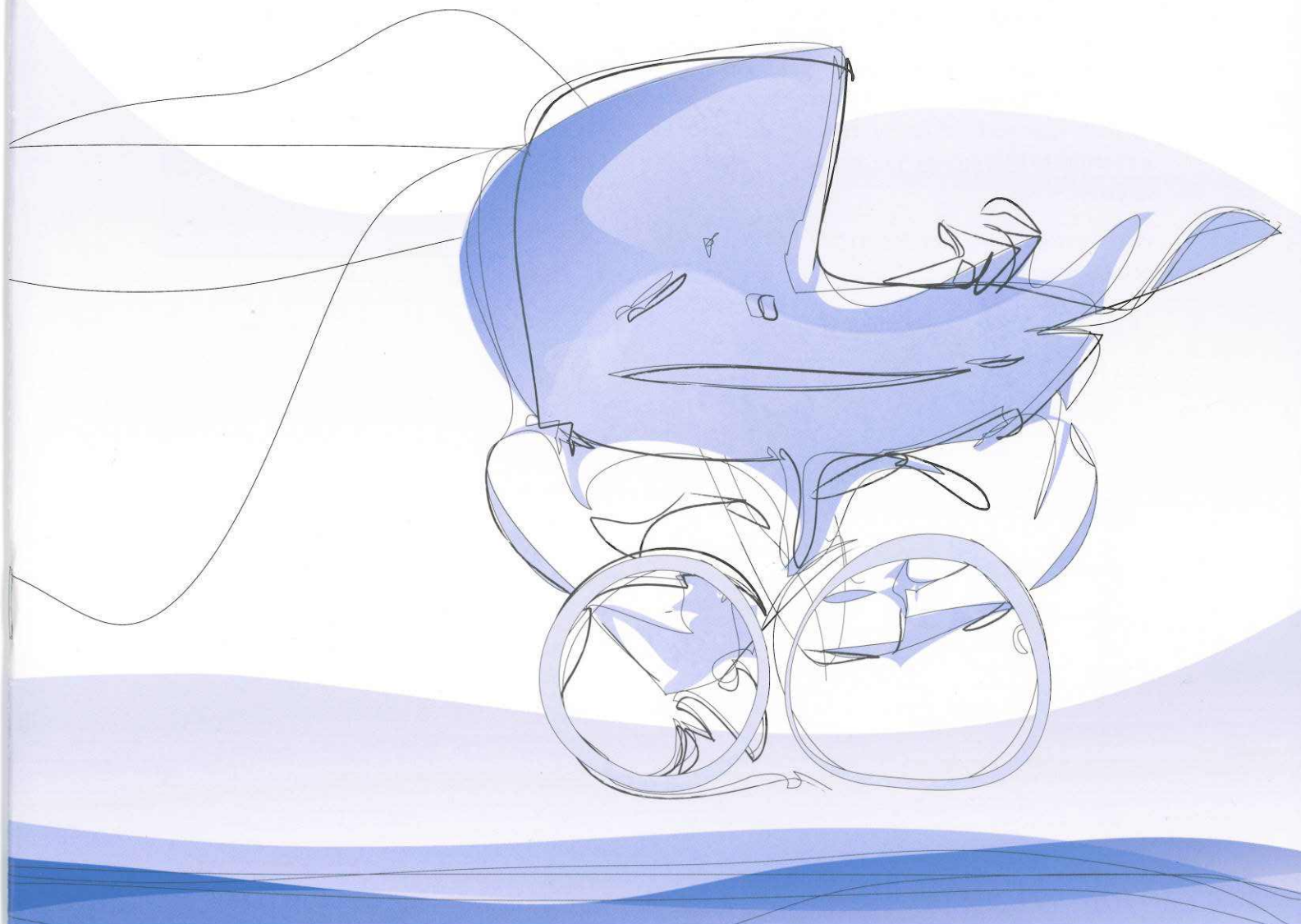


Information Guide For New Parents

*Provided by Steven Dover,
ANU - Group of Eight Ltd
at Paid Parental Leave Leave
in Canberra on 19/5/10*



Letter from the Vice-Chancellor

Dear Colleague

Congratulations on the impending arrival of your child.

