**Parental leave**

**Summary of entitlements**

**Human Resources Guideline**

**Version effective:** 13/07/2018

**Version:** 1.0

**Purpose**

The purpose of the guideline is to provide employees and managers/principals with information about the kinds of parental leave that are available to:

* an employee who is pregnant or whose spouse is pregnant
* an employee with whom an adopted child is placed
* an employee who is an intended parent under a surrogacy arrangement.

This guideline should be read as a supporting document to the [Parental leave procedure](https://ppr.qed.qld.gov.au/pp/parental-leave-procedure) which outlines the procedure when applying for parental leave, notice and evidentiary requirements and definitions.

**Using this guide effectively**

Use the following tables to quickly reference the sections relevant to you:

|  |
| --- |
| **Accessing parental leave (i.e. you or your spouse are having a baby)** |
| Parental leave – timing | [page 3](#_Parental_leave_–) |
| Birth-related entitlements | [page 4](#_BIRTH_RELATED_ENTITLEMENTS) |
| Other entitlements | [page 1](#_OTHER_ENTITLEMENTS)7 |

|  |
| --- |
| **Accessing adoption leave**  |
| Parental leave – timing | [page 3](#_Parental_leave_–) |
| Adoption entitlements | [page 1](#_ADOPTION_ENTITLEMENTS)0 |
| Other entitlements | [page 1](#_OTHER_ENTITLEMENTS)7 |

|  |
| --- |
| **Accessing surrogacy leave** |
| Parental leave – timing | [page 3](#_Parental_leave_–) |
| Surrogacy entitlements | [page 13](#_SURROGACY_ENTITLEMENTS) |
| Other entitlements | [page 1](#_OTHER_ENTITLEMENTS)7 |

**Parental leave – timing**

A period of parental leave must not extend beyond 52 weeks after the child is born, adopted or started residing with the employee under the surrogacy arrangements, unless an extension is granted under section 73 of the [*Industrial Relations Act 2016* (Qld)](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-063).

A period of parental leave includes:

* the period of long or short parental leave taken by the employee’s spouse in relation to the same pregnancy or child. Parental leave (spousal) is to commence immediately after or in conjunction with the birth of the child, and must be taken as the ‘initial leave period’; and
* other leave (recreation leave, sick leave and long service leave)

There is no requirement for employees to exhaust other leave before commencing a period of unpaid parental leave.

* An eligible employee is entitled to take approved paid parental leave in one unbroken period, as the initial absence of an approved parental leave period.
* An eligible employee is entitled to access paid parental leave at any time after they have confirmed they are pregnant.
* Where, after the first twenty weeks, a pregnancy terminates in other than the birth of a living child or where the child dies during the period of paid maternity leave, the employee shall continue to be entitled to paid special maternity leave.
* An employee who is pregnant must commence parental leave at least 6 weeks prior to the estimated date of confinement (EDC), or from the premature birth of a child, whichever is sooner (unless varied as per the below bullet point.) The employee must remain on maternity leave until at least 6 weeks after the birth of the child (this may be reduced upon application by the employee accompanied by medical documentation certifying fitness to return to duty). The paid maternity leave component of parental leave is payable from the commencement of leave.
* An employee who is pregnant may request that parental leave commence from a date which is less than 6 weeks prior to their EDC. In order to access this leave, the employee must provide a medical certificate stating their fitness for duty up to a date specified by their medical practitioner.

**Birth-related entitlements**

This section applies if you or your spouse are having a baby.

1. **Pre-natal leave**
2. **What is pre-natal leave?**

Pre-natal leave is leave that may be taken by a pregnant employee, or an employee whose spouse is pregnant, to attend medical appointments prior to the birth of a child/children.

