

# Know your rights and responsibilities: pregnancy and parenting in Australia



Having a baby is one of the biggest events in someone's life. It comes with a lot of physical and emotional changes. It can be a joyful, happy time, but it can also be complicated, confusing and overwhelming, especially if you are living overseas away from your family and regular supports.

If you or your partner are pregnant or considering starting a family, it is important that you have access to comprehensive and factual information about the implications of pregnancy while participating in labour mobility, including your workplace rights and responsibilities, potential costs involved, visa conditions, medical and health insurance requirements. This information will assist you in making an informed decision for you and your family.

## SUMMARY

- An employee can't be discriminated against, such as fired, demoted or treated differently from other employees because they are pregnant.
- It's important that you speak to a doctor about your pregnancy and get the necessary health checks and speak to your employer about safe jobs, unpaid leave and return to work arrangements.
- Giving birth in Australia without health insurance cover can be very expensive - it is important to speak with your health insurance provider to find out if you are covered.
- It is important to notify the Department of Home Affairs about your baby as soon as possible so they can help you with your baby's visa status.

## Pregnancy, parenting and the law in Australia



In Australia, both employees and employers have rights and responsibilities relating to pregnancy, parental leave, return to work and workplace health and safety under several different laws.

These laws and protections mean that discussing and planning your pregnancy with your employer in the workplace in Australia should be a fair process. You should not be fearful or worried about losing your job if you are pregnant. Effective and early communication between you and your employer about these rights and obligations will enable you to keep working safely and start planning parental leave and return to work options.

### Protection from discrimination

An employee can't be discriminated against because they're pregnant. This means that an employee can't be fired, demoted or treated differently from other employees because they are pregnant.

Source: Australian Government Fair Work Ombudsman, Pregnant Employee Entitlements

### Speak to your doctor



If you or your partner becomes pregnant in Australia, you should first speak to your doctor. It is very important to get the necessary health checks and scans to assess the health of both the mother and the baby. It will also assist in your planning if you can determine how far along your baby is. Use the [Health Direct Service Finder](#) or speak to your employer about locating a doctor near you for a check-up. Remember, your doctor cannot share your personal information with anyone without your permission.

### When do I need to tell my employer?



While employees do not generally have to notify their employer that they are pregnant, there may be health, safety, and additional planning reasons to do so, including accessing entitlements.

For example, if you wish to access unpaid parental leave, you should let your employer know at least 10 weeks prior to taking this leave. If you need to adjust your role to ensure you and your baby are safe, it is good to let your employer know early so that arrangements can be made.

Remember, effective and early communication between you and your employer about your pregnancy will enable you to start planning for your pregnancy and childbirth.

If you do not feel comfortable talking to your employer about your pregnancy you can also contact the PALM support service line or speak to a trusted member of your community for guidance and support. You can also refer to the [Working Parents: Quick Guide to Your Rights](#) for more information about how and when to talk to your employer.

Remember, it is illegal for an employer to penalise you, or fire you, because you are pregnant. If this happens to you, you can obtain legal advice from the Fair Work Commission.

### Can I keep working while pregnant?



Yes, being pregnant does not mean that you cannot continue to work and make a valuable contribution to the workplace.

Full time and part-time employees who are pregnant can still use their ordinary paid sick leave entitlements if they experience a pregnancy related illness or injury. See 'Sick leave' under [Pregnant employee entitlements - Fair Work Ombudsman](#)

All pregnant employees, including casuals, are entitled to move to a 'safe job' if it isn't safe for them to do their usual job because of their pregnancy. This includes employees that aren't eligible for unpaid parental leave. Most of the time you and your manager will be able to find a solution and you will be able to continue safely doing your job with a few changes.

If there is no appropriate safe job for you, you may be eligible to take 'no safe job' leave at the usual rate of pay until unpaid parental leave under the Fair Work Act starts. You will need to provide evidence by way of a medical certificate if your employer requests it.

