



OneHR Australia

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## Parental Leave - Maternity

BP is committed to providing advice and support to employees before, during and after parental leave.

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The aim of this Policy is to enable the rights of an employee expecting a baby or adopting a child to be protected, as well as offer financial support for employees who take parental leave and to encourage their return to work.

[Checklist to assist employee taking maternity leave](#)

[Checklist for line managers with employees taking maternity leave](#)

### Related Links

[Maternity Leave application](#)

## Maternity Leave Entitlements & Eligibility

(a) An employee is eligible for maternity leave if she is:

1. permanently employed with BP and has a minimum of 12 months' continuous service; or
2. an eligible casual employee (as that term is defined in the *Workplace Relations Act 1996* (Cth)).
3. The employee will provide, at least 10 weeks in advance of the expected date of commencement of maternity leave, a completed maternity leave application form including the appropriate medical certificate and statutory declaration. [Click here for link to maternity leave application form>>](#)
4. There is no minimum working period between each maternity leave of absence.
5. Maternity leave may not be taken concurrently with any parental leave taken by the employee's partner, with the exception of the first week after the child's birth.
6. An employee may commence maternity leave any time within 6 weeks immediately prior to the expected date of the child's birth. If an employee continues to work during the 6 week period before the expected date of birth, BP may require the employee to provide a medical certificate from a medical practitioner certifying whether or not the employee is fit to work.
7. The minimum period of maternity leave is six weeks, and the maximum period of maternity leave is 52 weeks (this period is inclusive of any annual or long

service leave taken). Any parental leave or other leave taken by the employee's partner in relation to the birth of the child reduces this period.

8. Whilst on maternity leave, employees will be entitled to receive 4 months' leave with full pay based on the employee's work status (e.g. Full time or Part time) directly prior to maternity leave being taken (subject to PAYE taxation). The balance of maternity leave is unpaid unless the employee chooses to utilise any annual or long service leave entitlements, accumulated as at the final date of paid maternity leave.

### **Effect of maternity leave on employment**

- (a) The employee is entitled to return to the position held immediately prior to commencing maternity leave, or by mutual agreement, to a similar position of the same skills, status and remuneration, if the employee's position no longer exists.
- (b) To encourage employees to return to work following maternity leave, consideration will be given to employees wishing to change their work status e.g., from full time to part time employment. However, employees should note that it might not be possible to do so under their previous role and that the change in work status will impact their remuneration and benefits. Considerations will be based on the employee's needs as well as those of the company hence it is important to note any requested changes are not guaranteed.
- (c) If returning to part time employment, all benefits will be paid on a pro-rata basis i.e., salary, superannuation, leave, variable payments, etc. Employees returning to part time employment are also eligible to participate in the Share Plan Offer.
- (d) In the event of a re-organisation it is important to keep the employee on maternity leave informed of the changes that are occurring to their work area. Communication must be regular ensuring that the individual understands the changes and any likely impact on their job. If their position no longer exists as a result of re-organisation, the position for the employee on leave is the same as the position of any other permanent employee.
- (e) An employee taking maternity leave must not engage in any conduct inconsistent with their contract of employment with BP during the leave period.

### **Transfer to a safe job**

If an employee is advised by a qualified medical practitioner not to continue her work duties due to illness or risks arising out of the pregnancy, a temporary transfer to new work duties may be possible until the commencement of maternity leave. In this case, employees should discuss options with their Line Manager and their HR Adviser.

If the company doesn't think that it is reasonably practicable to transfer the employee to a 'safe job' then the

employee may take paid leave immediately, concluding on the earliest of:

1. the end of the period stated in the medical certificate;
2. where the pregnancy results in the birth of a living child, the end of the day before the date of birth; or
3. where the pregnancy ends otherwise than with the birth of a living child, the end of the day before the end of the pregnancy.

This paid leave is in addition to any other leave entitlement the employee has.

### **Special maternity leave**

If the pregnancy ceases unexpectedly, an employee is entitled to special maternity leave, until a qualified medical practitioner certifies the employee is fit to return to work.

### **Pregnancy related illnesses – Special Maternity Leave and Sick leave**

Absences for pregnancy related illnesses prior to the scheduled commencement date for maternity leave may either be taken as special maternity leave or sick leave, depending upon the circumstances. Where sick leave is taken, this is to be done in accordance with the Company's sick leave provisions. Sick leave cannot be taken during maternity leave.

### **Time off for antenatal care**

Employees may be granted time off for antenatal care but should endeavour to arrange it with minimal disruption to their work. If an employee works part-time, they should endeavour to make appointments for antenatal care outside working hours.

