



**Planning for pregnancy, birth, and
everything else:**

Your guide to leave, rights and entitlements

Enterprise Agreements:

ACTPS Education Directorate (Teaching Staff) 2023-2026

ACTPS Administrative and Related Classifications 2023-2026

ACTPS Canberra Institute of Technology (Educators) 2023-2026

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Introduction

Planning for pregnancy? Congratulations from all of us at the AEU. It's an exciting time, and we want to make sure you can focus on everything important in your life.

When it comes to work, some of the practical arrangements can be confusing. The AEU ACT office is here to help.

Unions have always led the charge when it comes to fighting for fair maternity and parental leave. As the [Australian Trade Union Institute](#) says,

Australian unions know that for many of us, bringing a child into the world will be one of the most significant moments in our lives. We deserve the right to experience and savour these moments while being free to support our partners without the fear of financial hardship or loss of work.

Maternity and parental leave entitlements came about because working people, organised in their unions, campaigned tirelessly for them.

These changes were not easy and took decades to realise. This is often the case. But when you are in a union you are part of a community, you know that someone will always have your back, and you are not alone.

This guide is intended to help AEU members understand the basics of pregnancy and birth related industrial rights and entitlements.

All AEU members have the same basic entitlements because all AEU members are part of the ACTPS. This means that irrespective of whether you work in a school (regardless of whether you're a school assistant, teacher, psychologist or school leader), in ESO, or CIT, the provisions are the same.

If you are a casual employee, please refer to [page 22](#) for special advice.

Most of the entitlements in this guide depend on having at least a year of previous continuous service, including recognised prior service, in either temporary (short term contract) or permanent roles. If you're not sure if you meet this requirement, contact the AEU office and we can help you out. We also provide some guidance around these requirements on [page 16](#).

This document is intended as a general guide, and you should still seek advice from your employer or the AEU regarding your particular circumstances. You can email our team at aeuact@aeuact.org.au.

Rights and entitlements in the lead up to birth

There are rights and leave types available to employees if they are pregnant (or looking to become pregnant using assisted reproductive treatments).

You have a right to a safe job

Every pregnant employee (including casuals and others who don't qualify for paid leave) has a right to a safe job while they're pregnant.

If your current job is not safe for your pregnancy, you are entitled to be transferred into a safe job while you're pregnant.

To do this, you need to provide evidence from a registered medical professional (typically your doctor or midwife). This evidence would generally tell your employer that you are fit for work, but that some or all of your current duties are inadvisable because they expose you to something that will impact on your pregnancy.

If the employer can't find you a safe job and you've completed 12 months of continuous service, you're entitled to paid leave until a safe job can be provided, or until your birth leave commences. This leave won't reduce your entitlement to paid birth leave.

You can use personal leave to attend medical appointments

The Enterprise Agreement makes clear that you can take personal leave if you need to attend a medical appointment, or if you need to accompany a member of your immediate family or household to a medical appointment. This means you can take personal leave for appointments with doctors, midwives, or for any tests, including if you're the partner/non-birth parent.

You can access assisted reproductive leave

The 2023-26 Enterprise Agreement introduced assisted reproductive leave, which enables employees to be absent from work to undergo assisted reproductive treatments and attend associated medical appointments. If you've completed 12 months of continuous prior service and are a permanent or temporary employee, you may be eligible. The entitlement is for 5 paid days per calendar year, which may be taken as part-days.

Rights and entitlements following birth

The ACTPS Enterprise Agreements contain several leave entitlements for employees who are giving birth or becoming a parent.

Please note that the leave types described here have eligibility criteria that depend on your length of service. If you have worked for the ACTPS for less than 12 months, refer to [page 9](#) for advice.

Some of the language used in our enterprise agreements might be new to you. The entitlements ask us to define who the birth parent is, which is usually straightforward. Beyond this, we also need to know who the primary care giver is. While the birth parent can be the primary care giver, the other parent can also become the primary care giver.

The primary care giver is the person who meets the child's physical needs more than anyone else during the period of leave taken.