To find out more about pay, entitlements and hours of 'safe jobs' or 'no safe jobs', visit the relevant sections of [Pregnant employee entitlements - Fair Work Ombudsman](#).

The screenshot shows the Fair Work Ombudsman website. The main heading is "Pregnant employee entitlements". Below the heading, it states "There are a range of entitlements available for pregnant employees." A list of links is provided under the heading "On this page:", including "Sick leave", "Special maternity leave", "Compassionate leave", "Safe jobs", "Directing employees to take parental leave", "Protection from discrimination", "Tools and resources", and "Related information".

## Can I take unpaid parental or unpaid leave?



Yes, under the Australian law, if you have worked for your employer continuously for at least 12 months on a regular and systematic basis immediately before the expected birth of your child, you (or your partner) are entitled to take up to 12 months of unpaid parental leave if you (or your partner) will have a responsibility for the care of the child. You must let your employer know 10 weeks before you intend to take this leave.

If you have not completed 12 months of work, you should still be able to negotiate unpaid leave under anti-discrimination laws. Your employer cannot reject your leave application based on your sex, pregnancy or family responsibilities.

Your leave may start up to 6 weeks before the expected birth of the child or earlier if you and your employer agree. If you continue working during the 6-week period before the birth of the child, your employer may request that you provide certain medical evidence stating you are fit to work.

For more information, guides and tools, visit the Fair Work Ombudsman webpages for [Maternity & parental leave - Fair Work Ombudsman](#) and [Applying for parental leave - Fair Work Ombudsman](#).

## Can I return to work after taking unpaid parental leave?



Yes, if you are entitled to unpaid parental leave under the Australian law, you have the right at the end of that leave to return to your pre-parental leave position.

However, if you are on a fixed-term contract your employer doesn't have to extend your fixed-term contract because you're taking unpaid parental leave. If your fixed-term contract ends while you are on unpaid parental leave, there is no entitlement to return to the same job (unless an employment contract says otherwise). If you're on a fixed-term contract and it ends after you come back from leave, you're entitled to return to the same job and finish working the contract.

If you are a casual employee and have not worked for your employer continuously for at least twelve months, there is no obligation for the employer to provide further casual employment after the parental leave period.

If you want to know more about how to change your work hours or request flexible work arrangements, visit the relevant section on [Changing hours and requesting flexible working arrangements – Fair Work Ombudsman](#).

## Can I return home to give birth?



Yes, in most instances pregnant workers prefer to return home to give birth so that they can have the support of their family in the lead-up, during and after giving birth. This allows them to make suitable arrangements for their child if they are planning to return to Australia to continue their labour mobility employment.

If you wish to return home to have your baby, you should speak to your doctor to see what stage you are up to in your pregnancy to ensure you can make arrangements while you are still medically fit to fly. Airlines have specific rules about travelling while pregnant and most won't let you fly after 28 weeks of pregnancy – check with your airline for more details.

It is important to speak to your employer early to make leave arrangements, discuss your return date and make travel arrangements.



## Do I have to pay to give birth in Australia?



Yes, while working in Australia on the PALM scheme pregnant workers and their partners will be personally liable for all healthcare costs. Medical insurance helps limit your financial liability and is a requirement of your visa, however most medical insurances in Australia do not cover the costs associated with pregnancy and birth related treatments (obstetrics) unless you have held the insurance for more than 12 months.

If you have not met your 12-month waiting period for your health insurance, yet you wish to remain in Australia for childbirth, it is important to consider the cost implications which can be very expensive. You

will be liable for all the costs associated with your pregnancy, labour and birth, and postnatal care for you and your baby, whether it is provided in the public or private health system. In some cases you will be asked to pay for these services upfront. These costs can add up quickly - especially if you or your baby experience any complications during pregnancy or delivery - you may find that you are many thousands of dollars out of pocket.

You should talk to your insurance provider to see what costs can be covered and talk to your doctor and hospital about the costs involved with childbirth before making decisions about where to give birth.



