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Managing Parental Leave for (Future) Parents and their Superiors

HANDBOOK

**Human Resources and Gender Equality | University of Vienna
Human Resources Administration**

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Last updated: May 2022

Introduction

As one of Vienna’s largest employers, the University of Vienna employs many (future) parents who are facing the challenge of reconciling their work and family duties. Part of this challenge is organising their parental leave, a specific type of absence from work which (future) parents have to plan and implement in accordance with regulations and their superiors.

In order to support its employees facing this task, the University of Vienna provides (future) parents and their superiors with this handbook *Managing Parental Leave* which serves as a guideline and tool for structured planning and implementation of absences due to parenthood. It contains important information concerning the university (contact points, notification procedures) and explains the different types of absences and possibilities for reducing working hours as a parent.

The handbook *Managing Parental Leave* explains the whole process from announcing impending parenthood to (full) re-entry, dividing it into three stages:

Stages	Keywords
Preparing the absence	Pregnancy Maternity regulations according to the Maternity Leave Act (MSchG) Protection period (= prohibition of employment, Schutzfrist) Early parental leave (Frühkarenz) Parental leave (Elternkarenz) Parental leave meeting Substitute employee
During the absence – parent on leave	Regular contact between employer and parents Marginal employment during parental leave Parental part-time work
Re-entry	Re-entry meeting Breast-/chestfeeding at the workplace Parental part-time work Substitute employee Taking on old/new tasks

(Future) parents and their superiors are provided with a checklist for each stage. For the parental leave meeting and the re-entry meeting, employees are provided with a guideline which they can use for orientation and documentation and as a memory aid.

Families are diverse! Not every person giving birth to a child is a woman (e.g. intersex, transgender or non-binary persons), which is why this handbook will always use the term “mother or birthing parent”. In order to do justice to the great variety of possible combinations of parents, it will also use the term “father or other parent”. Adoptive parents and foster parents will find the relevant information concerning them as well.



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Relevant Austrian Laws

Abbreviation	German	English
KV	Kollektivvertrag	Collective Bargaining Agreement
BDG	Beamten-Dienstrechtsgesetz	Civil Servants Employment Act
VBG	Vertragsbedienstetengesetz	Contractual Public Employees Act
MSchG	Mutterschutzgesetz	Maternity Protection Act
VKG	Väterkarenzgesetz	Paternity Leave Act

1. General information

University of Vienna | Important points of contact

- the competent administrative office and the organisational unit's and subunit's management
- Human Resources: the competent contact person in the human resources administration and Gender Equality and Diversity unit
- Facility and Resources Management: Occupational Health
- the university's intranet (keywords: work-(self-)care reconciliation, pregnancy and the birth of a child, forms "child allowance" and "birth of my child", sole earner / single parent deduction / family bonus plus)
- Works Council for the General University Staff
- Works Council of the Scientific Staff

- postnatal allowance (Wochengeld)/childcare allowance (Kinderbetreuungsgeld)/family time bonus (Familienzeitbonus): the health insurance institution (BVAEB, ÖGK)
- You can find a collection of useful links (university-related and other) on the [website of the Human Resources and Gender Equality unit](#).

University of Vienna | Notification deadlines

- *pregnancy*: as soon as it is medically confirmed
- *premature protection period/individual prohibition of employment*: as soon as it is medically confirmed
- *early parental leave (KV)*: at least 1 month before the expected due date; in case of adoption/foster care: at the latest, on the day of adopting/taking the child into care ¹
- *early parental leave (BDG/VBG)*: at least 1 week before going on leave; in case of adoption/foster care: at the latest, on the day of adopting/taking the child into care
- *parental leave mother or birthing parent (start/duration)*: during the protection period/at the end of the protection period
- *parental leave father or other parent (start/duration)*: if parental leave starts directly after the mother's or birthing parent's protection period ends: at the latest, 8 weeks after the child is born; otherwise, 3 months before going on leave
- *parental leave adoptive/foster parents*: on the day of the adoption/taking the child into foster care; this also applies if parental leave is to start directly after the other parent's leave of less than 3 months; in all other cases: at least 3 months before going on leave
- *sharing parental leave*: at least 3 months before the end of the other parent's leave (in case it lasts for less than 3 months: announce the change at least 2 months before the first parent's leave ends)

¹ The law takes into account that the day of taking a child into care (adoption or foster care) cannot be planned by the employee and that they themselves might only be notified on the same day they assume parenting. Regardless, it is recommended to inform the executive within a reasonable period of time of any plans to adopt/take a foster child into care and to announce the first day of parental leave as soon as it is known.