The University has introduced a number of work practices to help you with this phase of your life.

This booklet contains information on our policies and procedures and the options and avenues of support available to help you combine your work and family responsibilities. We have enclosed a checklist to help prepare you and your work area for your role as parent.

Please find a small gift enclosed from the University to acknowledge this important event.

I trust you will find this information useful.

Best Wishes,



Professor Ian Chubb AC

Vice-Chancellor



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PREGNANCY IN THE WORKPLACE

ANU Policies

The Equal Opportunity Policy and ANU Prevention of Discrimination, Harassment and Bullying Policy require that employees must not be unlawfully discriminated against on the grounds of pregnancy or potential pregnancy. The following information is provided as a guide and does not replace legal advice on specific situations of pregnancy and potential pregnancy discrimination.

Definitions

There is no definition of pregnancy in the Sex Discrimination Act 1984 (SDA). However, the term is generally understood to include the actual period of pregnancy and any circumstances related to, or connected with, pregnancy. It refers to the time when a woman is pregnant as well as the physical characteristics of pregnancy such as increased body size and tiredness and includes a woman who is presumed to be pregnant. Potential pregnancy refers to the capability of having children, where women express a desire to have children or when a woman is likely to or is perceived to be likely to become pregnant. Pregnancy and potential pregnancy discrimination in employment is unlawful under the SDA and other laws such as workplace relations and occupational health and safety (OHS) laws.

Direct discrimination on the grounds of pregnancy or potential pregnancy may occur where a woman is treated less favourably than others who are not pregnant in circumstances that are the same or not materially different. It is unlawful to ask women for information about pregnancy or potential pregnancy in situations where discrimination on those grounds would be unlawful. For example, because it is unlawful to refuse to employ a woman because she is, or may become pregnant, it is unlawful in a job interview to ask a woman whether she is pregnant or has plans for pregnancy. Requests for medical information about a woman's pregnancy or potential pregnancy may only be sought for legitimate reasons (eg OHS reasons) and must be reasonable.



Indirect discrimination

Indirect discrimination on the grounds of pregnancy and potential pregnancy occurs when there is a requirement, condition or practice that disadvantages pregnant or potentially pregnant women and is not reasonable in the circumstances. Indirect discrimination in pregnancy and potential pregnancy is generally not claimed as frequently as direct discrimination. However, indirect discrimination issues can provide indications of systemic barriers to be remedied. Reasonableness of the requirement or practice requires objective assessment generally with the onus placed on the employer to demonstrate that the action was reasonable in the circumstances.

Can an employer refuse a job applicant because she is pregnant?

The best qualified applicant should be selected for the job. Where a position is a temporary one requiring the completion of a discrete project within a specified time it may be reasonable for an employer to refuse to employ a pregnant applicant.

To what extent does an employer have to accommodate the pregnancy?

Employers should consider making all reasonable adjustments to the workplace to accommodate the normal effects of pregnancy. Employers need to discuss the issues with the pregnant employee to find solutions.

How does an employer meet OH&S and anti-discrimination obligations?

Both laws must be dealt with at the same time. The obligation to provide a safe place of work for all employees applies equally to women who are pregnant. Each situation should be assessed individually and objectively. There may be duty of care responsibilities to cover the management of pregnant and potentially pregnant women, dependant on the type of work being undertaken. These can include: exposure to chemicals; identification and management of high risk physical tasks, such as heavy lifting, constant use of stairs or long periods of work on ladders; enabling regular access to toilet breaks; and enabling seating rather than standing, where relevant.

Can an employer ask for a doctor's report on the woman's fitness for work?

Yes, but in most cases this won't be necessary. If a medical report is required, it may be from a doctor nominated by the woman or a doctor of the employer's choice, or both. The parental and adoption leave provisions in the ANU Enterprise Agreement outline when an expectant mother should provide a medical certificate.

