

Sample leave policy

A practical, compliant starting point to help you clearly document employee leave entitlements and processes.

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A leave policy helps employers to clearly articulate the organisation's approach to leave and the employee's entitlements to access leave.

While most leave entitlements are standard, having a leave policy is valuable to:



Clarify entitlements with employees to reduce confusion



Provide instructions for procedural steps, for example how to apply for leave



If the employer provides additional leave entitlements (such as volunteering leave or study leave), set out these entitlements.

This policy is a sample only and may not reflect the specific requirements of your workplace. Leave policies that are not properly tailored or applied can quickly create issues. Australian Industry Group supports employers with practical tools, resources and expert workplace guidance to help manage leave obligations with confidence.

Contact us to find out more

Guidance notes and instructions are shown italicised. Guidance notes are intended to assist in preparing this policy and should be deleted before the policy is finalised.

Need help applying this policy in practice?

Australian Industry Group provides practical workplace tools, resources and guidance to support employers.



1. Purpose

The objective of this policy is to advise employees of their entitlements to leave and set out the procedure to be used by employees to apply for leave.

This policy should be read and interpreted in conjunction with the National Employment Standards (NES) (as amended or replaced) and the *[insert name of enterprise agreement if applicable]*.

2. Application

This policy applies to all permanent full-time and part-time employees of *[insert organisation name]*. Unless otherwise stated, this policy does not apply to casual employees or contractors.

3. Definitions

NES refers to the National Employment Standards as defined in the *Fair Work Act 2009* (Cth) (as amended or replaced).

4. Responsibilities

4.1 Responsibilities of all employees

It is the responsibility of all employees to:

- take their four-week annual leave entitlement each year, where possible
- submit completed leave applications (with evidence if required)
- provide adequate notice of planned annual leave
- seek approval for planned annual leave from their manager
- demonstrate integrity when requesting leave for an unscheduled absence
- comply with notification and evidence requirements under this policy.

4.2 Additional responsibilities of managers

It is the responsibility of managers to:

- monitor and manage employee attendance
- ensure that employees are aware of the contents of this policy, including notification requirements for unscheduled absences
- ensure that employees submit completed leave applications (with evidence if required) and that leave is accurately recorded
- manage requests for leave within the operational requirements of *[insert organisation name]*
- monitor annual leave and long service leave balances, and plan with employees to use their annual leave on an annual basis and their long service leave when it becomes an entitlement, where possible
- ensure that employees maintain sufficient leave for shut down periods where applicable
- maintain the confidentiality of information about an employee's health or family and domestic violence situation and ensure that information is not disclosed without a legitimate reason
- undertake appropriate action in accordance with this policy when requirements are not met (e.g. unauthorised absences)
- conduct timely discussions on a consistent and equitable basis with employees about unscheduled absences
- not unreasonably decline leave requests.

5. Applying for leave

- Employees must submit a leave application to their manager for all types of leave. The leave application must clearly state the type of leave applied for and dates of absence.
- Leave applications must be made *[delete option that is not relevant]* electronically via the payroll system/by completing a leave application form available from *[enter location]*.
- The employee's manager will notify the employee as to whether the request is approved or rejected.

6. Annual leave

6.1 Annual leave entitlement

Guidance note — additional week of annual leave for shift workers

Some shift workers are entitled to an additional week of annual leave. Not all employees who do shift work will qualify for this entitlement, and the requirements a shift worker must meet depends on the applicable modern award, enterprise agreement, or the NES for award/agreement free employees.

Where entitlement criteria vary or are unclear, [Australian Industry Group](#) provides practical workplace resources and guidance to help employers determine how annual leave applies in their business.

Employees are entitled to 4 weeks of paid annual leave for each year of service with *[insert organisation name]*. Part-time employees are entitled to annual leave on a pro-rata basis.

[Delete if not applicable] In certain circumstances, shift workers may be entitled to 5 weeks of annual leave per year of continuous service. Shift workers can enquire whether they qualify for the additional week of leave with their manager.

Casual employees are not entitled to annual leave.

Annual leave accrues progressively during each year of service. Annual leave is cumulative, which means that annual leave not taken in a year will roll over to the next year.

To support the health and wellbeing of employees, *[insert organisation name]* encourages employees take their four-week annual leave entitlement each year.

6.2 Taking annual leave

Employees can take annual leave at a time agreed to by the employee and the employee's manager. *[Insert organisation name]* will try to accommodate requests to take accrued annual leave; however, there may be times when requests cannot be accommodated due to the needs of the organisation. Additionally, requests for annual leave will be refused if it would result in an employee having insufficient leave to cover a shutdown period (see clause 6.8 Shut down periods).

The organisation does not have an obligation to approve annual leave for a pre-planned commitment such as a holiday or wedding. It is the employee's responsibility to seek prior approval before making financial or holiday commitments.

When applying for leave, especially for an extended period, employees should give as much notice as possible. Failure to provide sufficient notice may result in the application for leave being refused.

6.3 Taking annual leave in advance

Guidance note — annual leave in advance

An employer will only be able to deduct the balance of any leave in advance if the employee is covered by an award or enterprise agreement which allows for deduction. Where an employee is under 18 years old, a parent or guardian must also authorise a deduction in writing.

In some circumstances, employees may be able to take annual leave in advance, subject to their manager's approval. This is subject to the employee agreeing in writing to *[insert organisation name]* deducting any advance in the event of termination.

