

Applying for parental leave

Before an employee can take parental leave they need to give their employer a certain amount of written notice. They may also need to provide evidence if the employer asks for it.

Notice requirements

Employees who want to take unpaid parental leave need to give their employer notice that they are taking leave and confirm the dates.

If an employee can't give the appropriate notice (eg. the baby is born prematurely) they will still be entitled to take the leave as long as they provide notice when they can.

10 weeks before starting leave

An employee has to give notice to their employer at least 10 weeks before starting their unpaid parental leave. This notice needs to be in writing, and say how much leave they want to take, including the starting and finishing dates.

If an employee can't give 10 weeks' notice, they need to provide as much notice as possible.

4 weeks before starting leave

An employee has to confirm their parental leave dates with their employer at least 4 weeks before they are due to start their leave. If there have been any changes to the dates the employee should tell their employer as soon as possible.

If an employee can't provide 4 weeks' notice, they need to provide as much notice as possible.

Concurrent leave notice

Employees who are taking concurrent leave (parents taking leave at the same time) need to provide at least 10 weeks' notice to their employer for their first period of concurrent leave. For second and later periods, they need to provide at least 4 weeks' notice.

If an employee can't provide these notice periods, they need to provide as much notice as possible.

Pre-adoption leave notice

Employees who are taking pre-adoption leave have to give their employer notice that they are taking leave as soon as possible (this can be after the leave has started). They should also tell their employer how long they expect to be on leave.

Evidence requirements

Employers can ask employees for evidence of the expected date of birth or of the date of placement of an adopted child, for example a medical certificate or statutory declaration.


An employer can specifically ask for a medical certificate from their employee giving the expected date of birth. Employers can also ask for evidence to support pre-adoption leave.

If an employee doesn't provide the evidence their employer asks for, they won't be entitled to the leave.

Hiring replacement employees

Many employers will hire a new employee to cover someone who is on parental leave. During the application process the employer has to tell potential employees that:

- the job will be temporary
- the employee who is taking leave has the right to return to their job
- there are situations where the employer or employee can end the parental leave (eg. stillbirth or employee ceasing to have responsibility for the child).

Source reference: [Fair Work Act 2009 s.74 and 84A \(http://www.comlaw.gov.au/Series/C2009A00028\)](http://www.comlaw.gov.au/Series/C2009A00028) 

Need help resolving workplace issues about pregnancy, parental leave and returning to work?

For employees:

If you've lost your job, contact the Fair Work Commission (the Commission) first if you think you were sacked because of:

- discrimination
- a reason that is harsh, unjust or unreasonable
- another protected right.

You have 21 days from the day you were sacked to lodge an application with the Commission. Check the information at the Commission website to find out if you can apply for:

- [unfair dismissal](https://www.fwc.gov.au/termination-of-employment/unfair-dismissal) [☞] (<https://www.fwc.gov.au/termination-of-employment/unfair-dismissal>) (not available if you lost your job because of a genuine [Redundancy](http://www.fairwork.gov.au/Ending-employment/Redundancy/default) (www.fairwork.gov.au/Ending-employment/Redundancy/default))
- [a general protections dismissal](https://www.fwc.gov.au/termination-employment/general-protections-dismissal) [☞] (<https://www.fwc.gov.au/termination-employment/general-protections-dismissal>)
- [unlawful termination](https://www.fwc.gov.au/termination-employment/unlawful-termination) [☞] (<https://www.fwc.gov.au/termination-employment/unlawful-termination>)

For employees and employers:

- Find information, downloadable guides and toolkits on pregnancy, parental leave and parents in the workplace on the [Supporting working parents](http://www.supportingworkingparents.gov.au/) (<http://www.supportingworkingparents.gov.au/>) [☞] website.
- Learn about [discrimination](http://www.fairwork.gov.au/Employee-entitlements/Protections-at-work/protections-from-discrimination-at-work) (www.fairwork.gov.au/Employee-entitlements/Protections-at-work/protections-from-discrimination-at-work) and [bullying and harassment](http://www.fairwork.gov.au/Employee-entitlements/bullying-and-harassment) (www.fairwork.gov.au/Employee-entitlements/bullying-and-harassment) and what can be done to stop it.
- If you think a mistake has been made about pay, parental leave or returning to work, see our [Help resolving workplace issues](http://www.fairwork.gov.au/How-we-will-help/How-we-help-you/Help-resolving-workplace-issues/default) (www.fairwork.gov.au/How-we-will-help/How-we-help-you/Help-resolving-workplace-issues/default) section for practical advice on:
 - figuring out if a mistake has been made
 - talking to your employer or employee about fixing it
 - getting help from us if you still can't resolve it.

What to do next

- Use the [Parental leave - notification form \(DOC 69KB\)](http://www.fairwork.gov.au/ArticleDocuments/766/Parental-leave-request-template.doc.aspx) (www.fairwork.gov.au/ArticleDocuments/766/Parental-leave-request-template.doc.aspx) to apply for parental leave

Help for small business

- Find tools, resources and information you might need on our [Small business page](http://www.fairwork.gov.au/Find-help-for/Small-business/default) (www.fairwork.gov.au/Find-help-for/Small-business/default) .

You might also be interested in

- [Maternity and parental leave](http://www.fairwork.gov.au/Leave/maternity-and-parental-leave/default) (www.fairwork.gov.au/Leave/maternity-and-parental-leave/default)
- [Taking parental leave](http://www.fairwork.gov.au/Leave/maternity-and-parental-leave/taking-parental-leave) (www.fairwork.gov.au/Leave/maternity-and-parental-leave/taking-parental-leave)
- [Returning to work from parental leave](http://www.fairwork.gov.au/Leave/maternity-and-parental-leave/returning-to-work-from-parental-leave) (www.fairwork.gov.au/Leave/maternity-and-parental-leave/returning-to-work-from-parental-leave)

Page reference No: 1954

Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.