

Parental leave and entitlements

This document is issued for general guidance only. It does not constitute professional advice. The issues with which it deals are complex and the document necessarily deals only with general principles. No reader should rely on this document for the purpose of making a decision as to action but should seek the appropriate advice from the Union on the particular circumstances of that reader. The Union accepts no responsibility for the consequences should any person act in reliance on this document without obtaining the appropriate advice from the Union.

Please note that information relating to miscarriage and loss of an infant is contained in a separate QTU document titled *Special maternity leave and miscarriage*.

Parental leave is an umbrella term that refers to paid and unpaid leave from the Queensland Government and the federal government for some parents/primary carers and their partners who are employed by the Department of Education.

This information brochure covers a wide range of information pertaining to teachers who are pregnant, their partners, and conditions during paid and unpaid leave and on return to the workplace.

Paid parental leave is inclusive of paid maternity leave and pre-natal leave, primary carer leave, paid spousal leave and pre-natal leave for spouses, paid surrogacy leave and pre-surrogacy leave, and paid adoption leave and pre-adoption leave.

Paid parental leave is not currently available for foster parents. Some paid leave may be available through compassionate grounds under exceptional circumstances grounds in accordance with the Special Leave directive.

The authority that determines the conditions of the employer paid parental leave is the Paid Parental Leave Directive.

Eligibility

To be eligible for paid parental leave you must meet each of the following criteria.

- You must be the child's primary caregiver.
- You must be a permanent, temporary, full-time, part-time or long-term casual employee of the Queensland public service AND have met the qualifying service period of at least 12 months' continuous service at least once.
- The service is to be unbroken or may be inclusive of paid and unpaid leave. The unpaid leave needs to be of a type which is credited towards service.

For temporary employees, your continuity of service with an employer is not broken if the employer re-employs you within three months of the termination of the previous contract. Their requirement to have had a

continuous, unbroken period of employment of twelve months (without further service being broken) remains.

Paid parental leave – what is it and how does it work?

Eligible mothers/primary carers who have met the qualifying service period of 12 months' continuous service are eligible for **14 weeks payment** at their normal rate of salary (or 28 weeks at half their normal rate of pay), including allowances (where applicable).

If you are working on a part-time basis (either substantively or on a temporary contract) at the start of the period of maternity leave, the payment will be calculated at the relevant pro-rata rate, based on the average fraction worked for the previous 12 months.

If you have worked part-time but return to full-time work (either full-time contract or substantively) prior to accessing paid maternity leave, then the maternity leave will be paid at the full-time rate.

The QTU strongly encourages members to use all of their 14 weeks' paid parental leave. If for any reason a teacher uses less than the 14 weeks, the unused portion is lost. In planning your leave, it is often easier to consider the leave period in days rather than weeks; 70 school days (full pay) and 140 school days (half pay). Be sure to include student free days and public holidays that fall within school terms.

Temporary employees

Your employment must not be terminated merely because you apply for or have been granted parental leave. It is illegal to discriminate against an employee on the grounds of pregnancy or family responsibilities.

An application for parental leave cannot be used as a reason for termination of employment or the failure to renew the engagement.

It is very important to note that, as a temporary employee, you cannot be granted leave of any kind beyond the date on which the temporary employment terminates. Often a teacher's pattern of employment comes into play in such circumstances. For example, where you are replacing someone on leave for an extended period of time and you would otherwise have been continued in the ongoing temporary engagement if you were not pregnant, then the contract should be offered to you. When the estimated date of confinement (EDC) is late in term four or in term one the following year, it can be difficult for schools to

know what temporary positions are available. For example, if you have a contract for term three and term four and are due to give birth the following February, you are likely only to be able to take paid parental leave up to the last day of the school year.

If the temporary engagement would not have been renewed regardless of the pregnancy, the employment should not be extended solely because you have applied for paid parental leave.

As a temporary teacher, it is important to be aware that paid parental leave can commence at any stage during the pregnancy. If you access paid parental leave early and unfortunately lose the baby prior to the 20th week of the pregnancy, the department may require you to re-pay the paid leave (for more detailed information please refer to QTU information brochure: [Special Maternity leave and miscarriage](#)).

Long-term casual employees

For teachers who regularly work as supply teachers, it is useful to have an understanding of what defines a long-term casual employee. The Queensland *Industrial Relations Act 2016*, states that:

a long-term casual employee is a casual employee engaged by a particular employer, on a regular and systematic basis, for 1 or more periods of employment during the 1 year immediately before the employee seeks to access an entitlement under this chapter.