6.4 Interaction with other leave

Where a public holiday occurs during a period of annual leave, the employee is taken not to be on annual leave for that day.

If a period of annual leave includes a period of personal/carer's leave, the employee is taken not to be on annual leave for that day. In this circumstance, the employee must comply with the notice and evidence requirements for personal/carer's leave.

6.5 Payment while on annual leave

Guidance note — Rate of pay on annual leave

Check the relevant award or agreement as it may provide for annual leave to be paid at a higher rate (for example, all-purpose allowances such as leading hand allowance may be payable or annual leave loading may be payable in addition to the base rate of pay).

[Australian Industry Group](#) offers practical tools and workplace guidance to help employers confirm when annual leave loading applies and how leave should be paid.

While on annual leave, employees will receive their base rate of pay for their ordinary hours. Employees will not be paid incentive-based payments and bonuses, loadings, monetary allowances, overtime, or penalty rates while on annual leave.

Optional paragraph — Annual leave loading

Include the following paragraph if employees receive annual leave loading under a modern award or enterprise agreement.

Employees will also be paid annual leave loading in accordance with *[insert name of modern award/enterprise agreement]*. Consistent with the reason why annual leave loading was originally inserted into awards, the loading is paid to employees to compensate for employees' loss of opportunity to work overtime during periods of annual leave.

6.6 Cashing out annual leave

Employees may cash out annual leave if it is allowed by the relevant award, enterprise agreement, or legislation. *[Insert organisation name]* considers that the purpose of annual leave is to ensure employees have adequate breaks from work. In keeping with this purpose, a request to cash out annual leave will only be granted on a case-by-case basis.

Guidance note — cashing out annual leave

For employees covered by an award or agreement, annual leave can be cashed out if the award or agreement allows it. It is important to check the requirements of the modern award or enterprise agreement covering the employment. Award/agreement free employees can agree with their employer to cash out annual leave subject to the limitations below.

For all employees who cash out annual leave, the following conditions apply:

- *the employee must retain accrued annual leave of least four weeks;*
- *there must be a separate written agreement for each time that leave is cashed out; and*
- *the employee must be paid at least the full amount that would have been payable had the annual leave been taken.*

Modern awards generally include model provisions for cashing out annual leave, and include additional restrictions, such as:

- *cashing out no more than 2 weeks of annual leave per 12-month period; and*
- *making a written agreement signed by the employer and employee each time leave is cashed out.*

If an enterprise agreement covers the employee, other conditions may apply.

[Australian Industry Group](#) supports employers with practical resources and access to workplace guidance to help ensure annual leave is only cashed out where permitted and on the correct terms.

6.7 Direction to take excessive annual leave

Guidance note — excessive annual leave

This clause may need to be varied or deleted, depending on whether employees are covered by an award/enterprise agreement and whether the award/enterprise agreement contains provisions relating to excessive leave and the wording of those provisions. Note that most modern awards contain terms allowing an employer to require employees to take annual leave in accordance with the clause below. Where an award/enterprise agreement applies, it is important to check whether this clause is consistent with the terms of that instrument.

If the employee is award/ agreement free, the NES allow an employer to direct an employee to take annual leave if the requirement is reasonable. A note in the Fair Work Act states that a requirement to take leave may be reasonable if the employee has accrued an excessive amount of annual leave.

Where decisions rely on reasonableness or award-specific rules, [Australian Industry Group](#) provides practical workplace guidance to help employers apply these provisions correctly.

[Insert organisation name] may direct employees to take annual leave if they have accrued an excessive amount of annual leave.

Annual leave accrual of more than two years' entitlement will be regarded as excessive. Where an employee has accrued more than two years' worth of annual leave accruals, the employee and their manager will seek to agree on a time for some or all the accrued leave to be taken.

Where agreement cannot be reached, the manager will direct the employee to take leave to reduce the excessive leave accrual. The employee may be directed to take annual leave provided that at least 8 weeks' notice of the leave is given to the employee, the directed period of leave is of no less than one week's duration, and the leave would not result in the employee's remaining annual leave balance falling below 6 weeks.

6.8 Shut down periods

Guidance note — directing annual leave over a shutdown period

This clause may need to be varied or deleted, depending on whether an applicable award or enterprise agreement contains a clause relating to shutdowns.

If the employee is award/agreement free, s.94(5) of the Fair Work Act allows an employer to direct an employee to take annual leave if the requirement is reasonable. A note in the Act states that a requirement to take leave may be reasonable if the employer's enterprise is being shut down for a period. If the employee is covered by an award/agreement, the award/agreement may contain terms which allow the employer to direct the employee to take leave.

It is important to be aware that the shutdown provisions in modern awards substantially changed from 1 May 2023. The most significant change for many employers was that the new model clause removed the ability for an employer to direct an employee to take a period of unpaid leave if that employee does not have a sufficient annual leave balance to cover the shutdown. As a result, it will be particularly important to ensure that managers monitor employees' annual leave balances appropriately. Australian Industry Group's [Compliance Advice: NAT 001/23 - Award Variation — Annual Leave Shut down Provisions](#) contains a comprehensive discussion of the changes and potential options to mitigate the adverse effects on employers.

[Insert organisation name] may temporarily shut down all or part of its operations for a particular period, for example over the Christmas/New Year period. Employees may be directed to take accrued annual leave during the shutdown period.

