Procedure

Parental leave procedure

Version: 4.4 | **Version effective**: 01/02/2024

Audience

This procedure applies to all departmental employees, including temporary and long term casual employees.

Purpose

This procedure provides employees with the process for:

- applying for paid and unpaid parental leave including birth-related, maternity, spousal, adoption, surrogacy, pre-natal, pre-adoption and pre-surrogacy leave
- shortening or extending a period of parental leave
- applying to work on a part time basis on return from parental leave

Overview

Parental leave may be taken by an employee who:

- is pregnant or whose spouse is pregnant
- adopts a child/children
- is an intended parent under a surrogacy arrangement.

Parental leave may be paid or unpaid. Paid parental leave entitlements will be determined in accordance with the Paid Parental Leave (Directive 08/24), whilst unpaid parental leave entitlements will be determined in accordance with the *Industrial Relations Act 2016* (Qld).

Paid parental leave includes:

- paid maternity leave
- paid primary carer leave
- paid spousal leave
- paid surrogacy leave
- paid adoption leave
- paid pre-natal leave
- paid pre-surrogacy leave

- paid pre-adoption leave.

A summary of the entitlements is available in the Parental leave – Summary of entitlements: Human Resources guideline.

Responsibilities

Employee

- Understand the eligibility requirements and entitlements to paid, unpaid parental leave as well as those relating to Commonwealth Paid Parental Leave Scheme CPPL (DoE employees only).
- Apply for the appropriate parental leave type, referring to the Parental leave – Summary of entitlements: Human Resources guideline for information on entitlements.
- Advise the department of any change in contact details, including change of address, while absent on parental leave.
- Maintain current registration with Queensland College of Teachers or maintain a Positive Blue Card as applicable for their role.
- Advise the department of any significant change affecting the following as soon as possible:
  - length of employee's parental leave
  - date employee intends to return to work
  - return to work on a full-time basis or apply to return to work on a part-time basis.
- Maintain contact with the manager/principal or appropriate delegated officer and provide updates on changes to expected return date from parental leave.

Principal, manager, supervisor

- Understand an employee's eligibility requirements and entitlements to paid and unpaid parental leave.
- Consider human rights when responding to requests for parental leave.
- Respond to requests for leave in a reasonable and timely manner.
- Approve leave in accordance with departmental delegations and provide written notice to the employee of a decision to approve or reject applications for parental leave or other related entitlements within the required timeframe.
- Discuss reasons with employee as soon as practicable if leave is not approved.
- Take reasonable action to advise employee, who is absent on parental leave, of any workplace change and impact (if any) on employee's position, for example status or level of responsibility of position, prior to implementation. Allow the employee reasonable opportunity to discuss the change and any impacts it will have on their position.
- Understand and apply the employer's duties under the *Work Health and Safety Act 2011* (Qld) in relation to pregnant employees, and take steps to minimise risks to the health and safety of the employee or the employee's unborn or newborn child. Refer to the Reasonable adjustments procedure for further information.

- Consider and approve applications to return to work in a part time capacity, in line with provisions of s88 of the *Industrial Relations Act 2016* (Qld) or to access flexible working arrangements.
- Provide written notice to a temporary employee (who is replacing an employee on parental leave) stating:
  - the temporary nature of the employment; and
  - the employee on parental leave has a right to return to work.
- Ensure an application for parental leave is not used as a reason for:
  - termination of employment; or
  - failure to renew the engagement, if the employment would have been renewed had the employee not been pregnant or applied for parental leave.

Process

There are several options available to employees who take parental leave. One or more of the following steps may apply, depending on the employee's circumstances.