If you believe you meet the eligibility criteria to access paid parental leave and you have a regular and systematic employment pattern of at least one year immediately before seeking access to the entitlement, you should submit an application for the paid leave. If refused, contact the QTU.

Pregnant employee

Notifying your employer of your pregnancy

There is no requirement for you to let the employer know that you are pregnant in the early stages, unless there is potentially a hazard or infectious disease in the workplace that could harm the unborn baby.

If you are unable to continue working in a specific workplace (for example, because of a whooping cough outbreak among students), or if you can no longer undertake the duties required of the position, you should seek medical advice on suitable duties and workplaces, and give that advice to your principal. If transfer to safe duties cannot reasonably be made, the department may direct you to take unpaid parental leave or paid sick leave (or a combination of these) for the period certified by your medical practitioner. More information is available in the department's fact sheet [Reasonable adjustment for pregnancy](#). Should such a situation arise, we advise that you contact the QTU for assistance.

Paid pre-natal leave

Those who are eligible for paid parental leave are eligible to access **paid** pre-natal leave. You are

required to present a medical certificate to the principal confirming that you are pregnant so that you can access five days (25 hours) of paid pre-natal leave to attend medical appointments. This can be taken in one-hour blocks, half days and full days. Part-time employees are entitled to a pro-rata period of leave based on the average of the previous 12 months' aggregated service. For example, a part-time teacher who had worked six months as .6 and then six months as .4, once the service is aggregated would be seen to have worked .5, thus being able to access 2.5 days (12.5 hours) of paid pre-natal leave.

A teacher wishing to access pre-natal leave is required to submit an application for every absence. Each absence on pre-natal leave must be supported by documentary evidence relating to the medical appointment, which could be a medical certificate or letter from a hospital specifying a series of planned appointments (as well as submitting the supporting documents, it is best to keep copies of such documents). The pre-natal leave entitlement is not available to a teacher on unpaid leave.

Pre-natal leave is an additional entitlement and leave for attendance at pre-natal appointments should **not** be deducted from your sick leave. You can ensure that the leave is designated pre-natal leave (not sick leave) by checking your pay slip.

Primary carer and shared leave

From 1 July 2019, an employee covered by the Teachers' Certified Agreement can access any or all of the entitlement to paid maternity leave that is covered by the relevant Paid Parental Leave Directive which is not used by the employee's spouse, whether or not the employee's spouse has an entitlement to paid maternity leave. This is subject to:

- (a) the employee meeting the eligibility requirement prior to the date of birth
- (b) the employee being the primary care giver for the child/children at the time the leave is taken
- (c) the leave being taken prior to the child/children's first birthday.

An application for paid parental leave must be supported by documentary evidence to the satisfaction of the Chief Executive. The documentary evidence must state that the employee is the primary caregiver parent for the relevant period of the paid leave (e.g. a statutory declaration).

The department has developed a specific application form for primary carer leave. The electronic form generates a template for the statutory declaration that can be personalised and signed.

How is the leave paid?

The payment of paid parental leave can be made fortnightly or requested as a lump sum in advance in the case of financial hardship or where exceptional circumstances exist. A request for an advance for reasons including (but not limited to) financial hardship should be made (in writing) to the human resources manager in the regional office.

You may also choose the option of 28 weeks at the **half-pay** rate, or a combination of both, however this decision must be made before starting paid leave and the regional office must be notified in writing.

The department should not be expected to agree to any change in leave payments once leave has begun, unless there is a substantial reason for the change request. Such a request would be made in writing to the regional human resources manager. Depending on the circumstances, supporting documents may be required.

Notice requirements

Departmental policy seeks at least 10 weeks' notice for paid parental leave, through submitting an application for leave form available on OnePortal or at school. Ideally the form needs to be submitted no later than four weeks prior to accessing the leave. The notice can be shortened if the child is born earlier, or if there are compelling reasons (usually on medical advice). In such circumstances, you need to submit an amended application form and a doctor's certificate. If a child is born prematurely before parental leave begins, leave will start from the first working day that you are unable to attend work.

There is no set time before the birth that you must start the 14 weeks' maternity leave; but if you seek to keep working in the six weeks immediately before the estimated date of confinement (EDC), you will need to provide a medical certificate that states you are fit for duty until a specified date (obviously before the EDC). You can only use accrued sick leave until six weeks before the baby is due.