6.9 Leave payment on termination

Guidance note — annual leave payment on termination

The timing for payment of annual leave and other entitlements on termination can be dictated by an award or enterprise agreement that applies to the employee. It is common in modern awards to require payment of entitlements no later than seven days after the employment terminates. Some awards or agreements provided a shorter time for payment, so employers should check the relevant instrument to ensure compliance with the Fair Work Act 2009.

In the event of resignation or termination of employment for any reason, employees will be paid the balance of any untaken annual leave. The leave payment will be calculated up to and including the last day of employment.

Applying leave policies consistently matters

Leave entitlements can vary depending on circumstances, awards and agreements. Australian Industry Group offers practical resources and workplace guidance to help employers apply leave policies correctly and consistently.

7. Personal/carer's leave

7.1 Definitions

Personal leave is leave taken by an employee because they are not fit for work because of the employee's personal illness or injury (formerly known as sick leave).

Carer's leave is leave taken by an employee to provide care and support to a member of the employee's immediate family or household due to personal illness or injury or an unexpected emergency affecting the family or household member.

Immediate family means a spouse, de facto partner, child, parent, grandparent, grandchild, or sibling of the employee; or a child, parent, grandparent, grandchild or sibling of an employee's spouse or de facto partner.

De facto partner includes a different sex / or same sex partner who lives with the employee in a relationship as a couple on a genuine domestic basis.

Spouse includes a former spouse, a de facto spouse, and a former de facto spouse.

Child includes an adopted child, a stepchild, an ex-nuptial child, and an adult child.

7.2 Entitlement to personal/carer's leave

An employee is entitled to 10 days of paid personal/carer's leave for every 12 months of service (pro-rata for part-time). The entitlement can be taken as either personal or carer's leave or a combination of both. Paid personal/carer's leave accrues progressively during a year of service depending on the employee's ordinary hours of work. Personal/carer's leave accumulates from year to year.

Casual employees are not entitled to paid personal/carer's leave.

For each absence, employees must complete a leave application form and attach relevant evidence as required by this policy. The leave application form and attached evidence should be submitted when the employee returns to work, or sooner if required by the employee's manager.

7.3 Notice of personal/carer's leave

Guidance note — notice requirements for personal/carer's leave

Employers should consider the requirements that they wish to set for employees to notify the employer of personal/carer's leave absences. Employers may want to set expectations about the method and timing how and when an employee should provide such notice. Some employers prefer their employees to telephone their manager directly, some will prefer emails or text messages.

Section 107 of the Fair Work Act states that an employee taking a period of personal/carer's leave must give notice of the leave as soon as practicable (which may be a time after the leave has started), and must advise the employer of the period, or expected period, of the leave. The Act does not prescribe the form that the notice must take.

An employee must give their manager notice for each period of personal/carer's leave.

Employees must contact their manager as soon as possible if they are unable to attend work due to illness or injury or because they are caring for a family or household member. They should inform their manager of the reason for the absence and the estimated return date.

7.4 Evidence of personal/carer's leave

Guidance note — evidence requirements for personal/carer's leave

Employers should carefully consider the requirements that they wish to set for providing evidence of personal/carer's leave absences in their workplace. It is common for employers to set expectations in a policy for when evidence will or will not be required, and the form of that evidence.

Section 107 of the Fair Work Act states that an employee must provide evidence that would satisfy a reasonable person that the leave was taken for a proper reason. In many cases a medical certificate will be evidence that satisfies a reasonable person. However, employers should be wary of creating policies that create a blanket requirement to provide a medical certificate. Policies containing an arbitrary limitation on accepting any evidence other than a medical certificate have been criticised by the Fair Work Commission in the past as being inconsistent with the Fair Work Act.

Some employers will not require employees to provide evidence on every occasion. However, even where an employer has a practice of not requiring evidence for certain absences, it is recommended that the employer maintain a discretion to request evidence for a particular absence. Below are several options for employers to consider. Employers can contact Australian Industry Group for assistance in tailoring a clause to the needs of their organisation.

[Australian Industry Group](#) provides workplace tools and guidance to help employers assess leave without pay requests consistently and reduce risk.

The organisation is entitled to require an employee to provide evidence that would satisfy a reasonable person of the employee's entitlement to take personal/carer's leave. For personal leave, this will usually mean a medical certificate specifying that the employee is unfit to attend work, and the period of the absence. Evidence other than a medical certificate (such as a statutory declaration) might be accepted where it is not reasonably practicable for an employee to obtain a medical certificate. If an employee has any doubt about the form of evidence that will be acceptable in their circumstances, they should discuss this with their manager as soon as possible.

Option 1 (requirement for evidence on all occasions): Employees are required to provide evidence as set out above on each occasion they are absent on personal/carer's leave.

Option 2 (requirement for evidence on only some occasions): Employees are required to provide evidence if they are absent on personal/carer's leave in the following circumstances *[delete/modify any of the options below as required]*:

- absences of more two or more consecutive days
- absences of more than four single days in a year
- absence on the day before or after a public holiday, weekend, or rostered day off
- on any other occasion if requested by their manager.

7.5 Consequences for failing to provide notice or evidence of personal/carer's leave

If an employee does not comply with obligations to provide notice or evidence of personal/carer's leave, *[insert organisation name]* may refuse to grant paid leave for the absence. In addition, a failure to provide notice or evidence is required by this policy could result in disciplinary action.

7.6 Payment while on personal/carer's leave

Guidance note — rate of pay for personal/carer's leave

Check the relevant award or agreement as it may provide for personal/carer's leave to be paid at a higher rate, for example, payment of all-purpose allowances (such as leading hand and tool allowance) to be paid in addition to the base rate of pay.