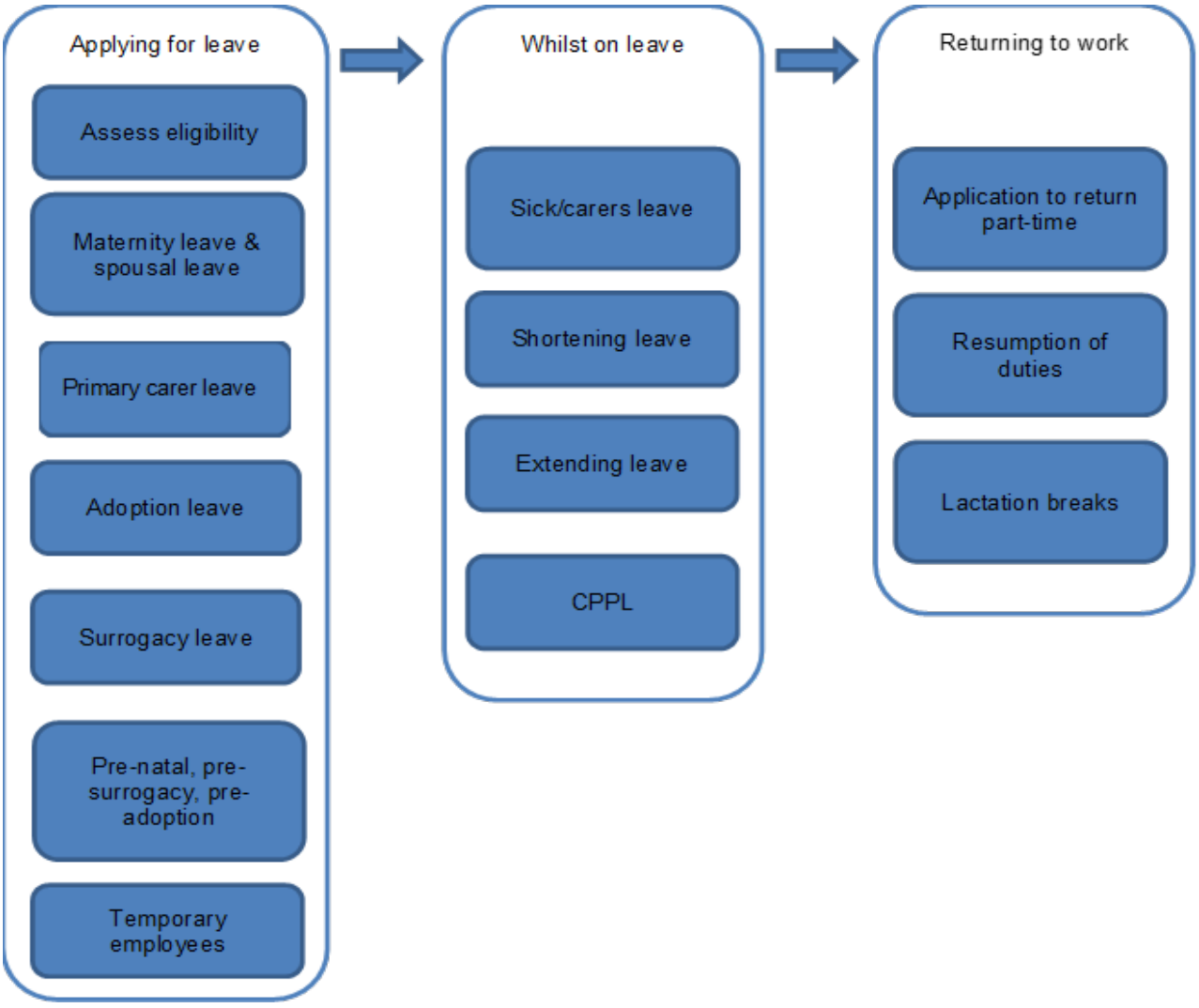

Image 1 Parental leave process

1. Assess eligibility

Employee to self-assess their eligibility for parental leave prior to applying.

Paid and unpaid leave - The qualifying service period for paid parental leave is at least 12 months continuous service in any one or more Queensland government departments or Queensland public service offices. This service is to be unbroken or may be inclusive of paid and unpaid leave which is credited towards service. In determining an employee's qualifying service period, please also refer to Directive 12/18 - Recognition of Previous Service, section 8.1.

The qualifying service period need only be met once in an employee's period of continuous service.

The qualifying period is nullified where there is a break in service, which is not recognised for long service leave and sick leave accrual purposes (e.g. extended leave such as sick or special leave, ceasing employment), as outlined in Directive 12/18 - Recognition of Previous Service and Directive 15/24 - Leave without Salary Credited as Service.

