



QUEENSLAND INDEPENDENT EDUCATION UNION

Supporting Members on Maternity Leave

FACT SHEET

Part-Time Return to Work

KEY ISSUES

- *The ability for an employee to return to work part-time after the birth of a child is dependent on the terms set out in their collective agreement.*
- *All requests for part-time employment should be made in writing.*

ACTION

If you'd like to know more about the process, or get assistance in drafting an application, please contact the QIEU office.

CONTACTS

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What is the entitlement to work part-time?

There are three legislative frameworks which provide provisions relating to part-time employment: the *Queensland Industrial Relations Act*, the *Qld Family Leave Award 2003* and the Federal Government's new *National Employment Standards (NES)*.

- **The Queensland Industrial Relations Act:**

Only applies when imported into a collective agreement. For the purposes of part-time work it is relevant only for Catholic sector employees.

- **Under the Family Leave Award 2003:**

"With the agreement of an employer an employee can work part-time in one or more periods at any time from the date of birth of the child until the second birthday."

- **Under the NES which will come into effect in January 2010:**

"Employees with at least 12 months service have the right to request flexible working arrangements. The right to request flexible working arrangements are available to parents with a child under the age of 18 with a disability as well as parents of school age children."

What if I work in a school / sector covered by a collective agreement?

The ability of the employee to return to work part time will be dictated by the terms/clauses in the collective agreement.

EMPLOYEES IN THE CATHOLIC SECTOR

Employees in the Catholic Sector have a comprehensive schedule in the collective agreement relating to Family Leave. This Schedule imports the provisions of the *Queensland Industrial Relations Act* dealing with family leave, under which employees need to apply at least 7 weeks before the completion of their parental leave to be considered for part time employment.

EMPLOYEES IN THE ANGLICAN SECTOR

Employees in Anglican schools may agree that the employee work part time or casual either during the pregnancy, because it is necessary or desirable or at any time after the date of birth of the child up until its second birthday.

EMPLOYEES IN THE LUTHERAN SECTOR

Employees in the Lutheran Sector have entitlement which mirror those prescribed in the *Family Leave Award 2003*.

Should part-time arrangements be put in writing?

YES.

The following arrangements for part-time work need to be agreed to in writing:

- that the employee may work part-time;
- the hours, days starting and finishing times;
- the classification of the employee; and
- the period of part-time employment.

Can an employer refuse to grant an employee's application to work part-time?

Under the *Queensland Industrial Relations Act*, an employer must not unreasonably refuse an application to work part-time. An employer must give their written decision to the employee within 14 days. In deciding to grant an employee's application, an employer must consider:

- the employee's circumstances particularly those relating to the role of primary caregiver;
- the impact of refusal on the employee and their dependants; and
- the effect that agreeing to the application would have for the conduct of business.

If the application is refused, the employer must provide written reasons for refusal to the employee.

By contrast, under the *NES* which will take effect next year, the employer must respond in writing within 21 days giving reasons for their refusal.

What happens when it is time to return to work?

After the completion of each period of part-time employment, the employee has a right to return to his or her former position.
