

Paid Parental Leave (PPL) Entitlements

Purpose of this document

The purpose of this guide is to provide an overview of your parental leave entitlements under your Award and the *Paid Parental Leave Act 2010* (Cwth), which comes into effect from 1 January 2011. This entitlement operates in addition to your Award entitlements for paid parental leave.

Where members are unsure or require further information, they should contact the Union Office on the details below.

Who is eligible?

To be eligible for PPL, you must be the primary carer of a newborn child or the initial primary carer of a newly-adopted child under 16 years. There is also a work test, an income test, and Australian residency requirements.

The work test

You pass the work test if:

1. You have worked continuously for the Department for at least 10 of the 13 months prior to the birth of your child; and
2. Worked for at least 330 hours in that 10-month period (this works out to be about 1 day /week).

The income test

You pass the income test if you earn less than \$150,000 per annum.

Residency requirements

You must be :

1. An Australian citizen; or
2. The holder of a permanent visa; or
3. A NZ citizen; or
4. The holder of a specified temporary visa.

How to apply

You must lodge a claim with the Family Assistance Office (FAO). You can lodge your claim up to 3 months in advance of the date of birth of your child (and from any date after 1 October 2010):

1. online at <http://www.familyassist.gov.au/online-services/> ;
2. by post through calling 13 6150 for a hard copy form to fill out; or
3. by going to the FAO at any Medicare or Centrelink office.

The FAO will advise the Department that you are eligible for PPL. As you are not allowed to work during the PPL period, Department of Premier and Cabinet advise you should submit a leave form for the period you will be on PPL.

The Department does not have a generic leave form, and have (so far) not done anything to help you apply for PPL. In the absence of them providing you with a form, FBEU members are advised to submit a report containing the following information:

To: Manager Operational Personnel

- You are applying for PPL and have lodged your claim with the FAO
- The start date for your PPL
- A notation referring to the date(s) for parental leave applied for using the Department's form (your entitlement under either clause 21 or 14)
- Any other relevant information – if you have applied for annual/ LSL, for example.

Amount

PPL is paid at the Federal Minimum Wage (FMW) for 18 weeks. Currently, the FMW is \$656.90 per week, or \$17.29 per hour. This rate will move upwards in July 1 of every year, in line with

2015 UNION GUIDE – Paid Parental Leave Entitlements

minimum wage decisions of the Fair Work Commission.

The 18 weeks must be taken as one continuous, unbroken period.

The Commonwealth Government does not require the Department to pay superannuation on your PPL payments. You do not accrue any additional leave entitlements with on PPL.

You cannot claim both PPL and the baby bonus and certain other family tax benefits. The FAO website provides a link to an online tool for determining which form of payment best suits your circumstances:

http://www.centrelink.gov.au/internet/internet.nsf/individuals/ppl_working_parents_estimator.htm

How it's paid

For the first 6 months of the scheme (1 January 2011- 1 July 2011), the FAO will make your payments to you directly. After 1 July 2011, it will be the Department's responsibility to administer the payment of PPL.

You must receive all payments within 12 months of the birth, which means you must nominate a PPL start date no later than 34 weeks after the birth. To work out which option for when to claim is best for you the FAO provides a table of claim dates:

<http://www.familyassist.gov.au/payments/family-assistance-payments/paid-parental-leave-scheme/working-parents---claims.php>

The Department is obliged to:

1. provide your PPL payments in accordance with your normal pay cycle;
2. withhold tax from your PPL payments;
3. provide you with records of your PPL payments (such as through a payslip);
4. notify the FAO when you return to work.

After 1 July 2011, when the Department begins administering PPL, you are able to salary sacrifice all or part of your PPL entitlement.

Interaction with Award entitlement

The PPL payments are in addition to your entitlement to paid parental leave as set out in clause 21 of the Permanents Award and clause 14 of the Retained Award. These will continue to operate unchanged. You take PPL in addition to your clause 21 or clause 14 parental leave entitlements. You are able to take PPL at the same time as your Award parental leave, however as PPL is taxable income this is likely to have taxation implications for you.

The Award specifically permits the taking of paid parental leave with other leave. It is our position that the clear intent of this clause will allow the simultaneous taking of PPL and other leave provided for by the Award.

You should note that the period of parental leave for PPL is shorter at 52 weeks than your entitlement under the Award (61 weeks). While you can take parental leave for up to 61 weeks, your last chance to be paid PPL is from weeks 40-52 after the birth of your child.