Can an employer place restrictions on the duties of a pregnant woman?

Unless there is an identified risk or the employee requests a transfer to a different position because of problems associated with her pregnancy, for

example, a need to climb ladders, exposure to chemicals. If you have doubts as to the employee's ability to continue normal duties you should discuss this with her.

Can an employer transfer a pregnant woman to a different job?

The employer can transfer a pregnant staff member to a safe job if a staff member is pregnant. However, unless there is an identifiable risk or the employee requests a transfer, there is no requirement to transfer a pregnant employee. It is important to recognise that in some cases a transfer could amount to 'detriment' within the meaning of the SDA, particularly if a loss of pay or career opportunities is involved. For instance, pregnant women cannot be removed from customer contact jobs just because the employer believes they are unsightly or 'don't fit the company's image'. If the employee agrees to be moved to a less demanding job which is available, the transfer would not contravene the SDA.

Does an employer have to continue to employ a woman employee who hasn't been employed for 12 months and isn't eligible for maternity leave?

Women who have been employed for less than 12 months and require leave to give birth and look after the child come within the definition of pregnancy in the SDA. Pregnant employees who do not qualify for maternity leave are still protected by the SDA. Employers and employees can negotiate a

fair and reasonable period of other leave for those who do not qualify for maternity leave.

Can a pregnant employee be dismissed if her work is unsatisfactory?

Employers must apply the same performance management rules to a pregnant woman as are applied to other employees.

What if an employee returns to work after maternity leave and the employer can't give her the same old job back?

An employee is generally entitled to return to the position held prior to commencing leave or to a comparable position if her job has ceased to exist. The employee and the employer should remain in touch during the period of leave so that the return to work can be planned in the context of any organisational changes. The employee may wish to return to work on a part-time basis and a reasonable request for part-time work can only be refused on genuine business or operational grounds.



FLEXIBLE WORKING ARRANGEMENTS

(Extract from the Varied ANU Enterprise Agreement 2005 – 2009, Part 3 - Employment Conditions)

Flexible working arrangements for general staff

- 40.1. Flexible working arrangements allow staff members and the University to vary hours, and patterns of work, to meet the teaching, research and administrative priorities of the University and the staff members' personal commitments, taking into account the operational requirements of the work area. Any flexible arrangements must be agreed between the supervisor and the staff member. Records of agreed start and finish times must be kept by the area.
- 40.2. The University has two main types of flexible working arrangements:
- (a) flextime, which is an arrangement whereby a staff member may, with the approval of his or her supervisor, start and/or finish work at flexible times normally within the span of hours and such agreement must be documented with records kept of start and finishing times. A request to work flextime

arrangements will not be unreasonably refused. Flextime is not designed to increase or reduce the total number of hours that must be worked by staff. A staff member will normally be expected to reconcile their flextime within four weeks and two days, unless otherwise approved in writing by their supervisor. Within this period the staff member will be provided with an opportunity to clear their credits and to make up any debits before any decision is made to alter other entitlements. Flextime arrangements are administered in accordance with the University's published guidelines (see below); and

- (b) non-prescribed flexible working arrangements, which are worked outside the span of hours, may not attract overtime or shiftwork penalties. These arrangements will be agreed by the University and a staff member or a category of staff members at a work location, or where authorised by the Director - Human Resources. Any such agreement must be documented with records kept of start and finishing times.

