4.9 PARENTAL LEAVE

Parental leave allows parents employed at UTS to take time off work to care for their new born or newly adopted children. Parents are able to balance their working lives with caring for young children and upon returning to work are supported in making a smooth transition back into the workplace. Parental leave incorporates maternity, adoption, partner’s, foster parent’s leave and return to work support.

Parental leave entitlements are set out in clause 29 of the Academic Staff Agreement 2010, clause 33 of the Support Staff Agreement 2010 and clause 22 of the Senior Staff Collective Agreement 2007.

These guidelines explain your entitlements, describe the procedures associated with applying for and taking parental leave and provide contacts for further advice.

Attachment 1 of these guidelines summarises parental leave entitlements.

ELIGIBILITY

All staff employed on a continuing, fixed-term or reversionary basis may be eligible for parental leave. Casual staff may be eligible for unpaid parental leave after 12 months regular and systematic service (refer to Entitlement below).

Continuing, fixed-term or reversionary staff must complete 40 weeks continuous service before becoming eligible for parental leave. Such service must be with UTS and excludes leave without pay. Where eligible service is broken by periods of leave without pay, the periods of paid leave will be aggregated to calculate eligible service.

A fixed-term staff member will only be granted paid and/or unpaid parental leave if the period of leave falls within the time span of their fixed-term appointment. If the fixed-term staff member is subsequently offered another appointment, he or she may extend into the period of the new appointment the date for the return from leave.

If you are employed on a part-year (support or senior staff) or sessional (academic) basis, the period during which you work (ie “core weeks”) and the period during which you do not work (ie non-core weeks) both count as service for the purpose of determining eligibility to parental leave. However, the amount of paid leave to which you are entitled will be calculated pro-rata on the basis of actual weeks worked.

To be eligible for parental leave (excluding paid partners leave) you must be the primary carer of the child. When applying for parental leave you must sign a statutory declaration stating that you will be the child’s primary carer and, if relevant, detailing your partner’s leave arrangements.

All staff, including casuals, should seek advice from the Department of Human Services on their eligibility for the Federal Government’s Parental Leave Pay and/or Dad’s and Partner’s Pay. Eligibility will be determined by the Department according to government guidelines. Refer to the Parental Leave webpage for information and links to the Department website.

ENTITLEMENT

Unpaid Parental Leave
Eligible staff (excluding casuals) are entitled to up to 104 weeks unpaid parental leave from the date of birth or placement of the child after completion of 40 weeks continuous service.
The total period of unpaid parental leave together with any other forms of leave taken must not extend beyond the child’s second birthday or 104 weeks from the placement of the child.

A casual staff member who meets the following criteria will be entitled to up to 52 weeks unpaid parental leave from the date of birth or placement of the child:

(a) who, immediately prior to the proposed date of commencement of the parental leave, was employed by the University for a period of at least twelve months on a regular and systematic basis for several periods of employment or on a regular and systematic basis for a continuous period, and
(b) who has, but for the pregnancy or the decision to adopt, a reasonable expectation of further employment.

**Paid Maternity, Adoption Leave and Return to Work Support**

To be eligible for paid parental leave a female staff member (in the case of maternity leave) or the primary carer (in the case of adoption leave) must have completed 40 weeks continuous service prior to the expected date of birth or adoption of the child. Unless there is a break in service, this qualifying period need only be served once.

The paid parental leave entitlement for a full-time staff member comprises:

(a) maternity / adoption leave of up to 20 weeks leave on full pay which may be taken as 40 weeks on half pay or a mix of full and half pay to commence no later than the date of birth or adoption of the child. This period is inclusive of University and public holidays that arise during the period of the leave.
(b) return to work support of up to 30 days paid leave for phased return to work. All or part of the equivalent value of this leave (calculated at the salary rate applicable at the date of return from parental leave) may be used for professional and career development projects.

If both parents are UTS staff they may share the paid parental leave provided that both staff have completed the 40-week qualifying period prior to the expected date of birth or adoption of the child. However, the partner’s entitlement to parental leave will be reduced by any paid partner’s leave taken at the time of the birth or adoption of the child.

The parental leave entitlement for part-time staff is on a pro-rata basis.