Your full Award entitlements for parental leave are set out at the end of this guide.

'Keep in touch' provisions

You and the Department can agree to 'keep in touch' during your PPL. This means you can agree to participate in activities for up to 10 days (which need not be consecutive) during the PPL period without losing your entitlement to PPL. You cannot be directed by the Department to work during your PPL. This provision is primarily intended for you to participate in any training that goes on during your PPL. We imagine that this would also apply to, for example, the sitting of SOPP and IPP.

On your keep in touch days, you receive your normal pay for that work as well as your PPL, but it does not make your PPL longer.

2015 UNION GUIDE – Paid Parental Leave Entitlements

Crown Employees (NSW Fire Brigades Permanent Firefighting Staff) Award 2008

Clause 21. Parental Leave

21.1 Definition of Parental Leave

21.1.1 For the purposes of this clause, parental leave is maternity leave, paternity leave or adoption leave.

21.1.2 Maternity leave is taken by a female employee in connection with the pregnancy or the birth of a child of the employee. Maternity leave consists of an unbroken period of leave.

21.1.3 Paternity leave is leave taken by a male employee who becomes a parent but is ineligible to be granted either maternity leave or adoption leave but is to be the primary care giver of a child or who wishes to share the child caring duties with their partner.

21.1.4 Adoption leave is leave taken by a female or male employee in connection with the adoption by the employee of a child under the age of five (5) years (other than a child who has previously lived continuously with the employee for a period of at least six (6) months or who is a child or step-child of the employee or of the employee's spouse).

21.1.5 For the purposes of this clause, "spouse" includes a de facto spouse and a former spouse.

21.2 Entitlement to Parental Leave

21.2.1 An employee is entitled to parental leave, as provided by this clause, in connection with the birth or adoption of a child.

21.2.2 Maternity Leave - all female employees who do not have the necessary service as prescribed in subclause 21.3.1 for paid Maternity Leave, shall be entitled to unpaid maternity leave of up to fourteen (14) weeks before the expected date of birth of the child.

21.2.3 Paid Maternity Leave may be granted to a female employee subject to the following

conditions -

21.2.3.1 The female employee has applied for Maternity Leave within such time and in such manner as herein set out; and

21.2.3.2 Before the expected date of birth has completed not less than forty (40) weeks' continuous service. Paid Maternity Leave shall be for a period of fourteen (14) weeks at full pay or twenty-eight (28) weeks at half pay from the date Maternity Leave commences.

In addition to the unpaid or paid Maternity leave referred to in 21.2.2 & 21.2.3.2 respectively, all female employees shall be entitled to a further period of unpaid Maternity leave, provided that the total period of absence on Maternity leave shall not exceed sixty-one (61) weeks. The period over which Annual and/or Long Service Leave combined with unpaid Maternity Leave, shall not exceed a total period of two years from the date of birth of the child.

21.2.4 Short Adoption Leave is an unbroken period of fourteen (14) weeks of unpaid leave, taken by an employee who does not have the necessary service for paid Adoption Leave as prescribed in subclause 21.3.1, from the time of placement of the child.

21.2.5 Paid Adoption Leave may be granted to an employee adopting a child subject to the following conditions:

21.2.5.1 The employee has applied for Adoption Leave within such time and in such manner as herein set out; and

21.2.5.2 Before the commencement of Adoption Leave the employee has completed not less than forty (40) weeks' continuous service.

21.2.5.3 The employee is to be the primary care giver of the child.

Paid Adoption Leave shall be for a period of fourteen (14) weeks at full pay or twenty-eight (28) weeks at half pay of Adoption Leave or the period of Adoption Leave taken, whichever is the lesser period.

2015 UNION GUIDE – Paid Parental Leave Entitlements

In addition to the unpaid or paid Adoption leave referred to in 21.2.4 & 21.2.5 of this subclause respectively, all employees shall be entitled to a further period of unpaid Adoption leave, provided that the total period of absence on Adoption leave shall not exceed sixty-one (61) weeks.