If during this last six-week period you need to take sick leave, the 14 weeks of paid maternity leave automatically starts from the first day of sick leave, and you will not be able to return to work.

Note that you can still take carer's leave in the six weeks before the EDC, and that has no effect on the timing of paid maternity leave. It is of course important to ensure that the school identified the leave as sick leave for caring purposes, as opposed to sick leave.

Further leave

After the 14 weeks of paid parental leave (or 28 weeks at half pay), you can have up to a further 38 weeks of unpaid parental leave. After that, you can request a further 52 weeks of unpaid parental leave equating to a total of 104 weeks, or two years. You may not make more than one application to extend unpaid leave within any 12-month period, unless the department agrees.

If you take less than 12 months' parental leave and then request an extension, the application for extension must be made at least four weeks before the leave ends and must not be unreasonably refused. If refused, the department must provide written reasons for the refusal, and you may consider lodging a grievance. Contact the QTU for assistance should this situation arise.

Beyond two years of parental leave, you are able to access a further five years of unpaid special leave for family responsibility purposes. This is outlined in the department's leave guidelines.

Commonwealth paid parental leave (CPPL)

The Commonwealth paid parental leave (CPPL) scheme is federally-funded and provides payment for new parents who are the primary carer of a child, born or adopted.

If eligible, you will receive taxable CPPL payments at the level of the federal minimum wage for a maximum period of 18 weeks. From 1 July 2020 this payment will include both:

- a continuous paid parental leave period of up 12 weeks (which is 60 payable days)
- 30 flexible paid parental leave days.

You can still get your CPPL in a single continuous 18 week block. To do this Centrelink will connect you 12 week Paid Parental leave period to your 30 flexible paid parental leave days. Alternatively, you can choose a shorter block of between 12 and 18 weeks, and take the remainder of the flexible paid parental leave at a later time. The remaining flexible paid parental leave must be taken before your child is two and in conjunction with other approved paid or unpaid leave from the employer.

To be eligible, the primary carer must be in paid work and:

- have an individual income of \$150,000 or less
- have been engaged in work continuously for at least 10 of the 13 months before the expected birth or adoption of the child
- have undertaken at least 330 hours of paid work in the 10-month period
- live in Australia and hold citizenship or permanent residency.

If primary carers return to work before they have received all of their CPPL entitlement, they may be able to transfer the unused part of their CPPL to another caregiver (usually the spouse) who meets eligibility requirements. The 18-week entitlement *cannot* be taken at half pay for double the time.

Eligible families can choose whether to participate in the scheme, depending on their individual circumstances. For specific information please contact the federal Department of Human Services.

The federal government paid parental leave scheme is paid IN ADDITION to the 14 weeks' paid parental leave entitlement currently paid by the state government to eligible employees. You are able to overlap your CPPL with paid leave from the department.

It is important to note that teachers may access a period of special unpaid leave before accessing any long service leave (that they may wish to take in conjunction with their paid parental leave) to enable them to access the federally funded paid parental scheme. The normal requirement to access paid leave prior to unpaid leave is waived in this circumstance.

Spouse/partner

A spouse is recognised as a married partner, a former spouse or a de facto spouse, including those in same-sex relationships. Please also refer to the section on primary carer and shared leave.

Paid pre-natal leave for the spouse

As a spouse who is a full-time eligible employee, you can access a total of one day (that is, five hours) of paid pre-natal leave to assist your partner with medical appointments related to each pregnancy.

To access this leave, present a medical certificate stating that your partner is pregnant. This leave can be taken in hours or part days (i.e. half day, 2.5 hours). A written application must be submitted for every absence for which pre-natal leave is sought. Each absence must be covered by a medical certificate.

Part-time employees are entitled to a pro-rata payment of pre-natal leave, based on the average of the previous 12 months' aggregated service (excluding unpaid leave periods).

Short spousal leave

A spouse is entitled to one week of paid spousal leave known as short spousal leave. This leave can be taken at half-pay for two weeks. There is a requirement that it be taken in connection with the birth, but the exact timing of such leave shall be at your discretion. For example:

- you may seek to take the spousal leave immediately after the birth
- you may prefer to continue working for the duration of the mother's stay in hospital and take the first week the mother and child are home.

