

Maternity leave in schools



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People use the term “maternity leave” to refer to a range of rights and entitlements related to pregnancy. However, those entitlements can vary depending on the nature of employment.

All teachers who become pregnant are eligible for unpaid maternity leave irrespective of the length of service but not everyone is eligible for paid maternity leave or a maternity payment in lieu of the leave.

It's important to know what you may be entitled to before lodging your request for maternity leave or payment, which should be submitted at least four weeks before ceasing duty along with a medical certificate stating the anticipated date of birth.



The following is a summary of general advice. Before disclosing your pregnancy, seek advice from Federation relevant to your situation and employment pattern.

Permanent teachers

Paid maternity leave is available to permanent teachers, subject to completion of 40 weeks of continuous service following employment (or re-employment) before the anticipated date of birth. The payment is made for a period not exceeding 14 weeks (full-time equivalent). Permanent teachers are entitled to maternity leave on a fulltime equivalent of 12 months after the date of birth. This can be taken as full-time, parttime or a combination of both. You also have the “right to request” to return to work on a part-time basis until the child reaches school age. This needs to be carefully planned and negotiated with your principal (see Education, December 2019). Permanent teachers have the right of return to their substantive position and must notify their intention to return no less than one month beforehand. There are also provisions for further paid and unpaid maternity leave for subsequent pregnancies during the period of 24 months from the date of birth of a child.

Temporary teachers

Payment for maternity leave is available to temporary teachers only when the anticipated date of birth falls within the period of the temporary engagement. To be eligible, temporary teachers must have completed 40 weeks of continuous service within the twoyear period immediately preceding the anticipated date of birth. Payment is made for a period not exceeding 14 weeks. There are some circumstances where a temporary teacher will take maternity leave during the temporary engagement. If the temporary engagement ends

before the 14 weeks of full-time equivalent paid maternity leave does, the remainder will be paid as a gratuity. If the anticipated date of birth will be just after the period of the engagement ends, contact Federation for advice as early as possible. A temporary teacher's right of return to the position is retained only for the duration of the temporary engagement and not beyond.

Casual teachers

Casual teachers are not entitled to access paid maternity leave in the same way as permanent and temporary teachers on an engagement can. A casual teacher may be eligible for a maternity payment in lieu of paid leave if they meet all the requirements, including 40 weeks of continuous service before the anticipated date of birth of the child and employment with the Department before ceasing duty.

Eligible casual teachers will receive a maternity payment equivalent to 14 weeks of pay. The rate will be set at the salary rate paid in the final week of service before ceasing duty (but payment cannot be greater than the payment a permanent teacher on the same status would receive). The payment will be made as a lump sum.

Continuous service, for eligibility for the maternity payment, includes all periods of paid leave, previous adoption, parental and maternity leave without pay, sick leave without pay, public holidays and a total of five days of leave without pay. It also includes full-time and part-time permanent and temporary service and full-time casual service.

Any absence from duty that exceeds a total accumulated period of five days may break the continuous service requirement to be eligible for the maternity payment but it will not break continuity of service for other entitlements.

Casual and temporary teachers who are not eligible for paid maternity leave or the maternity payment, or do not intend to work for a period of time following the birth of their child, should contact the Department for an application form for unpaid maternity leave, as this will assist in determining continuity of service for subsequent pregnancies and other entitlements.

For more information about these entitlements contact Professional Support on 1300 654 369.