

(Paid Parental Leave Act 2010)

#### **48 When a person *returns to work***

A person ***returns to work*** on a day that is on or after the birth of a child if, on that day, the person performs one hour or more of paid work other than for a permissible purpose.

(Paid Parental Leave Act 2010)

#### **49 When paid work is for a *permissible purpose***

##### ***Permissible purpose for people other than self-employed***

- (1) If a person performs paid work on a day for another entity (see subsection 35(1)), the person does so for a ***permissible purpose*** if:
- (a) the person performs the work for the entity as an employee, defence force member or law enforcement officer; and
  - (b) the day is a keeping in touch day with the entity and would otherwise be a day of leave in a period of leave granted by that entity; and
  - (c) the person has not already performed paid work on 10 keeping in touch days (whether with the entity or another entity).

##### ***Permissible purpose for self-employed***

- (2) If a person performs paid work on a day for a business in the situation referred to in subsection 35(3), the person does so for a ***permissible purpose*** if the work performed by the person consists of overseeing the business or is an occasional administrative task for the purposes of the business.

(Paid Parental Leave Act 2010)

#### **50 Performing paid work on a *keeping in touch day***

A day on which a person performs paid work for an entity on a day that would otherwise be a day of leave in a period of leave granted by that entity is a ***keeping in touch day*** if:

- (a) the purpose of performing the work is to enable the person to keep in touch with his or her employment or engagement in order to facilitate a return to that employment or engagement after the end of the period of leave; and
- (b) both the person and the entity consent to the person performing work for the entity on that day; and
- (c) the day is not within:
  - (i) if the person suggested or requested that he or she perform work for the entity on that day—14 days after the day the child was born; or
  - (ii) otherwise—42 days after the day the child was born.

Note 1: Performance of work on keeping in touch days is also dealt with, for the purposes of unpaid parental leave, in section 79A of the *Fair Work Act 2009*.

Note 2: The employer will be obliged, under the relevant contract of employment or industrial instrument, to pay the employee for performing work on a keeping in touch day.

Note 3: Section 344 of the *Fair Work Act 2009* prohibits the exertion of undue influence or undue pressure on the person in relation to a decision by the

	<p>person whether to consent to performing work on keeping in touch days: see subsection 79A(3) of that Act.</p> <p>Note 4: That section, and section 343 of that Act, contain other prohibitions on coercion and undue influence or pressure.</p>
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