21.2.6 Paternity Leave is a period of up to a maximum of fifty-two (52) weeks of either unpaid or a combination of paid and unpaid parental leave taken from the date of birth of the child, or other termination of the pregnancy. Application for such leave must be made within such time and in such manner as herein set out. Paternity leave shall consist of -

21.2.6.1.1 an unbroken period of up to one (1) week unpaid leave (short paternity leave) at the time of the birth of the child, or other termination of the pregnancy

21.2.6.1.2 an unbroken period of up to one (1) week on full pay or two (2) weeks on half pay at the time of the birth of the child, or other termination of the pregnancy provided that at such time the employee has completed not less than forty (40) weeks continuous service

21.2.6.2 In addition to the unpaid or paid Paternity leave referred to in 21.2.6.1, all male employees shall be entitled to a further period of unpaid Paternity leave in order to be the primary care-giver of the child (extended paternity leave), provided that the total period of absence on Paternity leave shall not exceed fifty-two (52) weeks.

21.2.7 Except as provided for in subclause 21.2.3 and 21.2.5, Parental Leave shall not extend beyond a period of 1 year after the child was born or adopted.

21.3 Length of service for eligibility

21.3.1 A female employee is entitled to paid maternity leave or, in the case of both male and female employees, paid paternity or adoption leave only if the employee has had at least 40 weeks' continuous service.

21.3.2 There is no minimum period of employment for eligibility for unpaid parental leave.

21.3.3 Continuous service is service under one or more unbroken contracts of employment, including:

21.3.3.1 any period of authorised leave or absence, and

21.3.3.2 any period of part-time work.

21.3.3.3 full or part time service within the Public Service or within a Public Sector organisation listed in the schedules attached to the *Transferred Officers Extended Leave Act 1961* and in appendices A and B contained in the Personnel Handbook published by the DPE.

21.4 Notices and Documents required to be given to Commissioner

21.4.1 Maternity leave

The notices and documents to be given to the Commissioner for the purposes of taking maternity leave are as follows:

21.4.1.1 The female employee should give at least 8 weeks' written or oral notice of the intention to take the leave (unless it is not reasonably practicable to do so in the circumstances),

21.4.1.2 The female employee must, at least 4 weeks before proceeding on leave, give written notice of the dates on which the employee proposes to start and end the period of leave,

21.4.1.3 The female employee must, before the start of leave, provide a certificate from a medical practitioner confirming that the employee is pregnant and the expected date of birth.

21.4.2 Paternity leave

The notices and documents to be given to the Commissioner for the purposes of taking paternity leave are as follows:

2015 UNION GUIDE – Paid Parental Leave Entitlements

21.4.2.1 In the case of extended paternity leave, the employee should give at least 10 weeks written or oral notice of the intention to take the leave (unless it is not reasonably practicable to do so in the circumstances),

21.4.2.2 The employee must, at least 4 weeks before proceeding on leave, give notice of the dates on which the employee proposes to start and end the period of leave,

21.4.2.3 The employee must, before the start of leave, provide a certificate from a medical practitioner confirming that the employee's spouse is pregnant and the expected date of birth,

21.4.2.4 In the case of extended paternity leave, the employee must, before the start of leave, provide a statutory declaration by the employee stating:

21.4.2.4.1 any period of maternity leave sought or taken by his spouse, and

21.4.2.4.2 that he is seeking that period of extended paternity leave to become the primary care-giver of a child.

21.4.3 Adoption leave

The notices and documents to be given to the Commissioner for the purposes of taking adoption leave are as follows:

21.4.3.1 In the case of extended adoption leave, the employee should give written or oral notice of any approval or other decision to adopt a child at least 10 weeks before the expected date of placement (unless it is not reasonably practicable to do so in the circumstances),

21.4.3.2 The employee must give written notice of the dates on which the employee proposes to start and end the period of leave, as soon as practicable after the employee is notified of the expected date of placement of the child but at least 14 days before proceeding on leave,

21.4.3.3 The employee must, before the start of leave, provide a statement from an adoption agency or another appropriate body of the

expected date of placement of the child with the employee for adoption purposes,

21.4.3.4 In the case of extended adoption leave, the employee must, before the start of leave, provide a statutory declaration by the employee stating:

21.4.3.4.1 any period of adoption leave sought or taken by his or her spouse, and

21.4.3.4.2 that the employee is seeking that period of extended adoption leave to become the primary care-giver of a child.

21.4.4 An employee does not fail to comply with this clause if the failure was caused by:

21.4.4.1 the child being born (or the pregnancy otherwise terminating) before the expected date of birth, or

21.4.4.2 the child being placed for adoption before the expected date of placement, or

21.4.4.3 other compelling circumstances.