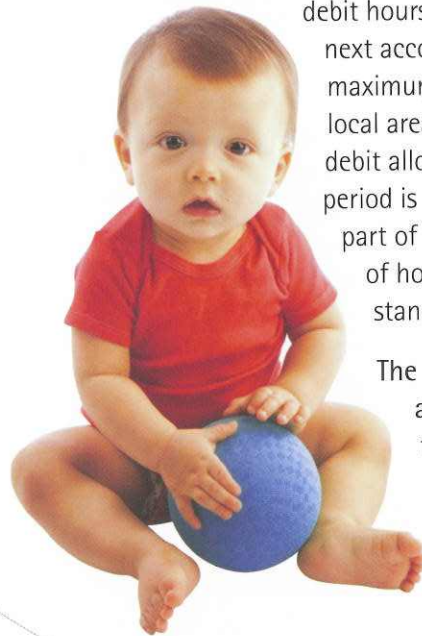
Flextime Guidelines

Flextime arrangements may be adopted subject to the agreement of the Delegate having authority to regulate such arrangements. Such arrangements must be consistent with the operating requirements of the work area. Not all work areas will lend themselves to flextime.

The Delegate determines the variable and core times. Variable time is the time when staff members may exercise flexibility; core time is the time when all staff members are normally required to be present at work. Approval of the Supervisor must be sought by the staff member to be absent. The accounting period will normally be four working weeks in which a total of 140 hours must be worked. Agreement must be documented and records kept of start and finish times.

Any hours worked in excess of the prescribed number of hours are known as credit hours. Conversely, any hours worked short of the prescribed number of hours are known as debit hours. Subject to local area manager, credit/debit hours may be carried over to the next accounting period subject to a maximum of two days. Subject to local area manager, the maximum debit allowed in any accounting period is two days. Leave taken for part of a day is re-credited in terms of hours and minutes within the standard work hours' timetable.

The Delegate may review arrangements from time to time.



CHILDCARE & PARENTING ROOMS

CHILD CARE

Acton Early Childhood Centre

The Acton Early Childhood Centre provides students and working parents with full and part-time child care. It is open 50 weeks of the year and fee relief is available to low income families. The Centre is located on campus at 22 Balmain Crescent, Building 72, Acton. Advance bookings are necessary.

Enquiries T: 02 6125 5554.

www.anu.edu.au/childcare/aecc/

Heritage Early Childhood Centre

The Heritage Early Childhood Centre is a parent-run cooperative centre for students who are parents and for interested members of the community. The Centre, located on campus at Lennox House, Building 75, Liversidge Street, offers full and part-time child-care throughout the year. It caters for children aged six weeks to school age. The Federal Government has allocated a grant to the University to provide fee relief for needy students, subject to an income test. Students are given priority at this Centre; however, it is advisable to apply well in advance.

Enquiries T: 02 6125 2976 or 02 6249 8851
F: 02 6230 4591. E: hecc@anu.edu.au

University Preschool and Child Care Centre

The University Preschool and Child Care Centre is situated in Lennox House, Blocks E and F, Building 75 and operates daily Monday to Friday from 7:45am to 5.45pm. This Centre caters for staff and students' children up to school age.

Enquiries T: 02 6125 4113.
E: unipresc@iimetro.com.au

Central Canberra Family Day Care

Central Canberra Family Day Care arranges for child care on a full-time, part-time and casual basis (eg after school). Care is arranged for children of all ages with caregivers in private homes in the inner Canberra area. Care is also available on a casual or permanent basis at the creche on campus for visitors to the University. The Centre is located at 16 Balmain Crescent, Building 67, Acton.

Enquiries T: 02 6125 2000.
E: info@familydaycarecc.com.au

PARENTING ROOMS

Chifley Library Parenting Room

This room is located on Level 3, Chifley Library. It has lounge chairs and coffee table, microwave oven, a nappy changing table, wash up sink and a privacy screen. This room is available during the Library's open hours.

Acton Early Childhood Centre Parenting Room

This room contains the same facilities as the Chifley Library parenting room and is attached to the Acton Early Childhood Centre at 22 Balmain Crescent Building 72 on the campus map (grid reference CD32). The room is accessible during business hours.

To gain access to the parenting rooms please E: security@anu.edu.au with your details (name and U number). Your swipe card is used to access the rooms. Any comments or suggestions about the parenting rooms should be made to Mrs Nicki Tobin in Security T: 02 6125 3061 or E: nicki.tobin@anu.edu.au

PARENTAL LEAVE

(Extract from the Varied ANU Enterprise Agreement 2005 – 2009, Part 3 – Employment Conditions)

47. Parental leave

47.1. A staff member with 12 months continuous service, who is not a casual staff member, shall be entitled to parental leave in accordance with this clause. A fixed term staff member will not be entitled to parental leave beyond the expiry of their contract.