1. **What is the entitlement?**

Eligible employees are entitled to the following period of paid pre-natal leave:

|  |  |  |
| --- | --- | --- |
| Paid v Unpaid | Employee |  Entitlement |
| Paid | A pregnant employee An employee whose spouse is pregnant | Up to a total of 36.25 hours (public servants), 38 hours (teacher aides and cleaners) or 25 hours (teachers) hours paid leave (based on the average ordinary hours worked in a day), inclusive of any public holidays arising within that time.ORA longer period by extension (e.g. by taking the leave on a half-pay basis).Up to a total of 7.25 hours (public servants), 7.6 hours (teacher aides and cleaners) or 5 hours (teachers) hours leave (based on the average ordinary hours worked in a day) per pregnancy to attend related medical appointments prior to the birth of a child/children. |
| Unpaid | N/A | N/A |
| \*please note: part-time employees will be entitled to leave at a proportional rate of their FTE |

1. **Maternity leave**
2. **What is maternity leave?**

Maternity leave is leave that may be taken by a pregnant employee for the birth of the child.

An eligible employee whose expected date of confinement has been confirmed in writing by a medical practitioner will be entitled to fourteen (14) weeks paid maternity leave. The paid maternity leave is to be taken as the initial absence on the approved maternity leave period. This 14 week period of paid leave is inclusive of any public holidays arising within that time. The period of paid maternity leave can be extended by the employee taking the leave on a half-pay basis or by taking sick leave while on paid maternity leave.

1. **What is the entitlement?**

Eligible employees are entitled to the following period of maternity leave:

|  |  |  |
| --- | --- | --- |
| Paid v Unpaid | Employee |  Entitlement |
| Paid | A pregnant employee  | 14 weeks paid leave (inclusive of any public holidays arising within that time)ORA longer period by extension (e.g. by taking the leave on a half-pay basis).\*\*Teachers entitlement to paid leave is **exclusive** of any school vacations that fall within the 14 week period\*\*. |
| Unpaid | A pregnant employee | An additional 38 weeks unpaid leave (unbroken), to make a total maximum of 52 weeks leave.Note: the leave can be for the birth of the child or to enable the employee to be responsible for the care of the child.  |
| \*please note: part-time employees will be entitled to leave at a proportional rate of their FTE |

Both paid and unpaid maternity leave must be taken in one unbroken period.

An exception applies to maternity leave that an employee is directed to take because of an unsafe work environment, which may be taken over one or more periods. For further information, please refer to the last section of this guideline *[Other Entitlements – Transfer to a Safe Job](#_OTHER_ENTITLEMENTS)*.

1. **Combining paid and unpaid maternity leave**

An employee may combine a period of paid and unpaid maternity leave.

The paid maternity leave is to be taken as the initial absence on the approved maternity leave period.

1. **Commencement of paid maternity leave**

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 manger/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.

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

* the date that the employee seeks to commence maternity leave; or
* the date at which the doctor’s certificate indicates the employee is unfit to work; or
* 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).

1. **Maximum period of maternity leave**

Paid maternity leave must not extend beyond 14 weeks after the child was born, unless an application to access the leave on half-pay basis has been approved. The maximum period of paid maternity leave on a half pay basis is 28 weeks.

Unpaid maternity leave must not extend beyond 52 weeks (including paid and unpaid leave) after the child was born, unless an application to extend unpaid parental leave has been approved. An extension of unpaid maternity leave, using extended special leave, must not exceed 104 weeks beyond the date the child was born (reduced by the amount of short parental leave taken).

The process to apply for an extension of paid and unpaid maternity leave is detailed in [the Parental leave procedure](https://ppr.qed.qld.gov.au/pp/parental-leave-procedure).

1. **Special maternity leave and sick leave**
2. **What is special maternity leave?**

Special maternity leave is leave that may be accessed by a pregnant employee who:

* after 20 weeks, the employee’s pregnancy terminates in other than the birth of a living child, will be eligible to access paid special maternity leave
* before 20 weeks, the employee’s pregnancy terminates in other than the birth of a living child, will be eligible to access unpaid special maternity leave.