In the case of the birth of a living child, notice of the period of leave is to be given within two (2) weeks after the birth and the certificate of the medical practitioner is to state that the child was born and the date of birth. In the case of the adoption of a child, notice of the period of leave is to be given within two (2) weeks after the placement of the child.

21.4.5 An employee must notify the Commissioner of any change in the information provided under this clause within two (2) weeks after the change.

21.4.6 If required by the Commissioner, an employee who applies for Parental Leave is to give the Commissioner a statutory declaration, or enter into an agreement with the Commissioner, that for the period of the leave the employee will not engage in any conduct inconsistent with the employee's contract of employment.

21.5 Continuity of service

Parental leave does not break an employee's

2015 UNION GUIDE – Paid Parental Leave Entitlements

continuity of service, but subject to subclauses 21.5.1, 21.5.2 and 21.5.3, is not to be taken into account in calculating an employee's period of service for any other purposes.

21.5.1 Any period of paid Adoption, paid Maternity or paid Paternity Leave shall count as full service for the purposes of determining progression either within a classification or from one classification to another. However, unpaid Parental Leave shall not count as service for determining such progression.

21.5.2 Adoption Leave on full pay, Maternity Leave at full pay and Paternity Leave at full pay shall count as full service for the purposes of determining all forms of leave.

21.5.3 Unpaid Parental Leave shall not count as service for determining any form of leave entitlement, except for Long Service Leave (Extended Leave) in cases where at least ten (10) years of service has been completed and unpaid Parental Leave does not exceed six (6) months.

21.6 Simultaneous taking of Parental Leave

Subject to subclause 21.20.1.1, Parental Leave is to be available to only one parent at a time, in a single unbroken period, except that both parents may simultaneously take:

21.6.1 For maternity and paternity leave, an unbroken period of up to one week at the time of the birth of the child;

21.6.2 For adoption leave, an unbroken period of up to three weeks at the time of the placement of the child.

21.7 Cancellation of Parental Leave

21.7.1 Before starting leave

Parental leave applied for but not commenced is automatically cancelled if:

21.7.1.1 the employee withdraws the application for leave by written notice to the Commissioner, or

21.7.1.2 the pregnancy concerned terminates

other than by the birth of a living child or the placement of the child concerned does not proceed.

21.7.2 After starting leave

If:

21.7.2.1 the pregnancy of the employee or the employee's spouse terminates other than by the birth of a living child while the employee or spouse is on parental leave, provided:

21.7.2.1.1 if a child is still-born the female employee may elect to take available sick leave or maternity leave;

21.7.2.1.2 in the event of a miscarriage any absence from work is to be covered by the current sick leave provisions; or

21.7.2.2 the child in respect of whom an employee is then on parental leave dies, or

21.7.2.3 the placement of a child for adoption purposes with an employee then on adoption leave does not proceed or continue, the employee is entitled to resume work at a time nominated by the Commissioner within 2 weeks after the date on which the employee gives the Commissioner a notice in writing stating that the employee intends to resume work and the reason for the intended resumption.

21.7.3 This provisions of subclause 21.7 do not affect an employee's entitlement to special maternity leave or special adoption leave.

21.8 Parental Leave and other Leave

21.8.1 An employee may take any annual leave, long service leave (extended leave) or consolidated leave to which the employee is entitled instead of or in conjunction with parental leave.

21.8.2 However, the total period of leave cannot be so extended beyond the maximum period of parental leave authorised by this clause.

21.8.3 The maximum period of parental leave

2015 UNION GUIDE – Paid Parental Leave Entitlements

authorised by this clause is reduced by any period of paid sick leave taken by the employee while on maternity leave.

21.8.4 Any paid absence authorised by law or by an award, enterprise agreement or contract of employment is not available to an employee on parental leave, except if the paid absence is:

21.8.4.1 annual leave, long service leave (extended leave) or consolidated leave, or

21.8.4.2 in the case of maternity leave - sick leave.

21.9 Employee and Commissioner may agree to interruption of parental leave by return to work

21.9.1 An employee on parental leave may, with the agreement of the Commissioner, break the period of leave by returning to work for the Department, provided that:

21.9.1.1 A female employee who gives birth to a living child shall not resume duty until six (6) weeks after the birth of the child unless special arrangements for early return are made at the request of the female employee and supported by a certificate from a qualified medical practitioner;

21.9.1.2 A female employee who has returned to full-time duty after less than her full entitlement to maternity leave, shall be entitled to revert to maternity leave either on a full-time or part-time basis if she so elects. This election may be exercised only once and a minimum of four (4) weeks notice (or less if acceptable to the Commissioner) of her intention to resume maternity leave must be given.