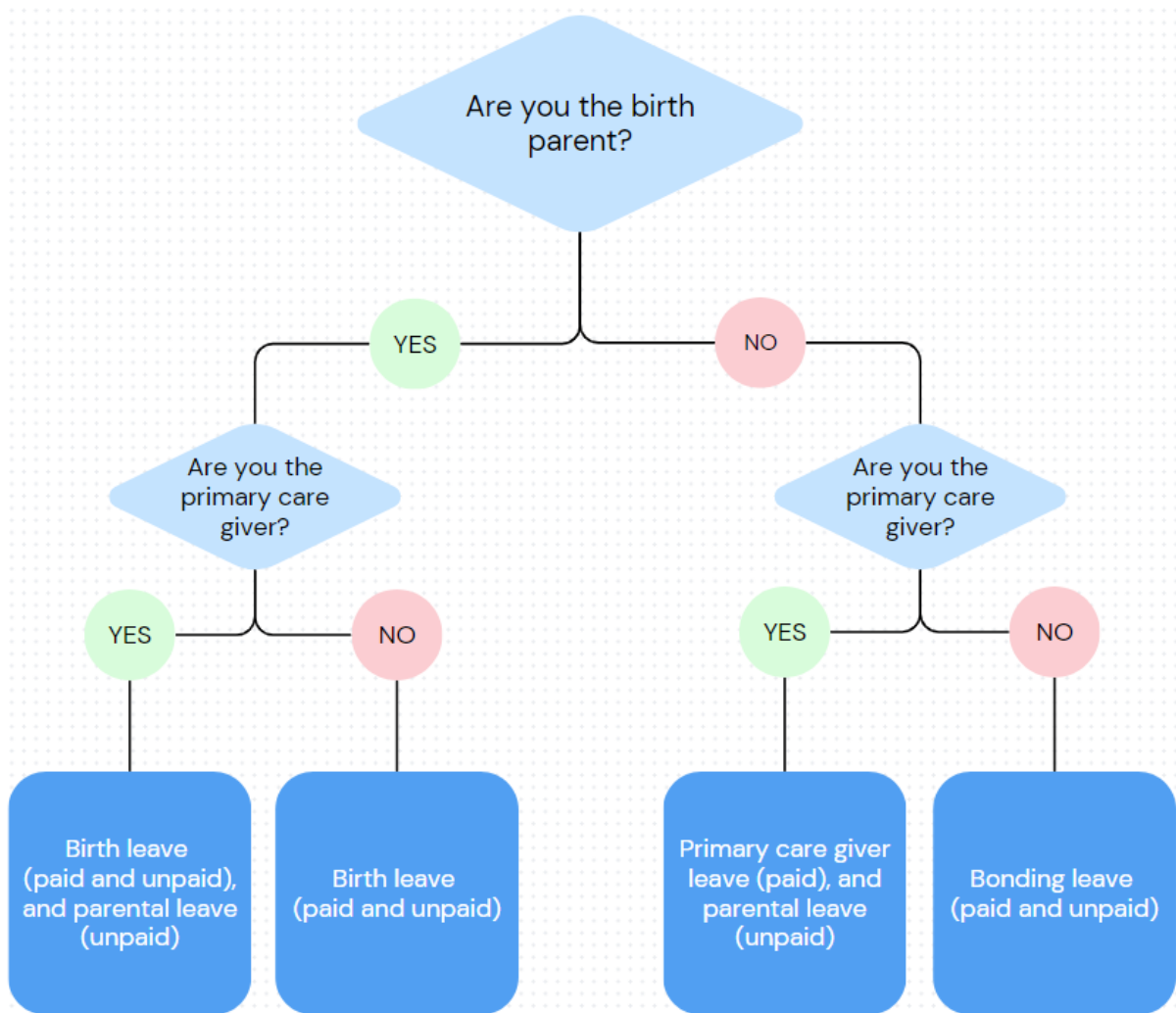
- **Birth leave** is sometimes called maternity leave. It's taken by the birth parent. It's the leave type available to pregnant employees before and after the birth of a child. Birth leave has both paid and unpaid components. The paid component of birth leave is for up to 24 weeks.
- **Bonding leave** is available to an employee at the time of their child's birth when the employee is *not* the primary care giver or birth parent. Bonding leave is paid leave of up to 5 weeks, with an additional week of paid personal leave that can be added.

If you're in a partnership in which the pregnant person will be the primary care giver, then taking birth leave (for the birth parent) and bonding leave (for the non-birth parent) is the most common arrangement. However, there are more leave options available to suit a variety of family circumstances.

- **Primary care giver leave** is available to an employee who is the primary care giver of a newborn child but is *not* eligible for paid birth leave because they are not the birth parent. Primary care giver leave is paid leave of up to 18 weeks (which includes any bonding leave taken).
- **Parental leave** is unpaid, and essentially extends the amount of time you can take off work following paid leave. It is available to primary care givers only. Parental leave allows you to be absent from work for up to 4 years¹ following the birth of your first child (or until the child reaches school age), less any period of birth leave or primary care giver leave taken. For any subsequent children you might have, the entitlement is for up to 2 years.

¹ The entitlement of 4 years applies only to school-based teachers, office-based teachers, school leaders and school psychologists. For other employees, including those working in CIT or as a school assistant, the entitlement is for 2 years per child.

This diagram might help you understand the leave types available to you.



Birth leave: the basics

Birth leave entitles you to be absent from work for 52 weeks, and to be paid for the first 24 weeks of this leave.² Most employees access both paid and unpaid birth leave.

The following criteria need to be met to be eligible for paid birth leave:

1. **You've given birth to a newborn child, and**
2. **You've worked for the ACTPS³ for 12 months continuously prior to commencing the leave** (including permanent and temporary employment, or a combination of these).

If you don't meet the second criterion above, the following applies:

- If you **will not** have completed 12 months of continuous service by the end of the first 24 weeks of your birth leave, you will not be eligible for any paid leave during the entire birth leave period.
- If you **will** complete 12 months of continuous service during the first 24 weeks of your leave, you will be eligible for paid leave. The paid component of your leave will start from the date you complete 12 months of service and continue until the end of the first 24 weeks that you're off work.

Here's an example to illustrate what the second point above might look like.

