

## Varying unpaid parental leave within the initial 12 months – template letter

### Who can use this template

Employees who are within their first 12 months of unpaid parental leave can use this template to change their unpaid parental leave period if the new end date will still be within the initial 12-month period.

This includes where an employee:

- wants to extend their leave to a new date that is within the initial 12-month period, or
- wants to end their leave sooner than originally planned.

We update our templates from time to time. Make sure you're using the [latest version](#) from [fairwork.gov.au/templates](http://fairwork.gov.au/templates)



### IMPORTANT

#### You should not use this template if:

- you are providing notice that you are cancelling or changing your leave due to stillbirth or infant death – see [Parental leave for stillbirth, premature birth or infant death](#)
- you have already taken an initial 12-month period of unpaid parental leave and want to extend the leave up to a maximum of 24 months. You should instead use the [Request to extend parental leave beyond initial 12 months template](#) available at [fairwork.gov.au/templates](http://fairwork.gov.au/templates)

For more information see our [Parental leave section](#) at [fairwork.gov.au/parentalleave](http://fairwork.gov.au/parentalleave)

## What are the rules about changing unpaid parental leave?

### Extending leave

If you originally planned to take less than 12 months unpaid parental leave, you have the right to extend your leave to another date within the initial 12 months. Any further extensions within the first 12 months need the agreement of your employer.

- **First extension**  
If it is your first extension, you need to give your employer **written notice** at least **4 weeks** before your original planned end date. The written notice needs to state the new end date of the leave.
- **Second or subsequent extension**  
If you're requesting an extension for the second time or more, it doesn't have to be in writing, but it's best practice to do so.

### Reducing leave

You can apply to shorten your unpaid parental leave that has already started. While this request doesn't have to be in writing, it's best practice to do so.

## Refusing a request

Your employer **cannot refuse** to extend the period of leave if:

- you initially planned to take less than 12 months parental leave and you want to extend your leave to a new date that is within the initial 12-month period, and
- this is your first request for extension.

Your employer **can choose not to** approve your request if you:

- want to return to work earlier than planned, or
- have already extended your leave once and are requesting a further extension within the initial 12-month period.

## What if we can't agree?

In the first instance, you should try to resolve any disputes at the workplace level by having a discussion with your employer. You can use our resources to help you have these conversations, including our:

- [Difficult conversations in the workplace](#) online learning course, which will help you gain the skills and confidence you need to discuss workplace issues when they arise. You can access this free course at [fairwork.gov.au/learning](http://fairwork.gov.au/learning)
- [Fixing a workplace problem](#) page, which includes guidance on raising issues and a downloadable employee's guide to resolving workplace issues. Visit [fairwork.gov.au/fixing-workplace-problems](http://fairwork.gov.au/fixing-workplace-problems) for more information

If your employer doesn't agree to vary your unpaid parental leave period, then you need to return to work on the planned date.

### Need more help with unpaid parental leave?

- Visit our [Parental leave section](#) at [fairwork.gov.au/parentalleave](http://fairwork.gov.au/parentalleave)
- Submit an enquiry online through [My account](#) at [fairwork.gov.au/register](http://fairwork.gov.au/register)

### Check out our other resources



- Explore [interactive template tools, downloadable templates and letters](#) available at [fairwork.gov.au/templates](http://fairwork.gov.au/templates).
- Complete our [free online courses](#) available at [fairwork.gov.au/learning](http://fairwork.gov.au/learning) to develop skills and strategies to help you at work.



### IMPORTANT

This template has been colour coded to help you to complete it. You simply need to replace the **red <> writing** with the information that applies to your situation. You should change all the text to **black** when you're finished.

The **purple writing** shows you extra explanatory information and should also be deleted.

The Fair Work Ombudsman is committed to providing you with advice that you can rely on.

The information contained in this template 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 a workplace relations professional.

## TEMPLATE LETTER – Varying unpaid parental leave within initial 12 months

<Date>

**Private and confidential**

<Your name>

<Contact details>

<Job title>

Dear <insert manager's name>

### <Notice/Request> to vary unpaid parental leave

I would like to <provide notice/request> to <extend/reduce> my unpaid parental leave. The details of my <notice/request> are as follows:

- **Original parental leave start date:** <insert date>
- **Original parental leave end date:** <insert date>
- **Proposed new return to work date:** <insert date>

[Choose 1 of the following 3 options and delete those that do not apply]

[**Option 1** – notice of a first extension within initial 12-month period. This notice must be provided to your employer in writing at **least 4 weeks** before the original end date of your leave]

Please note that under the Fair Work Act I am entitled to 12 months of unpaid parental leave. Because I have originally taken less than this amount, I am entitled to extend my leave to use up to the full 12 months.

[**Option 2** – request for a subsequent extension within initial 12-month period.]

As I have previously extended my leave, I understand that any further extension is subject to your agreement and the needs of the business. I am happy to discuss this matter at a time that is convenient. I am willing to discuss possible alternatives to the dates I have outlined and find a solution that works for both of us.

[**Option 3** – request to reduce the period of leave and return to work sooner]

I understand that my request is subject to your agreement, and the needs of the business. I am happy to discuss this matter at a time that is convenient. I am willing to discuss possible alternatives to the dates I have outlined and find a solution that works for both of us.

[**Optional** – you may wish to include this link so your employer can check their obligations]

I have found this information from the Fair Work Ombudsman's website. They have a section dedicated to parental leave entitlements. You can find this at [fairwork.gov.au/parental-leave](https://www.fairwork.gov.au/parental-leave)

If you would like to discuss any of the above, please contact me on <insert contact details>.

Yours sincerely,

<Insert name>

<Insert position>

PLEASE KEEP A COPY OF THIS LETTER FOR YOUR RECORDS