



Do I have to tell my employer I am pregnant?

Author: [Jennifer Diplock](#)

Email: jenniferd@hallpayne.com.au

Phone: 07 3017 2400

Date: Monday March 22, 2021

If you are pregnant and working in paid employment, either as a permanent or casual employee, at some point you will need to discuss work and leave arrangements with your employer. Those discussions would include your entitlement to paid or unpaid leave, ensuring you have a safe work environment and your rights to flexible work arrangements.

When am I required to tell my employer?

There is no legislative requirement set out in the [Fair Work Act 2009](#) for when you should disclose your pregnancy to your employer or when you need to apply for unpaid parental leave.

Paid and unpaid leave entitlements

Pursuant to section 70 of the [Fair Work Act 2009](#), an employee is entitled to twelve months unpaid parental leave if:

- *the leave is associated with:*
- *the birth of a [child](#) of the [employee](#) or the [employee's spouse](#) or de facto partner; or*
- *the placement of a [child](#) with the [employee](#) for adoption; and*
- *the [employee](#) has or will have a responsibility for the care of the [child](#).*

It is important to familiarise yourself with any policies and procedures specific to your workplace in relation to any further paid or unpaid parental leave entitlements and any timelines set out for applying for parental leave.

In general, and notwithstanding any internal workplace policies, you should disclose your pregnancy to your employer by no later than 10 weeks prior to any planned paid or unpaid parental leave. This is so that appropriate workplace arrangements can be made in the interests of both you, your co-workers and your employer.

In general, you would commence parental leave for the last six weeks of your pregnancy.

You may, however, elect to work during the last six weeks, if it has been determined by your treating medical practitioner that it is safe to do so.

Your employer may request you provide a medical clearance certificate from your doctor, to confirm it is in fact safe for you to work out the last six weeks of your pregnancy.

If you do not provide the medical certificate, or if it is deemed as unsafe for you to work during the last six weeks, then your employer may direct you to commence parental leave.

Safe working environments

All employees, including pregnant employees, are entitled to a safe work environment. For women whose inherent employment duties are affected by pregnancy, they may be moved into an alternate role with suitable duties in order to create that safe work environment.

If there is no alternate or suitable role available at your workplace, you may take 'no safe job leave'.

If you are entitled to unpaid parental leave, and no suitable duties can be provided to you to keep you safe during your pregnancy, then 'no safe job leave' will be available to you on a paid basis. If you are not entitled to unpaid parental leave, may take unpaid 'no safe job leave'.

Discrimination

You cannot be discriminated against by your employer because you are pregnant.

Protections set out in the [Sex Discrimination Act 1984](#), mean that your employer cannot treat you differently, adversely or less favourably because you are pregnant.

Examples of discrimination against a pregnant employee include:

- assuming a pregnant woman can or cannot fulfil her inherent employment responsibilities because she is pregnant;
- demotion due to pregnancy;
- dismissal due to pregnancy; or

- being treated differently in any other way simply due to pregnancy.

It is important to understand your rights when pregnant while working and seek urgent legal advice [if you feel you have been discriminated against](#) on the basis of your pregnancy.

Do you need legal advice?

Hall Payne Lawyers are highly skilled in advising and representing people in a range of employment law and discrimination matters.

If you need advice or representation in relation to any type of [employment law](#) or [discrimination matter](#), you should seek advice as early as possible.

We continue to provide our client services during the coronavirus outbreak.

Most of our teams have now returned to their respective offices with others remaining fully equipped to work remotely, where necessary.

Get help from an employment lawyer

You can contact us by phone or email to arrange your consultation; either face-to-face at one of our offices, by telephone or by videoconference consultation.

Phone: [1800 659 114](tel:1800659114)

Email: general@hallpayne.com.au

This article relates to Australian law; either at a State or Federal level. The information contained on this site is for general guidance only. No person should act or refrain from acting on the basis of such information. Appropriate professional advice should be sought based upon your particular circumstances. For further information, please do not hesitate to contact Hall Payne Lawyers.