Sam started working for the ACTPS on July 1, 2023. She is due to give birth on April 1, 2024, and she plans to cease six weeks before her due date, which means her last day of work will be February 19, 2024.

Sam's 12 months of continuous service will be completed on July 1, 2024. She won't be entitled to any paid birth leave until after this time. Sam will only be eligible for paid leave from July 1, 2024, until the end of the 24 weeks of her leave (August 5, 2024).

This means that the period from February 19 to July 1 will be unpaid leave, and the period from July 1 to August 5 will be paid leave.

Like other leave types, you need to provide evidence to access birth leave. This should be a medical certificate or letter from your doctor or midwife, and it should include your due date. You may also be asked to provide evidence such as a birth certificate or a letter from your doctor or midwife that confirms the date of birth once your child is born.

² If you'd like to be absent from work for more than 52 weeks, then unpaid parental leave will apply following birth leave.

³ There are leave and service portability arrangements between the ACTPS and APS, and you might also be able to show continuity of service if you've moved to the ACTPS from working in another Australian public education system or government body. Please contact the AEU office if you need help with navigating these situations.

If your pregnancy ends in miscarriage or stillbirth at or within 20 weeks of the estimated date of delivery of the child, you are still entitled to access birth leave entitlements – 24 weeks of paid leave.

If your pregnancy ends by miscarriage before 20 weeks of the estimated date of delivery of the child, you will not be entitled to access birth leave entitlements. You may be eligible for personal leave (paid), special birth leave (unpaid), and/or compassionate leave (paid, up to 5 days). See [page 14](#) for more guidance.

How much will I be paid for birth leave?

The pay you receive during paid birth leave is calculated based on how much you worked in the 12 months prior to the leave commencing. Your pay during paid leave includes allowances you usually receive as part of your usual pay, like the Special Education Allowance.

- If you've been employed for 12 months prior to starting birth leave and you work full time, you'll be paid your normal salary for the period of paid leave.
- If you've worked part time at a constant fraction in the 12 months prior to starting birth leave, you'll be paid at your part time rate.
- If in the 12 months prior to starting birth leave you've worked a combination of full time and part time, or more than one part time fraction (i.e. you increased or decreased the days you work), your paid birth leave will be an average of your hours of work for the 12 months prior to commencing birth leave.

Here's an example to help illustrate the third point above.

Ari is due to commence birth leave on 1 July, 2024. She looks to her past 12 months of service to determine how much she'll be paid while on birth leave. This is her work history:

- From July to December 2023, she worked 5 days a week.
- From January to June 2024, she worked 3 days a week.

This means that she worked 6 months at 5 days a week, and 6 months at 3 days a week. She therefore worked an average of 4 days a week over the past 12 months. She will be paid at this rate - 4 days a week or 0.8FTE - for the 24 weeks of birth leave.

If your situation is complicated, it's a good idea to confirm the rate of pay with Shared Services before commencing leave. This is especially relevant if you have two AGS numbers (say, you work part time and occasionally as a casual as well).

You can access paid birth leave at full or half pay, or a combination of both. The maximum paid period is 48 weeks at half pay.

When does birth leave start?

Usually, an employee accessing birth leave stops working 6 weeks before their due date and would be absent from work for at least 6 weeks after the actual date of birth.

The things that might change this timeline are:

- If your doctor or midwife approves staying at work for longer than 6 weeks before the due date, or return sooner than 6 weeks after the birth – they will need to write a letter stating this
- If your child is born more than 6 weeks before your due date, then birth leave starts the day the child is born
- If the pregnancy ends at or within 20 weeks of your due date, birth leave commences on the day the pregnancy ends.

AEU tip: Confirm arrangements in writing

It's a good idea to confirm the timeline of your intended leave in writing with Shared Services. This means that everyone's on the same page, and there's a record of what was agreed on just in case there's an error made in applying your leave.

Such a confirmation might include:

- Your due date
- Your intended date of commencing paid birth leave (usually 6 weeks prior to the due date)
- Your intended date of returning to work

This is a particularly useful step to take if your timeline is complicated by factors like completing 12 months of continuous service after commencing birth leave, working in various part time arrangements in the 12 months prior to the due date, or accessing a combination of full and half pay.

You can then send your confirmed leave timeline to your principal or manager for their records.

How else can I access pay after paid birth leave ends (or if I'm not eligible for paid birth leave)?

Your paid birth leave entitlement is in addition to the federal paid parental leave scheme: **you can get both**.

From July 1 2023, the Australian Government paid parental leave entitlement has increased to 20 weeks at the national minimum wage, and on 1 July 2024 it increased to 22 weeks. This amount will continue to increase by 2 weeks every 1 July until 2026. By 1 July 2026, you will be entitled to 26 weeks of paid parental leave entitlements at the national minimum wage. There are some criteria you need to meet and some rules about how you can split the payment up between a couple. **The best place to go for accurate advice on this is the [Services Australia website](#).**

You can apply to access **long service leave** during any period that would otherwise be unpaid birth leave. This might help extend the duration of your paid leave.

You can also access **personal leave** if you're sick or need to care for someone else who's sick during a period that would otherwise be unpaid birth leave. You need a medical certificate to access this.