21.9.2 The period of leave cannot be extended by such a return to work beyond the maximum period of leave authorised by this clause.

21.10 Extension of period of Parental Leave

21.10.1 An employee may extend the period of parental leave once only by giving the Commissioner notice in writing of the extended period at least fourteen (14) days before the start of the extended period. The period of leave

cannot be extended by such a notice beyond the maximum period of leave authorised by this clause.

21.10.2 Subject to the provisions of subclause 21.20, an employee may extend the period of parental leave at any time with the agreement of the Commissioner. The period of leave can be extended by such an agreement beyond the maximum period of leave authorised by this clause.

21.10.3 This section applies to an extension of leave while the employee is on leave or before the employee commences leave.

21.11 Shortening of period of Parental Leave

An employee may shorten the period of parental leave with the agreement of the Commissioner and by giving the Commissioner notice in writing of the shortened period at least fourteen (14) days before the leave is to come to an end.

21.12 Return to work after Parental Leave

21.12.1 An employee returning to work after a period of parental leave is entitled to be employed in:

21.12.1.1 the classification (if possible, at the same location) held by the employee immediately before proceeding on that leave, or

21.12.1.2 if the employee was transferred to a safe job before proceeding on maternity leave - the classification (if possible, at the same location) held immediately before the transfer.

21.12.2 If the classification no longer exists but there are other classifications available that the employee is qualified for and is capable of performing, the employee is entitled to be employed in a classification as comparable as possible in status and pay to that of the employee's former classification.

21.12.3 The provisions of subclause 21.12 extend to a female employee returning to work after a period of Special maternity leave and sick leave.

2015 UNION GUIDE – Paid Parental Leave Entitlements

21.13 Payment

21.13.1 Payment for the fourteen (14) weeks on full pay or twenty-eight (28) weeks on half pay paid Maternity Leave may be made -

21.13.1.1 in advance in a lump sum; or

21.13.1.2 on a normal fortnightly basis, and shall be at the same hourly rate as the rate paid for other forms of paid leave, and may include payment of a higher duties allowance if the employee;

21.13.1.2.1 has acted in the higher position for a period in excess of one year; and

21.13.1.2.2 the period of higher duties relief continues up to the day prior to the employee's departure on maternity leave; and

21.13.1.2.3 the higher duties relief is at the full difference in pay.

21.13.2 Payment to eligible employees for the fourteen (14) weeks on full pay or twenty-eight (28) weeks on half pay paid Adoption Leave may be made -

21.13.2.1 in advance in a lump sum; or

21.13.2.2 on a normal fortnightly basis.

21.14 Commissioner's Obligations

21.14.1 Information to Employees

On becoming aware that an employee (or an employee's spouse) is pregnant, or that an employee is adopting a child, the Commissioner must inform the employee of:

21.14.1.1 the employee's entitlements to parental leave under this clause, and

21.14.1.2 the employee's obligations to notify the Commissioner of any matter under this clause.

21.14.2 Records

The Commissioner must keep, for at least six (6) years, a record of parental leave granted under

this clause to employees and all notices and documents given under this clause by employees or the Commissioner.

21.15 Termination of Employment because of Pregnancy etc

21.15.1 The Commissioner must not terminate the employment of an employee because:

21.15.1.1 the employee is pregnant or has applied to adopt a child, or

21.15.1.2 the employee has given birth to a child or has adopted a child, or

21.15.1.3 the employee has applied for, or is absent on, parental leave, but otherwise the rights of the Commissioner in relation to termination of employment are not affected by this clause.

21.15.2 For the purposes of establishing such a termination of employment, it is sufficient if it is established that the alleged reason for termination was a substantial and operative reason for termination.

21.15.3 This clause does not affect any other rights of a dismissed employee.

21.16 Replacement employees

21.16.1 A replacement employee is a person who is specifically employed as a result of an employee proceeding on parental leave (including as a replacement for an employee who has been temporarily promoted or transferred in order to replace the employee proceeding on parental leave).

21.16.2 Before a replacement employee is employed, the Commissioner must inform the person of the temporary nature of the employment and of the rights of the employee on parental leave to return to work.

21.16.3 A reference in this clause to an employee proceeding on leave includes a reference to a pregnant employee exercising a right to be transferred to a safe job.