Female staff on maternity leave are normally required to remain absent for a minimum period of six weeks after the actual date of birth. If a medical certificate of fitness is provided, the staff member may return to duty earlier than six weeks after the birth.

The paid maternity and adoption leave taken in conjunction with unpaid parental leave must not extend beyond the child’s second birthday or 104 weeks from the placement of the child. The unpaid parental leave will also be reduced by any paid leave taken in conjunction with the unpaid parental leave.

The return to work support must be used within seven months of return to duty from parental leave.

Information on how to apply for maternity, adoption and parental leave, including return to work support, is provided later in these guidelines under the heading, **Applying for Parental Leave**.

A staff member may also be entitled to the Federal Government’s Parental Leave Pay. Refer to the [Parental Leave webpage](#) for information and links to the Department of Human Services website.

**Partner’s Leave**

A staff member is entitled to a period of up to 20 working days paid leave (paid partner’s leave), which may be taken at any time in the three-month period following the birth of a child of his/her partner or on the placement of a child.

“Partner” includes same sex partners.
A staff member must complete 40 weeks service to be eligible for paid partner’s leave. Partner’s leave does not apply in a foster care situation. Paid partner’s leave is pro-rated for part-time staff.

A staff member may also be entitled to the Federal Government’s Dad’s and Partner’s Pay and/or Parental Leave Pay. To access Dads and Partners Pay you must be on unpaid leave from work or not be working to be eligible. Refer to the [Parental Leave webpage](#) for information and links to the Department of Human Services website.

**Foster Parents Leave**
A staff member who assumes the role of primary carer for a foster child shall be granted a maximum of the following in the twelve month period from the time the foster child enters the staff member’s care:

(a) six weeks at half pay or three weeks at full pay if the child is under five years

(b) three weeks at half pay or eight days at full pay if the child is over five years.

A staff member must complete 40 weeks service to be eligible for paid foster parents leave.

**RIGHT OF RETURN TO FORMER POSITION**
A staff member has the right to return to their former position after parental leave.

“Former position” is defined as the position held by the staff member immediately prior to the commencement of leave; except where, by reason only of the pregnancy, a staff member has been transferred to a more suitable or safe position before commencing maternity leave. In this case the position held by her immediately before she transferred to the temporarily suitable or safe position is deemed to be her former position.

During parental leave, staff will be kept informed of significant change to workplace matters that directly affect them. The following clauses within the relevant enterprise agreement will apply to the staff member absent on parental leave in the same manner as if the staff member were not absent:

- Academic Staff Agreement 2010 – Clause 16 (Managing Change in the Workplace) and Clause 51 (Redundancy)
- Senior Staff Collective Agreement 2007 – Clause 9 (Change), Clause 35 (Redundancy)
- Support Staff Agreement 2010 – Clause 16 (Managing Change in the Workplace) and Clause 53 (Redundancy)

If a support staff member is invited to apply for voluntary separation or redeployment in accordance with the Clause 56 (Redundancy) of the Support Staff Agreement 2010 and the staff member chooses the redeployment option, the period of redeployment will commence from the date the staff member returns from the period of parental leave.

A staff member forfeits any right to his/her former position if he/she does not resume duty at the expiry of the period of approved parental leave.

**APPLYING FOR PARENTAL LEAVE**

**Notice**
You should give as much notice as possible to your supervisor of your intention to take parental leave. The following notice should be provided in the case of:

- birth – at least ten weeks before the anticipated birth.
- adoption / foster - upon receiving notification of approval of the adoption / foster care arrangement
- foster – upon receiving notification of the placement of the child.
Commencement of leave

The parental leave will normally commence:

- birth – not earlier than six weeks before the expected birth unless a medical practitioner certifies that the staff member is unable to continue work because of an illness associated with the pregnancy (refer to Issues During Pregnancy)
- adoption and foster – from the actual date of placement of the child. Adoption leave may commence earlier in order to travel overseas to collect the child.

Application Form

Your application should be made on the application for parental leave form available at:

Note: applications for parental leave cannot be made via “Employee Self Service” via neo (the HR/Payroll System).