In determining the qualifying service period for a part-time employee, the passage of time and not the completion of equivalent hours will be used.

An employee who has not met the qualifying service period for paid parental leave (maternity, adoption, spousal or surrogacy) may still be entitled to unpaid parental leave.

Employees ineligible to apply for paid parental leave include:

- short term casual employees
- employees who are solely remunerated by fees, allowances or commission
- employees who are on unauthorised absence immediately before the start of the paid leave period
- employees who do not have a period of unbroken employment of at least 12 months.

An employee on unpaid leave, who falls pregnant, is eligible to apply for a further period of paid parental leave.

2. Application for maternity leave and spousal leave (paid and unpaid)

- Employees may apply to have their maternity leave / spousal leave taken at half pay.

Timing

- An employee must commence paid maternity leave at least 6 weeks prior to the expected date of confinement or from the premature birth of a child (whichever is sooner).
- However, if an employee wishes to commence maternity leave less than 6 weeks prior to the expected date of confinement, the employee must provide to their manager/principal/supervisor or the appropriate delegated officer supporting medical documentation citing their fitness for duty, including the date up to which they are able to work.
- Inform your manager/principal/supervisor of your intention to take maternity or spousal leave at least 10 weeks in advance of the intended start date.

Paid maternity leave is deemed to commence from the soonest of the following dates:

- the date that the employee seeks to commence maternity leave
- the date at which the doctor's certificate indicates the employee is unfit to work
- the child's date of birth.

The employee may then defer taking maternity leave until:

- the day specified in the medical certificate; or
- 14 days after the Director-General (or delegate) revokes the decision to defer maternity leave (with medical evidence the delegate may approve the deferral of maternity leave); or
- the employee commences maternity leave; or
- the day of the employee's expected date of confinement.

Whichever happens first. Adjustments to maternity leave dates can be managed through the leave application process detailed below.

Application

- Employee to complete and submit an application for parental leave form (DoE employees only) at least 4 weeks prior to the start date of leave, including:
  - the start date and end date of leave;
  - a certificate from a medical practitioner stating the employee or their spouse is pregnant and the estimated date of the birth of the child and the expected confinement date; or
  - a statutory declaration by the employee stating:
    - the period of parental leave to be taken by his/her spouse in relation to the pregnancy; and
    - they are the primary care giver during the leave.
- Employee to notify the department immediately and submit an amended leave application if there is a change in the expected date of birth of the child, or in the particulars of the parental leave taken.

An employee may apply for paid special maternity leave and/or sick leave in the instance where the pregnancy has terminated in other than the birth of a living child after 20 weeks gestation. Note: this requirement only applies if the employee had already given notification of an intention to proceed on maternity leave.

3. Application for primary carer leave (employee's covered under the Department of Education State School Teachers' Certified Agreement 2019 only).

- Employee can access any, or all of the entitlement to paid maternity leave prescribed under the Paid Parental Leave (Directive 08/24) which is not used by that employee's spouse (whether or not that employee's spouse has an entitlement to paid maternity leave) subject to the following conditions:
  - The employee meets the eligibility criteria prior to the date of birth of the child/children (refer to the assess eligibility section);
  - The employee is the primary care giver for the child/children at the time the leave is taken; and
  - The leave taken by the employee is prior to the child/children's first birthday.

- The 14 weeks paid parental leave entitlement can be shared between the parents if they are both employed by the Public Service but must not exceed a total of 14 weeks in relation to the one pregnancy.
- Employee may apply to have their primary carer leave taken at half pay however, the leave must not extend past the child/children's first birthday.

Application

- Employee to notify their Principal/Manager of their intention to take leave 10 weeks prior to the proposed leave date.
- Employee to complete and submit an application for primary carer leave form (DoE employees only) at least 4 weeks prior to the commencement of the leave.
- Leave applications must include:
  - the start date and end date of the intended leave
  - a statutory declaration by the employee stating:
    - the name of the employee, payroll number and details of their position with DoE
    - their spouse's details and current employer (if applicable)
    - if the employee's spouse is a public service employee, the details of their position and name/contact point of their manager/human resources department
    - the period of primary carer leave to be taken by his/her spouse in relation to the child/children (including paid and unpaid leave) and the respective leave dates
    - specific details confirming the child/children's date of birth
    - any other documentary evidence the Chief Executive of the Department deems relevant.
- Employee is to notify the department immediately and submit an amended leave application if there is a change in the expected date of leave, or a change in their primary carer circumstances.

