

(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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