

Only Early Learning Centre



Pregnancy, Maternity and Paternity Leave Handbook

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Overview

Only Early Learning Centre is committed to supporting staff with family responsibilities. This handbook is used to explain the service guidelines, flexible working conditions, parental leave entitlements, important dates to remember, policies, procedures and support structures that are in place for expectant and new parents at Only Early Learning Centre.

Important Dates

Action	Notification Period
You must notify Only ELC in writing of your intention to take unpaid parental leave. This must include the intended start and end dates of the leave.	At least 10 weeks before you wish to begin unpaid parental leave.
You must produce a Doctor's Certificate indicating your fitness to continue work.	If you intend to work in the last 6 weeks of the pregnancy.
Confirm in writing the start and end dates of your unpaid parental leave and any changes.	At least 4 weeks before you start unpaid parental leave
Confirm in writing that you are returning to work from unpaid parental leave.	4 weeks before returning to work.
Inform Only ELC in writing that you intend to extend the initial period of unpaid parental leave.	At least 4 weeks before your expected date of return.

Pregnancy

Only Early Learning Centre will support women who continue to work whilst pregnant or trying to become pregnant. A healthy and safe environment for work, as well as a workplace free of discrimination on the basis of pregnancy or potential pregnancy will be upheld.

Workplace Health and Safety

You may experience physical effects during stages of their pregnancy. These effects may prevent you from performing your work responsibilities or you may require modifications to your working arrangements or work environment. These modifications may change throughout your pregnancy. If at any time you would like to discuss changes, come and visit a member of management.

These modifications can include (where reasonable):

- Room changes
- Shift length changes
- Start and finish time changes
- Limitations on certain responsibilities

Assessing risks after notification

On receiving notification of pregnancy, Only Early Learning Centre will reassess the workplace to identify any foreseeable hazards that could give rise to risk to health or safety and implement controls to ensure that exposure to the risks does not cause harm to new and expectant mothers. It is also your responsibility to ensure that you do not partake in any behaviour or actions that could pose a risk to yourself or your pregnancy. Common risks can include:

- Lifting and Handling
- Prolonged sitting or standing
- Infectious diseases
- Chemicals
- Bullying
- Work-related stress

Employee Responsibilities

It is the responsibility of the pregnant employee to raise any difficulties that they are experiencing in regard to performing their duties at the service so that potential risks to health can be avoided and quality care maintained.

Service Responsibilities

Throughout your pregnancy and after giving birth Only Early Learning Centre must:

1. Grant you unpaid Parental Leave
2. Provide you your same job when you return to work
3. Not dismiss you because you are pregnant, have applied for or are on parental leave
4. If your position no longer exists when returning from unpaid Parental Leave, you are entitled to return to an available position for which you are qualified and nearest in status and at the same pay rate as your former position
5. Keep all written notices about Parental Leave including letters and doctors certificate for seven years

Personal Leave

Under the Fair Work Act, an employee may take personal/carer's leave if the leave is taken because the employee is not fit for work, because of personal illness or injury. An employee may also take personal/carer's leave to provide care to a member of the employee's immediate family or household, due to personal illness, injury or unexpected emergency.

An employee may access personal leave because of a pregnancy-related illness. Personal leave may not be granted for pre-natal appointments.

Parental Leave

Parental Leave Pay assists eligible working parents with costs following the birth or recent adoption of a child. Employees can receive Parental Leave Pay at the national minimum wage for up to 18 weeks. This payment is administered by the Australian Government Department of Human Services.

Parental leave is leave that can be taken when:

- An employee gives birth
- An employee's spouse or de facto partner gives birth
- An employee adopts a child under 16 years of age

Employees are entitled to 12 months of Unpaid Parental Leave. If you plan to take 12 months Parental Leave you may request an extension of a further 12 months leave (up to 24 months in total). You must request this extension in writing at least four weeks before the end of the initial period of leave. Only Early Learning Centre will respond within 21 days stating whether the extension is granted or refused. Extensions may only be refused on Reasonable Business Grounds which could include:

- Effect on the workplace including finances, efficiency and productivity.
- Inability to manage the workload among existing staff
- Inability to recruit a replacement employee

Eligible employees are entitled to 18 weeks leave paid at the national minimum wage.

Generally, Parental Leave can only be taken by one parent at a time and in a single continuous period.

All Unpaid Parental Leave will not extend beyond 24 months after the date of birth or day of placement of your child.

Unpaid Parental Leave may start up to six weeks before the expected date of birth.

Eligibility

To be eligible to receive the Australian Government Paid Parental Leave Scheme, employees must:

- Be the primary carer of a newborn or recently adopted child
- Have work 10 of the 13 months before the birth or adoption of the child and 330 hours in that 10-month period, with no more than an 8-week gap between 2 consecutive working days
- Meet residency requirements from the date the child enters their care until the end of their Paid Parental Leave period
- Have received an individual taxable income of \$150,000.00 or less in the financial year either before the date of birth or adoption, or that date they claim, whichever is earlier
- Be on leave or not working from when they become the child's primary carer until the end of their Paid Parental Leave period.

Payments

In most cases, Parental Leave payments are made to the employer first, who then pays them to the employee.

Return to Work Guarantee

If you are entitled to unpaid parental leave under the Fair Work Act, you have the right at the end of that leave to return to your pre-parental leave position.

Dad and Partner Pay

Eligible working dads and partners are entitled to 2 weeks leave paid at the national minimum wage when they take time off work to care for their new child. If eligible, employees will be able to receive up to two weeks Dad and Partner Pay at the national minimum wage. The Department of Human Services will make this payment directly to the employee.

