

Factsheet Sixteen

Parenting & Pregnancy

I just found out I'm pregnant, do I have to tell my employer?

You do not have to tell your employer that you are pregnant straight away. Many employees choose to wait until after the first trimester, or longer. If you intend to take unpaid parental leave under the *Fair Work Act 2009* (Cth), you must generally provide your employer with at least 10 weeks' written notice before the leave is due to start. If your pregnancy affects your ability to safely perform your usual duties, you may need to tell your employer earlier so that appropriate adjustments can be made. Under the *Anti-discrimination Act 1992* (NT), it is unlawful for an employer to discriminate against you because of your pregnancy, including by unreasonably refusing to accommodate pregnancy related needs.

My pregnancy means I cannot keep doing my job. What happens?

Your employer has a legal duty under the Northern Territory's *Work Health and Safety (National Uniform Legislation) Act 2011* to provide a safe workplace. They also have obligations under NT and Federal anti-discrimination laws, and the *Fair Work Act 2009* (Cth) not to treat you unfavourably because you are pregnant.

If your work poses a risk to your health or the health of your baby, your employer should assess those risks and, where appropriate, make reasonable adjustments to your work. This may include modifying your duties, changing equipment or temporarily transferring you to suitable alternative work. Your doctor or midwife can provide advice about what work is safe during your pregnancy. NT WorkSafe can also provide information about risk assessments.

If your doctor certifies that you are fit for work but unable to safely perform your usual duties because of your pregnancy, you may be entitled to:

- transfer to a safe job on the same pay and conditions; or

- paid no safe job leave if no safe job is reasonably available and you are eligible for unpaid parental leave.

No safe job leave does not reduce your 12 months parental leave entitlement.

No safe job leave will only be paid if you are entitled to unpaid parental leave (see below) and you have notified your employer that you will be taking unpaid parental leave.

If you are not entitled to unpaid parental leave you may be entitled to unpaid no safe job leave.

Can my employer direct me to take leave while pregnant?

During the six weeks before your expected birth, your employer may ask you to provide a medical certificate stating that you are fit to continue working.

If the medical certificate confirms that you are fit to work but cannot safely perform your normal duties, then you may be entitled to a safe job or no safe job leave (see above eligibility for no safe job leave).

If you do not provide a medical certificate, or the certificate says you are not fit to continue working, your employer may direct you to commence unpaid parental leave. The unpaid parental leave will then commence and is included as part of your total unpaid parental leave.

What if I need time off while I am pregnant and still working?

If you are unwell because of your pregnancy or need to attend medical or antenatal appointments, you can generally use your accrued paid personal (sick) leave.

If you have exhausted your paid parental leave, you may be able to access another form of leave, depending on your award, enterprise agreement, contract or workplace policies.

What Leave am I entitled to?

Government Paid Parental Leave

Eligible parents may receive Australian Government Paid Parental Leave (PPL) when a child is born or adopted, or if they experience complications through Services Australia.

From July 2026, eligible families can access 26 weeks of (PPL). Up to four weeks are reserved for each parent on a “use it or lose it” basis and generally cannot be transferred to the other parent.

Eligibility depends on your individual circumstances and the date your child is born or adopted.

To check your eligibility, speak with Services Australia or visit,

<https://www.servicesaustralia.gov.au/parental-leave-pay-for-child-born-or-adopted-from-1-july-2023>

Government Unpaid Leave

Eligible employees are entitled to up to 12 months of unpaid parental leave under the National Employment Standards, with the right to request an additional 12 months.

Since 1 July 2023, employees have greater flexibility in how unpaid parental leave is taken, including taking up to 100 flexible days of unpaid parental leave within 24 months of the birth or adoption of their child. This includes the option of accessing flexible unpaid parental leave from up to six weeks (or earlier if agreed) before the expected birth and providing a single notice to their employer at least 10 weeks before commencing leave.

The National Employment Standards also provide for:

- birth related leave and adoption-related leave (including premature birth, still birth or infant death);
- unpaid special parental leave;
- safe job transfers and no safe job leave;
- consultation obligations;
- a return-to-work guarantee; and
- unpaid pre-adoption leave.

Employer Paid Parental Leave

Many employers provide paid parental leave in addition to the Australian Government Scheme.

Eligibility varies depending on your enterprise agreement, award, employment contract or workplace policy. For example, some public sector employers provide paid parental leave after a qualifying period of service.

Employer-funded paid parental leave is separate from the Australian Government's Parental Leave Pay Scheme. Eligible employees may receive both. Employer funded paid parental leave runs concurrently with unpaid parental leave meaning that the unpaid parental leave is reduced by the amount of employer-funded paid parental leave taken. For example, if you take a month of employer-funded paid parental leave, you will have 11 months of unpaid parental leave remaining.

What is continuous service?

Continuous service is your unbroken period of employment with your employer. It is used to determine eligibility for many workplace entitlements, including paid parental leave.

Both paid and unpaid leave periods are counted as service if leave has been approved by the employer, and/or depending on the legislation or industrial instrument that applies.

What happens if I experience premature birth or birth related complications?

If your baby is born prematurely or is hospitalised immediately after birth, you may be able to agree with your employer to temporarily pause your unpaid parental leave, return to work while your baby remains in hospital, and resume your remaining parental leave later.

What happens if I experience stillbirth or the death of a child?

If you experience a stillbirth or your child dies during the first 24 months of life, you may still be entitled to unpaid parental leave if you would otherwise have qualified. Your employer cannot require you to return to work while you are on approved unpaid parental leave, although you may choose to return earlier if you wish.

Returning to work

At the end of your unpaid parental leave, you are entitled to return to the position you held immediately before commencing leave. It is unlawful for your employer to demote you because of your absence from work.

If that position no longer exists, your employer must provide you with an available position that you are qualified and suited to perform which is nearest in status and pay to your former position.

It is unlawful for an employer to disadvantage or dismiss you because you took parental leave. If you wish to return on a part-time or flexible basis, you can discuss this with your employer. Eligible employees also have rights to request flexible working arrangements under the Fair Work Act 2009 (Cth).

Where can I get more help?

NT Working Women's Centre Ph: 1800 817 055 www.ntwwc.com.au	Your Union Unions NT Ph: 8941 0001 www.unionsnt.com.au	NT Anti-Discrimination Commission Ph: 1800 813 846 adc.nt.gov.au
Australian Human Rights Commission Ph: 1300 656 419 www.humanrights.gov.au	Fair Work Ombudsman Ph: 13 13 94 www.fairwork.gov.au	Fair Work Commission Ph: 1300 799 675 fwc.gov.au

NT Police Ph: (emergency) 000 If calling from a mobile: 112	Office of the Commissioner of Public Employment (OCPE) Ph: 8999 4129 www.ocpe.nt.gov.au	NT WorkSafe Ph: 1800 019 115 www.worksafe.nt.gov.au
Your HR Department	Aboriginal Interpreter Service Ph: 1800 334 944 www.ais.nt.gov.au	To access an interpreter Interpreting and Translating Service NT Ph: 1800 676 254 www.itsnt.nt.gov.au/

The NT Working Women's Centre (NTWWC) provides free and confidential information, advice and assistance to women about work. The information, opinions and advice contained have been prepared with due care and are believed to be correct at the time of publication. NTWWC expressly disclaim any liability whatsoever to any person who suffers any loss arising from the contents of, errors in, or omissions from this publication. This Factsheet is not intended as a substitute for legal advice. Please seek advice for further information about your situation. July 2026.