### **Company vehicles and maternity leave**

If an employee is in receipt of a company operated lease car prior to maternity leave, the car stays with the role and is to be returned to the BU prior to commencing maternity leave. If the employee is in receipt of a novated lease car, the ongoing payments remain the responsibility of the employee during maternity leave.

### **Returning to work & company vehicles**

There are two scenarios upon the employee's return to work

- If the employee returns to full time employment, standard Car Policy terms and conditions apply.
- If the employee returns to Part-Time employment (and was Part-Time prior to the commencement of maternity leave), they will return to the same car policy conditions as applied prior to their maternity

leave.

### **Salary payments while on maternity leave**

The employee's salary will continue to be paid on the 15th of each month, for as long as the employee is entitled to payment, based on:

- four months of paid maternity leave; and
- any accumulated annual or long service leave entitlements utilized during the maternity leave period.

### **Annual & Long Service Leave**

Employees may utilise any accumulated annual or long service leave entitlements during the maternity leave period. Employees with in excess of 5 years service may, by mutual agreement with their Line Manager, be granted their pro-rata long service leave entitlement.

The total period of maternity leave (as reduced by any parental or other leave taken by the employee's partner in relation to the birth of the child), annual leave and long service leave taken by the employee must not exceed 12 months.

### **Education Assistance**

Where it is essential for the employee to update or maintain specialist or technical skills required for the job, the Company will sponsor the employee to attend the appropriate training whilst on maternity leave.

At the Team Leader's discretion, the Company may continue to reimburse employees for subscription fees to professional societies/ bodies to ensure employees are kept up to date with any technical or market developments which may affect their job during their leave period.

### **Superannuation**

Superannuation contributions will continue during the period of any **paid** maternity leave, including during any annual or long service leave taken during the maternity leave period. Defined benefits will continue to accrue during that period.

All contributions will cease during any **unpaid** maternity leave. Any unpaid maternity leave will not be deemed to be Special Leave as defined under the rules of the BP Superannuation Fund and therefore the membership period used for calculating defined benefits will exclude any period of any unpaid maternity leave. Defined benefits will therefore cease to accrue during unpaid maternity leave.

Any existing insurance cover provided to you by the BP Superannuation Fund with respect to Total and Permanent Disablement, Ill Health and Death continues during paid and unpaid maternity leave. Employees who are not

members of the BP Superannuation Fund should confirm the impact of maternity leave upon any insurance cover with their chosen fund.

Refer to the Superannuation web page for further details>>

### **Share plan & BP staff card**

Employees on maternity leave are eligible to participate in any annual Share Plan offer and retain their BP Plus Staff card.

### **Individual lump sum & team bonus payments**

Employees on maternity leave will be entitled to a pro-rata VPP payment based on the period of time worked (including any paid leave taken) during the performance year.

### **Relocation benefits**

Any transfer benefits currently being paid will need to be approved and discussed with the employee's Line Manager and Human Resource Adviser.

### **Keeping in touch**

(a) Employees are encouraged to keep in contact with their Team Leader and local areas while on maternity leave. This may be through attendance at local work groups, receipt of Company newsletters and videos, or working half days before returning to work on a permanent basis.

(b) It may also be possible to return for a period of part-time work before commencing full-time to assist with the transition back to work.

(c) Employees are able to retain their security passes whilst on maternity leave; however, ongoing building access will be deactivated for the duration of the maternity leave. Temporary access will be granted by Global Property Management and Services should the employee have reason to attend a work function, visit their Team Leader, etc. Employees with car parking access attached to their security pass prior to maternity leave will retain the same access.

(d) If the employee wishes to retain computer access to company email and Intranet facilities whilst on maternity leave there are 2 options.

Option 1. The employee may retain her current laptop and if required, the team can access the pool or purchase an additional laptop for the employee in their role.

Option 2. If the employee already has internet access from their home computer, they can access their emails via BP Passport.

### **Return to work**

(a) Maternity leave legislation allows employees to

make one change to their return to work date. BP shall endeavour to accommodate any subsequent changes to an employee's return to work date however consideration will be based on the employee's needs as well as those of the company. Therefore, it is important to note, any subsequent changes to an employee's return date cannot be guaranteed.

(b) An employee must provide their Team Leader with 1 month's written notice of her intended return to work date. The Team Leader will then notify HR Operations to arrange the appropriate letter of offer, including any agreed changes to employment conditions.

(c) If the employee requests to extend her maternity leave beyond 52 weeks, the employee will be classified to be on Leave Without Pay (refer Leave without Pay policy below).

## **Contact**

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