While on personal/carer's leave, employees will receive their base rate of pay for the ordinary hours they would have worked during the period of leave. Employees will not be paid incentive-based payments and bonuses, loadings, monetary allowances, overtime, or penalty rates while on personal/carer's leave.

7.7 Unpaid carer's leave

All employees, including casuals, are entitled to up to 2 days unpaid carer's leave for each occasion when a member of the employee's immediate family or household requires support for personal illness or injury, or an emergency affecting the immediate family or household member. For permanent employees, unpaid carer's leave is only available where paid personal/carer's leave has been exhausted. An employee taking unpaid carer's leave is required to provide notice and evidence as set out in clause 7.4 above.

8. Compassionate leave

8.1 What is compassionate leave?

Compassionate leave (formerly known as bereavement leave) is paid leave that is provided to employees after the death of an immediate family or household member or to spend time with an immediate family or household member who is suffering from a life-threatening illness or injury.

8.2 Entitlement to compassionate leave

Guidance note — leave beyond compassionate leave

Some employees may require additional leave to meet their cultural and religious beliefs or to come to terms with their loss. If an employee requires more than two days of leave, the employer should consider approving paid annual leave, personal/carer's leave, long service leave and/or unpaid leave as appropriate.

Each permanent employee is entitled to two days of paid compassionate leave for each occasion where:

- a member of the employee's immediate family or household has died, or the family member contracts or sustains a life-threatening illness or injury; or
- a child is born stillborn, and would have been a member of the employee's immediate family; or
- the employee or the employee's current spouse or partner has a miscarriage.

Additional unpaid leave may be granted at management discretion.

Casual employees are entitled to two days of unpaid compassionate leave for each occasion.

Compassionate leave can be taken in a single unbroken period or in separate periods as agreed between the employee and the manager.

Compassionate leave is provided on a per occasion basis — the entitlement does not accumulate from year to year.

8.3 What does immediate family mean?

Immediate family means a spouse, de facto partner, child, parent, grandparent, grandchild, or sibling of the employee; or a child, parent, grandparent, grandchild or sibling of an employee's spouse or de facto partner.

De facto partner includes a different sex or same sex partner who lives with the employee in a relationship as a couple on a genuine domestic basis.

Spouse includes a former spouse, a de facto spouse, and a former de facto spouse.

Child includes an adopted child, a stepchild, an ex-nuptial child, and an adult child.

8.4 Notice of compassionate leave

An employee who is taking compassionate leave must give notice to their manager as soon as possible and should advise the expected period of the leave.

8.5 Evidence of compassionate leave

[Insert organisation name] may require reasonable evidence of the illness, injury, or death. Reasonable evidence could include a medical certificate, death certificate or a statutory declaration.

9. Leave without pay

Guidance note — granting leave without pay

In considering a request for unpaid leave, managers should consider any risks of discrimination claims which may exist. For example, if a request for unpaid leave relates to family responsibilities, health issues or cultural or religious reasons, it is recommended that the employer only refuse the request on reasonable business grounds.

Leave without pay at an employee's request may be granted at the organisation's discretion where an employee's entitlement to other forms of leave has been exhausted. Unpaid leave is subject to the approval of the employee's manager.

10. Long service leave

Guidance note — sources of long service leave

Most employees receive long service leave under state or territory legislation, though some employees receive long service leave under federal award entitlements preserved by the NES.

Employees in Australia may be entitled to take long service leave after a period of continuous service ranging from 7 to 15 years with the same (or a related) employer. Not all state legislation and federal awards accrue long service leave at the same rate.

Given this complexity, Australian Industry Group publishes a [Long Service Leave Handbook](#) to help employers navigate and understand the various long service leave entitlements under modern awards and legislation across Australia. Members may also contact Australian Industry Group on 1300 55 66 77 or consult the [HR Resource Centre](#) for information about the entitlements that apply to employees.

Long service leave is a period of paid leave provided to an employee in recognition of long service to the organisation. Long service leave entitlements are based on continuous, unbroken service.

Employees are entitled to long service leave in accordance with state legislation or relevant award-derived terms.

10.1 Entitlement to long service leave

Entitlements to long service leave vary depending upon location and award coverage. Employees should contact human resources or their manager to find out the entitlement and accrual rates that apply to them.

10.2 Applying for and taking long service leave

Guidance note - Timing of long service leave

Different long service leave legislation provides different rules about how and when long service leave must be taken. It is common for legislation to require that an employee take long service leave as soon as practicable after the employee becomes entitled unless the employer and employee agree otherwise.

It is recommended to check the relevant legislation to determine what requirements apply, the [Long Service Leave Handbook](#) or contact Australian Industry Group for advice.

When considering a request for long service leave, it is recommended that the employer be able to provide reasonable business grounds as to why taking the leave at that time is not practicable.

Long service leave generally should be taken as soon as practicable after the employee becomes entitled to the leave. Where an employee has become entitled to long service leave, and has not applied for leave, the employee and his/ her manager will seek to agree on a time for the accrued leave to be taken.

Where practicable, an eligible employee should apply for long service leave as far as possible in advance to allow planning for operational requirements.

Optional paragraph — Directions to take long service leave

Not all sources of long service leave allow an employer to direct an employee to take long service leave. This paragraph should be included if an employee can be directed to take their long service leave under the relevant legislation.

