

29A Extending period of parental leave by agreement

- (1) A pregnant employee entitled to maternity leave under section 18(2), or an employee who is taking maternity leave, may apply to the employer for an extension of the maternity leave for an unbroken period of up to 104 weeks in total.
- (2) An employee entitled to parental leave for the birth of a child of the employee's spouse under section 18(3), or who is taking parental leave for the birth, may apply to the employer for either or both of the following—
 - (a) an extension of the short parental leave for an unbroken period of up to 8 weeks in total;
 - (b) an extension of the long parental leave for an unbroken period of up to 96 weeks in total.
- (3) An employee entitled to parental leave for the adoption of a child under section 18(4), or who is taking adoption leave for the adoption, may apply to the employer for either or both of the following—
 - (a) an extension of the short adoption leave for an unbroken period of up to 8 weeks in total;
 - (b) an extension of the long adoption leave for an unbroken period of up to 96 weeks in total.
- (4) An employee may not make more than 1 application under subsection (1), (2) or (3) within any 12 month period, unless the employer agrees.

29B Employee on parental leave may apply to work part-time

- (1) An employee on parental leave may apply to the employer to return to work on a part-time basis.
- (2) An employee may not make more than 1 application under this section within any 12 month period, unless the employer agrees.

29C Application for extension or part-time work

- (1) An application mentioned in section 29A or 29B must—
 - (a) be in writing; and
 - (b) be made—

- (i) for an application for an extension of short parental leave or short adoption leave—at least 2 business days before the leave ends; or
 - (ii) for an application for an extension of maternity leave, long parental leave or long adoption leave—at least 4 weeks before the leave ends; or
 - (iii) for an application to return to work on a part-time basis—at least 7 weeks before the leave ends; and
- (c) state that it is an application for an extension of parental leave under section 29A or an application to return to work on a part-time basis under section 29B, as appropriate; and
 - (d) state the dates the extension, or return to work on a part-time basis, being applied for is to start and end; and
 - (e) state the impact refusal of the application might have on the employee and the employee’s dependants; and
 - (f) be accompanied by a statutory declaration by the employee stating—
 - (i) for an application for an extension of maternity leave, long parental leave or long adoption leave—the employee is seeking the extension so the employee can continue to be the child’s primary caregiver; or
 - (ii) for an application to return to work on a part-time basis—the employee is seeking to work on a part-time basis so the employee can continue to be the child’s primary caregiver when not at work.
- (2) The period in relation to which an application under section 29B may be made can not extend beyond the day the child in relation to whom parental leave was taken is required to be enrolled for compulsory schooling under the *Education (General Provisions) Act 2006*.
 - (3) A person may apply under section 29A or 29B even if the person started parental leave before the commencement of this section.

29D Employer to give proper consideration to application for extension or part-time work

- (1) In deciding whether to agree to an application for an extension of the period of parental leave under section 29A or an application to return to

work on a part-time basis under section 29B, the employer must consider the following—

- (a) the particular circumstances of the employee that give rise to the application, particularly circumstances relating to the employee's role as the child's caregiver;
 - (b) the impact refusal of the application might have on the employee and the employee's dependants;
 - (c) the effect that agreeing to the application would have on the conduct of the employer's business, including, for example—
 - (i) any additional cost the employer would incur; and
 - (ii) the employer's capacity to reorganise work arrangements; and
 - (iii) the availability of competent replacement staff; and
 - (iv) any loss of efficiency in the conduct of the employer's business; and
 - (v) the impact of the employee's absence or temporary absence on the delivery of customer service.
- (2) The employer must not unreasonably refuse an application under section 29A or 29B.
- (3) The employer must advise the employee, in writing, of the employer's decision—
- (a) if the application is for an extension of short parental leave or short adoption leave—as soon as possible after receiving the application but before the short parental leave or short adoption leave ends; or
 - (b) for any other application—within 14 days after receiving the application.
- (4) If the employer refuses the application, the employer must provide the employee with written reasons for refusing the application.