

Know your Rights: Return to work from Maternity Leave

THIS is often not thought about in the excitement and preparation of a new baby arriving. However, it's a good idea to do some research and know your rights and obligations before going on Maternity Leave. It can save a lot of stress later when you're getting ready to go back to your workplace.

What right or benefit does the clause provide?

It gives you the right to request to be allowed to return on a part-time basis until the child reaches school age, which is great for balancing work and being a mum. Your employer may only refuse the request on reasonable grounds related to the effect on the workplace or the employer's business.

“Such grounds might include cost, lack of suitable replacement staff, loss of efficiency and effectiveness, the specialised nature of the work and the impact on customer service”

You may return, working on different days or at different times, or both; working on fewer days or for fewer hours, or both; undertaking different duties at the same classification.

This is the section which we often get enquiries about:

- (iii) When an employee returns to work after a period of parental leave an employee is entitled to undertake the duties allocated to them immediately before proceeding on parental leave and which the employee would have continued to undertake but for taking parental leave:
 - (1) if the female employee was moved to safe duties because of the pregnancy – immediately before the move; or
 - (2) if the female employee began working part-time because of the pregnancy – immediately before the part-time work began; or
 - (3) otherwise – immediately before the employee commenced maternity leave, except duties for which the employee was in receipt of a higher or more responsible duties allowances, unless the employee resumes those duties upon returning to work.

This is the tricky part

- (iv) If those duties no longer exist, the employer is to assign similar duties at the same classification, as appropriate, to the employee.

What are your obligations?

When you consider the amount of Maternity Leave you'd like to take, remember to make a note on your calendar of your planned return date.

It is your responsibility to notify your employer of your intention to return to work "at least four weeks prior to the expiration of the leave".

If you intend going back to work on a part time basis, you must notify your employer "at least eight weeks prior to the expiration of leave".

It's important to note

Having a conversation with your manager before going on Maternity Leave, to discuss the above points, may help you to a smoother return to the workplace. While there may be changes on your return, at least you will be aware this could occur.

Fuelling