- *parental part-time work*: in case of part-time work directly after the mother or birthing parent's protection period ends: during the protection period (mother/birthing parent) or, at the latest, 8 weeks after the child is born (father/other parent); otherwise, at least 3 months before starting part-time work (if the time span between the end of the protection period and the start of part-time employment is less than 3 months, parental part-time work must be announced before the end of the protection period)
- *parental part-time work adoptive/foster parents*: if part-time employment is to start immediately after having taken the child into care, it has to be announced on the same day (see footnote 1); otherwise, the usual regulations for parental part-time work apply
- *Breast-/chestfeeding at the workplace*: when returning to/starting work

University of Vienna | Notification procedure

- Notifications are to be made through official channels, i.e. (future) parents must notify
 - their superior
 - their subunit's and organisational unit's management
 - the human resources administration.
- They must be notified through an informal letter. On the [university's intranet](#), you can also find the forms "Application on Leave – Birth of my Child" (PA/K5, "Karenz") and "Application – Child Allowance" (PA/K4, "Kinderzulage").
- The birth certificate, the adoption record or the foster care papers are to be enclosed.
- The human resources administration will issue a written confirmation.

University of Vienna | Pregnancy/extension of fixed-term employment

According to § 20 Abs 3 KV, a fixed-term employment will be extended by the duration of the prohibition of employment and parental leave under the MSchG or VKG for a maximum of 3 years total. However, according to § 20 Abs 4 KV, employment will not be extended for substitute employees, project staff, lecturers or employees with an employment contract of 12 months or less.

2. Types of absences & reduction of working hours

Definition | Parental leave

- Parental leave (Elternkarenz) is the release from work duties in return for the suspension of salary. During that period, parents are entitled to state-funded childcare allowance.
- Parents have a legal claim to parental leave during their child's first 2 years of life.
- A parent going on leave has to be living in the same household as the child.
- Both parents cannot be on parental leave at the same time. Exception: When the parents switch for the first time, they can both be on parental leave at the same time for one month. As a consequence, the total duration of parental leave will be shortened by this period, meaning that the legal claim ends at the earliest after the child's 23rd month of life.
- Parents can switch parental leave up to 2 times, which means that there can be 3 different periods of parental leave (e.g. father/mother/father). Each period of parental leave has to last for at least 2 months.
- During this time, it is possible to do paid work up to a certain limit. Which limit applies depends on which childcare allowance system has been chosen.
- Parental leave and childcare allowance are independent from one another. Parental leave is granted by the labour law while childcare allowance is a social security benefit independent from the employment status.

Definition | Early parental leave (under the KV or BDG/VBG)²

- Early parental leave (Frühkarenz) is a type of unpaid leave for the father or other parent in the event of birth/adoption/taking a child into foster care (also known as "Papamonat").
- Early parental leave can be taken for a duration of up to 4 weeks starting with the child's birth and ending with the end of the mother's or birthing parent's protection period or the end of the child's 3rd month of life (for a same-sex couple). In case of adopting or taking into foster care a child of less than 2 years, early parental leave can be taken for up to 4 weeks starting with the day of adopting/taking the child into care.
- Condition: living in the same household as the child
- The parent's social security cover is not affected by early parental leave.
- The family time bonus (Familienzeitbonus) is a monetary social security benefit for the duration of early parental leave. Parents can apply for it at their health insurance institution.

Definition | Special leave (Sonderurlaub)

- 3 days for the birth of the employee's child
- Entitled are: employees subject to the Collective Bargaining Agreement, according to § 16 Abs 4 KV; civil servants and contractual employees can apply for special leave, but the employer's needs have to be taken into account.

² As of 1 September 2019, the federal law for paternity leave stipulates fathers' entitlement to early parental leave in different provisions.



Definition | Parental part-time work

- Parental part-time work (Elternteilzeit) signifies the legal claim to a reduction of working hours or to changing the work schedule while being protected against termination of employment.
- Conditions: shared household with the child or shared custody, employment at the University of Vienna for at least 3 years, at least 2 months of parental part-time work
- Parents are entitled to part-time employment until the child's 7th birthday (or until the child starts school after its 7th birthday). If there is no legal claim (e.g. employment for less than 3 years), parental part-time work is only possible until the child's 4th birthday.
- Start, duration, extent and scheduling are to be arranged with the employer. The interests of both employer and employee have to be taken into account.
- The employee is entitled to resume their former working hours.
- Civil servants and contractual employees have the possibility to reduce their weekly hours in order to take care of their child.