4. Application for adoption leave (paid and unpaid)

- Employee may apply to have their adoption leave taken at half pay.
- Employee to provide written notice to their manager, principal or supervisor of their intention to take adoption leave at least 10 weeks in advance of the expected placement date.
- Employee to complete and submit an application for parental leave form (DoE employees only) at least 14 days prior to the start date of leave. Leave applications must include:
  - the start date and end date of intended leave
  - a letter from Director-General of the relevant Queensland Government department administering adoptions, confirming that an adoption order or interim adoption order has been made for the relevant child/children
  - a written statement from the adoption agency confirming the expected placement date
  - a statutory declaration by the employee stating:
    - the period of parental leave to be taken by his/her spouse in relation to the adoption leave; and
    - they are the primary care giver during the leave.

- Employee is to notify the department immediately and submit an amended leave application if there is a change in the expected date of adoption of the child, or in the particulars of the parental leave taken.

5. Application for surrogacy leave (paid and unpaid)

- Employees may apply to have their surrogacy leave taken at half pay.
- Employee to provide written notice to their manager, principal or supervisor of their intention to take surrogacy leave at least 10 weeks in advance of the expected date when the child is to start residing with the employee.
- Employee to complete and submit an application for parental leave form (DoE employees only) at least 14 days prior to the start date of leave. Leave applications must include:
  - the start date and end date of intended leave
  - a statutory declaration by the employee stating:
    - the period of any surrogacy leave sought by the employee's spouse
    - that the employee is an intended parent under a surrogacy arrangement
    - the expected residence date
    - that the employee is to be the primary care giver for the child.
- Employee is to notify the department immediately and submit an amended leave application if there is a change in the expected residence date of the child, or in the particulars of the parental leave taken.

6. Application for pre-natal, pre-adoption and pre-surrogacy leave

An eligible employee who presents:

- a medical certificate from a doctor stating she is pregnant
- a letter from the Director-General of the relevant Queensland Government department administering adoptions, confirming the employee is going to adopt a child
- letter stating that the employee is part of a surrogacy arrangement

can have access to pre-natal leave, pre-adoption leave and pre-surrogacy leave of up to 25 hours (teachers), 36.25 hours (public servants) or 38 hours (teacher aides and cleaners), based on the average number of ordinary weekly hours:

- per pregnancy to attend medical appointments prior to the birth of a child/children; or
- per adoption to attend related interviews prior to the adoption of a child/children; or
- per surrogacy arrangement to attend related interviews and court hearings prior to the surrogacy of a child/children.

Application

- Eligible employees are required to submit an application for parental leave form (DoE employees only) or apply for leave via Employee Self Service in a timely manner for each leave application.
- The employee must provide to their manager, principal or supervisor documentary evidence relating to the medical appointment, adoption or surrogacy appointment.

Please note: paid pre-natal, pre-adoption or pre-surrogacy leave is *not available to an employee on unpaid leave*.

7. Accessing parental leave for temporary employees

- Temporary employees who have met the qualifying service period for parental leave and are due to give birth, adopt or be part of a surrogacy arrangement during either the course of their temporary engagement, or immediately after their temporary engagement expires, should submit a leave application for paid maternity leave prior to the completion of their temporary engagement (in line with requirements and timeframes outlined in the relevant steps for maternity, adoption or surrogacy).
- Managers, principals and supervisors consider applications for temporary employees on a case by case basis, taking into account:
  - if a pregnant employee accesses their entitlements to paid pre-natal leave during their temporary engagement, they may be considered eligible to access paid parental leave.
  - if an employee's temporary engagement would not have been extended because it was for a fixed period or fixed purpose, then it should not be extended in order to allow the employee to access paid parental leave.
- Manager, principals and supervisors or delegated officer must approve or reject the application for parental leave, providing advice to the temporary employee within 14 days of application.

Please note: temporary employees should not be disadvantaged and an application for parental leave must not be used, as the reason for termination of employment or the failure to renew an engagement.