Part-time employees are entitled to a pro-rata payment of short spousal leave based on the average of the previous 12 months' aggregated service, excluding periods of unpaid leave. For example, a spouse who had worked permanent part-time at a .5 fraction would be entitled to 12.5 hours of paid spousal leave rather than 25 hours of paid spousal leave.

This leave type is taken in conjunction with the birth, and where the child is born during the extended summer vacation period it is unlikely that the department will extend the holiday period, although this would depend on the timing of the birth.

Long spousal leave for primary caregiver

If as the spouse, you are to be the child's primary caregiver, then you are entitled to 51 weeks of unpaid spousal leave (long spousal leave), from the child's birth until the first birthday. This leave cannot be taken at the same time your partner is on paid or unpaid parental leave.

Depending on your partner's paid leave entitlements or work arrangements, you may be eligible for paid primary carer/shared paid parental leave from the employer.

Dad and partner pay - CPPL

The Australian Government's paid parental leave (CPPL) scheme includes an entitlement for working partners, which is called dad and partner pay.

Eligible working partners (including adopting parents and same-sex couples) are provided with two weeks of government-funded dad and partner pay at the rate of the national minimum wage.

This pay helps to support the time partners take off work around the birth or adoption and can be accessed any time within the first year after birth or adoption.

Full-time, part-time, temporary and casual employees may be eligible for dad and partner pay, which is paid in addition to the one week paid spousal leave entitlement currently paid by the Department of Education to eligible employees. It is important to note that you must be on unpaid leave and not working in order to access dad and partner pay.

Further information regarding the federal paid parental leave scheme and dad and partner pay is available from the Department of Human Services website (<https://www.humanservices.gov.au>).

Surrogacy leave; pre-surrogacy leave

Primary caregiver

If you are the primary caregiver under a surrogacy arrangement, you are entitled to:

- 14 weeks' paid surrogacy leave when a child born as a result of a surrogacy arrangement is expected to start residing with you
- a further 38 weeks' unpaid long surrogacy leave, to be the primary caregiver.

In addition to the surrogacy leave provisions above, if you will be the primary caregiver and submit documentation confirming your intended parent status, you will have access to paid leave up to a total of one week (up to 25 hours) per surrogacy to attend related interviews and court hearings prior to the surrogacy of a child/children.

Secondary caregiver

If you are the secondary caregiver, you are entitled to one week's paid surrogacy leave at the time of the expected residence and another two weeks' unpaid leave (to a total of three weeks), which can be taken at the same time that leave is being taken by the primary caregiver.

If you will be the secondary caregiver at the time of the expected residence and submit documentation confirming your intended parent status, you will have access to paid leave up to a total of one day (up to five hours) per surrogacy to attend related interviews before the surrogacy of a child/children.

You cannot be deemed to be both the primary and secondary caregiver and therefore cannot access both entitlements to paid pre-surrogacy leave (i.e. one week and one day).

Adoption leave; pre-adoption leave

You are entitled to take approved adoption leave in not more than two unbroken periods.

Primary caregiver

For the adoption of a child, as the primary caregiver you are entitled to:

- 14 weeks' paid adoption leave at the time of placement or taking custody
- a further 38 weeks' unpaid long adoption leave, to be the primary caregiver.

In addition to the adoption leave provisions above, if you will be the primary caregiver and submit documentation confirming your prospective adopter status, you will have access to paid leave up to a total of one week (up to 25 hours) per adoption to attend related interviews before the adoption of a child/children.

Secondary caregiver

As the secondary caregiver, you are entitled to one week's paid adoption leave at the time of the placement or taking custody and another two weeks' unpaid leave (to a total of three weeks), which can be taken at the same time that leave is being taken by the primary caregiver.

If you will be the secondary caregiver at the time of placement and submit documentation confirming your prospective adopter status, you will have access to paid leave up to a total of one day (up to five hours) per adoption to attend related interviews before the adoption of a child/children.

You cannot be deemed to be both the primary and secondary caregiver and therefore cannot access both entitlements to paid pre-adoption leave (i.e. one week and one day).

Returning to work

The date of your return to work is determined by the leave dates you submit to the department. It is important to be proactive in communicating with regional office and your school. **Please ensure there is a written account of any communication.**

Returning to your former position

If the total period of your paid and unpaid parental leave is 52 weeks (or one year), you are entitled to return to the same position and location as you held immediately before taking leave. If your substantive position is full-time but before you accessed paid parental leave you had required a temporary change to part-time because of the pregnancy, you are entitled to return to your full-time position.