The parental leave form seeks information on the dates of parental leave including any leave you wish to take in conjunction with your parental leave and your intentions in relation to return to work support. It is important to note when completing the form that University and public holidays which fall during the period of paid maternity or adoption leave will count as part of that leave.

If you are taking paid maternity or adoption leave, you should indicate on the parental leave form whether you intend to take return to work support as paid leave for phased return to work, for professional and career development projects or a combination of the two. Further details of your plans for return to work support must be set out in the “Parental Leave Return to Work Support Form” (refer to section below, Return to Work Support).

The completed form together with relevant supporting information identified below should be submitted to your supervisor and then forwarded to Staff Services, Human Resources Unit.

Supporting Documentation

You must also provide the following with your application for parental leave, where applicable:

- for maternity, adoption, foster and unpaid parental leave, a statutory declaration stating that you will be the primary care-giver throughout the period of leave applied for and, if applicable, details of any period of parental or other leave for which your partner intends to apply.
- for maternity leave and/or unpaid parental, a medical certificate from your doctor certifying the expected date of birth. Following the birth of the child, a copy of the birth certificate must be submitted to your Staff Services Officer, HRU.
- in the case of adoption, a statement from an approved authority or agency of the expected date of placement of the child with you or a statement from the appropriate government authority confirming that the child is to be placed in your care pending application for an adoption order.
- in the case of foster parents leave, a statement from an approved authority or agency of the expected date of placement of the child with you or a statement from the appropriate government authority confirming that you are to be the foster parent for the child.
- for paid partner’s leave, a birth certificate or a statement from an appropriate authority or agency (for adoption).

Combining Parental Leave with Other Forms of Leave

You may choose to take any available annual and/or long service leave with your parental leave provided the total period of combined leave does not extend beyond 104 weeks from the date of birth or placement of your child.
Funding for Research during Parental Leave

Academic staff who are active researchers prior to the commencement of parental leave should refer to the Funding for Research during Parental Leave Guidelines, particularly if they wish to access support and funding to facilitate the continuation of their research work while they are on parental leave.

PAYMENT WHILE ON MATERNITY OR ADOPTION LEAVE

You can ask for your maternity leave or adoption leave to be paid in the following ways:

- on a normal fortnightly basis (ie on full-pay); or
- at the rate of half-pay over a period of 40 weeks; or
- a mix of both full and half-pay.

The following arrangements will apply during paid maternity or adoption leave in relation to loadings and allowances:

- salary supplementation will continue to be paid
- allowances such as overtime, shift, on-call or first aid will not be paid
- relieving allowance (higher duties) will be paid in accordance with the Relieving appointments (incorporating Higher Duties) – Principles and Procedures.

ARRANGEMENTS APPLICABLE TO PARTNERS DURING PARENTAL LEAVE

Both parents work at UTS

If both parents are UTS staff and they have both completed the 40-week service period prior to the expected date of birth or adoption of the child, both parents may share the paid maternity and adoption leave and return to work support. The following restrictions apply to the way in which the partners leave can be shared:

- the partner’s entitlement to parental leave will be reduced by the period of any paid partner’s leave taken
- a female staff member on maternity leave is required to remain absent for a minimum period of six weeks after the actual date of birth unless a medical certificate of fitness is provided
- the total period of paid maternity and adoption leave will be continuous
- the paid parental (ie maternity or adoption) leave cannot be taken concurrently by both parents.

Entitlement to parental leave when both parents are on leave

You are not entitled to parental leave at the same time as your partner, except during paid partner’s leave. Only one parent can be the primary carer of the child and therefore be eligible for parental leave. If you are requesting parental leave to be the primary carer of the child you must complete a statutory declaration stating that you are the primary carer of the child and detailing your partner’s leave plans. If both staff are UTS staff then they can share paid parental leave subject to the requirements set out earlier in these guidelines.

If you are not the primary carer of the child, you may take paid partners leave and apply to take any other paid leave to which you are entitled (eg annual leave, long service leave) and/or leave without pay.

ISSUES DURING PREGNANCY

Illness or incapacity

If you are unable to continue to work because of an illness associated with your pregnancy, you are able to:

- apply to use any of your available paid leave (sick, annual, long service) or take sick leave without pay. Such leave is also available if your illness is unrelated to the pregnancy or
• where you are entitled to paid maternity leave, commence such leave before the scheduled date but not earlier than 14 weeks prior to the expected date of birth of your child. Your medical practitioner must certify that you are unable to continue work because of your illness.