3. Preparing the absence

3.1. Checklist | Future parents

- Notify employer of pregnancy, early parental leave or parental leave (see [University of Vienna | Notification deadlines](#) & [University of Vienna | Notification procedure](#))
- Gather information relating to labour law and occupational safety
- Pregnant employees: After the notification of pregnancy, occupational health physicians will be in touch for a workplace and activity evaluation and will issue a statement to the superiors
- Determine unclaimed vacation days/compensatory time off and use them/it up
- Arrange and have the parental leave meeting with the superior (guideline)
- Discuss with the direct superior how you want to keep in touch
- Pregnant employees: Request a work and salary confirmation (Arbeits- und Entgeltbestätigung) from the human resources administration (for calculating postnatal allowance)

If things do not go according to plan...

- *Premature delivery/Caesarean section*: The protection period after the event will be 12 weeks instead of 8.
- *Miscarriage*: The protection granted by the Maternity Leave Act ([MSchG](#)) ends 4 weeks after a miscarriage. The inability to work after a miscarriage is considered an absence due to illness.
- *Stillbirth*: As childbirth has taken place, the birthing parent has the rights stated in the [MSchG](#). The birthing parent is entitled to 12 weeks of leave.
- *For further help and support please contact*:
 - the human resources administration
 - Occupational Health

3.2. Checklist | Executive staff

- Congratulate on pregnancy or (impending) parenthood
- Gather information relating to labour law and occupational safety
- Comply with the regulations of the Maternity Leave Act ([MSchG](#)):
 - among other things: prohibition of overtime, night work and work on Sundays and public holidays for pregnant employees, elimination of health risks at the workplace, prohibition of work in the laboratory for pregnant and breast-/chestfeeding employees immediately after notification of pregnancy
 - protection period = prohibition of employment 8 weeks before and 8 weeks after the birth (or 12 weeks respectively in case of premature delivery, multiple birth or Caesarean section)
 - the MSchG applies to: employees (scientific and general staff), federal employees (civil servants and contractual employees), apprentices, quasi-freelancers (only with regards to the protection period)
- Arrange and have the parental leave meeting with the employee (guideline)
- Draw up a schedule (determine unclaimed vacation days, expected due date, planned date of re-entry)
- Assign tasks – clarify responsibilities – organise a temporary replacement
 - advertise for a substitute employee
 - internal regulations (possible need for new distribution of tasks)

- marginal employment of the employee going on leave
- Organise handover and training of the substitute employee and/or other employees

3.3. Guideline for the parental leave meeting

Framework for parental leave

- Determine the definitive date of departure (taking into account vacation days/compensatory time off)
- Gather/provide non-binding information on the planned duration of parental leave and possible part-time work)
- In case of adoption/foster care:
 - before taking the child into care: gather/provide non-binding information on the ongoing process
 - on the day of taking the child into care: notification about start and duration of parental leave

Job description: areas of work and tasks – handover and replacement

- Current tasks and areas of work: What has to be finished before the protection period/parental leave? Which goals should be accomplished? Which tasks have to be handed over and to whom? Pregnant employees: Which tasks can no longer be carried out (e.g. in the laboratory)?
- Handing over tasks and transferring knowledge: Who takes on which tasks? When should hand-over take place? Who is going to train the replacement?

Optional: Organising parental leave – keeping in touch with the employer

- Marginal employment: Does the employee want to be marginally employed and is it possible? If yes, how can it be organised (tasks, hours)?
- Internal training (human resources development): Does the employee want to participate in internal trainings? Which trainings are helpful for re-entry? (Employees participating in seminars and coaching events organised by the human resources development can make use of the Children's Office childcare free of charge during that time.)
- Information exchange: Does the employee want to receive work-related information during their parental leave? If yes, in what way?
 - Should newsletters, invitations, protocols, etc. be sent via e-mail or mail?
 - How can the employee on leave be reached (via e-mail or telephone)?

Reconciling work & family life

- Discuss questions on how to reconcile work and family life with the goal of balancing the employee's needs with the university's needs
- Services offered by the University of Vienna (see section 7)

4. During the absence – parent on leave

4.1. Checklist | Parents

- Notify employer of early parental leave (Frühkarenz), parental leave or parental part-time work (see [University of Vienna | Notification deadlines](#) & [University of Vienna | Notification procedure](#))
- Send the form “Application on Leave – Birth of my Child” (PA/K5, “Karenz”, [university intranet](#)) as well as a copy of the birth certificate and the adoption record/foster care papers or the account of postnatal and childcare allowance to the human resources administration.
- Send the notice of family allowance (Familienbeihilfebescheid, issued by the tax office) to the human resources administration in order to claim child allowance or tax credit for children.
- Keep in touch with the superior (if desired)
 - correspondence (newsletters, invitations, etc.)
 - participate in events by the Human Resources Development (trainings)
 - marginal employment
- Organise childcare for the time after parental leave (see section 7)