Paid sick leave is available to an employee who is on paid parental leave. Sick leave may be granted instead of paid parental leave where:

* an employee submits a written application for sick/carers leave, supported by a medical certificate **or other** evidence acceptable to the chief executive; and
* the period illness is more than three (3) working days

Eligible employees are entitled to the following:

| Paid v Unpaid | Employee | Entitlement |
| --- | --- | --- |
| Paid | A pregnant employee if, after 20 weeks: a) the employee’s pregnancy terminates in other than the birth of a child (for example, a miscarriage or still-birth); orb) the child dies during the period of paid maternity leave.  | The entirety of the 14 weeks maternity leave the employee was entitled to prior to the termination of pregnancy or death of the child. |
| Unpaid | A pregnant employee if: a) the employee's pregnancy ends before the expected date of birth, other than by birth of a living child; or b) before the employee starts maternity leave, the employee suffers illness related to her pregnancy. | Leave for as long as a doctor certifies is necessary (note: the employee may also be entitled to access paid sick leave and/or other leave, either instead of, or as well as, special maternity leave to be considered on a case by case basis). |
| \*please note: part-time employees will be entitled to leave at a proportional rate of their FTE |

1. **Spousal leave**
2. **What is spousal leave?**

For the purpose of paid spousal leave, spousal leave is leave taken by an employee in connection with the birth of a child/children for whom that employee has accepted responsibility.

For the purpose of unpaid spousal leave, spousal leave is leave taken by any employee who is responsible for the care of the spouse’s child (short spousal leave) or to enable the employee to be responsible for the care of the child (long spousal leave).

1. **What is the entitlement?**

Eligible employees are entitled to the following period of spousal leave:

|  |  |  |
| --- | --- | --- |
| Paid v Unpaid | Employee | Entitlement  |
| Paid | An employee whose spouse is pregnant and who has accepted responsibility for the child/children not yet born.  | 1 week's paid leave (inclusive of public holidays arising within that time)ORA longer period by extension (e.g. by taking the leave on a half-pay basis). |
| Unpaid | **Short spousal leave**: an employee who is responsible for the care of the spouse’s child/children **Long spousal leave:** An employee whose spouse has given birth to a child/children to enable the employee to be responsible for the care of the child.  | A total of 8 weeks (unbroken or broken) leaveNote: the leave may only be taken:1. after the birth of the child; or
2. at the time the pregnancy ends other than by the birth of a living child.

**Up** to 44 weeks (unbroken) leave (totalling a maximum of 52 weeks of paid and unpaid leave in total). |
| \*please note: part-time employees will be entitled to leave at a proportional rate of their FTE |

1. **Combining paid and unpaid spousal leave**

An employee whose spouse gives birth may combine a period of paid and unpaid short and long spousal leave.

The paid spousal leave must be taken as the “initial” absence and cannot be extended other than by the employee taking the leave on a half-pay basis.

Short spousal leave may be taken as one continuous period of up to 8 weeks leave or for broken periods of up to 8 weeks provided the minimum period of leave taken is 2 weeks. An exception applies to short birth related leave taken for the birth of the child, where no minimum period of leave applies.

1. **Maximum period of spousal leave**

Paid spousal leave must not extend beyond 1 week after the child was born, unless extended by taking the leave on a half-pay basis or by taking sick leave on paid spousal leave. The maximum period of spousal leave on a half-pay basis is 28 weeks.

Long spousal leave must not extend beyond 52 weeks after the child was born, unless an application to extend unpaid spousal has been approved. An extension of long spousal leave must not exceed 104 weeks beyond the date the child was adopted (reduced by the amount of short spousal leave taken).

1. **Taking spousal leave concurrently with maternity leave**

An employee may take short paid spousal leave whilst the employee’s spouse is on maternity leave. However, the employee’s spouse’s entitlement to maternity leave will be reduced by any short unpaid spousal leave taken concurrently by the employee.

An employee may not take long spousal leave whilst the employee’s spouse is in on maternity leave.

**Adoption entitlements**

This section applies if you or your spouse are adopting a baby.

1. **Pre-adoption leave**
2. **What is pre-adoption leave?**

Pre-adoption leave is leave that may be taken by an employee seeking to adopt a child/children to attend compulsory interviews or examinations connected with the adoption process.