Return to position of equal status and remuneration in a different location

On returning to work, you may be deployed in a different office or location at the same centre and at the same level as your former position, if:

- you have taken a period of parental leave of more than 52 weeks
- your former position no longer exists
- you have worked more than one period of part-time work in relation to the same pregnancy or child
- you have continued to work part-time after the child turned six years and six months and is required to be enrolled in a year of schooling, or after an adopted child reaches the age of six years and six months and is required to be enrolled in a year of schooling.

The position should be comparable in status and remuneration to that of your former position.

The department must make a position to which you are entitled available to you.

Where you are not able to return to your former position, or the position is to be filled while you are on parental leave, the department should inform you either before or during parental leave and discuss alternative arrangements for your return to work. There should not be any change in status or level of responsibility attached to the position.

Classified officers are entitled to two years' leave (one year of parental leave plus one year of extended special leave) before they can be made unattached. It is, however, not common practice for a classified officer on unpaid special leave for family responsibilities purposes, to be unattached from their school, unless the officer is seeking this themselves.

Part-time work after parental leave

If you are on parental leave (including paid parental leave, spousal, surrogacy or adoption leave) you may request to return to work on a part-time basis. The capacity to access part-time work on return to the workplace from paid or unpaid parental leave is outlined in the Queensland Industrial Relations Act (2016) and clearly supported by the department.

If you need to access part-time work following a period of paid/unpaid parental leave but have difficulty having your request supported at school, contact the QTU for further advice and assistance.

For further information, please refer to the [QTU information brochure Part-time work](#).

Working part-time may impact on any future paid parental leave payments. Further information is available in the [Part-time work QTU brochure](#).

Breastfeeding/lactation breaks

The government's [Breastfeeding and Work policy](#) "supports female employees to breastfeed and/or express breast milk while at work". The policy outlines that up to one hour of paid work time is to be made available and summarises the facilities that should be provided.

For further information, refer to the QTU's advice brochure on [breastfeeding/lactation breaks](#).

Other rights and considerations

Flexible student free days and flexible professional development hours

Where the flexible student free day falls within the period of paid parental leave, there is no requirement to further “make-up” this time.

For further information, please refer to the [OTU's brochure on student free days](#) or contact QTAD on 1300 11 7823.

Professional development

Attendance at or involvement in professional development activities during leave is voluntary. If you are on paid parental leave, DoE will meet your out-of-pocket expenses for childcare for a maximum of five days. This payment is not available to those on unpaid leave.

Keeping in touch (KIT) days

The Queensland Industrial Relations Act 2016 outlines the conditions of KIT days. They are also explained in the department's Parental Leave Procedure.

The purpose of KIT days is to enable the employee to “keep in touch” with their employment to facilitate a return to work after the end of the period of parental leave. For teachers, this may be to attend planning days, professional development or student-free days etc.

KIT days are paid at a casual (TRS) rate. You must be on unpaid parental leave from the department to be eligible for KIT days. It is important to ensure that the school processes these as KIT days and not as TRS, as this may result in your CPPL being stopped.

Employees may access up to 10 KIT days during their **unpaid** parental leave or when receiving the CPPL, if:

- the employer and employee agree to the employee performing the work on the day
- the day is not within:
 - 14 days after the child was born, adopted or started residing with employee under a surrogacy arrangement; or
 - 42 days after the child was born, adopted or started residing with employee under a surrogacy arrangement.
- the employee has not worked 10 or more KIT days for the employer or another entity during the parental leave period.

Accessing sick leave and carer's leave during paid parental leave

You are able to access paid sick (and carer's leave) while on paid parental leave if the period of illness is greater than three consecutive days. There is a requirement to provide medical documentation that outlines the period of illness. Paid parental leave is suspended during the period of sick leave and begins again at the end of the period of sick leave. You will not

lose any of your paid parental leave, as long as there is the capacity to extend it before your planned return to work.

Please note that where paid parental leave is being paid at half pay, the sick leave will also be at half pay. The same conditions apply to carer's leave during paid parental leave – that is, if a member of the family is ill for more than three working days and you provide a medical certificate, the paid parental leave is suspended and you access carer's leave instead.

Sick/carer's leave while on unpaid leave

Paid sick leave is not available during unpaid parental leave.

