

Employee checklist for unpaid parental leave

This checklist helps employees make sure they have completed all required steps when taking unpaid parental leave under the National Employment Standards. It is recommended that employers give this checklist to employees to use when the situation arises.

For more information about parental leave visit fairwork.gov.au/parentalleave.

Before taking a period of unpaid parental leave

At least 10 weeks before starting leave (or as soon as possible):

- ☐ Give your employer written notice of taking unpaid parental leave.
 - The notice needs to include the start date and end dates for any continuous unpaid parental leave.
 - This notice must also state the total number of days of flexible unpaid parental leave you intend to take, if any. The amount of parental leave that can be taken as flexible parental leave depends on when your child is born or placed for adoption. Find out how much leave you might be entitled to at fairwork.gov.au/parentalleave.
 - You can give notice by completing the Giving notice for taking unpaid parental leave template available at fairwork.gov.au/templates.
 - The notice for flexible unpaid parental leave may be given at a later time if your employer agrees.
- ☐ Provide evidence of the expected birth or adoption placement dates, such as a medical certificate or statutory declaration, if requested by your employer.

Once you've notified your employer that you're taking unpaid parental leave:

- ☐ Have a discussion with your employer about arrangements for any paid leave you want to take or any payments you may be entitled to. This could include annual leave, long service leave, employer funded paid parental leave or Government funded Parental Leave Pay under the Australian Government Parental Leave Pay scheme.
 - You can find out about Government funded Parental Leave Pay at servicesaustralia.gov.au/parental-leave-pay.
 - Your employer can find out about their obligations under the Government-funded Parental Leave Pay scheme at servicesaustralia.gov.au/pplemployers.

At least 4 weeks before your intended start date of the leave (unless it is not possible to do so):

- ☐ Confirm your intended start and end dates for the unpaid parental leave or advise of any changes.
 - You can do this by confirming or changing the information on the Giving notice for taking unpaid parental leave template available at fairwork.gov.au/templates.
 - Information about flexible Paid Parental leave can be found on the Services Australia website at servicesaustralia.gov.au/parentalleavepay.

If you're a pregnant employee and plan to work within 6 weeks of the expected date of birth of the child:

- ☐ You may be asked by your employer to provide a medical certificate confirming you are fit for work. If you are fit for work, the certificate should also state whether or not it is safe for you to continue in your current position, or if there are any illnesses or risks related to your pregnancy or hazards connected with your usual job that would make it unsafe. If your employer requests a medical certificate and you do not provide one within 7 days after the employer's request, your employer has a right to direct you to take unpaid parental leave as soon as possible.

Additional notice requirements for accessing parental leave flexibly

- ☐ You must provide your employer with confirmation of the specific day or days you intend to take flexible unpaid parental leave at least 4 weeks before that day or those days (or as soon as possible).
 - Check the rules around flexible parental leave at fairwork.gov.au/parentalleave.

Varying a period of unpaid parental leave (within the initial 12 months)

- ☐ If you want to vary your leave within the first 12 months, you can give written notice to your employer at least 4 weeks before the end date of the original leave period. The notice must specify the new end date for the leave.
 - You can do this by completing the Varying unpaid parental leave within the initial 12 months template available at fairwork.gov.au/templates.
 - Find out more about your obligations and entitlements around varying parental leave at fairwork.gov.au/parentalleave.
 - Further variations within the initial 12 months of leave requires your employer's agreement.

Pausing a period of unpaid parental leave (due to premature birth or birth related complications)

If you would like to pause your unpaid parental leave due to the newborn being in hospital:

- ☐ Agree with your employer to put your unpaid parental leave on hold. If your employer agrees, you can return to work and the period when you are back at work will not be deducted from your unpaid parental leave. You can then resume your unpaid parental leave at the earliest of:
 - a time agreed with your employer
 - the end of the day when the newborn is discharged from the hospital, or
 - if the newborn dies, the end of the day when the newborn dies.
- ☐ Provide evidence, such as a medical certificate or statutory declaration, if requested by your employer.

Extending unpaid parental leave beyond the initial 12 months

- ☐ Provide a written request to your employer to extend unpaid parental leave, including the specific leave dates, at least 4 weeks before the end of the original leave period.
 - You can request an additional period of unpaid parental leave (up to another 12 months), after you have taken your full entitlement of 12 months unpaid parental leave. The total period with the extension can't be more than 24 months from the date of birth or placement of your child.

You can do this by completing the Request to extend unpaid parental leave beyond the initial 12 months template available at fairwork.gov.au/templates. There are rules about how and when your employer needs to respond.

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.