Interactions with the designated annual leave period

For employees in schools and CIT, there are limits on when you can take annual leave. Annual leave needs to be taken during designated periods. For those working in schools, this is over the summer school holidays. For those in CIT, the designated annual leave periods are generally the first few weeks of January of each year and two weeks in July between semesters.

Because of this designated annual leave periods, there are some restrictions around when and how annual leave might be accessed by someone to extend their paid period following birth.

This restriction means that whether or not you can use your annual leave for a period that would otherwise be unpaid birth leave depends on the timing of your paid birth leave.

If your paid period of birth leave falls during the designated annual leave period (the December-January break), your annual leave will be credited back to you. In this case, you can use any remaining annual leave (either at full or half pay) immediately after the paid period of birth leave.

Here's an example to illustrate:

Kai is a teacher whose due date is in December. Kai's paid birth leave begins in mid-November and continues through early January. Since this period falls during the summer break, Kai's annual leave will be credited back to them.

After they've taken the paid component of birth leave, Kai can use the reccredited annual leave (either at full or half pay) before returning to work.

Given this is a complex issue, we recommend writing to Shared Services for confirmation or clarification if your paid leave might interact with the designated annual leave period.

Superannuation during birth leave

Australia has a big gender gap when it comes to retirement savings. Because women are more likely to take time away from paid work to do unpaid caring work, they retire with a fraction of the superannuation as compared with men.

In 2023 Enterprise Bargaining, ACT unions won a doubling to the amount of superannuation paid during periods in which an employee is off work associated with the birth of a child. Under the previous agreement, you were only entitled to receive superannuation payments for up to 52 weeks while taking paid or unpaid leave. As most people having a child take more than a year off work, they typically experienced a lengthy pause in their super contributions while they were doing the unpaid work of parenting.

Our bargaining win means **you will now receive superannuation for up to 104 weeks** while on paid or unpaid leave associated with the birth of a child. This means that employees who take 2 years off work to care for a baby won't have a gap in their super earnings.

What about stand down?

If you are on paid or unpaid leave immediately before and after the stand down period, the stand down period is taken as that leave type. As an example, if you are paid birth leave on the last day of term 1 and are still on paid birth leave on the first day of term 2, then the stand down period between terms 1 and 2 will be deducted from your paid birth leave balance.

If you return from paid or unpaid leave before the end of term, then the next period of stand down will be paid at the normal rate.

My partner is giving birth – what are my options for leave?

Bonding leave

If your partner is giving birth and will be the primary care giver of the child, you will likely be able to access **bonding leave**. The entitlement is for 5 weeks of paid bonding leave, to which you can add one week of your accrued personal leave to make 6 weeks total of paid leave. Bonding leave is available to temporary and permanent employees, but not casuals. There is no prior service requirement.

Paid bonding leave must be taken within 14 weeks of the date of birth. You can take paid bonding leave at full pay or half pay (or a combination of both). The maximum paid period is up to 10 weeks at half pay.

You can take up to 8 weeks of unpaid bonding leave on top of the paid component. You can take this at the same time as your partner is taking leave. Unpaid bonding leave must be taken within the first 12 months following birth and is usually taken in blocks of no less than two weeks.

Primary care giver leave

If your partner is giving birth and you are going to assume primary care giver responsibilities of the child, you should look to **primary care giver leave**. This entitles you to 18 weeks of paid leave.

If you take bonding leave and then later become the primary care giver, you will become eligible for primary care giver leave. To decide on your amount of paid leave in this circumstance, any paid leave already taken as bonding leave will be deducted from 18 weeks. For example, if you have taken 6 weeks of bonding leave (inclusive of 1 week of personal leave) and later become the primary care giver, you will be entitled to an additional 12 weeks of pay.

You must have completed at least 12 months of continuous service immediately prior to commencing primary care giver leave. Similarly to birth leave, if you will complete 12 months of prior service within 18 weeks of becoming the primary care giver for a child, you will be eligible for paid leave for the period between completing 12 months of service and the end of the first 18 weeks of becoming the primary care giver of the child.

If you are wishing to access primary care giver leave, you should provide evidence concerning the reasons for and circumstances under which you are seeking the leave, especially if there is another person who may be considered a primary care giver to the same child (i.e., your partner). Evidence could include a medical certificate or some other evidence indicating your primary care giver status (i.e., a return to work letter for your partner). Primary care giver leave must commence prior to the baby reaching 26 weeks of age unless you have sought prior approval from your employer to commence the leave later.

Other leave types related to pregnancy, families and birth

Special birth leave and compassionate leave

If a pregnancy ends in miscarriage or stillbirth, there are different leave types that you can access. If a pregnancy ends at or within 20 weeks of the estimated due date of delivery, 24 weeks of paid birth leave applies. If the pregnancy ends earlier than this, birth leave doesn't apply. Instead, you might be eligible for special birth leave and/or compassionate leave.

Compassionate leave is a paid leave type available to all employees for up to 5 days, but you can be granted an additional portion of paid or unpaid leave upon application. Compassionate leave can be taken by both the birth partner and non-birth partner in the event of a miscarriage.

Special birth leave is unpaid. It's available for employees whose pregnancy ends between 28 weeks and 20 weeks of delivery, or for anyone whose pregnancy means they can't work. Its duration is defined by a medical certificate from your doctor.