If you are experiencing difficulty you may wish to apply to reduce your hours of employment in the period preceding the commencement of maternity leave. In order to avoid consequences on your rate of payment during maternity leave you should seek to achieve the reduction in hours through leave with or without pay rather than through the “Temporary Variation to Hours or Mode of Employment – Principles and Procedures” (HR Manual 3.17). Contact Staff Services, Human Resources for assistance (see contact information near the end of this document).

Risk Associated with Current Position
If you cannot continue to perform your current job because of an illness or risk associated with your pregnancy, your work area is obliged, as far as practicable, to provide work in some other position that you are able to satisfactorily perform. If this is not possible, you may be transferred to suitable work in some other area of the University. The position you are transferred to must be as close as possible in status to your substantive position with your salary being maintained at your substantive rate. If this is not possible, you may take maternity leave, available paid sick leave or sick leave without pay for as long as is necessary to avoid exposure to that risk, as certified by your medical practitioner.

You should discuss your needs with your supervisor who may contact their HR Partner for assistance with identifying suitable work (refer to Contacts section below).

CHANGES TO PARENTAL LEAVE ARRANGEMENTS

Before the commencement of your parental leave you can apply through your supervisor to vary the length of your leave any number of times providing your parental leave does not extend beyond 104 weeks from the date of birth or placement of the child.

Once you have commenced your parental leave, four weeks notice, or lesser period if agreed by your supervisor, must be provided of changes to parental leave, eg extending or shortening of the period. Refer to section, Returning to Work for further information about returning to work before the scheduled conclusion of parental leave.

Under extenuating circumstances (such as childcare arrangements falling through) and with the approval of your supervisor, you may use other forms of leave, such as leave without pay, to extend your period of leave beyond the 104-week period mentioned above.

Premature birth
If you or your partner gives birth prematurely, before the scheduled date of commencement of the leave, you will be considered to be on parental leave from the date of ceasing work for the birth and any previous leave arrangements will need to be amended. You or your supervisor must notify a Staff Services Officer, HRU in order to ensure the appropriate adjustments are made to your parental leave arrangements.

Still birth or death
In the event of a still birth or the death of a child, a female staff member is entitled to six weeks paid parental leave from the date of birth. After six weeks has expired you are entitled to use your personal, sick, annual, long service and/or leave without pay for the period your medical practitioner considers appropriate. If a medical certificate of fitness is provided you may return to duty earlier than six weeks after the birth.

For a death that occurs more than six weeks after the birth, the staff member’s paid parental leave will cease. You are then entitled to use your personal, sick, annual, long service and/or leave without pay to continue your absence.

You may also be entitled to paid leave under the Federal Government’s Paid Parental Leave provisions. This leave is in addition to any leave provided for by UTS. To determine your eligibility for Paid Parental Leave you should contact the Family Assistance Office in the first instance.
**Miscarriage**
In the event of a miscarriage you are entitled to use your personal, sick, annual, long service and/or leave with pay for the period your medical practitioner considers appropriate.

**RETURNING TO WORK**

**Temporary work during parental leave**
You may, with the agreement of your supervisor, return to work on a temporary basis during your parental leave. This work may be on a full- or part-time basis. Usually, you would be paid as a casual during this time and the parental leave arrangements will remain in place.

While you are receiving Federal Government’s Parental Leave Pay, rules apply to the work activities that can be undertaken. Refer to the Parental Leave webpage for information and links to the Department of Human Services website.

**Return to work before scheduled return date**
You can return to work before the scheduled conclusion of your parental leave provided at least four weeks notice, or lesser period if agreed by your supervisor, of your intention to return is given.

If you return to work from maternity leave within six weeks of giving birth, you must provide a medical certificate certifying your fitness to do so.

**Resignation and Parental Leave**
There is no requirement for you to return to work following a period of paid or unpaid parental leave. You may resign from the University if you are on parental leave or intending to go on such leave. However, paid parental leave can only be paid while you are a staff member of the University.

