme.

Ordinary pay slip requirements apply to pay slips given to employees getting government-funded parental leave pay. They must also include:

- the gross and net amounts of parental leave pay and the amount of income tax deducted, if there are other payments on the pay slip, this information must be included as well as the total gross, net and income tax amounts
- the amount of any deduction and the name and bank details of the entity the deduction was given to.

Only certain deductions can be made from parental leave payments under the Australian Government Paid Parental Leave Scheme. Visit Centrelink for more information.

<https://www.servicesaustralia.gov.au/individuals/services/centrelink/parental-leave-pay>

### **Employer-funded paid parental leave**

As an employer, Yarram Early Learning Centre will provide employees with 18 weeks of parental leave following the birth or adoption of their child.

At minimum 12 Weeks of this leave must be taken consecutively, the remainder may be able to be taken flexibly as negotiated with management, and in accordance with the paid parental leave scheme conditions.

Parental leave will be paid at the government paid parental leave scheme rate, as varied from time to time, and will be processed and passed on to eligible staff as these payments are received by the centre, through our fortnightly payrun system.

*Note: Paid parental leave that starts on or after 1 January 2023 will not have any top up payments.*

### **Strategies for Implementation**

#### **The Approved Provider is responsible for:**

- Maintaining current information about their industrial responsibilities to their employees including The Fair Work Act and Children's Service Award 2010. Yarram Early Learning will be registered with Centrelink for the Paid Parental Leave Scheme.
- Ensuring that parental leave is adequately recorded as such on the employees pay slips

#### **The Nominated Supervisor and Responsible Person is responsible for:**

- Ensuring that all employees are made aware of their legal right to maternity leave and paid parental leave at the time the employee advises of their pregnancy.
- Informing replacement employees engaged as a result of an employee taking maternity leave of the temporary nature of the employment and the rights of the employee being replaced to return to work.
- Ensuring that employees returning to work after parental leave will not be discriminated against in regard to accessing childcare within the service or breast feeding/expressing.

- Discussing options for a change in care arrangements with the employee should any issues arise in relation to caring for a staff member's child at the service, with the aim of reaching an agreed resolution to the difficulties.
- Supporting the returning employee to settle back into the work environment and having concern for their physical and emotional wellbeing.
- Where practicable, offer flexible work hours to the employee on their return to work, in the interests of maintaining a supportive and healthy workplace, and to encourage employees to return to work after maternity leave, thus maintaining continuity of care for children.
- Making sure that the pregnant employee takes a minimum period of 6 weeks compulsory leave after giving birth, before returning to work.
- Confirming the employee's intention of returning to work in writing not less than 4 weeks prior to the expiration of the period of parental leave. He/she shall be entitled to the position held immediately prior to taking leave, or in the case of an employee who was transferred to alternative duties, to the position held immediately prior to this transfer. Where such a position no longer exists, but other positions are available for which the employee is qualified and capable of performing, the employee will be entitled to a position as nearly comparable in status and salary to their former position.

### **The Employee is responsible for:**

- Inform the employer in writing of the expected date of birth (10 weeks notice required) or of the date of placement of an adopted child, and the intention to take parental leave (4 weeks notice required), including the dates on which the employee wishes to start the leave. A doctor's certificate confirming the pregnancy and expected date of birth is required to prove entitlement to take parental leave.
- Taking a minimum period of 6 weeks compulsory leave after giving birth, before returning to work.
- Confirming their intention of returning to work in writing to the employer not less than 4 weeks prior to the expiration of their period of maternity leave. He/she shall be entitled to the position held immediately prior to taking leave, or in the case of an employee who was transferred to alternative duties, to the position held immediately prior to this transfer. Where such a position no longer exists, but other positions are available for which the employee is qualified and capable of performing, the employee will be entitled to a position as nearly comparable in status and salary to their former position.
- Submitting their claim for parental leave pay with Centrelink, who will then assess their eligibility.

### **Legislation and standards**

Relevant legislation and standards include but are not limited to:

- *Paid Parental Leave Scheme* - [Australian Government Department of Human Services website](#).
- *Equal Opportunity Act 2010* (Vic)
- *Fair Work Act 2009*
- *National Quality Standard, Quality Area 7: Leadership and service management*
- *National Quality Standard, Quality Area 4: staffing arrangements*

- 4.2 Professionalism Management, educators and staff are collaborative, respectful and ethical.

## **SOURCES AND RELATED POLICIES**

This policy should be read in conjunction with the Pregnancy in Childcare Policy for Yarram Early Learning Centre.

## **EVALUATION**

In order to assess whether the values and purposes of the policy have been achieved, the Approved Provider will:

- Regularly seek feedback from everyone affected by the policy regarding its effectiveness.
- Keep the policy up to date with current legislation, research, policy and best practice.
- Revise the policy and procedures as part of the service's policy review cycle, or as required.
- Notify all relevant stakeholders (parents, staff, suppliers etc.) at least 14 days before making any changes to this policy or its procedures.

## **ATTACHMENTS**

Attachment 1: Parental Leave Notification Form

## **AUTHORISATION**

This policy was adopted by Yarram Early Learning Incorporated in September 2020

**REVIEW DATE:** September 2024

ATTACHMENT 1



**PARENTAL LEAVE NOTIFICATION FORM**

This form is for employees to use to notify or update the details of any parental leave that they intend to take.

For more information about parental leave, visit [www.fairwork.gov.au/leave](http://www.fairwork.gov.au/leave).

**A. EMPLOYEE'S DETAILS**

Name of employee: \_\_\_\_\_

Position held in service: \_\_\_\_\_

This request relates to:

- Maternity leave       Paternity leave       Adoption leave

**B. LEAVE DETAILS**

*This section is to be filled in and provided to your employer at least 10 weeks before starting leave or if that is not practicable then as soon as is (which may be after the leave has commenced).*

*Pregnant Employees applying for Parental Leave are to have their Medical Practitioner fill in the PREGNANT EMPLOYEE MEDICAL INFORMATION SHEET to confirm their estimated due date.*

*If a pregnant employee continues to work during the 6 week period before the expected date of birth of the child, YELC requires a letter from the employee's medical practitioner stating that they are fit for work and whether regular duties can continue.*

*For information about your parental leave entitlements and obligations, visit [www.fairwork.gov.au/leave](http://www.fairwork.gov.au/leave).*

Start date of \_\_\_\_\_

End date of \_\_\_\_\_

Total period of leave  
(weeks/days):

*Provide evidence (such as a medical certificate) where requested.*

Do you intend to apply for Parental Leave Pay under the Australian Government Paid Parental Leave scheme?

Yes     No     Unsure

Signature of employee: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

### C. CONFIRMATION OR CHANGE OF LEAVE DETAILS

*This section is to be filled in and provided to your employer at least 4 weeks before starting leave unless it is not practicable to do so.*

Start  
date:

End  
date:

Total period of leave  
(weeks/days):

Signature of employee: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

### D. ACKNOWLEDGEMENT OF PARENTAL LEAVE *(TO BE COMPLETED BY MANAGER/SUPERVISOR)*

Name of  
manager/supervisor:

Signature of manager/supervisor: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

PLEASE KEEP A COPY OF THIS LETTER FOR YOUR RECORDS