Given special birth leave is unpaid, we would generally guide members towards using personal leave (with a medical certificate) and/or compassionate leave first and then consider using special birth leave if your personal leave is exhausted.

Please don't hesitate to reach out to the AEU office for advice if you need to access these leave types. We're here to give you advice on how to navigate your options during a difficult time.

Surrogacy leave

ACTPS Enterprise Agreements now have **surrogacy leave**, which is available for an employee who is pregnant as part of a valid Australian surrogacy agreement. The conditions for eligibility are largely similar to that of birth leave, including a requirement around having already completed 12 months of continuous prior service. An employee who is eligible for surrogacy leave is not eligible for birth leave.

Surrogacy leave is paid at the employee's normal rate for 12 weeks. This typically begins 6 weeks before the due date and ends 6 weeks after the birth of the child.

There's a child or young person coming into my care but it doesn't fit any of these categories. Is there a leave type I can access?

Most probably, yes. The ACTPS Enterprise Agreements have some of the most generous family leave provisions in Australia. There's leave available for **grandparents who are primary care givers**, and people entering into arrangements like **adoption, permanent or long term care, foster and short term care**, and **concurrent foster care**. Most of these leave types are paid.

Get in contact with the AEU office if you'd like some help navigating these leave types.

While you're taking birth-related leave:

You can use keep in touch arrangements

From any date after 6 weeks from your child's date of birth, you can come to work on 10 separate occasions of up to one day each to keep in touch with your workplace. Many people use this for days with scheduled planning, meetings, or training.

If you access keep in touch days during a period of unpaid birth leave, you'll be paid your ordinary hourly rate of pay for the hours you attend the workplace.

Using keep in touch days doesn't extend your period of leave and doesn't end or reduce your birth leave entitlements.

You don't have to access keep in touch arrangements if you don't want to, however they are a good opportunity to attend training and planning which might assist with you returning to work or keeping up with TQI requirements.

Have a think about what dates in the school or office calendar you might want to come along for and talk to your supervisor about it before commencing leave.

Your leave has to be respected

This means you can't be required to work during periods of leave. You also shouldn't be expected to prepare or complete additional work prior to commencing leave.

You should have a plan for your TQI and WWVP registrations

Requirements for maintaining teacher registration are the same for all teachers regardless of employment circumstances. The Enterprise Agreement states that you must be registered with TQI to be employed as a teacher. In other words, if you don't have a valid TQI registration, your employment can be terminated. Keep this in mind if you plan to take paid or unpaid leave.

You have a few options to choose from to manage your TQI registration during leave. You can:

- **Maintain your registration by meeting the yearly PL requirements**, keeping a current WWVP card, and completing a minimum of 100 days of professional practice over five years (if you hold full registration)
- **Maintain your registration by requesting a PL variation plan** (if extenuating circumstances have prevented you from meeting the yearly PL requirements), keeping a current WWVP card, and completing a minimum of 100 days of professional practice over five years (if you hold full registration)
- **Let your registration lapse** and reapply for registration when you return to teaching. Please talk to TQI to discuss your unique situation to ensure this will work for you.

TQI can work with you to establish a variation plan to meet your PL requirements. For example, you might be able to bank hours in the preceding year or make them up in

the following year. This needs to be agreed and implemented by TQI. If you want to vary your PL requirements, you must reach out to TQI to make the plan.

Don't forget that:

- You can use your keep in touch days to do school-based PL.
- Holding a current WWVP card is essential to TQI registration: if you want to keep your registration current, do not let it lapse. Don't forget that Access Canberra might only have your work email listed for reminders to when it's time to renew. You should ensure your details linked to your WWVP registration are current and your email address is one you will have access to while on leave.
- You should update your email address in the TQI portal to the one you'll use while on leave.
- TQI are always ready to talk about any issues and options. You can contact TQI by email on tqi@act.gov.au or by phone on 02 6207 5005.

We've attached the TQI Extended Leave flyer to the end of this guide.

Are you returning to teaching from taking long-term leave? To fulfil a recommendation of the Teacher Shortage Taskforce, the 2023-26 Enterprise Agreement introduced reimbursement of registration fees for TQI and WWVP to incentivise teachers on long-term leave to come back to the classroom.

If you've taken unpaid parental leave and spent two or more years away from work, you could be eligible. You can apply for reimbursement through Shared Services within three months of returning to work.

Continuity of service and accruing leave while taking leave

Enterprise agreements use the terms 'continuity of service' and 'counts as service', which are important to the accrual of some of your entitlements, such as annual, personal and long service leave. Service usually means the period in which you're employed. Taking extended leave, particularly without pay, can have some impact on how service is counted.

During periods that **count as service, you continue to accrue leave**, and should be able to access all relevant entitlements (like taking personal leave when you're sick).

Continuity of service refers to **what's counted when you need to have a particular period of continuous service in order to access an entitlement**, like paid birth leave or long service leave.

Two general rules apply:

- Paid leave counts as service (i.e. you continue to accrue leave and can take personal leave if you're sick), and unpaid leave does not.