**Return to Work Support**
Staff who are eligible for paid maternity and adoption leave are also eligible for return to work support. To apply for the support, complete the Parental Leave Return to Work Support Form available at: [http://www.hru.uts.edu.au/manual/forms/conditions.html](http://www.hru.uts.edu.au/manual/forms/conditions.html)

An application for return to work support must be submitted within three months of returning to work from parental leave. If you are intending to use the return to work support as paid leave for phased return to work your completed form must be submitted to your supervisor one month before the proposed commencement of the period of phased return to work. You can seek to amend your return to work support arrangements provided that you give notice of at least two weeks, or lesser period as agreed with your supervisor.

Return to work support can be taken as:
- up to 30 days paid leave for phased return to work; or
- as continuous leave for 30 days on full pay or 60 days on half pay; or
- a combination of continuous leave and phase returned to work for up to 30 days; or
- funding equivalent in value to up to 30 days salary for professional and career development projects,

Applications for support must stipulate the form of the support being requested (ie in terms of one of the four options above).

Applications for paid leave for phased return to work must include a specific plan for taking the paid leave. An example of an appropriate phased return to work plan for a full-time staff member would be one day off per week for up to 30 weeks but applications will not be limited to this model. If the support is to be utilised for professional and career development projects, it may be used for such purposes as the following:

- employment of casual staff to allow the staff member release from duties while they undertake professional and career development opportunities
- employment of casual research assistants
- conferences or course registration fees
- purchase of resource materials
The staff member must be able to demonstrate that their professional and career development project proposal(s) is both relevant to the staff member's professional and career development and accords with the directions and priorities of the work unit and / or the University's strategic priorities.

Applications will be discussed with and supported by the staff member's supervisor. A supervisor is expected to work with a staff member to ensure that a mutually acceptable and appropriate application for support is developed. Once the application has been endorsed by your supervisor it must be forwarded to your Staff Services Officer in the Human Resources Unit. The Director, Human Resources or nominee will have the authority to approve funding of applications.

Once your approved return to work support arrangements have commenced your supervisor is authorised to approve minor alterations to the arrangements (for example, changes to the days to be taken as leave for phased return to work). More significant alterations to the arrangements (eg reduction in the leave for phased return to work in order to undertake a development activity) may also require the approval of the Director, Human Resources or nominee. Payroll must be advised in writing of all changes to leave for phased return to work.

**Return to Work on a Different Mode of Employment (eg part-time) or on Different Hours**
The academic and support staff enterprise agreements make provision for staff to vary their mode of employment for a fixed period provided that such arrangements are agreed between the staff member and supervisor and approved by the relevant Dean or Director. This allows staff to apply to vary their employment from one mode of employment, that is, full-time, part-time or part-year (for support staff) /sessional (for academic staff), to a different mode. For further information refer to the “Temporary Variation to Hours or Mode of Employment – Principles and Procedures” (HR Manual 3.17).

**EFFECT OF PARENTAL LEAVE ON OTHER ENTITLEMENTS**

Maternity, adoption, foster parents and partner's leave at full pay counts as full service for all purposes.

Maternity, adoption and foster parents leave at half pay counts:

(a) as full service for the purpose of determining incremental progression
(b) as half service for the purpose of determining all leave and PEP entitlements


During periods of maternity, adoption and foster parents leave at half pay and unpaid parental leave employee and employer contributions to superannuation may be affected depending on the superannuation fund you are with. For further information contact Superannuation in the Financial Services Unit (refer to the section below, Contacts).

**COMBINING PARENTAL LEAVE AND PEP**

Subject to the provisions of the PEP policy and guidelines, there is nothing to preclude you from combining a period of PEP and paid or unpaid parental leave. However, the PEP requirement to serve the University for at least one semester following your return to duty from the combined PEP and parental leave would still apply.
CONTACTS

Staff enquiries Staff Services on email staffservices@uts.edu.au or extension 1060
Staff enquiries - Superannuation Superannuation and Packaging Coordinator in the
Financial Services Unit, extension 2845
Supervisor enquiries relevant HR Partner in the HR Management Services
Team.

