

# Letter of refusal of extension of parental leave

Under the National Employment Standards, eligible employees are entitled to 12 months' unpaid parental leave. An employee on parental leave can also request to extend their leave by an additional 12 months (up to a total of 24 months from the date of birth or placement of the child).

You can use this letter to advise an employee that their request for additional parental leave has been refused in the following situations:

- the employee is requesting an additional 12 months' leave, or
- the employee is requesting an extension within the initial 12 months, and they have already extended their leave at least once.

You can only refuse a request to extend parental leave beyond 12 months if you have given the employee a reasonable opportunity to discuss their request, and there are reasonable business grounds to do so. You can not refuse an employee's first request to extend their parental leave within the initial 12 months.

For more information about parental leave entitlements and obligations, visit [www.fairwork.gov.au/leave](http://www.fairwork.gov.au/leave).

## Suggested steps for preparing a letter of refusal of extension of parental leave

If at any time you need more information or assistance, call the Fair Work Infoline on 13 13 94 or visit [www.fairwork.gov.au](http://www.fairwork.gov.au).

### Step 1: Consider the employee's request

An employee who wishes to extend their parental leave needs to provide the request in writing at least 4 weeks before the end date of the original period of leave.

If the employee is requesting to extend their parental leave within the initial 12 months, you can not refuse their first request. If the employee makes subsequent requests to extend their parental leave within the initial 12 months, they need your approval.

You can refuse an employee's request to extend their parental leave by an additional 12 months if there are reasonable business grounds for doing so.

### Step 2: Talk to the employee

It is a good idea to keep in regular contact with employees who are on parental leave. Talking to the employee about their request is an opportunity for you to:

- advise them of the reasons for refusing their request
- discuss alternatives to help them manage their work and carer's responsibilities, and
- arrange a return to work plan.

The [Best Practice Guide on work & family](#) can help you provide flexible work strategies to allow your employees to balance their work and family responsibilities.

**Note:** You must not refuse an employee's request to extend their parental leave by an additional 12 months if you have not given the employee a reasonable opportunity to discuss their request.

### **Step 3: Create your letter of refusal of extension of parental leave**

If you refuse an employee's request to extend their parental leave, you must provide a written response to the employee within 21 days of the request.

Your response must include the following information:

- that the request has been refused, and
- the reasons for the refusal (which must be on reasonable business grounds).

This template has been colour coded to assist you to complete it accurately. You simply need to replace the red < > writing with what applies to your employee and situation. Some of the sections are optional because they might not apply to your employee and can simply be deleted. Explanatory information is shown in blue italics to assist you and should be deleted once you have finished the letter.

### **Step 4: Provide the letter to the employee and keep a copy for your records**

Provide the letter to the employee, ensuring they receive it within 21 days of their request.

You should also keep a copy of the letter for your records

*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.*

<Print on your business letterhead>

<Date>

**Private and confidential**

<Insert employee's full name>

<Insert employee's residential address>

Dear <insert name>

**Refusal of extension of parental leave**

In accordance with the requirements outlined under the *Fair Work Act 2009*, I am writing to advise that your application for an extension of parental leave cannot be accommodated at this time due to business reasons. Specifically, as discussed on <insert date>, <insert reasons for refusal; note they can only relate to reasonable business grounds>.

| *Optional. Delete the following sentence if it doesn't apply.*

As an alternative, we may be able to negotiate flexible working arrangements that assist you and the business to manage this situation.

Please contact me on <insert phone number> to discuss this further.

Yours sincerely,

<Insert name>

<Insert position>

PLEASE KEEP A COPY OF THIS LETTER FOR YOUR RECORDS