### Will my visa status change if I have a baby in Australia?

- There are conditions attached to your PALM scheme visa which you will need to comply with.
- You will not be in breach of your visa conditions if your visa remains valid (does not expire) and you continue to be employed under the PALM scheme.
- You must tell the Department of Home Affairs about your baby as soon as possible so they can help you with your baby's visa status.

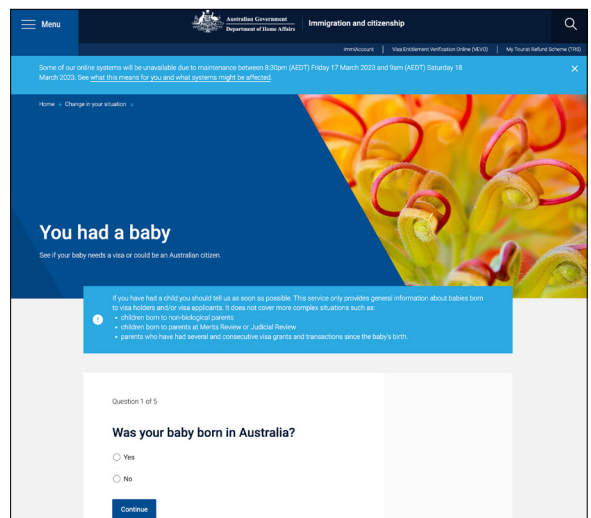


### What visa does my baby need in Australia?

If your baby is born in Australia:

- A baby born in Australia is not necessarily granted Australian citizenship status, unless at least one parent was an Australian citizen or permanent resident at the time of birth.
- If your baby is born in Australia and you or the baby's other parent is not an Australian citizen or a permanent resident, your baby will hold any visa that you and the other parent held at the time the baby was born in Australia.
- You must tell the Department of Home Affairs about your baby as soon as possible (even if they don't have a passport yet) so they can help you with your baby's visa status. Your baby may be able to be added to your current visa or any pending visa applications you have.
- If your baby doesn't have a passport yet, you can provide copies of your baby's passport pages later. However, you must arrange them as soon as you can.

For more details about notifying the Department of Home Affairs and your baby's visa status refer to the Department's website [You had a baby \(homeaffairs.gov.au\)](https://www.homeaffairs.gov.au)



## What else do I need to consider?



### Health Insurance:

If your baby is not an Australian citizen or permanent resident, they will require private health insurance while in Australia.

If you are staying in Australia on the PALM scheme, ask your employer to include your child on your health insurance cover, at an additional cost to you. You should speak to your insurance provider to understand the cover and additional costs.



### Arranging documents:

Obtaining a birth certificate can take many weeks and requires you to be in the address that the certificate will be sent to. Speak to your employer, hospital or consular service to find out how to access these documents and the costs involved.

You will need to apply for a birth certificate and travel documentation such as a passport for your child to return home.



### Accommodation:

You will need to consider if you need alternate accommodation or childcare arrangements for the period of time you remain in Australia. These can be in short supply in some rural and remote areas in Australia, and come at an additional cost, so careful planning needs to be taken to ensure suitable arrangements can be made. Your employer may be able to assist you.



### Returning home:

If you wish to return home with your baby make sure you notify your CLO / LSU so they can inform you of country policy and help with your specific needs.



### Financial planning:

If you plan to take a period of unpaid parental leave, there will be a period without income - you and your partner will need sufficient savings to support you and the baby until you can return to work. You should consider how this might impact on any salary deductions and how you can continue to pay for your insurance cover and any accommodation costs while you are not working. You might also like to review your personal and financial goals that you set when joining labour mobility now that you will have a significant change in circumstances. If you plan on travelling back to your home country with your new-born child, you should consider the additional costs associated for flights and accommodation for your journey. In Australia, both parents have a duty to support the child financially.



### Domestic and family abuse, sexual health, consent and healthy relationships:

If you think you are in an abusive relationship, or know someone who might be, it's important to seek help as early as possible. Learn more about domestic and family violence [here](#).

