

10. (17) Where an employee's child is born prematurely before the scheduled commencement of maternity leave, the leave shall be deemed to have commenced on the date of the child's birth.
10. (18) Where an employee's pregnancy is terminated before the scheduled commencement of maternity leave but not more than 20 weeks before the estimated date of confinement, maternity leave shall be deemed to have commenced on the date of termination and may continue subject to this By-law.
10. (19) Where an employee's pregnancy is terminated more than 20 weeks before the estimated date of confinement, the employee shall have no eligibility for maternity leave and any leave required as a result of the termination may be granted under the normal provisions applying to the type of leave applied for.
10. (20) Where an employee's child is stillborn less than 20 weeks before the estimated date of confinement or after that date, or dies during the period of maternity leave, leave in accordance with this By-law continues unless the employee elects to resume duty before the expiration of 52 weeks maternity leave.
10. (21) The return to duty by an employee referred to in clauses (16) to (20) shall be subject to the provisions of clause (4).

EFFECT OF LEAVE WITHOUT PAY

10. (22) Where an employee has -
 - (a) applied for leave without pay for a period exceeding 6 weeks;
 - (b) been granted approval for the leave; and
 - (c) utilised at least 6 weeks of the leave,

the employee shall not be entitled to apply for maternity leave under this By-law until the approved period of leave without pay has expired.
10. (23) Where an employee's period of leave without pay ends during the 14 week period commencing 6 weeks before the estimated date of confinement, payment shall only be made for the part of the 14 week period occurring after the end of the leave without pay.

By-Law 11 Maternity Leave - 6 Year Option

PERIOD OF MATERNITY LEAVE

11. (1) The Chief Executive Officer may grant maternity leave under this By-law to an employee who is pregnant where the employee has completed not less than 12 months service before commencing the leave.
11. (2) Subject to clause (3), an employee who is pregnant shall cease duty and commence maternity leave not later than 6 weeks before the estimated date of confinement and shall remain absent from duty on maternity leave for a period of 14 weeks which shall be unpaid leave except to the extent that clause (7) applies.

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11. (2A) With exception of the provision contained in clause (3) the commencement date of maternity leave may not be deferred under any circumstance.
11. (3) The Chief Executive Officer may permit the employee referred to in clause (2) to commence leave closer to the expected date of birth or return to duty less than 8 weeks after the date of birth where -
 - (a) the employee produces to the Chief Executive Officer medical evidence of the employee's fitness to continue or resume duty; and
 - (b) the Chief Executive Officer approves the employee's continuance on duty or return to duty.
11. (4) Where an employee is eligible for maternity leave the Chief Executive Officer may grant leave but shall not grant leave beyond a date which, but for the grant of leave, would have been the employee's cessation date or end of tenure.

ELIGIBILITY FOR PARENTAL LEAVE

11. (5) An employee who elects to use maternity leave in accordance with this By-law shall be entitled to parental leave in accordance with By-law 12.

EMPLOYMENT WHILE ON MATERNITY LEAVE

11. (5A) Subject to the Chief Executive Officer's approval, an employee on maternity leave without pay may return to duty for any period with the Agency, or another Agency.
11. (5B) An employee on leave without pay may engage in outside employment in accordance with section 61 of the Act.
11. (5C) Employment under clause (5A) or (5B) shall -
 - (a) not prevent the employee from recommencing maternity leave; and
 - (b) not extend the period of maternity leave prescribed under clause (2); and
 - (c) only be undertaken during the period prescribed under clause (2) where the employee provides to the Chief Executive Officer medical evidence of the employee's fitness to undertake employment.

DOCUMENTS IN SUPPORT OF APPLICATION

11. (6) An employee shall furnish to the Chief Executive Officer the following documents in support of an application for maternity leave:
 - (a) not less than 3 months before the commencement of leave, medical evidence stating the estimated date of confinement to establish the commencement date of the leave; and
 - (b) the child's birth certificate or extract of birth as soon as it is available.

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PAYMENT DURING THE PERIOD OF MATERNITY LEAVE

11. (7) An employee is not entitled to pay during the period of maternity leave unless the employee utilises accrued sick leave credits during the period.
11. (8) An employee may elect to cease duty up to 20 weeks before the estimated date of confinement and use leave without pay, or leave with pay under another By-law during this period.
11. (9) An employee may only utilise sick leave credits under normal sick leave provisions, except during the period of maternity leave.

EFFECT OF LEAVE ON SERVICE

11. (10) Subject to clause (11), the period of maternity leave shall, whether the period is with or without pay or utilising sick leave credits, count as service for all purposes.
11. (11) Unpaid leave granted under clause (2) shall not count as service for any period where the employee is engaged in outside employment during normal working hours.

PREMATURE BIRTH, TERMINATION OF PREGNANCY, STILLBIRTH AND DEATH

11. (12) Where an employee's child is born prematurely after the commencement of maternity leave, the period of the leave remains unchanged.
11. (13) Where an employee's child is born prematurely before the scheduled commencement of maternity leave, the leave shall be deemed to have commenced on the day of the child's birth and shall extend for a minimum of 6 weeks or a maximum of 14 weeks after that date.
11. (14) Where an employee's pregnancy is terminated before the scheduled commencement of maternity leave but not more than 20 weeks before the estimated date of confinement, the period of maternity leave shall be deemed to have commenced on the day of termination of pregnancy and shall extend for a minimum of 6 weeks or a maximum of 14 weeks after that date.
11. (15) Where an employee's pregnancy is terminated more than 20 weeks before the estimated date of confinement, the employee shall have no eligibility for maternity leave and any leave taken as a result of the termination may be granted under the normal provisions applying to the type of leave applied for.
11. (16) Where an employee's child is stillborn not more than 20 weeks before the estimated date of confinement or after that date, or dies during the period of maternity leave, the employee shall be entitled to the period of maternity leave only and any additional leave shall be granted under the normal provisions applying to the type of leave applied for.
11. (17) The return to duty by an employee referred to in clauses (12) and (16) shall be subject to the provisions of sub-clauses (3)(a) and (3)(b).