- Leave types associated with the pregnancy and birth do not break continuity of service (i.e. time while you take leave is counted towards prior service requirements to become eligible for leave).

It won't be important to understand these distinctions for most people, but the AEU office can lend a hand for the times when it does.

What about my union membership?

We're proud that unions won the rights that pregnant workers enjoy now – like paid and unpaid leave, protection from discrimination, and access to the arrangements to make working while raising a family possible. As a union member, you can be proud too. Your membership funds our critical work to protect and extend the rights of employees during pregnancy and beyond.

The Branch does not have a mechanism to pause the payment of fees while you're on paid leave. Because you're receiving pay as you would normally, it's reasonable to pay union fees.

Why all the fuss? The Fair Work (Registered Organisations) Act makes a distinction between financial and non-financial members of unions.

The AEU can't keep non-financial (i.e. non-fee paying) members 'on the books' and still comply with the law. That's why we've designed options to facilitate either staying on as a financial member, or resigning and re-joining when the time is right.

We can reduce your fees if you're taking leave at half pay. Just let us know what your plans are by calling or emailing the AEU office.

If you take unpaid leave, you have two options:

1. Remain a financial member for \$18.60 a month (a discount of at least \$490 a year for a school teacher), or
2. Resign your membership and let us know when you wish to re-join.

Keep in mind that AEU services like individual advice on issues through our Workplace Advocacy and Member Support team can only be offered to members. This means that if you run into an issue when returning to work and need our help, you'll need to re-join, and we may request a back-payment of fees to cover some of the time you've not been a member.

Additionally, you might want to access AEU-run TQI accredited PL during your time away from work, to keep your teaching registration current. These PL sessions are only open to AEU members.

We would love to keep you on board and we're always ready to process a membership application if you're returning from a period of parental leave. Please contact the AEU office and we can guide you through the options available.

Coming back to work:

You have a right to return to work

When parental leave finishes, you have the right to return to work in your same job, at the same pay as when you left.

If there is a situation where your old job doesn't exist anymore (say, you were an office-based teacher working on a project which has now ended), you're entitled to return to a job that pays the same as your previous position.

This doesn't apply to the specific duties of the job. For example, if you were a teacher of a Year 4 class before taking leave, and upon returning your school has put on Year 6, this would satisfy the requirement, because you've returned to the same 'job' – i.e., a teacher – and you're receiving the same pay.

If you have questions or concerns about this, email the AEU office for advice.

You can request flexible working arrangements

When you're caring for a young child, you might find that you need a bit of flexibility at work. A flexible working arrangement puts in place measures such as flexible starting and finishing times, home-based work, part-time work, job sharing, and using leave flexibly.

A flexible working arrangement must be recorded in writing and run for a specified duration of time, up to 3 years. When the duration expires, the employee returns to their normal working arrangements (unless a fresh flexible working arrangement is created).

You're eligible to request a flexible working arrangement if you're pregnant, if you have a caring responsibility for a child of school age or younger, or another personal circumstance.

You should make the request in writing to your manager or principal. You should give some indication of what kind of arrangement might help you.

Your manager should respond within 21 calendar days. If the request is not approved, you should be given reasons why. Your workplace can turn down a request on 'reasonable business grounds', but there are some criteria that need to be met for this to be valid. Send an email to the AEU office if you need help in requesting or negotiating a flexible working arrangement.

Once a flexible working arrangement is running, it should be reviewed annually. It can be revoked by either the employee or manager at the annual review or in exceptional circumstances between annual reviews. If your manager and you don't agree on changing or revoking a flexible working arrangement, contact the AEU office for advice.

Here's an example of a request for a flexible working arrangement:

Dear <manager>,
I'm emailing with a request for a flexible working arrangement to help me meet the needs of my family.
From Term 1 I won't have access to childcare on Wednesday afternoons. It would help me to have some flexibility around my attendance on Wednesdays to work around this.
If I were able to leave work at 3pm on Wednesdays, it would allow me to pick my child up from their grandparent's house and take them home.
I'm very happy to do my share of bus stop duty, but if I could be rostered on a day other than Wednesday it would be allow me to meet my family's needs.
Thanks for your consideration, and let me know if you would like to discuss this.
Kind regards,
<Your name>

You can request part time employment

Returning to work in a part-time employment arrangement following birth or parental leave is common. The Enterprise Agreement states that the employer must grant a request for part-time employment if that request is made by a full-time employee who has a child under 3 years old, and who is returning to work from birth leave, primary caregiver leave, or parental leave.

Even if this doesn't apply to you, you can still request part-time employment. In this situation, different rules apply, and your employer is not obligated to accept the arrangement.

You can access lactation breaks

If you return to work while breastfeeding, you're entitled to take lactation breaks. The entitlement is for one paid hour per day or shift. This is non-cumulative (so for example you can't take 30 minutes one day and 90 minutes the next day). You don't have to take the full hour, but you should be able to do so if you want. You can break the hour up in a way that suits you, like taking two 30 minute breaks.

All breastfeeding employees are entitled to lactation breaks, including casuals.

Your workplace must provide you with a suitable room to take your lactation break. It should be comfortable, clean, private, and accessible. You should have access to any fridge or freezer facilities you need.

