**PARENTAL LEAVE CHECKLIST**

The exact format and contents of this template will vary according to the organisation. Therefore, the following template can be used as guide and relevant changes made accordingly. However, any wording changes, other than those to insert a company or a person’s name(s), may change the context, meaning or purpose of the template and we recommend you receive advice from our Workplace Relations Consultants prior to making such changes.

## Contacting the Victorian Chamber of Commerce and Industry

The Victorian Chamber’s team of experienced workplace relations advisors can assist members with a range of employment, human resources and industrial relations issues.

Our team of consultants can also provide assistance to both members and non-members on a range of more complex matters for a fee-for-service. Our consultants can, among other things, provide training to employees, conduct investigations and provide representation at proceedings at the Fair Work Commission.

For assistance or more information, please contact the Workplace Relations Advice Line on (03) 8662 5222.

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# PARENTAL LEAVE CHECKLIST

The following is a checklist for Employers to ensure the relevant documentation is obtained and legislative requirements are adhered to before and while an Employee is on maternity leave. As this is not an exhaustive list, members should contact the Victorian Chamber’s Workplace Relations Advice Line on (03) 8662 5222 in the first instance regarding parental leave terms and conditions.

## Before the Employee takes a period of Parental Leave

**Application for Parental Leave (Primary Carer)**

* Does the Employee qualify for unpaid parental leave under the National Employment Standards (NES) (*Section 67)*
* Has the Employee provided written notice for taking Parental leave (*Section 74(1), (2))*
* Has the Employee provided in the written notice intended start and end dates (*Section 74(3))*
* Has the Employee provided medical evidence stipulating the expected due date of birth or adoption *(Section 74(5))*
* If adoption related leave, is the child under 16 years of age (*Section 68)*
* Has the Employee requested for any paid leave during their period of maternity leave *(paid leave will include annual leave or Long Service Leave if entitled but will not include personal leave) ( Section 79)*
* Has the employee requested the Australian Government 18 week Paid Parental Leave Scheme (*Please refer to the* ***Paid Parental Leave and Dad and Partner Pay*** *fact sheet for more information)*
* If the Employee has chosen to work within 6 weeks of the expected due date of birth, have they provided you with a statement that they are fit for work (*Section 73)*

**Application for Parental Leave (Secondary Carer)**

* Does the Employee qualify to take concurrent leave under the National Employment Standards (NES) ( *Section 67, 72)*
* Has the Employee provided in the written notice intended start and end dates (*Section 74(3))*
* Has the Employee provided medical evidence stipulating the expected due date of birth or adoption (*Section 74(5))*
* Has the Employee requested for any paid leave during their period of concurrent leave *(paid leave will include annual leave or Long Service Leave if entitled but will not include personal leave) ( Section 79)*
* Has the employee requested the Australian Government 2 week Dad and Partner Pay Scheme (*Please refer to the* ***Paid Parental Leave and Dad and Partner Pay*** *fact sheet for more information)*

## While the Employee is on Parental Leave

**Varying the Period of Parental Leave (Primary Carer)**

* Has the Employee provided you with 4 weeks’ notice in writing to vary the period of parental leave (*Section 74(4), 77)*
* Has the Employee provided you with written notification to extended the period of parental leave for further 12 months (*Section 76)*
* If so, has the Employer responded by either accepting or rejecting the request no later than 21 days after the request was made? (*Section 76(3))*
* If refusing the request, has the Employer clearly outlined reasons for the refusal (*Section 65(5))*

**Returning to work (Primary Carer)**

* Has the Employee provided you with documentation requesting any flexible working arrangements (*Section 65(1B))*
* If so, has the Employer responded by either accepting or rejecting the request no later than 21 days after the request was made? (*Section 65(4))*
* If refusing the request, has the Employer clearly outlined reasons for the refusal (*Section 65(5))*