If you are sexually active, it's important you visit a doctor regularly to have sexual health checks. The best way to reduce your chance of getting an sexually transmitted infection (STI) or having an unplanned pregnancy is to practice 'safe sex'. Learn more about sexual health [here](#).

Remember, in Australia it's against the law to engage in sexual activity with another person, even kissing or touching, if they have not given or are unable to give consent. This is called sexual assault and it's a crime. Learn more about sex and consent [here](#).



## Where to get help or talk to someone

If you've been sexually assaulted and you want to make a complaint, you should report it to the police as soon as possible. If you are unsafe or it is an emergency call 000. You can also get support from a sexual assault support service, such as 1800RESPECT on 1800 737 732.

## Can someone from the PALM scheme help me?

Adjusting to life in another country can be difficult but support and resources are available to help you. If you have questions about adjusting to life in Australia, you can ask your employer. If they don't know the answer, they can tell you who to talk to, including other PALM scheme supports such as:



### Country liaison officer (CLO) or labour attachés

You can find all current CLO contact details on the PALM website (<https://www.palmscheme.gov.au/contact>).



### PALM support service line on (1800 51 51 31), or email ([support@pacificlabourfacility.com.au](mailto:support@pacificlabourfacility.com.au))

Please note the support service line and email inbox are monitored 8.30am – 6.30pm AEST - calls after hours should be for critical incidents only.

## How can I get more information or confidential professional help?





















If you or someone you know wants to find out more information about pregnancy and parenting whilst in Australia, you can contact the following information and support services in the table below. These organisations can help you or point you in the right direction to find a service that is relevant to your needs and accessible to you.

### KEY REFERRAL AND SUPPORT SERVICES IN AUSTRALIA

SERVICE	WHAT DOES IT DO?	CONTACT INFORMATION
Health Direct	The best way to find a doctor near you is to visit Health Direct website. You can use their service finder to look for help nearest to you – select 'GP – General Practice' under services and enter your postcode to find the doctor service closest to you, or search 'pregnancy' under the health topics A – Z tab.	<p> Call: 1800 022 222 Nationwide, 24/7</p> <p> Web service finder: <a href="https://www.healthdirect.gov.au/australian-health-services">https://www.healthdirect.gov.au/australian-health-services</a></p> <p> Web information on pregnancy: <a href="https://www.healthdirect.gov.au/pregnancy">https://www.healthdirect.gov.au/pregnancy</a></p>

## KEY REFERRAL AND SUPPORT SERVICES IN AUSTRALIA

SERVICE	WHAT DOES IT DO?	CONTACT INFORMATION
<p><b>Pregnancy, birth and baby</b></p>	<p>Australia's leading pregnancy and baby website, supporting parents on the journey from pregnancy to preschool. Speak to a maternal child health nurse for personal advice and guidance. Discover more about pregnancy, birth, being a parent and raising a child.</p>	<p> Phone: 1800 882 436</p> <p> Web: <a href="https://www.pregnancybirthbaby.org.au/">https://www.pregnancybirthbaby.org.au/</a> <a href="#">Pregnancy care on a visa</a></p>
<p><b>Family Planning Alliance Australia</b></p>	<p>Family Planning Alliance is the nation's peak body in reproductive and sexual health. It promotes public health through policy insight and advocacy.</p> <p>If you would like to visit a family planning clinic or ask about education, visit the service page to find the family planning organisation in your area, or contact the association in your state.</p> <p>Visit the Family Planning Alliance Australia website: <a href="https://www.familyplanningallianceaustralia.org.au/services/">https://www.familyplanningallianceaustralia.org.au/services/</a></p>	<p>State and territory family planning associations:</p> <p><b>ACT - Sexual Health and Family Planning ACT</b></p> <p> Phone: 02 6247 3077</p> <p> Web: <a href="https://www.shfpact.org.au/">https://www.shfpact.org.au/</a></p> <p><b>NSW – Family Planning NSW</b></p> <p> Phone: 1300 658 886</p> <p> Web: <a href="https://www.fpnsw.org.au/">https://www.fpnsw.org.au/</a></p> <p><b>NT – Family Planning Welfare Association of NT Inc.</b></p> <p> Phone (08) 8948 0144</p> <p> Web: <a href="http://www.fpwnt.com.au/">http://www.fpwnt.com.au/</a></p> <p><b>QLD - True: Relationships and Reproductive Health</b></p> <p> Phone: (07) 3250 0200</p> <p> Web: <a href="https://www.true.org.au/">https://www.true.org.au/</a></p> <p><b>SA – Shine SA</b></p> <p> Phone: 1300 883 793</p> <p> Website: <a href="https://shinesa.org.au/">https://shinesa.org.au/</a></p> <p><b>TAS – Family Planning Tasmania</b></p> <p> Phone: (03) 6273 9117</p> <p> Web: <a href="https://fpt.org.au/">https://fpt.org.au/</a></p> <p><b>VIC – Family Planning Victoria</b></p> <p> Phone: 03 9257 0100</p> <p> Web: <a href="https://shvic.org.au/">https://shvic.org.au/</a></p> <p><b>WA - Sexual Health Quarters Western Australia</b></p> <p> Phone: (08) 9227 6177</p> <p> Web: <a href="https://shq.org.au/">https://shq.org.au/</a></p>