Breastfeeding is protected under discrimination legislation. Making an employee feel uncomfortable about breastfeeding or not providing adequate facilities or breaks

may constitute discrimination. It may also be a breach of work health and safety laws. Contact the AEU office if you have concerns.

Interactions with teacher transfer

If your current placement in a school is coming to an end and your principal has communicated to you that they are intending on enacting your end date, contact EDU Recruitment to discuss this. A possible solution might be that your current placement is extended (while you're on leave) and a new placement is found for when you return. Send an email to the AEU office if you have issues with this process.

Vacation childcare subsidy

If you're an office-based teacher (i.e., a teacher who works in ESO) with school-age children and you have a leave application for a school holiday period rejected (or you can't apply for leave during school holidays because you don't have enough leave accrued), you can apply for the vacation childcare subsidy for the days you were at work.

The entitlement is for \$52 per child per day that they are enrolled in an accredited school holiday program. You can apply for up to 10 days per year and for up to 3 children. You need to present a receipt from the provider to claim this subsidy.

Family care costs

If you're directed to work outside your regular pattern of work, you must be reimbursed for some or all of the costs of additional family care arrangements. This includes part time workers, school leaders and CIT teachers and managers. You should confirm the direction to work outside your regular pattern of work with your supervisor in writing and tell your manager that you will be seeking to claim family care costs. Make sure you get a receipt from the care provider for reimbursement.

Personal leave for caring responsibilities

The current Enterprise Agreement expands and clarifies what personal leave can be used for, which is helpful for new parents. You can use personal leave for circumstances in which:

- You're sick, and/or need to attend a medical appointment
- Your partner or child is sick and you need to care for them
- Your child has a medical appointment
- A member of your family or household is affected by an unexpected emergency for which you must offer support or care

The evidence types accepted for personal leave will generally be a certificate (or brief letter) from a registered medical or health professional, but may also include a [statutory declaration](#). An employee may also access personal leave without evidence

access for a maximum of 3 consecutive days of paid personal leave, up to an accumulated maximum of 7 days per year.

If you're unable to work a reason that doesn't fit the circumstances listed above, you might be eligible to access paid personal leave in circumstances which are 'special, extraordinary or unforeseen'. This might include an unexpected closure of your child's childcare centre, receiving difficult personal news that causes you distress, or experiencing a health-related condition that is not a sickness, but does impact your ability to work, like experiencing symptoms associated with menstruation.

Paid leave granted in special, extraordinary or unforeseen circumstances is deducted from your personal leave balance. It does not usually require documentary evidence like a medical certificate, but it could be requested. A total of 10 days leave per year can be granted under this entitlement. This is in addition to the 7 days of personal leave that you can access per year without documentary evidence.

If you exhaust your personal leave balance there may be options available, like bringing forward your accrual for the following year, taking leave at half pay, or accessing another leave type. Contact the AEU office for help if this happens.

Discrimination

There is legislation that protects you at work from discrimination on the grounds of being pregnant (or having the potential to become pregnant), breastfeeding, or having family responsibilities.

This means it's unlawful for an employer to discriminate against a person or employee based on these attributes. Discrimination can look like denying access to benefits like promotion or training, subjecting the employee to something that is to their detriment, or making unreasonable conditions or requirements that disadvantage someone based on the attributes listed above.

This can include refusing a request for reasonable adjustments to your working arrangements.

If you think you've been subject to treatment, decisions or conditions that discriminate against you, please contact the AEU office. We can help you understand your rights and options.

I'm a casual employee. What entitlements can I access?

If you're a casual employee, there are limited entitlements that you can access.

The paid leave type that might be useful is long service leave. Casuals accrue and can be paid for long service leave. Your long service leave balance should be shown on your payslip once you complete 7 years of eligible employment. You can take long service at full pay or half pay.

All other leave types are either not available to casuals, or only available as unpaid leave.

The reason you might want to apply for unpaid leave for pregnancy and after birth is that it:

- May make you eligible for superannuation payments and other entitlements
- May help you show continuity of service

Keep in mind that you may be eligible for the [parental leave payment](#) from the Commonwealth Government.

Where leave types do apply for casuals, they are subject to a test of eligibility. Eligible casual employees are defined as casual employees who have been employed on a regular and systematic basis by the ACTPS for over at least 12 months and can reasonably expect similar employment in the future.

Here is a table of entitlements and casual employee eligibility:

Entitlement	Casual employee eligibility
Leave for pregnancy and following birth	Casual employees are not eligible for paid birth leave, but may be eligible for unpaid birth leave. Unpaid birth leave allows an employee to be absent for up to 52 weeks. Applying for unpaid birth leave might make you eligible for other leave types and helps you show continuity of service.
Superannuation	Casual employees may be eligible to be paid superannuation while on unpaid birth leave. Clause D7.8 states that taking unpaid parental leave makes an employee eligible for superannuation payments for up to 104 weeks. Note that in order to be eligible, you will need to apply to take paid or unpaid leave. This could mean taking paid long service leave and/or unpaid birth leave and/or unpaid parental leave. The rate of pay is calculated according to the average of hours worked for the 12 months prior to taking leave, as per E14.22.

