

Maternity & parental leave

Employees can get parental leave when a child is born or adopted. Parental leave entitlements include:

- maternity leave
- paternity and partner leave
- adoption leave
- special maternity leave
- a safe job and no safe job leave
- a right to return to old job.

What is parental leave?

Parental leave is leave that can be taken when:

- an employee gives birth
- an employee's spouse or de facto partner (www.fairwork.gov.au/Dictionary.aspx?TermID=2156) gives birth
- an employee adopts a child under 16 years of age.

Employees are entitled to 12 months of unpaid parental leave. They can also request an additional 12 months of leave.

Pre-adoption leave

Employees who are taking parental leave to care for an adopted child are also entitled to 2 days unpaid pre-adoption leave to attend relevant interviews or examinations.

This leave can't be used if an employer tells an employee to take another type of leave (eg. paid annual leave).

Who is eligible for parental leave?

All employees in Australia are entitled to parental leave.

Employees are able to take parental leave if they:

- have worked for their employer for at least 12 months:
 - before the date or expected date of birth if the employee is pregnant
 - before the date of the adoption, or
 - when the leave starts (if the leave is taken after another person cares for the child or takes parental leave)
- have or will have responsibility for the care of a child.

Casual employees

For casual employees to be eligible for unpaid parental leave they need to have:

- been working for their employer on a regular and systematic basis for at least 12 months
- a reasonable expectation of continuing work with the employer on a regular and systematic basis, had it not been for the birth or adoption of a child.

Having another child

Employees who have taken parental leave don't have to work for another 12 months before they can take another period of parental leave with that same employer.

However if they have started work with a new employer they will need to work with that employer for at least 12 months before they can take parental leave.

There are different arrangements for employees when a transfer of business occurs. See [Employee entitlements on a transfer of business](http://www.fairwork.gov.au/Employee-entitlements/When-businesses-change-owners/employee-entitlements-on-a-transfer-of-business) (www.fairwork.gov.au/Employee-entitlements/When-businesses-change-owners/employee-entitlements-on-a-transfer-of-business) for more information.

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.

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

- [Paid parental leave](http://www.fairwork.gov.au/Leave/maternity-and-parental-leave/paid-parental-leave) (www.fairwork.gov.au/Leave/maternity-and-parental-leave/paid-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)
- [When on parental leave](http://www.fairwork.gov.au/Leave/maternity-and-parental-leave/When-on-parental-leave/default) (www.fairwork.gov.au/Leave/maternity-and-parental-leave/When-on-parental-leave/default)
- [Parental leave and related entitlements fact sheet](http://www.fairwork.gov.au/About-us/Policies---guides/Fact-sheets/Minimum-workplace-entitlements/parental-leave-and-related-entitlements) (www.fairwork.gov.au/About-us/Policies---guides/Fact-sheets/Minimum-workplace-entitlements/parental-leave-and-related-entitlements)
- the Workplace Gender Equality Agency's [guide to gender pay gaps](https://www.wgea.gov.au/topics/the-gender-pay-gap) [↗] (<https://www.wgea.gov.au/topics/the-gender-pay-gap>)

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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

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.