

Compassionate Leave for Early Pregnancy Loss

The compassionate leave for early pregnancy loss (early pregnancy loss leave) clause is intended to support employees experiencing early pregnancy loss. The employee may have been pregnant, or the partner of someone who has experienced early pregnancy loss.

Full time Employees will be entitled to 3 consecutive days of paid compassionate leave on each occasion a pregnancy ends without the birth of a living child up to 20 weeks gestation. For part-time Employees, the entitlement is to be calculated on a pro-rata basis. Casual Employees are to be paid according to their future rostered shifts or the preceding four- week average of shifts worked, where there are no future rostered shifts. Consecutive days can be broken by a weekend, or rostered day/s off.

Notice requirements

Leave as defined above will commence from the date the pregnancy loss occurs, or the parent become aware of the pregnancy loss, and is to be taken in one continuous block of leave at full pay. Compassionate leave for early pregnancy loss must not be taken concurrently with any other form of leave available to the employee, however other forms of leave may be taken after the compassionate leave has been exhausted.

When accessing leave for early pregnancy loss, the Employee must provide notice as soon as reasonably practicable stating:

- the period of leave being sought; and
- the anticipated date of return to duty.

Evidentiary requirements

To access paid leave for early pregnancy loss, the Employer may request reasonable evidence from the Employee. Employers need to consider all of the circumstances surrounding an absence to determine what is reasonable in any particular case. Some examples may include:

- a medical certificate; or
- a recognition certificate for early pregnancy loss issues by the WA Registry of Births, Deaths and Marriages

Employers may choose to waive any requirement for evidence if they are satisfied that an absence is justified.