47.2. For the purpose of this clause:

- Child means a child (or children from a multiple birth) born to a staff member or a staff member's partner; or a child who is placed with

a staff member through an adoption process and/or legal guardianship

- Parental leave means an unbroken period of adoption leave, maternity leave or partner leave
- Partner leave means leave taken by a staff member in accordance with this clause
- Primary care giver means the child's parent who has the dedicated responsibility for the day-to-day care of the child
- Partner includes a current or former (except for Adoption leave) husband or wife, de facto partner or same sex partner.

47.3. A staff member who becomes pregnant is entitled to up to 52 weeks parental leave as set out in the following table:

Provision	Entitlement	Condition
Paid maternity leave	Twenty weeks to normally commence six weeks prior to the nominal expected birth(s) on full or part pay	Later commencement date possible if fit for duty supported by a medical certificate. Birth mother or where both parents are staff members, the birth mother's partner, provided he/she is the primary caregiver of the child.
Unpaid parental leave	Any portion of the child's first year that has not been taken as any form of paid parental leave	Leave after the first 14 weeks may be shared between the birth mother and her partner but not thereby increasing total of leave taken. Leave may be taken concurrently, subject to providing declaration to the delegate in relation to eligibility.

ADOPTION LEAVE

47.4. A staff member who adopts a child is entitled to up to 52 weeks adoption leave. The basic entitlements and conditions for adoption leave are as set out in the following table:

Provision	Entitlement	Condition
Paid adoption leave for care of adopted child	Twenty weeks from date of placement of the child, on full or part pay	The staff member is the legal parent and the child's primary care-giver. The child must be at placement less than five years of age, not a step-child of staff member or partner, and not previously lived continuously with the staff member for six months or more. Leave may be shared between the parents but not thereby increased in total or taken concurrently.
Unpaid adoption leave for care of adopted child.	Any portion of the first year of placement of the child that has not been taken as paid adoption leave	



CAREER RE-ENTRY ASSISTANCE

47.5. In addition to parental leave and adoption leave entitlements above; a staff member is entitled to career re-entry assistance. The basic entitlements and conditions for career re-entry assistance are as set out in the following table:

Provision	Entitlement	Condition
Career re-entry assistance	<p>Up to the equivalent of six weeks pay to be used to assist with the staff member's return to work following parental or adoption leave.</p> <p>Such leave will be available to the staff member who has taken paid and/or unpaid parental leave to be the primary care giver to the child (by birth or adoption) irrespective of whether the staff member was the birth mother.</p>	<p>Available to a staff member to facilitate their return to work, which may be taken during or after the 52 week parental or adoption leave period and up to the child's second birthday.</p> <p>Subject to agreement with the delegate and taking into account operational reasons of the area the following assistance may be taken up by staff but is not limited to:</p> <ul style="list-style-type: none"> • six weeks paid leave taken in full or in agreed periods • agreed graduated return to work program • agreed staff development opportunities such as funding or time release for work related conferences or study • funding for maintaining or re-establishing staff member's career • paid time release for facilitating care arrangements and/or for breastfeeding; or • other career support activities or variations of leave up to the six weeks leave or the value of six weeks leave. <p>Such requests should not be unreasonably refused.</p>

47.6. A staff member whose partner becomes pregnant or a staff member who is not the primary care-giver of an adopted child is entitled to leave as set out in the following table:

Provision	Entitlement	Condition
New birth/ adoption leave	Ten days paid and five days unpaid leave from birth of child or adoption placement.	Partner of birth mother or one of two adoptive parents, but not primary caregiver.