1. **What is the entitlement?**

Eligible employees are entitled to the following period of pre-adoption leave:

|  |  |  |
| --- | --- | --- |
| Paid v Unpaid | Employee |  Entitlement |
| Paid | An employee who is adopting a child/children and will be the primary caregiver.An employee who is adopting a child/children and will be the secondary caregiver. | Up to a total of 36.25 hours (public servants), 38 hours (teacher aides and cleaners) or 25 hours (teachers) hours paid leave (based on the average ordinary hours worked in a day), inclusive of any public holidays arising within that time per adoption to attend related interviews prior to the adoption of a child/children. Up to a total of 7.25 hours (public servants), 7.6 hours (teacher aides and cleaners) or 5 hours (teachers) hours paid leave (based on the average ordinary hours worked in a day), inclusive of any public holidays arising within that time per adoption to attend related interviews prior to the adoption of a child/children.  |
| Unpaid | n/a | n/a  |
| \*please note: part-time employees will be entitled to leave at a proportional rate of their FTE |

Note: an employee cannot be deemed to be both the primary and secondary caregiver and therefore cannot access both entitlements to paid pre-adoption leave**.**

1. **Adoption leave**
2. **What is adoption leave?**

For the purpose of paid adoption leave, adoption leave means leave taken by an employee who will be the primary caregiver of a child.

For the purpose of unpaid adoption leave, adoption leave means short adoption leave and long adoption leave.

1. **What is the entitlement?**

Eligible employees are entitled to the following period of paid and/or unpaid adoption leave:

|  |  |  |
| --- | --- | --- |
| Paid v Unpaid | Employee |  Entitlement |
| Paid | An employee who is adopting a child/children and is the primary caregiver of the child/children An employee who is adopting a child/children and will be the secondary caregiver | 14 weeks paid leave (inclusive of public holidays arising within that time)OR A longer period by extension (e.g. by taking the leave on a half-pay basis)1 week's paid leave (inclusive of public holidays arising within that time)ORA longer period by extension (e.g. by taking the leave on a half-pay basis) |
| Unpaid | **Short adoption leave:** an employee who is responsible for the care of a child/children adopted by the employee**Long adoption leave:** an employee who is responsible for the care of a child/children adopted by the employee | 8 weeks unpaid leave (broken or unbroken) Note: If the employee takes short adoption leave other than immediately after the employee's adopted child starts residing with the employee, the short adoption leave must be for a minimum 2-week period. Up to 52 weeks (unbroken) leave (including paid and unpaid leave)ORA longer period by extension (e.g. by taking the leave on a half-pay basis) |
| \*please note: part-time employees will be entitled to leave at a proportional rate of their FTE |

1. **Combining paid and unpaid adoption leave**

An employee may combine a period of paid and unpaid long and short adoption leave.

The paid adoption leave is to be taken as the initial absence of the approved adoption leave period.

An employee may then take both short and long adoption leave.

Short adoption leave may be taken as one continuous period of up to 8 weeks leave or for broken periods of up to 8 weeks provided the minimum period of leave taken is 2 weeks. An exception applies to short adoption leave taken when the child is placed with the employee, where no minimum period of leave applies.

Long adoption leave may not be broken and no minimum period of leave applies.

1. **Maximum period of adoption leave**

Paid adoption leave must not extend beyond 14 weeks after the child was adopted, unless extended by taking the leave on a half-pay basis or by taking sick leave on paid adoption leave. The maximum period of adoption leave on a half-pay basis is 28 weeks.

Long adoption leave must not extend beyond 52 weeks after the child was adopted, unless an application to extend unpaid long adoption leave has been approved. An extension of long adoption leave must not exceed 104 weeks beyond the date the child was adopted (reduced by the amount of short adoption leave taken).

The process to apply for an extension of paid and unpaid adoption leave is detailed in the [Parental leave procedure](https://ppr.qed.qld.gov.au/pp/parental-leave-procedure).

1. **Taking adoption leave concurrently**

An employee may take short adoption leave at the same time as the employee’s spouse is on long adoption leave. However, an employee’s entitlement to long adoption leave will be reduced by any short adoption leave taken concurrently by the employee’s spouse.

An employee may not take long adoption leave at the same time the employee’s spouse is on long adoption leave.

1. **Special adoption leave**
2. **What is special adoption leave?**

Special adoption leave is leave taken by an employee seeking to adopt a child to attend compulsory interviews or examination as part of the procedure for adoption.

