

# KNOW YOUR rights



**TO PROTECT &  
IMPROVE YOUR  
ENTITLEMENTS BE  
AN ACTIVE UNION  
MEMBER**

**Please discuss  
any problems with  
your shop steward  
or ring the union  
on 03 9387 0189**



**COMMUNICATION  
WORKERS' UNION**

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## PARENTAL LEAVE

### **Australia Post Enterprise Agreement 2013 Clause 23**

*This gave Australia Post workers with family responsibilities the following entitlements:*

#### **EMPLOYEES ENTITLEMENTS TO MATERNITY, PATERNITY AND ADOPTION LEAVE**

Apply to permanent and fixed term full time and part time employees and to eligible casual employees (i.e. casuals employed on a regular and systematic basis for several periods of employment or ongoing for at least 12 months and who but for the pregnancy or adoption had a reasonable expectation of ongoing employment.)

#### **BASIC ENTITLEMENT**

After 12 months of continuous service, an employee who becomes a parent is entitled to a total of 52 weeks parental leave in relation to the birth or adoption of their child. For females, maternity leave (including 14 weeks **paid** maternity leave) may be taken and for males, paternity leave (unpaid) may be taken.

An employee may in lieu of or in conjunction with parental leave, access any annual leave or long service entitlements accrued up to 52 weeks (or longer if agreed).

#### ***The Parental Leave clause 8.14 of EBA6 states:***

*8.14 Where an employee has existing annual leave and/or long service leave credits:*

- a) managers will grant any application for access to these leave credits for up to one week for paternity or adoption leave purposes during the period within 3 weeks of the birth or adoption. The employee is to provide the manager with appropriate evidence of the birth or adoption as well as appropriate notice; and*
- b) managers will be encouraged to give favourable consideration to any application by an employee for use of accrued annual leave or long service leave credits in excess of one week for paternity leave and adoption leave purposes, subject to sufficient notice being given by the employee of the expected commencement date of such leave and the period of leave to be taken.*

#### **MATERNITY & PATERNITY LEAVE - NOTICE**

Applications for maternity leave should be accompanied by a medical certificate indicating the expected date of birth. At least 10 weeks prior to each proposed period of paternity leave, an employee has to provide a medical certificate and written notification of the dates on which he proposes to start and finish the period of paternity leave. (Exceptions apply).

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## PARENTAL LEAVE

### VARIATION OF PERIOD OF PARENTAL LEAVE

Unless agreed otherwise, an employee may apply to change the period of parental leave on one occasion. This requires at least 4 weeks' notice before commencement of the new arrangements.

### RETURNING TO WORK AFTER PARENTAL LEAVE

An employee will notify their intention to return to work after a period of parental leave at least four weeks prior to the expiration of the leave.

An employee will be entitled to the position which they held immediately before proceeding on parental leave. In the case of an employee transferred to a safe job before going on maternity leave, the employee will be entitled to return to the position they held immediately before such transfer.

Where such position no longer exists but there are other positions available for which the employee is qualified and is capable of performing, the employee will be entitled to a position as nearly comparable in status and pay to that of their former position.

### RIGHT TO AN EXTENSION & PART-TIME WORK

An employee entitled to parental leave may request Australia Post to allow them:

- to extend the period of unpaid parental leave provided for by a further continuous period of leave not exceeding 12 months;
- to return from a period of parental leave on a part time basis until the child reaches school age.

Australia Post shall consider the request 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 Australia Post's business. Such grounds might include cost, lack of adequate replacement staff, loss of efficiency and the impact on customer service.

**Australia Post also have a 3 year Employment Break policy that may be relevant.**

### COMMUNICATION DURING PARENTAL LEAVE

Where an employee is on parental leave and a definite decision has been made to introduce significant change at the workplace, Australia Post shall take reasonable steps to:

- make information available in relation to any significant effect the change will have on the status or responsibility level of the position the employee held before commencing parental leave; and
- provide an opportunity for the employee to discuss the change.

The employee shall take reasonable steps to inform Australia Post about any significant matter that will affect the employee's decision regarding the duration of parental leave to be taken, whether the employee intends to return to work and whether the employee wants to go part time. The employee shall also notify Australia Post of changes of address or other contact details.

### PROTECTION FOR CASUALS

Australia Post must not fail to re-engage a casual employee because the employee or employee's spouse is pregnant or the employee is or has been immediately absent on parental leave.