8. Application for sick/carers leave while on paid parental leave

- Paid sick/carers leave is available to an employee who is on paid parental leave.
- While an employee is on **unpaid** parental leave, they are not entitled to access paid sick/carers leave unless the employer agrees.
- An employee is to submit a written application to their manager, principal or supervisor for sick/carers leave for periods of illness of more than three (3) working days. The application is to be supported by a medical certificate **or other** evidence acceptable to the chief executive or HR delegate.
- The manager, principal, supervisor or HR delegate reviews and approves the application if the requirements are met.
- The manager, principal or supervisor forwards the approved sick leave to payroll for processing.

9. Application to shorten parental leave or interrupt parental leave by returning to work

- An employee who wishes to shorten their parental leave is to provide their manager, principal or supervisor written notice of their intention to shorten parental leave a minimum of 14 days before the employee wishes to return to work.
- The manager, principal, supervisor or appropriate delegated officer:
  - approve the application to shorten parental leave or negotiates an appropriate return date based on work unit circumstances
  - provides the employee with timely written notice of the decision.

- For approved changes, the employee is to complete a variation to an application for parental leave form (DoE employees only) or provide details to payroll services in writing.

10. Application to extend parental leave

- The employee must provide their manager, principal or supervisor a written request for extension of unpaid parental leave within the following timeframe:
  - *an extension of short parental leave* – at least 2 business days before the leave ends
  - *an extension of long parental leave* – at least 4 weeks before the leave ends.
- The employee must state in their written application:
  - that the application is for extension of parental leave under section 73 of the *Industrial Relations Act 2016* (Qld)
  - the start and end dates for the period of extended parental leave
  - the impact a refusal to approve the application might have on the employee and the employee's dependents.
- The employee is to attach a statutory declaration by the employee stating they are seeking the extension of parental leave so that employee can continue to be responsible for the care of the child.
- The manager, principal or supervisor or appropriate delegated officer must consider the application and advise the employee of a decision to approve or refuse to approve their application:
  - *to extend short parental leave* – as soon as possible after receiving the application but before the short parental leave ends; or
  - *for any other application* – within 14 days after receiving the application.
- Where an application is refused, the manager, principal, supervisor or appropriate delegated officer must provide to the employee written reasons for refusing to approve the application.
- On approval of the extension, the employee is to complete a variation to an application for parental leave form (DoE employees only) or notify payroll services in writing.

11. Commonwealth Paid Parental Leave (CPPL)

In addition to state government entitlements, employees may be entitled to Commonwealth Paid Parental Leave Scheme payments (CPPL) accessible through the Department of Human Services.

Employees

- Discuss the intention to claim CPPL payments with manager/principal/supervisor.
- Discuss their individual circumstances with the Department of Human Services and payroll if they intend to take a period of maternity leave and/or primary carer leave.
- Lodge a claim for CPPL with the Department of Human Services.
- Discuss and agree to any 'keeping in touch' (KIT) activities with the manager/principal.
- Advise payroll services of any change to banking details.
- Advise and discuss with the manager/principal any requests for an early return to work.

- Inform payroll services and the Department of Human Services of any agreed early return to work or notifiable events e.g. exceeding 10 KIT days.

Please note: Employees in receipt of CPPL payments are not required to exhaust all paid leave e.g. recreation or long service leave prior to commencing unpaid parental leave. Employees may choose to avail themselves of accrued leave entitlements after a period of unpaid parental leave provided that the overall length of leave does not exceed the allowed parental leave period.

Manager, principal or supervisor

- Assist the employee with their application by providing the following details:
  - date of commencement with department
  - Department of Education ABN (see CPPL Information sheet (DoE employees only))
  - secondment or temporary employment end date if it falls within the CPPL period
  - payroll contact details for Family Assistance Office enquiries.
- Discuss and agree to any KIT activities.
- Discuss and agree to requests for an early return to work.
- Advise payroll services of any early return to work or notifiable events e.g. exceeding 10 KIT days.

