

77A Effect of stillbirth or death of child on unpaid parental leave

Stillbirth—preserving entitlement to birth-related leave

(1) If:

- (a) a child is stillborn; and
- (b) an employee would have been entitled to unpaid parental leave that is birth-related leave, if the child had been born alive;

then the employee is taken to be entitled to the unpaid parental leave, despite the stillbirth of the child.

(2) A ***stillborn*** child is a child:

- (a) who weighs at least 400 grams at delivery or whose period of gestation was at least 20 weeks; and
- (b) who has not breathed since delivery; and
- (c) whose heart has not beaten since delivery.