Access to paid parental leave while on extended special leave

If you become pregnant while on unpaid parental leave or extended special leave, you can access another period of paid parental leave without having to return to work. You may also apply to cancel your special leave and then re-apply for the paid parental leave. Typically this is commenced six weeks prior to the EDC, however, the timing of your leave commencement can be from anytime that you fall pregnant, up until the baby is born. The latest the leave can commence is the birth.

Employment fraction and impact on paid leave

If the last period of time worked prior to accessing paid parental leave was full-time, then the leave is paid at 1.0 FTE. Where you are substantively full-time and undertake part-time contract work with the department while on unpaid leave, you should be aware that a change in fraction, even if only temporary, will affect future paid parental leave entitlements.

That is, if you were on unpaid leave for one child and are subsequently working part-time for the department when you become pregnant again, there is the potential that the pattern of work will affect what you will be paid in the next period of paid parental leave.

If you have been working part-time for the 12 months right before the second period of leave, you will be paid at the part-time fractional rate, not at your substantive full-time rate.

If you have worked in a combination of full and part-time engagements, your second period of paid parental leave will be calculated on the average of your full and part-time work over the previous 12 months.

Undertaking supply (casual) work while on unpaid leave does not affect future paid parental leave entitlements.

Long service leave (LSL)

Pro-rata long service leave may be taken immediately after the 14/28 week paid parental leave period, provided the employee has at least seven years of eligible teaching service. The pro-rata amount of LSL is calculated by multiplying the number of years by 1.3 weeks per year, i.e. seven years' full-time service equals 9.1 weeks' LSL entitlement.

Long service leave may be granted on half-pay for any purpose and there is no limit to the amount of half-pay LSL

that a teacher can access. For further information please refer to the [QTU information brochure on long service leave](#).

Note, there is capacity to access LSL following unpaid special leave only where unpaid leave is sought to enable the payment of the Commonwealth paid parental leave (CPPL) scheme. This is the only time that paid leave can be accessed following unpaid leave. In all other circumstances, paid leave must be the initial absence.

Public holidays

It should be noted that paid parental leave is *inclusive* of public holidays. Should a public holiday fall during a period of half-pay parental leave, the public holiday is also at the half-pay rate, even if it falls during a mid-year vacation, i.e. Good Friday and Easter Monday.

Vacation and paid parental leave pay

When identifying what date to put on a leave form when the expected date of confinement is during a vacation period, you should apply to take paid parental leave from the first working day following the vacation period (for example, if the baby is due to be born on 25 December, the parental leave would commence from the first (official) student free day after the summer vacation).

Mid-year vacations

The 14 weeks of paid parental leave is *exclusive* of any school vacation periods which fall during the period of paid parental leave. For example, if paid parental leave starts two weeks before a vacation period, the vacation period is added to the 14 weeks' paid parental leave period, which means you would be entitled to two weeks' paid parental leave, two weeks' vacation pay, then 12 weeks of paid parental leave following the vacation period.

Where you choose the 28 week half-pay option, it is important and beneficial to note that mid-year vacations will be paid at your substantive rate, not at the half-pay rate.

If the paid part of the parental leave finishes immediately before a mid-year vacation, you will be paid for the subsequent vacation, with the unpaid leave portion beginning on the first day of the following school term.

For mid-year vacations, where you are returning to duty after a period of unpaid parental leave, you will receive payment for the vacation period immediately prior to commencement of duty.

Christmas vacation

When on parental leave, you are entitled to a pro-rata payment for the Christmas vacation to reflect the proportion of paid leave and time worked during the preceding year. Even if the paid leave (paid parental leave and/or long service leave) was taken at the half-pay rate, you are entitled to the equivalent full-time pro-rata Christmas pay.

Where there are more than 30 school days without pay, there will be an impact on the summer vacation pay.

Paid parental leave recognised as service

For permanent employees, the paid portion of the parental leave period is recognised as service for the purpose of calculating long service leave or sick leave, as well as the first three months of unpaid parental leave. Note however, that paid parental leave does not count as service for the purpose of any probation period requirements.

Teachers acting in higher duties

In accordance with the public service's Higher Duties Directive, an employee on higher duties who takes recreation leave, long service leave or paid parental leave is entitled to be paid for the full period of such leave at the higher duties rate being paid to the employee immediately before they take the leave. This will be the case even where the higher duties arrangement ceases on the last day of duty prior to the leave commencing or at any point during the leave period.