Where agreement cannot be reached, the manager may direct the employee to take leave on *[insert notice period required by relevant legislation/award]* notice.

10.3 Cashing out of long service leave

Guidance note — cashing out long service leave

Check the relevant award or legislation or contact Australian Industry Group for advice about whether cashing out of long service leave is allowed. Only some legislation/awards allow cashing out and may have specific requirements before leave may be cashed out.

[Insert organisation name] may approve the cashing out of long service leave if it is allowed by the relevant award or legislation.

11. Parental leave

Guidance note - Changes to parental leave from 1 July 2023

From 1 July 2023, the Fair Work Legislation Amendment (Protecting Worker Entitlements) Act 2023 amended the unpaid parental leave provisions in the Fair Work Act to:

- Progressively increase the number of days that can be taken as flexible unpaid parental leave from 1 July 2024 to 1 July 2026 to 130 days. The amount of parental leave that can be taken as flexible unpaid parental leave depends on when the child is born or placed for adoption:
 - before 1 July 2024 — up to 100 days
 - between 1 July 2024 and 30 June 2025 — up to 110 days
 - between 1 July 2025 and 30 June 2026 — up to 120 days
 - on or after 1 July 2026 — up to 130 days.
- Allow pregnant employees to take flexible parental leave up to 6 weeks before the expected birth of the child
- Remove the limitations on employee couples taking concurrent leave
- Allow employees to take unpaid parental leave at any time during the 24-month period starting on the date of birth of the child.

Australian Industry Group has prepared a detailed [Guide to the Fair Work Legislation Amendment \(Protecting Worker Entitlements\) Act 2023](#), which explains the effect of the amendments.

11.1 Leave entitlement

Employees who have completed at least 12 months' service are entitled to up to 12 months unpaid parental leave. In addition, an employee can request an extension for a further period of up to 12 months.

11.2 Types of parental leave

Parental leave consists of the following types of leave:

1. **Continuous unpaid parental leave** — a period of up to 12 months (minus any flexible unpaid parental leave) of unpaid leave taken in a single, continuous period in respect of the birth of a child or adoption of a child.
2. **Flexible unpaid parental leave** — The amount of parental leave that can be taken as flexible unpaid parental leave depends on when the child is born or placed for adoption:

- before 1 July 2024 — up to 100 days
- between 1 July 2024 and 30 June 2025 — up to 110 days
- between 1 July 2025 and 30 June 2026 — up to 120 days
- on or after 1 July 2026 — up to 130 days.

Flexible unpaid parental leave does not have to be taken in a single, continuous period and may be taken in multiple periods of a minimum of one day. Any period of flexible unpaid parental leave is part of an employee's overall 12-month entitlement to parental leave, so will reduce the available period of continuous unpaid parental leave.

3. **Unpaid special parental leave** — unpaid leave for a period as specified in a medical certificate because an employee has a pregnancy-related illness or because the pregnancy has ended otherwise than due to the birth of a child.
4. **Paid or unpaid no safe job leave** — a period of leave where a pregnant employee is certified as fit to work, but it is inadvisable for the employee to continue in their present position due to risks arising from the pregnancy or hazards connected with the position, and the employee cannot be transferred to a safe job.

5. **Unpaid pre-adoption leave** — up to 2 days of unpaid leave to attend interviews or examinations required to obtain approval to adopt an eligible child.

11.3 Eligibility for parental leave

Parental leave provisions apply to all employees who have completed at least 12 months continuous service with the organisation.

Casual employees who have been engaged by the organisation on a regular and systematic basis for a sequence of periods of employment during a period of at least 12 months are entitled to parental leave.

11.4 Notice requirements for unpaid parental leave

Guidance note — notice requirements for unpaid parental leave

The notice requirements for unpaid parental leave may be confusing for some employees. It can be beneficial for managers to remind employees of the requirement to provide written notice at least 10 weeks before the start of unpaid parental leave, as employees are often not aware of this requirement.

Providing a leave form reminding of the notice requirements, such as the Request for [Request for Parental Leave Form](#) from the HR Resource Centre can encourage employees to provide adequate notice.

An employee who intends to take unpaid parental leave must provide written notice both 10 weeks and 4 weeks before taking the leave. The details of the information required is below. Employees should send the written notice to their manager.

An employee must provide written notice of their intention to take unpaid parental leave **at least 10 weeks** before the intended start day of the leave. The 10-week notice must specify:

- the intended start and end dates of the any period continuous unpaid parental leave; and
- how many days of flexible unpaid parental leave the employee intends to take (if any).

An employee also is required to provide further **at least 4 weeks'** written notice before that:

- For continuous unpaid parental leave — confirms the intended start and end dates of the leave, or advises of any changes to the intended start and end dates
- For flexible unpaid parental leave — identifies particular days on which the employee will take some of their flexible unpaid parental leave period.

While 4 weeks is the minimum period to notify of a day of flexible unpaid parental leave, employees are encouraged to discuss how they wish to use any periods of flexible unpaid parental leave with their manager sooner where possible so that preparations can be made for those days.

If it is not possible for an employee to provide the required period of notice, the employee must give notice as soon as practicable.

11.5 Evidence requirements

If requested, an employee intending to take parental leave must provide a medical certificate confirming the expected date of birth or evidence confirming the date of placement of a child for adoption. *[insert organisation name]* may accept other forms of evidence at its discretion.

