

EXTRACT

27. PARENTAL LEAVE

[new 27.1 inserted by PR969417 ppc 07Mar06]

27.1 Subject to the terms of this clause, employees are entitled to maternity, adoption and paternity leave in accordance with clauses 28, 29 and 30 respectively and to work part-time in connection with the birth or adoption of a child.

The provisions of this clause apply to full time employees and part time employees generally and for eligible casual employees only in relation to unpaid parental leave, but do not apply to other casual employees.

An **eligible casual employee** means a casual employee:

- (a) employed by an employer on a regular and systematic basis for several periods of employment or on a regular and systematic basis for an ongoing period of employment during a period of at least 12 months; and
- (b) who has, but for the pregnancy or the decision to adopt, a reasonable expectation of ongoing employment.

For the purposes of this clause, **an ongoing period of employment** is work for an employer on a regular and systematic basis (including any period of authorised absence).

An employer must not fail to re-engage a casual employee because:

- (a) the employee or employee's spouse is pregnant; or
- (b) the employee is or has been immediately absent on parental leave.

This clause is not intended to alter the nature of casual employment and the rights of an employer in relation to engagement and re-engagement of casual employees are not affected, other than in accordance with this clause.

An eligible casual employee employed by their current employer, on or after 1 January 2005 shall be entitled to parental leave under the terms of this award on and from 1 January 2006.

[27.1 renumbered as 27.1A by PR969417 ppc 07Mar06]

27.1A An employee who is granted leave under clauses 28 - Maternity leave, 29 - Adoption leave and 30 - Paternity leave, shall be entitled to the following provisions:

27.1A.1 Upon the expiration of the period of leave, the employee shall be entitled to resume work on the same time fraction and on his or her substantive classification and salary as applied at the commencement of the leave, with duties commensurate with his or her qualifications and experience and as far as practicable similar to those performed by the employee prior to the taking of parental leave.

27.1A.2 Notwithstanding 27.1A.1. above, where, on returning to work on the expiration of any period of parental leave, the employee's former position no longer exists and there are other positions available for which the employee is qualified and capable of performing, the employer must make available to the employee a position comparable to that of the former position.

27.2 An employee shall be entitled to resume duty subject to twelve weeks written notice being given to the employer of his or her intention to return to work unless a lesser period of notice is accepted by the employer.

EXTRACT

[27.3 inserted by PR969417 ppc 07Mar06]

- 27.3** An employee entitled to parental leave may request the employer to allow the employee:
- 27.3.1(a)** to extend the period of unpaid leave under clauses 28, 29 and 30 by a further period of unpaid leave not exceeding 52 weeks;
- 27.3.1(b)** to return from a period of parental leave on a part-time basis until the child reaches school age to assist the employee in reconciling work and parental responsibilities.
- 27.3.2** The employer shall consider the request under clause 27.3.1 having regard to the employee's circumstances and, provided the request is genuinely based on the employee's parental responsibilities, may only refuse the request on reasonable grounds related to the effect on the workplace or the employer's business. Such grounds might include cost, lack of adequate replacement staff, loss of efficiency and impact on customer service.

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