

Taking parental leave

Changes to the Australian Government Parental Leave Pay Scheme

From 1 July 2020, eligible employees can split their Parental Leave Pay (PLP) so they take it over 2 periods within 2 years.

Employees are able to claim PLP for 1 set period and 1 flexible period. The first period of PLP is available for up to 12 continuous weeks, within 12 months of the birth or adoption of a child. The second period of PLP is flexible and available for up to 30 days, usually starting after the first period ends and finishing within 24 months of a child's birth or adoption.

To learn more, go to [Changes to the Parental Leave Pay Scheme \(www.fairwork.gov.au/about-us/news-and-media-releases/web-site-news/changes-to-the-parental-leave-pay-scheme\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/web-site-news/changes-to-the-parental-leave-pay-scheme) .

There are different rules about when an employee can take unpaid parental leave for the birth or adoption of a child. This depends on whether:

- 1 or both parents take leave or
- both parents want to take leave at the same time or different times.

One parent taking parental leave

When 1 parent takes unpaid parental leave, they can take up to:

- 12 months or
- 24 months, if their employer agrees.

The leave has to be taken in a single continuous period (eg. an employee can't take leave for 6 months, return to work, then take another 6 months leave).

Pregnant person taking parental leave

If the pregnant employee takes unpaid parental leave, it has to start:

- on the birth of the child or
- up to 6 weeks before the expected birth (or earlier if the employer agrees).

Adoptive parent taking parental leave

If the leave is adoption related, the parent taking leave has to start their leave period on the date of placement of the child.

Partner taking parental leave

If the employee who isn't pregnant is the parent taking the unpaid parental leave, the leave must start on the date of birth of the child.

The partner can start unpaid parental leave after the birth of the child if:

- they have responsibility for the care of the child and
- their pregnant partner isn't employed.

The leave has to be taken within 12 months after the birth or placement of the child.

Both parents taking leave

Working parents may both want to take unpaid parental leave. The parents can be working for the same or different employers.

Both parents taking parental leave at the same time

Parents who are married or in a de facto relationship can take up to 8 weeks unpaid parental leave at the same time. This is called 'concurrent leave.'

Concurrent leave can start:

- on the birth or placement of the child
- earlier than this date, if the employer agrees or
- later than this date, but has to be within 12 months of the birth or placement of the child.

Concurrent leave can be taken in separate periods. Each period has to be at least 2 weeks long, however, an employer can agree to shorter lengths.

Concurrent leave is part of an employee's total unpaid parental leave entitlement. This means that any concurrent leave taken is deducted from the total parental leave entitlement.

Example: Both parents taking unpaid parental leave at the same time

Peter and Leanne both work full-time and are expecting a baby. Leanne plans to take 12 months unpaid parental leave. Peter also intends to take time off when the baby is born.

Leanne's mum will be staying with them for 4 weeks when the baby is born to help. Instead of taking 8 weeks concurrent leave immediately, Peter and his employer agree that he will take 2 weeks unpaid parental leave when the baby is born and another 6 weeks after Leanne's mum goes home.

This 8 weeks of concurrent leave is deducted from their total unpaid parental leave entitlement of 12 months.

Both parents taking parental leave at different times

Each parent can take a separate period of up to 12 months unpaid parental leave. The combined leave cannot be for more than 24 months. Any concurrent leave or keeping in touch days taken are deducted from this overall entitlement.

If the pregnant employee takes unpaid parental leave first, it has to start:

- on the birth or placement of the child or
- up to 6 weeks before the expected birth (or earlier if their employer agrees).

If the employee who isn't pregnant takes unpaid parental leave first, it has to start on the birth or placement of the child.

If the leave is adoption related, one parent has to start their leave period on the date of placement of the child.

In both cases, leave has to be taken in a single continuous period. This means the other parent has to start their unpaid parental leave the next working day after the first parent's leave ends.

Source reference: Fair Work Act 2009 s.71 and 72 [☞] (<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

- Find out about [Applying for parental leave \(www.fairwork.gov.au/Leave/maternity-and-parental-leave/applying-for-parental-leave\)](http://www.fairwork.gov.au/Leave/maternity-and-parental-leave/applying-for-parental-leave)
- Learn more about [Extending parental leave \(www.fairwork.gov.au/Leave/maternity-and-parental-leave/When-on-parental-leave/extending-parental-leave\)](http://www.fairwork.gov.au/Leave/maternity-and-parental-leave/When-on-parental-leave/extending-parental-leave)
- Download the [Parental leave best practice guide \(www.fairwork.gov.au/how-we-will-help/templates-and-guides/best-practice-guides/parental-leave\)](http://www.fairwork.gov.au/how-we-will-help/templates-and-guides/best-practice-guides/parental-leave) for information on taking parental leave

Help for small business

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

You might also be interested in

- [Paid parental leave \(www.fairwork.gov.au/leave/maternity-and-parental-leave/paid-parental-leave\)](http://www.fairwork.gov.au/leave/maternity-and-parental-leave/paid-parental-leave)
- [Going back to work early \(www.fairwork.gov.au/leave/maternity-and-parental-leave/when-on-parental-leave/going-back-to-work-early\)](http://www.fairwork.gov.au/leave/maternity-and-parental-leave/when-on-parental-leave/going-back-to-work-early)
- [Other leave entitlements during parental leave \(www.fairwork.gov.au/leave/maternity-and-parental-leave/when-on-parental-leave/other-leave-entitlements-during-parental-leave\)](http://www.fairwork.gov.au/leave/maternity-and-parental-leave/when-on-parental-leave/other-leave-entitlements-during-parental-leave)
- [Applying for parental leave \(www.fairwork.gov.au/leave/maternity-and-parental-leave/applying-for-parental-leave\)](http://www.fairwork.gov.au/leave/maternity-and-parental-leave/applying-for-parental-leave)

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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

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