Promotion and transfer

While on parental leave, you maintain your rights to apply for/be granted promotion or transfer, including being able to lodge appeals or grievances. You cannot be denied promotion because you are unavailable to take up duty before your parental leave ends. Neither should you be asked about planned pregnancies during interviews or any other recruitment or selection processes that accompany the filling of substantive or non-substantive vacancies.

Recall to duty

While on paid or unpaid leave, you may agree to be temporarily recalled to duty for a short period when an urgent need exists. This recall does not break or extend the period of parental leave. There are particular conditions that apply. Recall to duty occurs in rare circumstances. If you are recalled temporarily, seek advice from the QTU.

Resignation and dismissal

You cannot be dismissed because of pregnancy or parental leave.

If you wish to resign at the end of the paid parental leave period, there is no impediment to you doing so. Be aware, however, that you are able to access unpaid parental leave and further unpaid leave for family responsibilities. Should you wish to resign your permanent position after the conclusion of a period of paid parental leave, please refer to the [QTU's brochure on resignation](#).

Other employment while on leave

When on paid parental leave, you cannot undertake any form of paid work.

When on unpaid parental leave or extended special leave, you may undertake paid or unpaid employment, within or outside the department, as long as there is no conflict of interest. For example, you may register for supply or casual teaching or temporary (contract) engagements with the department while on unpaid leave.

Note though that the department generally regards working in private schools to be a conflict of interest; and you may be recalled to duty by the department if you are working in the private school sector. In such a circumstance, if you wished to continue working in the private school system, you may find that you need to resign your permanent position with the department.

Superannuation and parental leave

During the 14 week paid parental leave period from the department, normal arrangements regarding the payment of superannuation contributions continue.

While on unpaid parental leave, the following arrangements apply.

QSuper – Accumulation Plan

If you are a member of the QSuper – Accumulation Plan you may wish to contribute while on unpaid parental leave, although you will receive no employer contributions during the period of unpaid leave.

Insurance

QSuper Accumulation members who access unpaid parental leave (greater than 13 months) and don't make superannuation contributions for this period need to be mindful that this may impact on their income protection (IP) policy. Where no contributions are received for a period greater than three months, QSuper will automatically change the IP cover from a percentage of salary cover to a unitised rate of cover (which may be significantly less than the percentage of income). However, where no contributions are received for a period of 13 months the income protection cover will cease. QSuper will contact their members to notify them of this change, usually via email, however we are aware that people on extended leave may miss this communication.

Members who choose to continue to pay IP premiums during the initial 13 month period of extended unpaid parental leave should contact QSuper to clarify under which circumstances they can successfully lodge a claim, e.g. if a member has not exhausted their sick leave they would have to return from unpaid leave to commence sick leave, and historically the Department of Education has not allowed members to cancel unpaid parental leave to access sick leave.

When members return to work and start making super contributions once more (return to work, or paid leave) the reversion to a percentage of salary cover will not be automatic. QSuper members will need to notify QSuper if they wish to return to a percentage of salary income protection cover, if this is their preference.

QSuper – Defined Benefit Plan

If you are a member of the QSuper – Defined Benefits Plan, you cannot contribute while on unpaid parental leave. You can make voluntary contributions to QSuper during your leave, but these contributions will go into your QSuper Accumulation account.

Insurance

During a period of unpaid parental leave, members will have IP, TPD and death cover for the first two years of unpaid leave.

QSuper - State Plan

If you are a member of QSuper – State Plan, please contact QSuper for advice.

For specific QSuper insurance advice, always contact QSuper, phone: 1300 360 750.

Union membership

Union dues are payable during paid parental leave, but they may be reduced to reflect your reduced income if you are taking leave at half pay. Dues are waived for the first 12 months of unpaid parental leave, but you still have the benefits and services provided by the QTU, including being able to attend branch meetings and vote in elections. In subsequent years of unpaid leave, you can choose to pay a small annual fee to maintain access to the QTU's services, including advice from the Queensland Teachers' Assist Desk. Members who do supply teaching while on unpaid leave should pay union dues at the rate for supply teachers. Contact the QTU's membership section on 3512 9000 or email qtu@qtu.asn.au for assistance.

It is important that the QTU has your up-to-date contact details while you are on leave so you continue to receive copies of the *Queensland Teachers' Journal* and other important correspondence. You can update your contact details at any time via myQTU on the QTU website at www.qtu.asn.au.

Please contact the Queensland Teachers' Assist Desk on 1300 11 7823 or qtad@qtu.asn.au for further assistance or advice.