4.2. Checklist | Executive staff

- Congratulate on the child or the child’s birth
- Verify that the communication channels are working (e.g. invitations, mailings; via e-mail or mail; if desired by the employee)
- Keep in touch with the employee (if desired)
 - correspondence (newsletters, invitations, etc.)
 - participation in events by the Human Resources Development (trainings)
 - marginal employment
- Verify the replacement regulations
 - Does everybody know their responsibilities?
 - Are the tasks well distributed?
 - Is the substitute employee well trained?
- Gather important information concerning the workplace for the employee (e.g. new projects, new colleagues)

5. Re-entry

Preparations for re-entry begin around 2 to 3 months before actual re-entry.

5.1. Checklist | Parents

- Notify employer of parental part-time work and, if applicable, of desire to breast-/chestfeed at the workplace (see [University of Vienna | Notification deadlines](#) & [University of Vienna | Notification procedure](#))
- Prepare re-entry
 - get in touch with superior: arrange a date for the re-entry meeting
 - prepare the re-entry meeting (guideline)
 - organise childcare
- Have re-entry meeting with the superior (guideline)
- Plan for possibility of working from home (if desired)

5.2. Checklist | Executive staff

- Prepare re-entry
 - arrange a date for the re-entry meeting
 - prepare the re-entry meeting (guideline)
 - determine who (in the team) is going to be the person of reference for the returning employee (“re-entry buddy”)
- Have re-entry meeting with the employee (guideline)
- Prepare the workplace for the employee: assign a room and workstation, office keys, work equipment (desk, chair, PC, screen, keyboard, mouse, stationary, work equipment for home office), login information
- Assign old and new tasks and responsibilities (see re-entry meeting)
 - substitute employee: controlled end of employment or new distribution of tasks in case of parental part-time work
- If necessary, determine space for breast-/chestfeeding at the workplace
- Inform about conditions and procedures for working from home
- Inform about changes in scheduling, shared calendars etc. for working from home
- Course planning: take into account specific scheduling needs of teaching staff with childcare duties

5.3. Guideline for the re-entry meeting

Framework conditions for re-entry

- Determine the definitive date of return
- Determine if parental part-time work is possible/desired (employees of 3 years or more are entitled)
 - if necessary, divide tasks between returning employee and substitute or other employee(s)
- Determine working hours and scheduling (use the app “working time specification”, [HR&Finance Services](#))
- Determine if working from home is possible/desired and, if so, on how many days a week/month
- Gather/provide information about how to request home office days and about other rules on communication and reachability while working from home

Job description: assignment of areas of work and tasks

- Take stock of the situation: What tasks has the employee been assigned up to now? What are the employee’s interests? What goals should be pursued?
- Field of activity: Which old and new areas of work and tasks should the employee be assigned? In which area should the returning employee be integrated?
- Handing over tasks and transferring knowledge: Who takes on which tasks and when?

Integration in the work process

- First person of contact: Who is going to be the returning employee’s first person of contact?
 - explain important changes and reforms with regards to the area of work, the team, the subunit and organisational unit as well as the University of Vienna
- Agree on specific training activities (Human Resources Development)

Reconciling work & family life

- Discuss questions on how to reconcile work and family life with the goal of balancing the employee’s needs with the university’s needs
- Services offered by the University of Vienna

Determining old and new areas of work...