If a pregnant employee continues to work during the 6 weeks before the expected date of birth, the organisation may request that the employee provide a medical certificate containing:

- a statement of whether the employee is fit to work; and
- if fit to work, a statement of whether it is advisable for the employee to continue in her present position because of any specified risk factors.

11.6 Commencing and taking unpaid parental leave

Guidance note - Start and end dates of leave

From 1 July 2023, some of the limitations for when unpaid parental leave must start and end have been removed. In particular:

- *Birth-related parental leave may now be taken any time within the 24 months following the date of birth. The employee who gives birth to the child is no longer required to start leave on the day of birth, so may start a period of leave later.*
- *A pregnant employee may start continuous parental leave up to 6 weeks before the date of birth (as was previously the case), but now also has the option to use some of their available flexible unpaid parental leave without affecting the opportunity to use continuous unpaid parental leave after the birth.*
- *Members of an employee couple are no longer limited to taking a maximum of 8 weeks of concurrent leave, and an employee can take any amount of their leave at the same time as their partner.*

For birth-related leave, a pregnant employee may commence continuous unpaid parental leave or flexible unpaid parental leave up to 6 weeks prior to the expected date of birth. A parent who is not pregnant may start parental leave from the day of birth or placement of the child.

Parental leave must end no later than 24 months after the birth or placement of the child.

An employee's continuous unpaid parental leave must be taken in a single, unbroken period except for any keeping in touch days or where the child requires hospitalisation (see below). Flexible unpaid parental leave is not an exception to this requirement. This means that once a period of continuous unpaid parental leave has started, an employee must use all of their continuous unpaid parental leave period before they can use any flexible unpaid parental leave days.

11.7 Keeping in touch days

An employee is able to work on up to 10 keeping in touch days without breaking their period of continuous unpaid parental leave. A keeping in touch day is intended to assist the employee to return to work after a period of parental leave.

Keeping in touch days must be agreed between the employee and employer. An employee who wishes to take a keeping in touch day should discuss it with their manager to arrange a suitable day or days.

11.8 Hospitalised children

Where an employee's child is hospitalised immediately after birth because the child is born prematurely, or develops an illness or complication, the employee and employer may agree that the employee will not take parental leave and will be permitted to work while their child remains in hospital. This is an exception to the usual requirement that continuous unpaid parental leave must be taken in a single, unbroken period.

11.8.1 Pregnancy and personal leave

Prior to commencing unpaid parental leave, a pregnant employee may be able to access personal leave if they are able to provide documentary evidence from a medical practitioner that they are not fit for work because of personal illness or injury (other than due to the pregnancy itself).

11.8.2 Using other forms of leave with parental leave

An employee can request to take annual leave or long service leave while the employee is taking unpaid parental leave. This will allow the employee to access paid leave entitlements during unpaid parental leave. Annual leave and long service leave will be taken concurrently with unpaid parental leave and will not extend the employee's period of unpaid parental leave.

An employee is not able to take paid personal/carer's leave, paid compassionate leave or paid community service leave while taking unpaid parental leave.

11.8.3 Right to request further unpaid parental leave

Guidance note - Responding to requests for extensions to parental leave

From 6 June 2023, the process for responding to an employee's requesting to extend their unpaid parental leave under the National Employment Standards (NES) was significantly changed to include:

- *an obligation to discuss a request with the employee to attempt to accommodate an alternative period of extension before the request can be refused*
- *a requirement to provide specific information to employees when refusing to grant a request*
- *a dispute resolution process*
- *civil penalties for failures to comply with the NES requirements.*

Once a request has been received, an employer must provide a written response within 21 days.

Requests may only be refused on reasonable business grounds.

Employers are recommended to ensure that they are closely following the process required and are only refusing a request where there are specific business reasons for doing so.

Further details are available at [Amendment Act - Unpaid Parental Leave Summary](#). Australian Industry Group has also prepared a template [Parental leave extension \(beyond initial 12 months\) response letter](#) to assist employers to comply with the new requirements.

An employee who is on a period of continuous unpaid parental leave has the right to request an extension to their continuous unpaid parental leave.

The maximum period for which continuous unpaid parental leave can be extended is 12 months. The usual requirement that unpaid parental leave must end no later than 24 months after the birth or placement of the child also applies to any extended period.

The request to extend continuous unpaid parental leave must be in writing and must be given at least 4 weeks before the end of the original continuous unpaid parental leave period.

[insert organisation name] will provide the employee with a written response to the request within 21 days, stating whether the organisation grants or refuses the request. The organisation may refuse the request on reasonable business grounds. If a request is refused, the organisation will include the reasons for refusal in the written response.

11.8.4 Return to work

When returning to work from parental leave, an employee is entitled to return to the position they held before taking leave or to a new position if the employee has agreed to accept a new position. If an employee's former position no longer exists, then the employee is entitled to return to an available position for which the employee is qualified and suited nearest in status and pay to the pre-parental leave position.

Guidance note - Requesting changes to working arrangements

Where an employee requests a change to working conditions, this will usually constitute a request for flexible working arrangements under the Fair Work Act. The Fair Work Act, modern awards and enterprise agreements provide particular obligations on employers relating to consultation and responding to a request.

From 6 July 2023 the requirements for responding to an employee's request for changes to working arrangements under the NES significantly changed. Please see Australian Industry Group's [Flexible working arrangements](#) article and [Sample Flexible Working Arrangements Policy](#) for details on responding to requests for flexible working arrangements.