1. **What is the entitlement?**

|  |  |  |
| --- | --- | --- |
| Paid v Unpaid | Employee | Entitlement |
| Paid | An employee seeking to adopt a child/children as the primary caregiver.An employee seeking to adopt a child/children as the secondary caregiver. | Up to a total of 36.25 hours (public servants), 38 hours (teacher aides and cleaners) or 25 hours (teachers) hours paid leave (based on the average ordinary hours worked in a day), inclusive of any public holidays arising within that time to attend compulsory interviews or examinations as part of the procedure for adoption.Up to a total of 7.25 hours (public servants), 7.6 hours (teacher aides and cleaners) or 5 hours (teachers) hours paid leave (based on the average ordinary hours worked in a day), hours to attend compulsory interviews or examinations as part of the procedure for adoption. |
| Unpaid | An employee seeking to adopt a child/children. | 2 days unpaid leave to attend compulsory interviews or court hearings associated with the surrogacy arrangement. |
| \*please note: part-time employees will be entitled to leave at a proportional rate of their FTE |

**Surrogacy entitlements**

This section applies if you or your spouse are having a baby.

1. **Pre-surrogacy leave**
2. **What is pre-surrogacy leave**

Pre-surrogacy leave is leave that may be taken by an 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.

**What is the entitlement?**

Eligible employees are entitled to the following period of pre-surrogacy leave:

|  |  |  |
| --- | --- | --- |
| Paid v Unpaid | Employee |  Entitlement |
| Paid | An employee who is an intended parent under a surrogacy arrangement and will be the primary caregiver.An employee who is an intended parent under a surrogacy arrangement and will be the secondary caregiver. | Up to a total of 36.25 hours (public servants), 38 hours (teacher aides and cleaners) or 25 hours (teachers) hours paid leave (based on the average ordinary hours worked in a day), inclusive of any public holidays arising within that time per surrogacy to attend related interviews and court hearings prior to the surrogacy of a child/children.Up to a total of 7.25 hours (public servants), 7.6 hours (teacher aides and cleaners) or 5 hours (teachers) hours paid leave (based on the average ordinary hours worked in a day), inclusive of any public holidays arising within that time per surrogacy to attend related interviews and court hearings prior to the surrogacy of a child/children. |
| Unpaid | N/A | N/A |
| \*please note: part-time employees will be entitled to leave at a proportional rate of their FTE |

1. **Surrogacy leave**
2. **What is surrogacy leave**

For the purpose of paid surrogacy leave, surrogacy leave means leave taken by an employee who is an intended parent under a surrogacy arrangement and who will be the primary or secondary caregiver for the child/children.

For the purpose of unpaid surrogacy leave, surrogacy leave means long surrogacy leave and short surrogacy leave.

1. **What is the entitlement?**

Eligible employees are entitled to the following period of surrogacy leave:

|  |  |  |
| --- | --- | --- |
| Paid v Unpaid | Employee |  Entitlement |
| Paid | An employee who is an intended parent under a surrogacy arrangement and will be the primary caregiver.An employee who is an intended parent under a surrogacy arrangement and will be the secondary care-giver. | 14 weeks paid leave (inclusive of public holidays arising within that time)OR A longer period by extension (e.g. by taking the leave on a half-pay basis)1 week's paid leave (inclusive of public holidays arising within that time)ORA longer period by extension (e.g. by taking the leave on a half-pay basis) |
| Unpaid | **Short surrogacy leave:**  employee who is an intended parent under a surrogacy arrangement and will be the secondary caregiver. **Long surrogacy leave:**  employee who is an intended parent under a surrogacy arrangement and will be the secondary caregiver. | 8 weeks unpaid leave (broken or unbroken) Note: If the employee takes short surrogacy leave other than immediately after the employee's surrogate child starts residing with the employee, the short surrogacy leave must be for a minimum 2-week period. Up to 52 weeks (unbroken) leaveORA longer period by extension (e.g. by taking the leave on a half-pay basis) |
| \*please note: part-time employees will be entitled to leave at a proportional rate of their FTE |

1. **Combining paid and unpaid surrogacy leave**

An employee may combine a period of paid and unpaid surrogacy leave.