12. Application to return to work on a part time basis

- The employee must complete and provide to their manager, principal or supervisor the Application and agreement form – part time work arrangements after returning from parental leave at least 7 weeks before the leave ends. The employee's written application is to include:
  - the period of employment the employee wishes to work on a part-time basis
  - the impact a refusal to approve the application might have on the employee and the employee's dependents.

Please note: an application to return to work on a part-time basis after a period of parental leave cannot extend beyond the day the child in relation to whom parental leave was taken is required to be enrolled for compulsory schooling under the *Education (General Provisions) Act 2006* (Qld). After this stage, any requests for part time work should be managed as a flexible work arrangement. The manager, principal, supervisor or appropriate delegated officer considers the application for return to work on a part-time basis and the available options to support the employee to return to work in a part time capacity. These considerations may include but are not limited to:

- Operational requirements, including allocation of workloads and employment arrangements of the work unit
- Financial concerns, such as any additional costs that may be incurred by the arrangement
- The employee's circumstances, including their skills and supervisory responsibilities, and their role as their child's caregiver.

For guidance on what to consider in relation to a part-time work request, please see the Assessing requests to work part-time – Manager information.

- Where an application is unable to be accommodated, the manager, principal or supervisor should contact their HR Business Partner to seek advice, prior to responding to an employee.
- The manager, principal, supervisor or appropriate delegated officer advises the employee of a decision to approve or refuse within 14 days after receiving the application.
- On approval of the part time return to work arrangement:
  - the agreement is documented using the Application and agreement – part-time work arrangements after returning from parental leave form including review dates and/or end date
  - the employee completes an appointment and roster variation form (DoE employees only) and submits to Payroll Services for processing.
- The arrangement is reviewed on a regular basis to ensure it continues to meet the needs of both the employee and the work unit. These reviews are recorded on the Application and agreement – part time work arrangements after returning from parental leave form.

13. Resumption of duty

- Employees must confirm their return to duty date in writing at least 4 weeks prior to the expiration of the period of parental leave.
- On resumption of duty the employee is to submit a Resumption of duties advice form (DoE employees only) if they have taken leave without pay in excess of nine days.
- Prior to returning to work, the employees manager, principal or supervisor must ensure:
  - the employee returns to the position they held immediately prior to starting parental leave (as outlined in the Queensland Employment Standards (QES))
  - that if the employee worked part-time or was transferred to a safe job because of the pregnancy before starting maternity leave, they return to the position held immediately prior to starting part-time work or transfer to a safe job
  - that if the employee's position no longer exists, but there are other positions available that the employee is qualified for and capable of performing, the employee is entitled to be employed in a position that is, as closely as possible, comparable in status and remuneration to that of the employee's former position
  - that the position to which the employee is entitled to is available to the employee
  - that if the employee is a long term casual whose hours were reduced because of the pregnancy before starting maternity leave, the employer must restore the employee's hours to hours equivalent to those worked immediately before the hours were reduced.

Lactation breaks

In accordance with the PSC Breastfeeding and work policy, an employee has the right to request lactation breaks to breastfeed and/or express.

The employee and their manager, principal or supervisor should negotiate and agree the timing of lactation breaks, allowing the flexibility needed to breastfeed or express milk. In doing so, consideration should be given to reasonable work unit needs with a focus on minimising disruption to the workplace and service delivery.

Appeals

In accordance with the provisions outlined in section 194 of the *Public Service Act 2008* (Qld), an employee may appeal a decision not to approve leave or a part-time working arrangement in the Queensland Industrial Relations Commission (QIRC).

Definitions

Term	Definition
Adoption leave	Leave taken by an employee at the time of the placement of an adopted child with the employee, or to enable the employee to be the child's primary caregiver. *Short adoption leave* is leave taken by an employee at the time of the placement of an adopted child with the employee. *Long adoption leave* is leave taken by an employee or by the spouse of an employee who has adopted a child to be the child's primary caregiver.
Casual employee	Long term casual employee – In accordance with the definition provided in section 15 of the *Industrial Relations Act 2016* (Qld) – *a casual employee engaged by a particular employer, on a regular and systematic basis, for several periods of employment during a period of at least 1 year immediately before the employee seeks to access parental leave.* Short term casual employee is all casual employees who are not long term casual employees as per definition above.
Child	A 'child' under the provision of this procedure means: In relation to maternity or spousal leave: • A child of the employee • A child of the employee's spouse who is under 1 year of age. In relation to adoption leave: • A child under the age of 5 years, but does not include a child who: o has previously lived continuously with the employee for a period of at least 6 months; or o is the child or stepchild of the employee or employee's spouse; or o in relation to surrogacy leave – a child born as a result of a surrogacy arrangement.
Commonwealth Paid Parental Leave (CPPL)	The CPPL scheme is an initiative of the federal government which will provide eligible working parents, who take parental leave, with payments at the National Minimum Wage rate for up to 18 weeks. The CPPL scheme does not provide an entitlement to parental leave and is independent of other state public service leave entitlements.

