

PAID BONDING LEAVE – AEU interpretation of new provisions

Paid Bonding Leave was agreed for all ACT Public Servants as part of the 2004 Single Bargaining Unit Negotiations which resulted in a new *ACTPS Template Agreement*.

The information in this article represents the AEU's interpretation of the clause, and is provided for the guidance of members who may be contemplating an application for Paid Bonding Leave.

The clause providing the entitlement is as follows:

Paid Bonding Leave

1. *Employees are entitled to 5 days paid bonding leave at the time of the birth or adoption of a child by the domestic partner.*
2. *Where an employee's domestic partner is also an employee, this leave may be taken concurrently with the domestic partner receiving paid maternity or paid primary care giver's leave.*

Q: How is this entitlement intended to apply?

A: The purpose of the entitlement is to provide an opportunity for an employee to establish a relationship with their new child. Consequently, the expectation is that paid bonding leave would be taken adjacent to the birth / adoption of the child.

Q: What time period is considered "*adjacent to the birth/adoption*"?

A: "Adjacent to the birth or adoption" means at the actual occurrence of birth or adoption, up to and including the time at which the child comes home from hospital or commences living with the adoptive parents. It would generally be expected that Paid Bonding Leave would commence no later than the time at which the child comes home from hospital, or commences living with the adoptive parents.

Q: Can I take Paid Bonding Leave in a block of 5 consecutive working days?

A: Yes. This is the minimum interpretation of the entitlement.

Q: Can I take Paid Bonding Leave on non-consecutive working days?

A: Yes, subject to operational requirements of the Agency.
For example, an application might be made for Paid Bonding Leave of 1 day per week for 5 weeks. If this application met operational requirements, there is no reason that the application could not be granted.

Q: What if I want to apply for Paid Bonding Leave in a different pattern?

A: It is intended that there be reasonable flexibility in the application of the entitlement, and so employees making an application for paid bonding leave should request the leave in the terms preferred.
If the employee's preference cannot be met, the responsible Manager should discuss with the employee what arrangements could be agreed that best meet both organisational requirements and employee need.

Related Leave Entitlements

Employees should familiarise themselves with other leave entitlements that may be relevant, e.g. unpaid parental leave.