

LOOKING TO TEMPORARILY REPLACE AN EMPLOYEE WHO IS GOING ON PARENTAL LEAVE?



Employers should know that employees taking parental leave in accordance with the Fair Work Act are entitled to a "return to work guarantee".



That return to work guarantee ensures that upon completing the leave the employee will return to their pre-parental leave position, or, if that position no longer exists, an available position for which s/he is suitably qualified and suited and nearest in pay and status to the pre-parental leave position.



When recruiting a replacement to fulfil the duties whilst the employee is on parental leave, the employer must inform the replacement employee that: their engagement is temporary; and that the employee on leave has a guarantee to return to work when the leave ends.



Employers should also inform the replacement employee of the rights of the employee on leave in the case of a stillbirth or infant death, or where they cease to have responsibility for the care of the child.