Bonding leave	Casual employees are not eligible for bonding leave.
Other types of family leave (primary care giver leave, grandparental leave, adoption and foster care leave)	Casual employees are not eligible for these leave types. Casual employees may be eligible for parental leave (E17), which is unpaid.
Assisted reproductive leave	Casual employees are not eligible for assisted reproductive leave.
Personal leave for illness or to attend medical appointments	Casual employees are not eligible for paid personal leave.
Right to a safe job during pregnancy	Casual employees have a right to a safe job.
Keep in touch arrangements	Casual employees on unpaid leave may be eligible to be paid for attending the workplace for keeping in touch days. Casual teachers are also now entitled to access 2 days per year of paid professional learning.
TQI and WWVP	The same provisions regarding TQI registration and WWVP apply for casuals as other employees.
Special birth leave and compassionate leave	Special birth leave and compassionate leave are available to all employees, including casuals. They are both unpaid for casuals.
Flexible working arrangements	Casual employees can request flexible working arrangements if they have been employed on a regular and systematic basis over at least 12 months, and if they can reasonably expect similar employment in the future.
Lactation breaks	Casual employees are entitled to paid lactation breaks. The entitlement is for one paid hour per shift or day.

Checklist

Before I go on leave:

- I've read the AEU guide to parental leave, and understand what types of leave I'm eligible to access
- I've clarified any questions with my school management/CIT management, HR/Shared Services and/or the AEU office
- I understand what type(s) of leave my partner is eligible to access
- I've supplied my workplace with a letter/medical certificate that details my expected due date and any adjustments to my work I might need during pregnancy
- I've worked with my school/CIT management and/or Shared Services to understand how much I'll be paid, my timeline for leave, and I have this confirmed in writing
- I've met with my principal/manager to discuss the following:
 - My plans for taking leave
 - My plans for keeping in touch days
 - My plan for returning to work, and how we can alter plans if my needs change
 - How I'd like to be contacted in the days preceding my return to work
- I've got a written record of what was discussed regarding my plans and preferences, emailed to both myself and my principal/manager
- I've contacted TQI to make a plan for how I'll manage my registration when I'm on leave, and made sure they have updated contact details
- I've contacted the AEU office about taking unpaid leave, and confirmed a plan for my union membership during this time
- I've contacted Services Australia to discuss any entitlements I have to parental leave pay

When I return to work:

- I understand my right to paid lactation breaks, and have confirmed a plan for these, including the provision of adequate facilities
- I've requested and negotiated any flexible working arrangements that can accommodate my needs, and confirmed these arrangements in writing with my principal or manager
- I've restarted my union membership (if necessary) and reconnected with my sub-branch



Extended Leave

SUCH AS:
maternity leave,
overseas posting,
long service leave,
leave without pay,
or sick leave.

What are my options when I go on extended leave?

All requirements for maintaining registration are the same for all teachers regardless of employment circumstances. More information is available on the [TQI Website](#) (click on the **About TQI** tab and select **Policies** from the drop-down menu). There are two options available within the **ACT Teacher Quality Institute Act 2010**:



OPTION 1

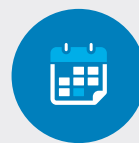
Maintain your registration

- Complete the professional learning requirements (PL) of 20 hours per year and record on the TQI portal.
- Ensure you have completed a minimum of 100 days of professional practice over five years if you hold full registration.
- Maintain current Working with Vulnerable People registration (WWVP).
- Update your contact details on the TQI portal and ensure your email address is the one you will access while on leave.

If you are unable to meet the PL requirements, you can request a PL variation plan and complete the additional PL requirements the following year. 100 hours of PL must be completed over five years if you choose to maintain your registration.

You can find more information in the PL FAQs on the [TQI portal](#):

- Click on the **Resources** tab along the top of the screen.
- Select **Professional Learning** from the panel on the left.
- Scroll down to the **PL requirements for registered teachers** section.
- Click on **Frequently Asked Questions**.



OPTION 2

Let your registration lapse

When you choose to apply again for registration you must ensure you have a four-year qualification.

If you hold provisional registration, and plan to return to teaching:

- reapply via the [TQI Website](#), click on the **Teach in the ACT** tab, then select **Professional Registration** from the drop-down menu.

If you hold full registration, and plan to:

- **return to teaching in under two years**, you can reapply for full registration. Contact TQI and request the online application link.
- **return to teaching after two years (but within five years)** and did not achieve your full registration through a TQI school-based assessment, you will need your Principal to provide a *Professional Practice Report* confirming your teaching practice at the proficient level of the *Australian Professional Standards for Teachers*. You will also need to provide a statement of service confirming you taught for 180 days in an Australian or New Zealand School in the five years before reapplying.
- **return to teaching after five years**, you can apply for provisional registration via the [TQI Website](#), click on the **Teach in the ACT** tab, then select **Professional Registration** from the drop-down menu.



- **If you decide to let your registration lapse and reapply, TQI will require all supporting documentation. This includes evidence of English language proficiency if any part of your qualifications has been obtained from a country outside those accepted under the Australian migration policy that do not require an English language proficiency assessment.**
- **It is important you seek further advice from your employer regarding the need to be registered while on leave in relation to your employment entitlements.**