CONDITIONS FOR PARENTAL LEAVE

- 47.7. Staff may be required to take any accrued annual leave in excess of two years entitlement prior to taking unpaid parental leave.
- 47.8. Paid parental leave will be granted at the staff member's substantive salary. Any temporary reduction in fraction associated with the pregnancy will be disregarded.
- 47.9. A staff member shall advise the University at least 10 weeks prior of their expected date of confinement of the date on which they propose to commence leave as well as the specific leave arrangements. Appropriate certification relating to the birth or adoption of the child must be provided with this application.
- 47.10. A staff member will be entitled to return from parental leave to their substantive position, or an agreed part-time position or an agreed alternative position. A request for return to part-time hours will not be unreasonably refused.
- 47.11. A staff member shall confirm their intention to return to work by providing the University with at least four weeks written notice of their expected date of return.
- 47.12. The staff member may request a return to work, or the University may notify the staff member that she or he must return to work, where during parental leave the pregnancy ends without the birth of a live child or the child dies, staff member ceases to be the primary care-giver or there is another material change in circumstances.

Where the University requires a return to work, at least four weeks notice will be provided and notwithstanding this notice, any available maternity leave may be used where a medical practitioner certifies it to be necessary. Where the staff member requests a return to work, this will be allowed within four weeks from receipt of notification.

- 47.13. A staff member not entitled to any paid parental leave may take up to 52 weeks absence including accrued annual and long service leave and/or unpaid leave.
- 47.14. If a staff member who becomes ill during a period of unpaid parental leave, and that illness is substantiated by a medical certificate, the staff member may take that period as the personal leave provided in clause 46 (Personal leave).



GRANDPARENT LEAVE

(Extract from the Varied ANU Enterprise Agreement 2005 – 2009, Part 3 – Employment Conditions)

- 48. Grandparent leave
 - 48.1. A staff member, other than a casual, with 12 months continuous service shall be entitled to 12 months grandparent leave to undertake the care of their grandchild in accordance with this clause. A fixed term staff member will not be entitled to grandparent leave beyond the expiry of their contract.
 - 48.2. A grandparent is the relative of their child's child, arising out of a marriage, a de facto relationship, adoption, guardianship, or same sex couple relationship.
 - 48.3. The grandchild is the natural or the adopted child of the staff member's child or their partner's child, arising out of a marriage, a de facto relationship, same sex couple relationship or as a single parent.
 - 48.4. When making an application for leave the supervisor may request proof that the child is the grandchild of the staff member.
 - 48.5. Grandparent leave will:
 - (a) normally be taken in a single block

- (b) not be unreasonably refused by the supervisor
 - (c) be taken as leave without pay and will not break the staff member's service with the University nor will the staff member accrue any entitlements during this period of approved absence
 - (d) be approved following the staff member having made application to utilise available annual leave or long service accruals.
- 48.6. Taking a period of annual leave or long service leave does not prevent a staff member applying for and having grandparent leave granted.
- 48.7. Where practicable a staff member shall advise the University in writing 10 weeks prior to commencing unpaid grandparent leave of the dates of the leave to be taken. If the scheduled return date changes, the staff member will provide four weeks notice of the date of return.
- 48.8. A staff member will be entitled to return from grandparent leave to their substantive position or an agreed alternative position. A request for return to part-time hours will not be unreasonably refused.
- 48.9. If returning from leave on a part-time basis, a part-time work agreement will be entered into between the staff member and the University.

ANU Policies & Procedures

Breastfeeding

<http://policies.anu.edu.au/policies/breastfeeding/policy>

Carers' Career Development Assistance Fund

http://policies.anu.edu.au/procedures/carers_career_development_assistance_fund/procedure

Children on Campus

http://policies.anu.edu.au/policies/children_on_campus/policy

Equal Opportunity Policy

http://policies.anu.edu.au/policies/equal_opportunity_policy/policy

Home Based Work

http://policies.anu.edu.au/procedures/home_based_work/procedure

Prevention of Discrimination, Harassment and Bullying

http://policies.anu.edu.au/procedures/prevention_of_discrimination_harassment_and_bullying_procedure/procedure