The paid surrogacy leave is to be taken as the initial absence on the approved surrogacy leave period.

An employee may then take short and long surrogacy leave.

Short surrogacy leave may be taken as one continuous period of up to 8 weeks leave, or for broken periods of up to 8 weeks, provided the minimum period of leave taken is 2 weeks. An exception applies to short surrogacy leave taken when the child starts residing with the employee, where no minimum period applies.

Long surrogacy leave must be unbroken and no minimum leave period applies.

1. **Maximum period of surrogacy leave**

Paid surrogacy leave must not extend beyond 14 weeks after the child started residing with the employee, unless an application to take surrogacy leave on a half-pay basis has been approved. The maximum period of extended surrogacy leave on a half-pay basis is 28 weeks.

Unpaid surrogacy leave must not extend beyond 52 weeks after the child started residing with the employee, unless an application to extend unpaid surrogacy leave has been approved. An extension of unpaid surrogacy leave must not exceed 104 weeks beyond the date the child was adopted (reduced by the amount of short parental leave taken).

The process to apply for an extension of paid and unpaid surrogacy leave is detailed in the [Parental leave procedure](https://ppr.qed.qld.gov.au/pp/parental-leave-procedure).

1. **Taking surrogacy leave concurrently**

An employee may take short surrogacy leave at the same time the employee’s spouse is on long surrogacy leave. However, an employee’s entitlement to long surrogacy leave will be reduced by any short surrogacy leave taken concurrently by the employee’s spouse.

The employee may not however take long surrogacy leave at the same time the employee’s spouse is on long surrogacy leave.

1. **Special surrogacy leave**
2. **What is special surrogacy leave**

Special surrogacy leave is leave taken by an intended parent under a surrogacy arrangement to attend compulsory interviews or court hearings connected with the surrogacy process.

1. **What is the entitlement?**

|  |  |  |
| --- | --- | --- |
| Paid v Unpaid | Employee |  Entitlement |
| Paid | An employee who is an intended parent under a surrogacy arrangement as the primary caregiver.An employee who is an intended parent under a surrogacy arrangement as the secondary caregiver. | Up to a total of 36.25 hours (public servants), 38 hours (teacher aides and cleaners) or 25 hours (teachers) hours paid leave (based on the average ordinary hours worked in a day), inclusive of any public holidays arising within that time to attend compulsory interviews or examinations as part of the procedure for adoption.Up to a total of 7.25 hours (public servants), 7.6 hours (teacher aides and cleaners) or 5 hours (teachers) hours paid leave (based on the average ordinary hours worked in a day), inclusive of any public holidays arising within that time to attend compulsory interviews or examinations as part of the procedure for adoption. |
| Unpaid | An employee who is an intended parent under a surrogacy arrangement. | 2 days unpaid leave to attend compulsory interviews or court hearings associated with the surrogacy arrangement. |
| \*please note: part-time employees will be entitled to leave at a proportional rate |

**Other entitlments**

1. **Transfer to a safe job**

Where the present work of a female employee who is pregnant or breastfeeding creates a risk to the health and safety of the employee or her unborn or newborn child, the employer must temporarily adjust the employee’s working conditions or hours of work to avoid exposure to the risk.

If an adjustment is not feasible or cannot reasonably be required to be made, the employer must transfer the employee to other appropriate work, or, if a transfer is not feasible or cannot reasonably be required to be made, the employer must grant the employee maternity leave or any available paid sick leave, for as long as a doctor certifies the leave is necessary to avoid exposure to the risk.