If an employee wishes to alter the working conditions on return from parental leave, such as hours/days of work, they will need to make such a request in writing. The organisation will consider each request on a case-by-case basis, considering operational and business requirements at the time of the request. *[Delete or amend the following sentence depending on whether there is a relevant policy]* See the Flexible working arrangements policy for details of the process for making a request.

11.8.5 Government-paid parental leave

Guidance note - Changes to paid parental leave from 1 July 2023

Employers may be eligible to claim government-funded paid parental leave from Services Australia. The total amount of PPL available to parents ranges from 20 to 26 weeks, depending on the child's date of birth.

Where a birth mother or primary adoptive parent has a partner, one person cannot take the entire PPL period. A portion of the leave will be reserved for the other partner. This replaces the previous entitlement to 'dad and partner pay'.

The clause below provides only basic information about paid parental leave as the scheme is not administered by the employer. The paid parental leave legislation requires payment for periods of unpaid leave to be provided through an employer's payroll in some circumstances. Generally, an employer must pay its employee if all the following requirements are met:

- the employee has been employed by their current employer for at least 12 months
- the employee is taking a continuous period of at least 40 days paid parental leave
- the continuous period is the first period of paid parental leave the employee has taken (i.e. the employee has not already used some of their paid parental leave entitlement in smaller periods)
- Services Australia has provided sufficient funds to pay the instalment.

Details of the paid parental scheme are available at the [Paid parental leave entitlements](#) page.

Guidance note — employer-funded paid parental leave

An employer may provide an entitlement to paid parental leave beyond what is provided by the government scheme. Employers are recommended to seek advice about tailoring such a policy to the organisation's needs.

The federal government provides a paid parental leave scheme for eligible employees. The government scheme provides for pay at the national minimum wage for a maximum period depending on the child's date of birth:

- before 1 July 2024 — up to 100 days (20 weeks)
- between 1 July 2024 and 30 June 2025 — up to 110 days (22 weeks)
- between 1 July 2025 and 30 June 2026 — up to 120 days (24 weeks)
- on or after 1 July 2026 — up to 130 days (26 weeks).

The paid parental leave entitlement is shared between parents, and a portion of the paid parental leave period is reserved so that each partner can use some portion of the entitlement. Three weeks is reserved for one partner for children born or adopted between 1 July 2025 and 30 June 2026. From 1 July 2026 the reserved period is four weeks.

Employees must make their own enquiries and apply for paid parental leave through Services Australia. *[insert organisation name]* does not determine whether an employee is eligible for paid parental leave.

12. Community service leave

12.1 Entitlement

Under federal legislation, employees are entitled to apply for leave if they are absent from work due to an eligible community service activity, including reasonable travelling time associated with the activity and reasonable rest time immediately following the activity.

Eligible community service activity includes jury service and voluntary emergency management activities (for example, as a volunteer dealing with an emergency or natural disaster as a member of the State Emergency Service or Country Fire Authority).

12.2 Notice of community service leave

An employee who is taking community service leave must give notice as soon as possible and should advise the expected period of the leave.

12.3 Evidence of community service leave

The organisation may require the employee to provide reasonable evidence that the absence from work is because they are engaging in an eligible community service activity.

12.4 Is community service leave paid or unpaid?

Guidance note

The clause below is based on the minimum entitlement in the NES. Legislation in some states and some modern awards and enterprise agreements provide a more favourable entitlement for jury service leave than the 10 days provided by the NES.

See Australian Industry Group's [Jury Service Comparison Summary](#) for information on the entitlements that apply in each jurisdiction.

Community service leave that involves voluntary emergency management activities is unpaid leave.

The first 10 days of jury service is paid leave and is paid at the employee's base rate of pay for the employee's ordinary hours of work in the period. Jury service that extends beyond 10 days is unpaid by the organisation.

Payment made by the organisation for jury service will be reduced by the amount of any jury service pay received for service as a juror. The employee must provide the organisation with written evidence of the total amount of jury service pay or allowance paid to the employee.

13. Family and domestic violence leave

Guidance note — entitlement to family and domestic violence leave

Effective from 1 February 2023, the Fair Work Act 2009 provides employees with up to 10 days of paid family and domestic violence leave as a minimum entitlement. For employees of small business employers (defined as employers with less than 15 employees), the paid leave entitlement commenced from 1 August 2023.

Details on how paid family and domestic violence leave applies is available in the [Family and domestic violence leave](#) article. In particular, employers need to be aware of the unique pay slip requirements that apply to family and domestic violence leave.

Employers that want to support employees experiencing family and domestic violence can also consider introducing a specific family and domestic violence policy, such as Australian Industry Group's [Sample Family & Domestic Violence Leave Policy](#), to explain what other supports are available.

13.1 Definitions

For the purposes of this policy:

Close relative means:

- a spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the employee; or
- a child, parent, grandparent, grandchild or sibling of a spouse or de facto partner of the employee; or
- a person related to the employee according to Aboriginal or Torres Strait Islander kinship rules.

A reference to a spouse or de facto partner includes a former spouse or de facto partner.

Family and domestic violence means violent, threatening or other abusive behaviour by a:

- close relative of an employee;
- a member of an employee's household; or
- a current or former intimate partner of an employee of an employee;
- that seeks to coerce or control the employee and that causes them harm or to be fearful.