21.17 Transfer to a Safe Job

2015 UNION GUIDE – Paid Parental Leave Entitlements

21.17.1 This subclause applies whenever the present work of a female employee is, because of her pregnancy or breastfeeding, a risk to the health or safety of the employee or of her unborn or new born child. The assessment of such a risk is to be made on the basis of a medical certificate supplied by the employee and of the obligations of the Commissioner under the *Occupational Health and Safety Act 2000*.

21.17.2 The Commissioner is to temporarily adjust the employee's working conditions or hours of work to avoid exposure to risk as follows -

21.17.2.1 Where a female employee is confirmed pregnant she is to notify the Area Commander or Officer-in-Charge as soon as possible who will, in turn, direct that she be withdrawn from operational firefighting duties;

21.17.2.2

21.17.2.2.1 The standard issue uniform is to be worn by members until the pregnancy becomes apparent prior to the birth and from the tenth week, if practicable, following the birth.

21.17.2.2.2 Employees will be provided with a maternity uniform for use when appropriate.

21.17.2.3 An employee on maternity leave who gives birth to a living child shall not resume operational firefighting duties until thirteen (13) weeks have elapsed after the birth of the child unless a special request for early return is made by the employee supported by a medical certificate from a qualified medical practitioner, subsequently endorsed by the Department's occupational physician.

21.17.2.4 Duties other than fire fighting may be undertaken after six (6) weeks following the birth of the child, if endorsed by the occupational physician.

21.17.2.5

21.17.2.5.1 Upon withdrawal from operational firefighting duties alternate work of a suitable nature is to be provided.

21.17.2.5.2 Allocation of duties will be determined by the Department following consultation between the Department's Occupational Health Physician, the employee's Officer-in-Charge and the employee.

21.17.3 If such an adjustment is not feasible or cannot reasonably be required to be made, the Commissioner is to transfer the employee to other work where she will not be exposed to that risk.

21.17.4 If such a transfer is not feasible or cannot reasonably be required to be made, the Commissioner is to grant the employee maternity leave under this clause (or any available paid sick leave) for as long as is necessary to avoid exposure to that risk, as certified by a medical practitioner.

1.18 Special Maternity Leave and Sick Leave

If the pregnancy of an employee not then on maternity leave terminates before the expected date of birth (other than by the birth of a living child) or she suffers illness related to her pregnancy:

21.18.1 the employee is entitled to such period of unpaid leave (to be known as special maternity leave) as a medical practitioner certifies to be necessary before her return to work, or

21.18.2 the employee is entitled to such paid sick leave (either instead of or in addition to special maternity leave) as she is then entitled to and as a medical practitioner certifies to be necessary before her return to work.

21.19 Special Adoption Leave

An employee who is seeking to adopt a child is entitled to up to two (2) days unpaid leave if the employee requires that leave to attend compulsory interviews or examinations as part of the adoption procedure. This leave may also be granted from a credit of Consolidated leave.

21.20 Right to request

21.20.1 An employee entitled to parental leave may request the employer to allow the employee:

2015 UNION GUIDE – Paid Parental Leave Entitlements

21.20.1.1 to extend the period of simultaneous parental leave up to a maximum of eight weeks;

21.20.1.2 to extend the period of unpaid parental leave for a further continuous period of leave not exceeding 12 months;

to assist the employee in reconciling work and parental responsibilities.

21.20.2 The employer shall consider the request having regard to the employee's circumstances and, provided the request is genuinely based on the employee's parental responsibilities, may only refuse the request on reasonable grounds related to the effect on the workplace or the employer's business.

21.20.3 Employee's request and the employer's decision to be in writing:

The employee's request and the employer's decision made under 21.20.1.1 and 21.20.1.2 must be recorded in writing.

21.21 Communication during parental leave

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

21.21.1.1 make information available in relation to any significant effect the change will have on the status or responsibility level of the position the employee held before commencing parental leave; and

21.21.1.2 provide an opportunity for the employee to discuss any significant effect the change will have on the status or responsibility level of the position the employee held before commencing parental leave.

21.21.2 The employee shall take reasonable steps to inform the employer about any significant matter that will affect the employee's decision regarding the duration of parental leave to be taken and whether the employee intends to return to work.

21.21.3 The employee shall also notify the employer of changes of address or other contact details which might affect the employer's capacity to comply with paragraph 21.21.1.