For more information on:

* [Breastfeeding and work - PSC policy](https://www.forgov.qld.gov.au/documents/policy/breastfeeding-and-work-policy)
* reasonable adjustments including transfer of duties – please see the [Reasonable adjustments procedure](https://ppr.qed.qld.gov.au/pp/reasonable-adjustments-procedure).
1. **Keeping In Touch (KIT) days**

Employees may work KIT days during their unpaid parental leave if:

1. The purpose of the day is for the employee to keep in touch with their employment to facilitate a return to work after a period of parental leave; and
2. The employer and employee agree to the employee performing the work on the day; and
3. The day is not within:
	1. 14 days after the child was born, adopted or started residing with the employee under a surrogacy arrangement; or
	2. Otherwise – 42 days after the child was born, adopted, or started residing with the employee under a surrogacy arrangement; and
4. The employee has not worked 10 or more KIT days for their employer or another entity during their leave period.

\*\*Please note: if an employee completes more than 10 KIT days, they will lose entitlement to claim Commonwealth Paid Parental Leave (CPPL). For further information in relation to KIT days and CPPL please refer to the departments’ information statement [(CPPL)](https://intranet.qed.qld.gov.au/Services/HumanResources/payrollhr/payrollallowancessuper/Documents/cppl-fact-sheet.pdf) (DoE employees only) or the [Department of Human Services](https://www.humanservices.gov.au/customer/services/centrelink/parental-leave-pay?utm_id=10) website.

1. **Return to work**
2. **Entitlement to return to work**

All employees who take parental leave are entitled to return to work at the completion of a period of parental leave and be employed in:

1. the position held by the employee immediately before starting parental leave; or
2. if the employee worked part-time because of the pregnancy before starting maternity leave – the position held by the employee immediately before starting part-time work; or
3. if the employee was transferred to a safe job under section 89 of the *Industrial Relations Act 2016* (Qld) before starting maternity leave – the position held by the employee immediately before the transfer; or
4. if the position mentioned in (a) to (c) above no longer exists, but there are other positions available that the employee is qualified for and is capable of performing, the employee is entitled to be employed in a position that is nearly as possible, comparable in status and remuneration to the former position.

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.

1. **Application to work part-time**

All employees who take parental leave are entitled to apply to return to work on a part-time basis. The process to apply to return to work on a part time basis is detailed in the [Parental leave procedure](https://ppr.qed.qld.gov.au/pp/parental-leave-procedure).

1. **Lactation breaks**

In accordance with the PSC [Breastfeeding and work policy](https://www.forgov.qld.gov.au/documents/policy/breastfeeding-and-work-policy), an employee has the right to request lactation breaks to breastfeed and/or express.

1. **Agreement to break period of parental leave**

An employer and employee may agree that the employee break the employee’s period of parental leave, by the employee returning to work on a full time, part-time or casual basis.

The process to apply to break the period of parental leave is detailed in the [Parental leave procedure](https://ppr.qed.qld.gov.au/pp/parental-leave-procedure).

1. **Agreement to shorten period of parental leave**

An employee and employer may agree that the employee shorten a period of parental leave.

The process to apply to shorten parental leave is detailed in the [Parental leave procedure](https://ppr.qed.qld.gov.au/pp/parental-leave-procedure).

1. **Extending parental leave**

An employee may apply to extend paid parental leave up to 28 weeks by accessing the leave on half-pay. The minimum period an employee may take parental leave on half-pay is two calendar weeks (irrespective of the rate of pay for the period).

Note: an employee cannot take paid pre-natal, pre-adoption or pre-surrogacy leave on a half-pay basis.

An employee may also apply to extend unpaid long parental leave for up to 104 weeks beyond the date the child was born, adopted or started residing with the employee under a surrogacy arrangement, (reduced by the amount of short parental leave taken). An application to extend unpaid long parental leave may only be made once in a 12 month period (unless the employer agrees otherwise) and must not extend beyond 52 weeks after the birth of the child or when the child was adopted or started residing with the employee under a surrogacy arrangement.

The process to apply to extend paid and unpaid parental leave is detailed in the [Parental leave procedure](https://ppr.qed.qld.gov.au/pp/parental-leave-procedure).

1. **Subsequent period of parental leave**

The following employees are eligible, without returning to work, for a subsequent period of parental leave:

* an employee who becomes pregnant while on parental leave; or
* an employee whose spouse becomes pregnant while that employee is on parental leave; or
* an employee who is to adopt a child/children while on parental leave; or
* an employee who is an intended parent under a surrogacy arrangement while on parental leave.