Term	Definition
	Employees should contact the Department of Human Services.
Confinement	The birth of a child/children or the ending of a pregnancy in other circumstances, that occurs no earlier than 20 weeks before the expected date of birth.
Employee	For the purposes of this procedure, an employee is anyone employed by the Department of Education who is eligible to apply for paid and unpaid parental leave and other related entitlements.
Keeping In Touch Days (KIT)	The purpose of KIT days is to 'keep in touch' with the employee's employment to facilitate a return to employment after the end of the period of parental leave. Employees may access up to 10 KIT days during their unpaid parental leave if: • The employer and employee agree to the employee performing the work on the day • The day is not within: o 14 days after the child was born, adopted or started residing with employee under a surrogacy arrangement; or o Otherwise 42 days after the child was born, adopted or started residing with employee under a surrogacy arrangement. • The employee has not worked 10 or more KIT days for the employer or another entity during the parental leave period. If the employee works on a KIT day, the period of parental leave is not broken or extended by the employee working on a KIT day. If the employee works greater than 10 KIT day's their CPPL payments may be ceased. For further information, refer to the Department of Human Services website.
Long adoption leave	Leave taken by an employee to enable the employee to be responsible for the care of a child adopted by the employee.
Long birth-related leave	• Maternity leave; or • Leave taken by an employee whose, spouse has given birth to a child, to enable the employee to be responsible for the care of the employee's child.
Long parental leave	• Long birth-related leave; or • Long adoption leave; or • Long surrogacy leave.
Long surrogacy leave	Leave taken by an employee to enable the employee to be responsible for the care of the employee's surrogate child.

Term	Definition
Maternity leave	Leave that a pregnant employee takes for the birth of her child; and/or to enable them to be the child's primary caregiver.
Parental leave	Paid or unpaid leave, including maternity leave, spousal leave, adoption leave or surrogacy leave.
Paid parental leave	Paid leave as provided in Paid Parental Leave (Directive 08/24) including paid maternity leave, paid spousal leave, paid adoption leave, paid surrogacy leave, paid pre-natal leave, paid pre-adoption leave or paid pre-surrogacy leave.
Paid special maternity leave	Leave that may be taken by a pregnant employee if the employee's pregnancy terminates, after 20 weeks, in other than the birth of a living child, the child dies during the period of maternity leave or the employee suffer illness related to her pregnancy.
Pre-adoption leave	Leave that may be taken by an eligible employee seeking to adopt a child/children and who will by the primary or secondary caregiver of the child to attend compulsory interviews or examinations connected with the adoption process.
Pre-natal leave	Leave available to eligible employees per pregnancy, to attend medical appointments prior to the birth of a child/children.
Pre-surrogacy leave	Leave that may be taken by an eligible employee who will be the primary or secondary caregiver of a child/children under a surrogacy arrangement to attend related interviews and court hearings prior to the surrogacy of a child/children.
Primary carer	A person who assumes the principal role of providing care and attention to a child.
Replacement employee	A person who is specifically employed because an employee (the parent) starts parental leave or is transferred to a safe job, or is replacing an employee who is temporarily promoted or transferred to replace the parent.
Short adoption leave	Leave taken by an employee who is responsible for the care of an adopted child, after the child is placed with the employee.
Short birth-related leave	Leave taken by an employee, who is responsible for the care of a child, in connection with the birth of the child of the employee's spouse: • after the birth of the child; or • at the time the pregnancy ends other than by the birth of a living child.
Short parental leave	• Short birth-related leave; or • Short adoption leave; or • Short surrogacy leave.

