

Employer checklist for unpaid parental leave

This checklist helps employers make sure they've completed the required steps when their employees take unpaid parental leave under the National Employment Standards.

For more information about [parental leave](#) visit fairwork.gov.au/parentalleave

Initial steps

- Have you provided your employee with the [Employee checklist for unpaid parental leave](#)?

Other available templates include:

- Giving notice for taking unpaid parental leave
- Varying unpaid parental leave within the initial 12 months
- Request to extend unpaid parental leave beyond the initial 12 months

Find all of our [parental leave templates](#) at fairwork.gov.au/templates

Before an employee takes a period of unpaid parental leave

- Has your employee provided you with written notice of taking unpaid parental leave at least 10 weeks before starting the leave (or as soon as possible)?
- The notice should include the intended start and end dates for the continuous unpaid parental leave and if applicable, the total number of days of flexible unpaid parental leave that the employee intends to take.
 - Your employee is entitled to up to 100 days of flexible unpaid parental leave which comes out of the entitlement to 12 months of unpaid parental leave. The notice for flexible unpaid parental leave may be given at a later time if you agree.
- Has your employee provided you with confirmation of the intended start and end dates for their continuous unpaid parental leave or advised of any changes at least 4 weeks before their intended start date of the leave (or as soon as possible)?
- Has your employee provided you with evidence, such as a medical certificate, of the expected birth or placement date (only required if you have requested evidence)?
- Have you and your employee discussed the arrangements for any payments that they 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 Paid Parental Leave Pay scheme.
- You can find out about:
 - Government funded [Parental Leave Pay](#) at servicesaustralia.gov.au/parental-leave-pay
 - your [obligations under the Government funded Parental Leave Pay scheme](#) at servicesaustralia.gov.au/pplemployers

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

- Has your employee provided you with written notice or a request (if applicable) to vary their period of unpaid parental leave within the initial 12 months?
 - The employee 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.

Additional notice requirements for accessing parental leave flexibly

- Has your employee provided you with confirmation of the specific day or days they intend to take flexible unpaid parental leave at least 4 weeks before that day or those days (or as soon as possible)?

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

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

- Have you agreed to the employee pausing their unpaid parental leave?
- If requested by you, has your employee provided you with evidence (this can include a medical certificate)?

Your employee can resume their unpaid parental leave at the earliest of:

- a time you agreed with your employee
- the date the newborn is discharged from hospital; or
- if the newborn dies, the date the newborn dies.

Extending unpaid parental leave beyond the initial 12 months

- Has your employee provided you with a written request to extend their period of unpaid parental leave beyond the initial 12 months at least 4 weeks before the end of the initial leave period?
 - Your employee can request an additional period of unpaid parental leave (up to 12 months) after they have taken their full entitlement of 12 months of unpaid parental leave. The total period with the extension can't be more than 24 months from the date of birth or placement of the child.
 - The employee can do this by completing the [Request to extend unpaid parental leave beyond the initial 12 months](#) template available at fairwork.gov.au/templates
- Have you provided a response in writing within 21 days of the request stating whether you approve or refuse the request, or have you agreed with the employee on a different extended leave period?
 - Requests to extend unpaid parental leave beyond the initial 12 months can only be refused on reasonable business grounds and if you have taken certain steps, including discussing and genuinely trying to reach an agreement with the employee first. For more [information about refusals to extend parental leave](#) visit fairwork.gov.au/parentalleave

Australian Government Paid Parental Leave scheme

- Do you understand your role as an employer and your obligations under the Australian Government Paid Parental Leave scheme?
 - For more [information about your obligations, and how to handle payments](https://servicesaustralia.gov.au/pplemployers) visit servicesaustralia.gov.au/pplemployers

Record-keeping

- Have you recorded your employee's leave dates?
- Have you kept a copy of any request to vary or extend the period of parental leave, and your response to the employee?
- If your employee's period of parental leave has changed – have you recorded the new dates of your employee's leave?

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.