

Extending parental leave

An employee on unpaid parental leave can apply to extend their leave. The amount of time they can extend their leave depends on their original leave period.

Any extension has to be taken straight after the original unpaid parental leave period.

Extending leave in the first 12 months

An employee who planned to take less than 12 months unpaid parental leave can extend their leave. The total period, with the extension, can't be more than 12 months.

If they want to extend their leave an employee has to give 4 weeks written notice before their leave ends stating their new end date.

The employer has to approve the first extension. Any further requests for an extension have to be agreed between the employer and employee.

Extending leave beyond the initial 12 months

An employee who has taken 12 months unpaid parental leave can apply to extend their leave. The total period, with the extension, can't be more than 24 months.

An employee has to give written notice if they want to extend their leave. It has to be given at least 4 weeks before the first 12 months of leave ends and state the new end date.

If the employee's partner is employed, then the request has to also state the amount of unpaid parental leave their partner has taken or will take.

The employer's response to the request has to:

- be in writing
- be given to the employee within 21 days after the request
- state whether the request is granted or refused.

Refusing requests to extend parental leave

An employer can only refuse to extend an employee's leave on reasonable business grounds such as:

- the impact on the workplace's finance, productivity or customer service
- difficulties managing the workload among existing staff, or
- difficulties in recruiting a replacement employee.

Employers can't refuse the request unless they have given the employee an opportunity to discuss it with them.

Employers granting or refusing a leave extension request, need to put this in writing. This makes sure that there's a record of the agreement or refusal and that both the employee and employer have the same information. Employers should use the [Approval of extension of parental leave template letter \(DOC 62.5KB\)](http://www.fairwork.gov.au/ArticleDocuments/766/Extension-of-parental-leave-approval-letter-template.doc.aspx) (www.fairwork.gov.au/ArticleDocuments/766/Extension-of-parental-leave-approval-letter-template.doc.aspx) or the [Refusal of extension of parental leave template letter \(DOCX 47.5KB\)](http://www.fairwork.gov.au/ArticleDocuments/766/extension-of-parental-leave-refusal-letter-template.docx.aspx) (www.fairwork.gov.au/ArticleDocuments/766/extension-of-parental-leave-refusal-letter-template.docx.aspx) .

Effect of partner's leave on extension period

An employee and their partner can take a combined total of 24 months of unpaid parental leave. But if one parent extends their leave it may affect the other parent's leave entitlements.

When giving written notice of the request to extend, an employee has to state:

- their new end date
- the amount of unpaid parental leave their partner has taken or will take.

Example: Employee extending unpaid parental leave and impact on partner's leave

Natalie is a pregnant employee. She decides to take 12 months of unpaid parental leave. Her husband, Peter, also intends to take 12 months of unpaid parental leave. Peter has to start his leave the day after Natalie returns to work from leave.

After the birth, Natalie decides that she wants to spend more time with her baby. She asks her employer for a leave extension. Her employer agrees to a 4 month extension.

Natalie and Peter can take a combined total of 24 months of leave. Because Natalie has taken 16 months of leave, Peter can take 8 months.

Source reference: [Fair Work Act 2009 s.75 and 76](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 [Application to extend leave beyond initial 12 months](http://www.fairwork.gov.au/ArticleDocuments/766/application-to-extend-parental-leave-beyond-12-months.docx.aspx) (DOCX 47.6KB) (www.fairwork.gov.au/ArticleDocuments/766/application-to-extend-parental-leave-beyond-12-months.docx.aspx) template to extend the unpaid parental leave period
- Use the [Application to reduce, extend or cancel leave within initial 12 months](http://www.fairwork.gov.au/ArticleDocuments/766/Application-to-vary-parental-leave-within-12-months.doc.aspx) (DOC 69KB) (www.fairwork.gov.au/ArticleDocuments/766/Application-to-vary-parental-leave-within-12-months.doc.aspx) template to change the unpaid parental leave period
- Download the [Parental leave – employer checklist](http://www.fairwork.gov.au/ArticleDocuments/715/parental-leave-employer-checklist.docx.aspx) (DOCX 46.2KB) (www.fairwork.gov.au/ArticleDocuments/715/parental-leave-employer-checklist.docx.aspx) when discussing extending unpaid parental leave
- Download the [Parental leave – employee checklist](http://www.fairwork.gov.au/ArticleDocuments/715/parental-leave-employee-checklist.docx.aspx) (DOCX 43.4KB) (www.fairwork.gov.au/ArticleDocuments/715/parental-leave-employee-checklist.docx.aspx) when discussing extending unpaid parental leave

You might also be interested in

- [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)
- [Pregnant employee entitlements](http://www.fairwork.gov.au/Leave/maternity-and-parental-leave/pregnant-employee-entitlements) (www.fairwork.gov.au/Leave/maternity-and-parental-leave/pregnant-employee-entitlements)

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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