Term	Definition
Short surrogacy leave	Leave taken by an employee who is responsible for the care of the employee's surrogate child after the child starts residing with the employee.
Special adoption leave	Unpaid leave taken by an employee seeking to adopt a child to attend compulsory interviews or examination as part of the procedure for adoption under section 86 of the *Industrial Relations Act 2016* (Qld).
Special maternity leave and sick leave (unpaid)	Leave that may be taken by a pregnant employee if the employee's pregnancy terminates prior to 20 weeks in other than the birth of a child, the child dies during the period of maternity leave or the employee suffers illness related to her pregnancy.
Special surrogacy leave	Unpaid leave taken by an intended parent under a surrogacy arrangement to attend compulsory interviews or court hearings connected with the surrogacy process under section 87 of the *Industrial Relations Act 2016* (Qld).
Spouse of an employee	Includes a former spouse and a de facto spouse, including a spouse of the same sex as the employee.
Spousal leave	Short or long spousal leave taken by an employee is leave taken in connection with the birth of a child of the employee's spouse to enable the spouse to be the child's primary care giver. It is also referred to as short or long parental leave in the *Industrial Relations Act 2016* (Qld). *Short spousal leave* is leave taken by an employee in connection with the birth of child of the employee's spouse, at the time of the birth of the child or the termination of the pregnancy. *Long spousal leave* is leave taken by an employee whose spouse gives birth, to enable the employee to be the child's primary caregiver. For the birth of a child of an employee's spouse, an employee is entitled to the following leave: • an unbroken period of up to one (1) week's paid short spousal leave • a further unbroken period of up to fifty one (51) weeks unpaid long spousal leave after the birth of the child in order to be the child's primary caregiver.
Surrogacy arrangement	Refer to the *Surrogacy Act 2010* (Qld) section 7.
Surrogacy leave	Means long or short surrogacy leave. *Short surrogacy leave* is leave taken by an employee when a child born as a result of a surrogacy arrangement starts residing with the employee. *Long Surrogacy leave* is leave taken by an employee or by the spouse of an employee, to enable the employee to be the primary caregiver of a child born as a result of a surrogacy arrangement.

Term	Definition
	An employee who is an intended parent under a surrogacy arrangement is entitled to the following leave: • an unbroken period of up to one (1) week's unpaid short surrogacy leave • a further unbroken period of fifty one (51) weeks unpaid long surrogacy leave if the employee will be the child's primary care-giver.

Legislation

- *Industrial Relations Act 2016* (Qld)
- *Public Sector Act 2022* (Qld)
- Paid Parental Leave (Directive 08/24)
- Recognition of Previous Service (Directive 12/18)
- Leave Without Salary Credited as Service (Directive 15/24)
- Special Leave (Directive 12/24)
- *Surrogacy Act 2010* (Qld)
- *Human Rights Act 2019* (Qld)
- Department of Education State School Teachers' Certified Agreement 2019

Delegations/Authorisations

- HR Delegations Manual (DoE employees only)

Policies and procedures in this group

- Leave policy
- Cashing out annual/recreation leave procedure
- Employee leave procedure
- Purchased leave and deferred salary scheme procedure

Supporting information for this procedure

- Application and agreement form – part-time work arrangements after returning from parental leave
- Assessing requests to work part-time: Manager information
- Parental leave – Summary of entitlements: Human Resources guideline
- Part-time teaching factsheet
- Primary carer leave statutory declaration

Other resources

- Flexible work arrangements policy
- Reasonable adjustments procedure
- Application for parental leave (DoE employees only)
- Application for primary carer leave form (DoE employees only)
- Department of Human Services

Contact

For enquiries regarding parental leave eligibility or accessing parental leave, please contact your manager/principal/supervisor in the first instance.

For enquiries regarding the content of this procedure, please contact Integrity and Employee Relations at EmployeeRelations.HUMANRES@qed.qld.gov.au or telephone (07) 3513 6512

Review date

13/07/2020

Superseded versions

Previous seven years shown. Minor version updates not included.

4.0 Parental leave

Creative Commons licence

Attribution CC BY

Refer to the Creative Commons Australia site for further information