

Unpaid parental leave made simple

The key steps you need to take and when

Unpaid parental leave is available for all eligible employees under the Fair Work Act.

This resource provides an overview of the key steps and timeframes for taking unpaid parental leave and your entitlements when returning to work.

Important: Unpaid parental leave is not the same as paid parental leave, which you may be eligible for through your employer. You may also be eligible for the Australian Government's Parental Leave Pay from Services Australia. For details and the rules on payment during parental leave, visit fairwork.gov.au/payment-during-parental-leave

This resource doesn't cover adoption related leave.

I'm expecting a child



Am I eligible for unpaid parental leave?

- To check your eligibility, visit fairwork.gov.au/applying-for-parental-leave

What if I can't stay in my normal job because of my pregnancy?

- If you're pregnant and your pregnancy means it's not safe to continue in your normal job, you may have the right to transfer to a safe job or take leave if no safe job is available.
- For more information, visit fairwork.gov.au/safe-jobs

Flexible working arrangements

- Pregnant employees who've worked with the same employer for at least 12 months, including regular casual employees, can request flexible working arrangements if they meet certain eligibility criteria. Flexible working arrangements can be used to help manage your pregnancy, for example, changing your hours of work to attend routine medical appointments.
- For more information, visit fairwork.gov.au/flexibility

10 weeks



6 weeks



4 weeks



10 weeks before the planned leave date

- Give your employer notice of leave (unless it's not practical to do so). You can take the leave as a single continuous period, flexibly, or a combination of both. Different rules apply for notifying your employer depending on how you're taking the leave.
- For more information, visit fairwork.gov.au/applying-for-parental-leave

6 weeks before the expected date of birth

- If you're pregnant and want to keep working in the 6 weeks leading up to your due date, your employer can ask you to provide a medical certificate within 7 days confirming whether you're fit for work.

4 weeks before the planned leave date

- Confirm the exact start and end dates of your continuous leave with your employer (unless it's not practical to do so).
- If you are taking any flexible unpaid parental leave, you must give your employer notice of the exact day you want to take flexible parental leave at least 4 weeks before that day (unless it is not practical to do so).
- For more information, visit fairwork.gov.au/applying-for-parental-leave

I'm on unpaid parental leave

Want to keep in touch with your workplace?

- You can access 10 keeping in touch days for each 12 month period of parental leave. For more information, visit fairwork.gov.au/during-parental-leave



Need to change your leave?

- You can change your unpaid parental leave within the first 12 months.
- If you're already taking 12 months of parental leave, you may be able to request to extend it up to a further 12 months. You must give at least 4 weeks notice before the end of the original parental leave period, and your employer can only refuse if certain conditions are met.
- For more information, visit fairwork.gov.au/during-parental-leave

I'm returning to work

- You're entitled to come back to the job you had before going on leave. If it doesn't exist anymore, you're entitled to come back to a job that you're qualified and suited for that's nearest in status and pay. There are consultation rules your employer must follow in these situations.
- You can request flexible working arrangements.
- You can take your accrued paid carer's leave (or unpaid for casuals) if your child is sick, injured or has an unexpected emergency.
- You're allowed to breastfeed in the workplace.
- For more information, visit fairwork.gov.au/after-parental-leave

Tools and resources

Use these resources to make parental leave planning easier:

- ready-made forms for giving notice and confirming arrangements – fairwork.gov.au/templates
- fact sheets, checklists, and guides – fairwork.gov.au/tools-and-resources

Further help

- Services Australia – servicessaustralia.gov.au/parental-leave-pay
- Parents At Work – parentsatwork.com.au

This resource has general information that has been simplified for education purposes. It may not apply in all circumstances, and there may be other requirements or entitlements that apply in your circumstances than are presented in this resource. For more information, visit fairwork.gov.au/parentalleave. If you would like tailored information about your parental leave entitlements you can call our Infoline on 13 13 94 or speak with a union, industry association or a workplace relations professional.

Last updated: September 2026

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