

Appendix 4

Summary of Parental Leave Decision

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION, 26 JULY 1990.

Our decision is summarized as follows:

1. After 12 months continuous service a period of up to one week unpaid paternity leave will be available to male employees at the time of confinement of their spouse in order to assist her and to care for the family.
 2. An additional unbroken period of up to 51 weeks unpaid paternity leave will be available to male employees in order to become the primary care-giver of the newborn child. Paternity leave ceases on the child's first birthday.
 3. The total amount of maternity and paternity leave available to a family is 52 weeks.
 4. Paternity leave is reduced by any period of maternity leave taken by the employee's spouse and, except for the week at the time of the birth, shall not be taken concurrently with her maternity leave.
 5. The entitlement of female employees to maternity leave remains unaltered. Maternity leave is reduced however by any period of paternity leave taken by the employee's spouse and except for a week at the time of the birth may not be taken concurrently with paternity leave.
 6. The entitlement to adoption leave is extended to male employees on the same basis as for female employees.
 7. Up to three weeks unpaid leave shall be available to adopting parents at the time of placement of a child; this includes leave to travel overseas to take custody of the child. This period of three weeks "short" adoption leave may be taken by both parents concurrently.
 8. The total period of leave available to adopting parents is 52 weeks. The balance of the 52 weeks may be taken by either parent or both in order to be the primary care-giver of the child, but may not be taken by both concurrently.
 9. Parents may engage in part-time employment associated with the birth or adoption of their child in the following manner:
 - * such part-time employment may only be worked by agreement with the employer
 - * such part-time employment will operate independently of any award provisions restricting its performance
 - * it may be worked either in conjunction with or independently of maternity, paternity or adoption leave
- * the right to work part-time ceases on the child's second birthday or two years after the placement of the child in the case of adoption
 - * an employee with 12 months continuous service prior to commencing such part-time work has the right to return to his or her former position
 - * an employee who has less than 12 months continuous service with an employer may engage in part-time work in relation to the birth or adoption of a child but has no award right to return to his or her former position
 - * in addition to part-time work engaged in after the birth of her child, a female employee may work part-time during the pregnancy where this is necessary or desirable
 - * a male employee may work part-time during the period between the birth of his child and its second birthday, or in the case of adoption during a period of two years after the placement of the child
 - * an employee who has the right to return to his or her former position after working part-time may exercise that right once only, notwithstanding that he or she may work part-time during a number of periods. This is however independent of any right to return to the former position which arises at the end of maternity, paternity or adoption leave. The right to return to her former position after part-time work arises for a female employee only after part-time work performed after the birth
 - * the part-time work engaged in need not be the same as the work usually performed but must be work otherwise covered by the award under which the right arises
 - * an employee working part-time under this clause will receive pro rata rates of pay and pro rata conditions prescribed for the award classification.