



Australian Government

Fair Work
OMBUDSMAN

Parental leave

This is time off from work that employees can take to look after new children.



About our artwork: **Stepping forward**

Stepping forward represents taking the next step on the journey towards reconciliation and the potential possibilities when everyone is included.

Connecting with diverse people, meeting, listening and sharing together, can build respect and trust. Working in concert for a common purpose and united in the mission to make meaningful change.

It serves as a reminder of the dynamism and vibrancy of First Nations people and the lands from which they come, making the emergence of new ideas and ways of being possible that enables the envisioning of a brighter future.

Artist: **Timothy Buckley**

Parental leave



Who can take parental leave?

- ▶ Employees can take parental leave if they're caring for a newborn child.
- ▶ Employees who are adopting a child under 16 years of age can also take parental leave.
- ▶ To take parental leave, parents must have worked with the business for at least 12 months when the child is born or adopted. Extra rules apply for casual employees.
- ▶ Employees must tell their boss at least 10 weeks before starting leave and confirm the dates at least 4 weeks before the start of their leave.
- ▶ A pregnant employee who is not able to work because of an illness related to their pregnancy can take special parental leave without pay.



How much leave can parents take?

- ▶ Employees can take 12 months of parental leave without pay, which must be accepted by their boss. Employees can also ask for another 12 months of parental leave without pay if their boss agrees.
- ▶ If both parents are working, they can each take up to a total of 24 months unpaid parental leave.



Will parents get paid?

- ▶ Employees may get parental leave pay from the Australian Government.
- ▶ Employees may also get parental leave pay from their boss.



Does the parent need to give their boss any evidence?

- ▶ A parent can be asked to give evidence, which is usually a doctor's certificate or a statutory declaration. A statutory declaration is when you write down a statement, you declare it to be true and sign it in front of witness.



What if it's not safe to continue doing your job?

- ▶ If an employee's job is not safe to do while pregnant, their boss must find them other work to do.
- ▶ If the boss can't find the pregnant employee a safe job, they may be placed on 'no safe job leave'. No safe job leave can be paid or unpaid depending on the situation.
- ▶ The boss may also be able to require an employee to start their unpaid parental leave early.



What happens when parents return to work?

- ▶ An employee must be given the same job they had before going on parental leave. They should return to this job, even if another person was doing it while they were on leave.
- ▶ If an employee's job no longer exists when they return to work, the boss must offer a suitable alternative job.



Find out more

This fact sheet tells you the basics about parental leave. There might be more information you need to know about your rights.

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

You can find information about your entitlement to paid parental leave at servicesaustralia.gov.au/parental-leave-pay.

You can also talk with someone from a community organisation or community legal centre, an HR officer, an Indigenous liaison or employment officer, an employer association (if you're a boss) or a union representative (if you're an employee).

Contact us

Fair Work online: fairwork.gov.au

Fair Work Infoline: **13 13 94**

Need language help?

Contact the Translating and Interpreting Service (TIS) on **13 14 50**

Help for people who are deaf or have hearing or speech difficulties

You can contact us through the National Relay Service (NRS).

Select your [preferred access option](#) and give our phone number: **13 13 94**



The Fair Work Ombudsman is committed to providing you with advice that you can rely on. The information contained in this fact sheet 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.

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