Family and domestic violence encompasses a range of behaviours and is not limited to physical violence. Examples of behaviour that may constitute family and domestic violence include (but are not limited to):

- an assault
- a sexual assault or other sexually abusive behaviour
- stalking
- repeated derogatory taunts
- intentionally damaging or destroying property
- intentionally causing death or injury to an animal
- unreasonably withholding financial support needed to meet the reasonable living expenses of the family member, or his or her child, at a time when the family member is entirely or predominantly dependent on the person for financial support
- unreasonably denying the family member the financial autonomy that he or she would otherwise have had
- preventing the family member from making or keeping connections with his or her family, friends or culture
- unlawfully depriving the family member, or any member of the family member's family, of his or her liberty

Work anniversary means the date on which an employee's employment started.

13.2 Entitlement

[Insert organisation name] acknowledges the very personal and sensitive nature of family and domestic violence and the impact on an employee. Employees who are experiencing family and domestic violence are encouraged to speak in confidence to [insert name of the appropriate role e.g. Human Resources Manager or another suitable person].

Permanent and casual employees who are experiencing family and domestic violence may access paid family and domestic violence leave on up to 10 days per 12 months of service.

Family and domestic violence leave is available in full (i.e. the 10 days do not accrue over the course of a year) when an employee commences employment, and the entitlement is renewed on an employee's work anniversary each year.

Family and domestic violence leave will be paid at the employee's full rate of pay for the hours that the employee would have worked if they had not taken leave. Casual employees will be paid for hours on which they have been rostered or accepted an offer to work. A casual employee may take family and domestic violence leave over a period when they have not been rostered or accepted work, but the family and domestic violence leave will be unpaid.

13.3 When an employee may access family and domestic violence leave

An employee may take family and domestic violence leave if they are:

1. experiencing family and domestic violence; **and**
2. using the leave to do something to manage the impact of domestic violence; **and**
3. it is impractical for the employee to perform that activity outside their work hours.

Examples of circumstances in which family and domestic violence leave might be used include:

- seeking medical, counselling, police or legal assistance relating to family and domestic violence;
- attending Centrelink to obtain a benefit;
- attending a financial institution to arrange financial autonomy from a perpetrator of family and domestic violence;
- accessing police services;
- attending court in relation to domestic violence perpetrated on the employee;
- finding or moving into safe accommodation;
- to make other related safety arrangements (e.g. changing locks, repairing doors/windows, installing alarms/video cameras); or
- relocating a family pet subject to family and domestic violence to safe location and/or seeking urgent veterinary attention for the pet.

13.4 Notice and evidence requirements for family and domestic violence leave

Guidance note

The Fair Work Act requires that employers take steps to ensure that information concerning any notice or evidence an employee has given in relation to family and domestic violence leave is treated confidentially, as far as it is reasonably practicable.

An employer must not, other than with the consent of the employee, use such information for a purpose other than satisfying itself in relation to the employee's entitlement to family and domestic violence leave. In particular, an employer must not use such information to take adverse action against an employee.

An employee wishing to access family and domestic violence leave must notify their manager of the leave as soon as practicable and advise of the expected duration of the leave.

Unless exceptional circumstances apply, the employee is expected to provide notice prior to the leave commencing.

The granting of family and domestic violence leave is subject to an employee producing evidence satisfactory to [insert organisation name] that the leave requested relates to the purposes above. This means that where requested, an employee must provide evidence to establish all of the following requirements:

1. the employee is experiencing family and domestic violence;
2. the leave is required to do something to deal with the impact of family and domestic violence; and
3. it is impractical for the employee to do that thing outside their work hours

Managers will take steps to ensure that information provided by an employee relating to taking family and domestic violence leave is kept confidential as far as is practicable. Information on an employees' use of family and domestic violence leave should only be provided to other employees or managers where reasonably necessary to fulfil [insert organisation name]'s functions.

14. Unauthorised absences

A full-time or part-time employee will be on an unauthorised absence where:

- the employee is absent from work during rostered hours without being on leave authorised under this policy; or
- the employee fails or refuses to comply with notice and evidence requirements as set out in this policy.

A casual employee has the right to accept or reject work offered to them. A casual employee will not be on an unauthorised absence merely because they did not accept work when it was offered. However, a casual employee is required to notify their manager as soon as possible if their circumstances change, and they are no longer able to work a shift they have accepted.

Failing to attend work without notifying a manager will be treated as an unauthorised absence.

Unauthorised absences constitute misconduct and may result in disciplinary action including a warning or termination of employment.

Authorised by the Chief Executive Officer

Signature:

Date:

Name/position:

Need support applying this policy?

Leave policies are only effective when they are tailored correctly and applied consistently. Australian Industry Group supports employers with practical workplace resources, tools and access to reliable guidance to help manage leave obligations with confidence.

[Explore workplace support options](#)

What to do next



1. Adapt the template for your business

Use this sample leave policy as a starting point and update it to suit your workforce, systems and operational requirements. Australian Industry Group provides practical workplace templates and guidance to help employers tailor policies accurately, not generically.

2. Embed clear leave processes

Make sure employees and managers understand how leave is requested, approved and recorded. Australian Industry Group resources help employers translate policies into clear, workable processes that are applied consistently across the business.

3. Make sure you're covered when issues arise

When leave questions become complex, access to reliable workplace guidance can help employers apply policies correctly and consistently. Australian Industry Group provides practical resources, tools and access to workplace guidance, including support via the Workplace Advice Line, to help employers manage leave obligations with confidence.

Connect with one of workplace experts for more support

Contact us

membership@australianindustrygroup.com.au

Workplace Advice Line: 1300 55 66 77

