

Under the Fair Work Act, workers on unpaid parental leave have a right to take up to 10 paid keeping in touch days. You don't have to use them. However, keeping in touch days are a good way to stay connected to work, keep your skills up to date and make it a little easier to return when you're ready.

Keeping in touch days



See Fair Work Act s. 79A
for more information

Are keeping in touch days paid?

Yes. Keeping in touch days are paid at your ordinary rate of pay. You also accrue leave entitlements on keeping in touch days.

You can use your keeping in touch days however you like, including:

- 1 full day at a time
- A few days in a row; or
- As a part-day
- All at once.

I used my 10 days. Do I have any other options?

You can access 10 keeping in touch days in the first 52 weeks of unpaid parental leave.

If you extend your parental leave you can access another 10 paid keeping in touch days.

When can I take a keeping in touch day?

- If a worker wants to take a keeping in touch day, and the employer agrees, you can after being on parental leave for 14 days.
- If an employer proposes a keeping in touch day, and you agree, this needs to be after 42 days of being on parental leave.

What work can I do on a keeping in touch day?

Keeping in touch days are a really good opportunity to stay up to date with the workplace, maintain and refresh your skills.

However, it is important that workers are not taken advantage of and that work performed is only for keeping in touch. Work outside these parameters may impact any Commonwealth funded Parental Leave Pay.

When accessing a keeping in touch day, work might include:

- Team planning
- Joining an important meeting
- Professional development, training, attending a conference
- Completing a licence or ticket renewal; and/or
- Considering and planning for your return to work.

This project received
grant funding from the
Australian Government.

I've just found out that my job doesn't exist anymore. What are my rights?

There are **three important things** you need to know.

1. Consultation

The first time you hear about changes to your position, shouldn't be when you plan to return to work. The Fair Work Act says that your employer must consult you while you are on parental leave about any workplace change that might impact you. If your employer proposes to make changes to your position, they must consult you first.

2. Return to work guarantee

If your position no longer exists, you have a workplace right to return to an available position which you are qualified to perform, and which is nearest in status and pay to your old job.

This is called the "return to work guarantee".

Ask your employer to provide a list of all available positions. That way you can properly assess if the position is appropriate and if you want the job.

Case Study: V/Line

Some Union negotiated Enterprise Agreements have great examples where keeping in touch days have been used to support workers to maintain their skills and competencies during parental leave, and really support women to transition back into the workplace.

RTBU workers at V/Line are an example of this creative thinking. Workers who access more than 6 months leave, risk losing their Safeworking Accreditation and Training and Operational Currency. This particularly impacts workers who access parental leave.

To avoid the potential loss of accreditation, if a worker accesses 6 months or more parental leave, they are eligible for a Training Continuity Incentive.

Workers who agree to access their keeping in touch days and undertake at least the minimum attendance and training requirement (two shifts), will be paid an incentive of five days' pay when they return to work. While on these shifts, workers must be provided appropriate paid lactation breaks.

3. Replacement employees

When you are on parental leave, your employer can temporarily backfill your position with a replacement employee. Under the Fair Work Act a replacement employee can only be engaged on a temporary basis. When they start, replacement employees must be told they are replacing another worker on parental leave, and that worker has a return to work guarantee.

If your job still exists, and a replacement employee is doing your job, there is no redundancy. You have a right to return to your position.

"During a flexible working arrangement after my mat leave, I asked to work days which would help me organise logistics with my partner and child, but my manager refused. He said he thinks if I work multiple days with a one day break in between, I would not perform as I would be distracted with my duties at home as a mum."

- Manufacturing Worker

**Workplaces
FOR Women** EQUALITY RESOURCES

Join us!

Women make up 48% of the Australian workforce, but much fewer join male dominated industries. The Workplaces for Women Project is promoting and advancing equality in gender segregated industries and is helping to create workplaces where women are safe, respected, included and equal.



**Rights at work
resources here**

"Because the more of us that get into the workplace, the better it will be for us all. Workplaces and cultures will only change if we can get more women to help us change."

- Trades Assistant

"I just think women thrive in this industry and we're bloody good at it!"

- Bus Operator



Australian Government



weareunion.org.au/w4w