Current Human Resources Unit staff and contact details can be found at the HRU Contacts webpage
http://datasearch2.uts.edu.au/hru/services/all.cfm

The parental leave provisions of the enterprise agreements can be found at:

APPROVALS

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<th>EFFECTIVE DATE</th>
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<td>ACCOUNTABLE OFFICER</td>
<td>Director, Human Resources Unit</td>
</tr>
<tr>
<td>CURRENT INCUMBENT</td>
<td>Jennifer Lacoon</td>
</tr>
<tr>
<td>IMPLEMENTATION OFFICER</td>
<td>Staff Services Officer</td>
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REVISION/MODIFICATION HISTORY

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<td>23/02/07</td>
<td>4.9 Parental Leave</td>
<td>Updated to align with 2006 enterprise agreements and current process.</td>
<td>Approved</td>
<td>Director, HR</td>
<td>91/137</td>
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<tr>
<td>17/04/08</td>
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<td>Removal of FAQ, restructure of document in order to simplify, align with Senior Staff Collective Agreement 2007</td>
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<td>19/1/11</td>
<td>Unchanged</td>
<td>Inclusion of Federally Funded Paid Parental Leave, update as a result of new EA &amp; update of superannuation information.</td>
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<td>Director, HR</td>
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<td>31/3/11</td>
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<td>Changes to leave in event of death of the child</td>
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<td>Director HR</td>
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<td>30/1/2013</td>
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<td>Inclusion of reference to the Federal Government’s Dad’s and Partner’s Pay and new UTS Funding for Research during Parental Leave Guidelines. Simplification of content related to Federally Funded Paid Parental leave which is maintained on the HR website.</td>
<td>Approved</td>
<td>Director HR</td>
<td>91/137</td>
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ATTACHMENT 1: SUMMARY OF PARENTAL LEAVE ELIGIBILITY AND ENTITLEMENTS

Note: The summary below must be read in conjunction with the detailed arrangements set out in the guidelines.

**ELIGIBILITY**

<table>
<thead>
<tr>
<th>Type of appointment</th>
<th>Length of service</th>
<th>Entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Continuing, fixed term and reversionary staff – academic, support and senior staff</td>
<td>Less than 40 weeks continuous service</td>
<td>None</td>
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<tr>
<td>40 weeks service or more</td>
<td>Paid and unpaid parental leave entitlements – refer to table under the heading “entitlements” below</td>
<td></td>
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<td>Casual staff – academic and support staff</td>
<td>Less than 12 months service</td>
<td>None</td>
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<tr>
<td>12 months service or more and service is regular and systematic</td>
<td>52 weeks unpaid parental leave</td>
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<tr>
<td>12 months service or more but service is not regular and systematic</td>
<td>None</td>
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**ENTITLEMENT**

Note: this table applies to continuing, fixed term and reversionary academic, support and senior staff with 40 weeks service or more. Entitlements are based on full-time employment. Part-time entitlements are pro-rated.

<table>
<thead>
<tr>
<th>Type of leave</th>
<th>Entitlement - Paid</th>
<th>Entitlement – Unpaid</th>
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<tr>
<td>Maternity / adoption leave – applies to mother for maternity and primary carer for adoption</td>
<td>20 weeks on full pay (or 40 weeks on half pay or a mix of full and half pay). If both parents are UTS staff parental leave can be shared but will be reduced by any paid partners leave taken. Up to 30 days paid leave for phased return to work. All or part of the value of this leave may be used for professional and career development.</td>
<td>104 weeks provided that the combined paid and unpaid leave does not extend beyond child’s second birthday or 104 weeks from the placement of the child (in the case of adoption)</td>
</tr>
<tr>
<td>Partners leave</td>
<td>20 working days which may be taken at any time in the three month period following the birth or placement of a child (in the case of adoption). Not available to partners in a foster care situation.</td>
<td>None. Unless the partner becomes the primary carer then unpaid leave may be available. Contact Staff Services Officer in the Human Resources Unit.</td>
</tr>
<tr>
<td>Foster Parents – applies to primary carer of the foster child</td>
<td>Child is under five years – six weeks at half pay or three weeks on full pay Child is over five years – three weeks at half pay or eight days at full pay.</td>
<td>104 weeks provided that the combined paid and unpaid leave does not extend beyond 104 weeks from the placement of the child</td>
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