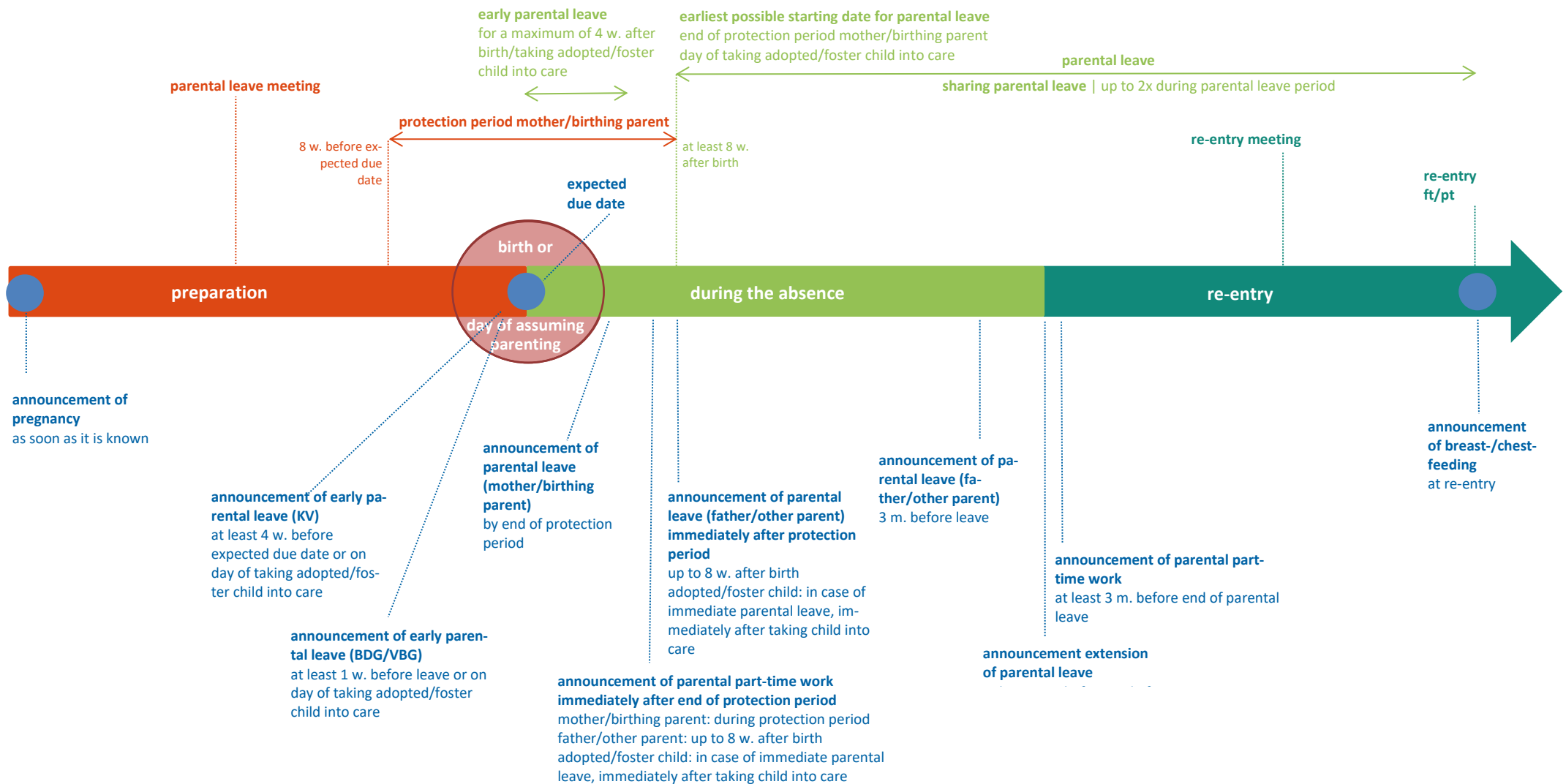
- The returning employee is entitled to the same working conditions as before their leave.
- The employer has to employ the returning employee as specified in the employment contract.
- If employment at the same workplace is not possible, the employer has to provide an equivalent activity in accordance with the contract.



In case of obstacles....

- There might be potential for conflict, for instance regarding
 - new working time regulations
 - new job descriptions and tasks
 - the substitute employee/replacement during parental leave.
- If you cannot come to an agreement, you can find support at the
 - Human Resources and Gender Equality unit
 - conflict resolution counselling services at the University of Vienna
 - works councils for the general or the scientific university staff respectively

6. Overview – Timeline





7. Services offered by the University of Vienna

Permanent childcare

Nurseries of the Vienna University Children's Office

Childcare during holidays

- Summer Camps (Vienna University Children's Office)
- Science Holidays (Vienna University Children's Office)
- Vienna Children's University (Vienna University Children's Office)
- Childcare on long weekends (works councils for the general and scientific university staff respectively)

Flexible childcare

- Flying Nannies of the Vienna University Children's Office
- FleKuKi – flexible short-term childcare

Childcare during participation in human resources development events (free of charge)

employees on leave are entitled as well

Changing tables

Several of the university's buildings provide changing tables (for further information: [Service Unit Facility and Resources Management](#)).

Family rooms

Individual university's buildings provide a place of retreat for parents or guardians with babies and toddlers.

- [Main Building of the University of Vienna](#)
- [Faculty of Life Sciences](#)

For additional information on the services listed above, please visit <https://personalwesen.uni-vie.ac.at/en/services-for-employees/additional-information/reconciling-work-family-life/>

University of Vienna | Services

You can find more detailed information about the services offered by the University of Vienna on the [intranet](#).