To be eligible for Dad and Partner pay employees must:

- Meet the residency requirements
- Provide care for a newborn or recently adopted child
- Have an individual adjusted taxable income of \$150,000.00 or less in the financial year
- Have work 10 of the 13 months before the birth or adoption of the child and 330 hours in that 10 month period, with no more than an 8 week gap between 2 working days

- Be on unpaid leave or not working during their Dad and Partner Pay period

Casual Employees

If you are a casual worker and have worked on a regular and systematic basis for a sequence of periods over at least 12 months with a reasonable expectation of ongoing employment you will be entitled to parental leave.

Record Keeping

In addition to the regular record-keeping requirements at Only Early Learning Centre, the following records will also be kept for all employees receiving the Government Funded Parental Leave Pay:

- 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
- 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

Maintaining Communication and Contact

We encourage you to stay in touch with the centre whilst on parental leave. You can keep updated with any changes within the centre and what is going on in the following ways:

1. Remain on the Only Early Learning Centre educators private Facebook page
2. Read through any new policies and procedures updated on Employment Hero
3. Drop by for social events like Birthdays, Graduations, Christmas Parties
4. Drop by to keep in touch with educators and management when it suits you

Keeping in Touch Days

Employees on unpaid Parental Leave under the Fair Work Act can (if they wish to) work up to 10 days during their Parental Leave. These days are paid at the employee's usual rate of pay and are designed to assist the employee to keep in touch with the service to facilitate a return to work at the end of the leave.

The Fair Work Act states that a keeping in touch day is:

- A work day with the purpose of performing the work is to enable the employee to keep in touch with the employment in order to facilitate a return to that employment at the end of leave.
- A work day where both the employee and the employer consent to the employee working for the employer on that day
- The day is not within 14 days after the birth of the child (if the employee requests the day) or 42 days after the birth of the child (if the employer requests the day).

Employees who have extended their unpaid Parental Leave beyond the initial 12 month period are entitled to a further 10 keeping in touch days.

Returning to Work

Flexible Working Arrangements

Only Early Learning Centre recognises that returning to work after Parental Leave can be a difficult transition in terms of managing work and family commitments. If you identify a need for greater balance between your work and personal priorities, you can apply for flexible work options that will assist you in your transition to work. These can include:

- Working part-time
- Amending start and finish times
- Working agreed hours over fewer/more days

This request must be made in writing with set out details of the change sought and reasons for the change. Only Early Learning Centre must give employees a written response within 21 days, stating whether they grant or refuse the request. Only Early Learning Centre may refuse the request only on reasonable business grounds.

To make a request for flexible work, you will need to complete a Flexible Working Arrangements Request form and submit it to centre management at least six weeks prior to your return to work date.

If Flexible Working Arrangements are approved permanently, you will sign a new Contract of Employment and this will become a new position. Please be aware that, under the Fair Work Act, Only Early Learning Centre must hold your position held the day before becoming pregnant and not all Flexible Working Arrangements may be approved.

Flexible working arrangements can also be used as a short term transition back into work, before continuing with the responsibilities, hours and days of work as per your original contract.



Breastfeeding

Only Early Learning Centre recognises the breastfeeding needs of mothers returning to work. To support breastfeeding employees:

- A quiet and private area will be arranged for the mother and child
- An area provided to keep expressed milk
- A comfortable chair provided
- Appropriate breaks to breastfeed or express will be covered

Having another Child

Employees who have taken parental leave don't have to work for another 12 months before they can take another period of Parental Leave with the same employer.

Discrimination

Under the Sex Discrimination Act, it is unlawful to discriminate against an employee on the basis of their sex, pregnancy, potential pregnancy, family responsibilities and breastfeeding.

Risk Assessments

When the centre management becomes aware of the pregnancy of an employee, a risk assessment will be completed. This will include any medical advice provided from a GP or midwife about the health of the employee.

The Pregnant Employee Risk Assessment Procedure

1. Identify the workplace hazards that could pose a health or safety risk to new of expectant mothers.
2. Carry out the Risk Assessment based on the initial assessment and medical advice.
3. Take appropriate action to eliminate or minimise the risks so far as is reasonably practicable.
4. Implement measure to control the risks.

These measures will be monitored and reviewed on a regular basis throughout the pregnancy.

Parental Leave Notification Form

This form is to be filled in and provided to Only ELC at least 10 weeks before starting leave.

Employee Full Name: _____

Position: _____

This request relates to:

- Maternity Leave
- Paternity Leave
- Adoption Leave

Start date of leave: ____/____/____

End date of leave: ____/____/____

Total period of leave: _____ weeks & _____ days

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

- Yes
- No
- Unsure

Employee Signature: _____ Date: ____/____/____

Confirmation or change of leave details

This section is to be filled out with a member of management at least 4 weeks before starting leave.

Start date of leave: ____/____/____

End date of leave: ____/____/____

Total period of leave: _____ weeks & _____ days

Employee Signature: _____ Date: ____/____/____

Acknowledgement of Parental Leave

To be completed by a member of Only ELC Management

Name of Representative: _____

Signature: _____ Date: ____/____/____

Employee Request for Flexible Working Arrangements

Date: ____/____/____

Name: _____

Position: _____

I would like to request under section 65 of the Fair Work Act 2009 to work a flexible work arrangement that is different to me current working arrangement with my contract.

The reason I am making this request is

Have you worked for Only ELC as an employee for the last 12 months?

- Yes
- No

You are currently employed, as per your contract as:

- Full time
- Part time
- Casual

New working request:

Start date of new work arrangement: ____/____/____

Employee Signature: _____



Review

The policy will be reviewed annually. Review will be conducted by management, employees, parents and any interested parties.

Reviewed By: Alex Jury **Date:** 11th November 2019

Approved By: Kelly Williams

Date for Next Review: 11th November 2020