Workplaces FOR Women
EQUALITY RESOURCES

Unions have always campaigned to advance gender equality. That means having access to parental leave entitlements that support both parents to spend time with their baby and family.

Taking Parental Leave

See Fair Work Act s. 76 – 85 for more information

In 2025, unions campaigned to improve paid parental leave to 24 weeks, increasing to 26 weeks by 2026. It is important to know your rights under anti-discrimination laws, the Fair Work Act and occupational health and safety laws so you can access your entitlements and be protected during this time.

In addition to the minimum entitlements below, unions advocate and bargain for employer paid parental leave and employers should consider it to meet their gender equality targets. Many union enterprise agreements include improved access to paid parental leave, including shorter qualifying periods and additional payments. This is important to improve gender equality at work. Check your union agreement.

What parental leave am I entitled to?

Workers in Australia welcoming newborn and adopted children into their family, are entitled to:

- Unpaid leave under the Fair Work Act; and
- Government funded Parental Leave Pay.

What unpaid parental leave (UPL) am I entitled to?

Under the Fair Work Act, you or your partner can access 12 months UPL.
To be eligible, you or your partner needs to:

- Birth or adoption: Have given birth to or be adopting a child under 16 years of age
- Length of service: Have 12 months continuous service with your employer
- Responsible for care: Be responsible for the care of your child

For casual workers you need to have been working for your employer on a regular basis for 12 months and expect to have continuing work.

How do I apply for unpaid parental leave?

– Provide 10 weeks' written notice.

– Include your intended start and finish dates

– Confirm these dates 4 weeks' before you start UPL

Your employer may ask for a medical certificate confirming the expected date of birth.

Can I extend my parental leave?

Yes, you can ask to extend your UPL for a further 12 months (24 months in total). To apply:

– Send your request in writing (via email) at least 4 weeks before you are due to return to work.

– Your employer must respond to your request within 21 days.

– Your employer must "genuinely try to reach an agreement" with you to extend your UPL.

If your employer refuses your request, you can dispute this in the Fair Work Commission.

When should I start parental leave?

You get to decide when your parental leave starts. You can continue working up until your expected date of birth or you can choose to start your leave earlier.

Under the Fair Work Act, if you choose to work in the last six weeks, your employer can ask you for a medical certificate to confirm that you are fit to work.

How should I schedule my leave entitlements?

Planning when to take your parental leave entitlements can be confusing. In summary:

- You can take up to 52 weeks of paid and unpaid parental leave (combined)
- You can request an extension for an additional 52 weeks of UPL
- You can take Government-funded Parental Leave Pay before, during or after any employer-funded leave entitlements.

Here is an example of how you might like to program 24 months parental leave:

– If available, take any employer paid parental leave (at either full-pay or half-pay)

– Take any accrued annual leave (including annual leave loading if available)

– Take any accrued days off (ADOs)

– Take any accrued long service leave

– Apply for Government-funded Parental Leave Pay

– Depending on how much employer paid leave you have taken, apply for up to 52 weeks of unpaid parental leave

– Request an extension for a further 52 weeks unpaid leave

– Reminder: you have access to 10 + 10 keeping in touch days to stay connected to the workplace

I am pregnant again. Do I need to wait another 12 months?

No. If you become pregnant again, you do not have to work for another 12 months before you are eligible to take another period of parental leave with the same employer.

What paid parental leave is available?

From 1 July 2025, workers are entitled to:

- 24 weeks paid parental leave
- For the primary care of a newborn or adopted child
- Paid at the national minimum wage.

How do I know if I'm eligible?

To be eligible for Parental Leave Pay, you need to meet the following eligibility criteria:

- Meet the income test
- Meet the work test
- Meet the residency rules
- Not be working on your Parental Leave Pay days (there are some exceptions); and
- Be caring for your child.

Income test:
You need to personally have earnt less than $180,007.00 (2024 - 2025 financial year).

Work test:
You need to have worked 10 out of the 13 months before the birth, and worked for at least 330 hours in the 10-month period (just over 1 day a week).

When do I apply?

You can apply 3 months before your expected date of birth or adoption.

What are my employer's responsibilities while I'm on parental leave?

Change and consultation:
While on parental leave, your employer has a legal obligation to consult you if they are proposing a change to your role or the workplace that may impact you.

This might include a change to the status, pay or location of your position, or any change that makes your position redundant.

Your employer must formally consult you and provide you the same opportunity to engage in the process like other workers.

Backfill:
When you are on parental leave, your employer has a couple of options. They can:

- Share your duties amongst your co-workers
- Temporarily do without your role and duties
- Temporarily backfill your position with a replacement employee.

Under the Fair Work Act a replacement employee can only be engaged on a temporary basis. When they start, replacement employees must be told they are replacing another worker on parental leave, and that worker has a return to work guarantee.

"I think women who are in caregiving roles tend to fall out of the industry. There is no paid parental leave, everyone is on contracts so people don't have a job to come back to after returning to work, and it's unfriendly to part time hours."

- Production Designer

"After I got pregnant no one hired me. During my 1st trimester when no one knew I was pregnant I was employed but as soon as it became public knowledge I received only three days of paid work over the next 6 months"

- Film Industry Worker

Is this discrimination?

I don't feel like I have had the same opportunities since becoming pregnant, and work have treated me differently - what should I do?

Know your rights.

It is against the law to discriminate against a worker because you are or might be pregnant, you are breastfeeding or you are a parent or carer.

Workers can experience direct and indirect discrimination in connection with becoming a parent. Some examples of discrimination might include:

- Not being employed because you are pregnant
- Not being promoted because you are pregnant
- Not being offered training or professional development opportunities because you are pregnant

Discrimination is against the law, and you do not have to tolerate it.

If someone makes an unwelcome comment that offends, humiliates or intimidates you in connection to being pregnant, or trying to take parental leave, this might be harassment, discrimination or bullying if it is repeated. This is against the law, and your employer has a positive duty to take proactive steps to eliminate it in the workplace.

You have a right to take parental leave and to not be discriminated against because you or your partner is pregnant.

You are not alone and you have options:

- Join the Union and fight collectively for change!
- Scan here for steps you can take to effectively respond to harassment and discrimination when trying to take parental leave.

Join us!

Women make up 48% of the Australian workforce, but much fewer join male dominated industries. The Workplaces for Women Project is promoting and advancing equality in gender segregated industries and is helping to create workplaces where women are safe, respected, included and equal.

Rights at work resources here

"Because the more of us that get into the workplace, the better it will be for us all. Workplaces and cultures will only change if we can get more women to help us change."

- Trades Assistant

"I just think women thrive in this industry and we're bloody good at it!"

- Bus Operator

Workplaces FOR Women

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weareunion.org.au/w4w

Australian Government

VICTORIAN TRADES HALL COUNCIL