Work, Study and Family Responsibilities

http://policies.anu.edu.au/policies/work_study_and_family_responsibilities/policy



www.anu.edu.au/equity

NEW PARENTS PLANNING CHECKLIST

BEFORE

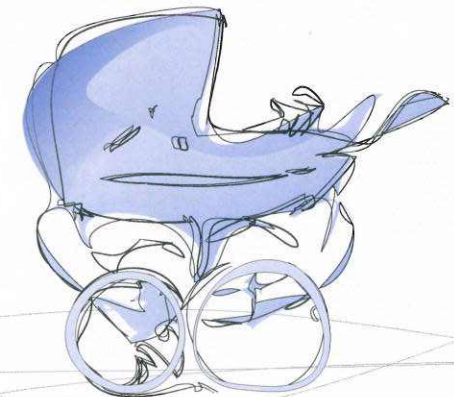
Your baby is due, don't forget...

- ✿ decide when to tell your supervisor because the laws protecting you at work apply only once your employer knows you are pregnant.
- ✿ talk to your HR manager about maternity and parental leave options
- ✿ make your childcare arrangements as early as you can
- ✿ let your supervisor know your plans for leave
- ✿ if you think your work area might be unsafe (eg exposed to chemicals) get your HR manager to arrange a workplace assessment
- ✿ speak to your supervisor about flexible working arrangements for your return
- ✿ give your HR manager a Medical Certificate showing estimated birth date
- ✿ make sure that you have been given the choice as to whether you want to be contacted while you are absent from work and, if so, make sure your email address is available
- ✿ let your supervisor know if you want to be kept informed of training sessions that you would normally have been involved in had you been at work.

AFTER

Your baby is born, don't forget...

- ✿ stay in touch with your supervisor and HR manager to discuss any workplace changes and your return to work plans
- ✿ if you need personal advice before or during leave, you or members of your family can seek help from the Employee Assistance Program
- ✿ if you are sick you can apply to have leave extended with a Medical Certificate
- ✿ discuss using career re-entry assistance of up to six weeks' pay with your supervisor and HR manager
- ✿ consider options for returning to work on a part-time or flexible working hours basis and give at least six weeks notice of your request (a request for part-time work on return from parental leave cannot be unreasonably refused)
- ✿ you can use the parenting rooms located at the Chifley Library and Acton Early Childhood Centre.



NEW PARENTS SUPERVISOR CHECKLIST

BEFORE

The employee's baby is due, don't forget to...

- ✿ Make sure the employee is aware of the paid and unpaid maternity leave, paid primary care-giver leave and career re-entry assistance entitlements in the ANU Enterprise Agreement.
- ✿ Consider whether there needs to be a workplace assessment to see if any reasonable adjustments need to be made for health and safety reasons (for example exposure to chemicals).
- ✿ Discuss with the employee whether they will be requesting part-time work or flexible working arrangements either prior to, or following, the birth.
- ✿ Make sure the employee is aware of the requirement for them to provide a Medical Certificate showing estimated birth date.
- ✿ In circumstances where the employee will be absent on leave for a lengthy period, discuss the best ways of maintaining contact with them and the types of information you can arrange to have forwarded on to them.
- ✿ Discuss with the employee whether they will be able to attend any training sessions that they would normally have been involved in had they been at work.

AFTER

The employee's baby is born don't forget to...

- ✿ Wherever possible stay in regular touch with the employee to discuss any key workplace events or changes.
- ✿ Encourage the employee's work units to remind the employee of key social events such as farewells, birthday lunches and Christmas parties.
- ✿ Keep a record of the employee's expected return date and contact them prior to the date to discuss their return to work plans.
- ✿ Remember that a request for part-time work on return from parental leave cannot be unreasonably refused.
- ✿ Make sure the employee is aware of the parenting rooms and the policy guidelines for breastfeeding when returning to work.
- ✿ Review the employee's performance expectation statement once they return to work to discuss future goals and career advancement.