KEY REFERRAL AND SUPPORT SERVICES IN AUSTRALIA		
SERVICE	WHAT DOES IT DO?	CONTACT INFORMATION
<p><b>Australian Government Department of Home Affairs – Immigration and Citizenship</b></p>	<p>If you have had a baby in Australia or about to have a baby, you need to tell the Department of Home Affairs because your visa might be affected.</p> <p>Information on the Home Affairs website 'change in situation – had a baby' will give you information how to notify the department of your change in situation and assist with their visa status.</p>	<p> Visit the website:  <a href="https://immi.homeaffairs.gov.au/change-in-situation/had-a-baby">https://immi.homeaffairs.gov.au/change-in-situation/had-a-baby</a></p>
<p><b>Fair Work Ombudsman</b></p>	<p>The Fair Work Ombudsman regulates Australia's national workplace laws, and educating about rights and responsibilities at work. The Fair Work Act 2009 prohibits an employer from taking adverse action against an employee or a prospective employee for discriminatory reasons.</p>	<p> Visit the website, <a href="http://www.fairwork.gov.au">www.fairwork.gov.au</a>, for more information on:</p> <p><a href="#">Workplace Discrimination - Fair Work Ombudsman</a>  <a href="#">Protection from discrimination at work - Fair Work Ombudsman</a>  <a href="#">Pregnant employee entitlements - Fair Work Ombudsman</a>  <a href="#">Applying for parental leave - Fair Work Ombudsman</a>  <a href="#">Taking parental leave - Fair Work Ombudsman</a>  <a href="#">Returning to work from parental leave - Fair Work Ombudsman</a></p>
<p><b>Supporting working parent's initiative</b></p> <p><b>Australian Human Rights Commission</b></p>	<p>This guide will help employees to:</p> <ul style="list-style-type: none"> <li>• understand the laws that relate to pregnancy, parental leave and return to work</li> <li>• effectively discuss their rights with their employer</li> </ul>	<p> Visit the website, <a href="http://www.supportingworkingparents.humanrights.gov.au">www.supportingworkingparents.humanrights.gov.au</a>, for more information on:</p> <p><a href="#">Working Parents: Quick Guide to Your Rights</a>  <a href="#">Supporting working parents – a guide for employees</a>  <a href="#">Supporting working parents – understanding the law</a>  <a href="#">Supporting working parents – working while pregnant</a>  <a href="#">Supporting working parents – employees and leave</a>  <a href="#">Supporting working parents – returning to work from leave</a>  <a href="#">Supporting working parents – commencing &amp; ending employment</a></p>

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