

*Your responses suggest that your period of UPL may start at a date before or at the expected birth of your child.*

## **72 The period of leave—members of an employee couple who each intend to take leave**

### *Application of this section*

- (1) This section applies to an employee couple if each of the employees intends to take unpaid parental leave.

### *When birth-related leave must start*

- (3) If the leave is birth-related leave other than flexible unpaid parental leave:
- (a) one employee's period of leave must start, in accordance with the following rules:
    - (i) if the employee is a female employee who is pregnant with, or gives birth to, the child—the period of leave may start up to 6 weeks before the expected date of birth of the child, or earlier if the employer and employee so agree, but must not start later than the date of birth of the child;
    - (ii) if subparagraph (i) does not apply—the period of leave must start on the date of birth of the child; and
  - (b) any period of unpaid parental leave (other than flexible unpaid parental leave) that the other employee takes must start immediately after the end of the first employee's period of leave taken in accordance with paragraph (a) (or that period as extended under section 75 or 76).

### *Leave must be taken in single continuous period*

- (2) Each employee must take the leave in a single continuous period.

Note 1: An employee may take a form of paid leave at the same time as he or she is on unpaid parental leave (see section 79).

Note 2: For provisions affecting the rule in this subsection, see:

- (a) subsection (6) (concurrent leave); and
- (b) subsection 72A(11) (flexible unpaid parental leave); and
- (c) subsection 73(4) (pregnant employee may be required to take unpaid parental leave within 6 weeks before the birth); and
- (d) paragraph 78A(2)(b) (permitted work periods while child is hospitalised); and
- (e) subsection 79A(1) (keeping in touch days).

## **73 Pregnant employee may be required to take unpaid parental leave within 6 weeks before the birth**

### *Employer may require employee to take unpaid parental leave*

- (2) The employer may require the employee to take a period of unpaid parental leave (the *period of leave*) as soon as practicable if:
- (a) the employee does not give the employer the requested certificate within 7 days after the request; or

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|  | <ul style="list-style-type: none"><li>(b) within 7 days after the request, the employee gives the employer a medical certificate stating that the employee is not fit for work; or</li><li>(c) the following subparagraphs are satisfied:<ul style="list-style-type: none"><li>(i) within 7 days after the request, the employee gives the employer a medical certificate stating that the employee is fit for work, but that it is inadvisable for the employee to continue in her present position for a stated period for a reason referred to in subparagraph (1)(b)(i) or (ii);</li><li>(ii) the employee has not complied with the notice and evidence requirements of section 74 for taking unpaid parental leave.</li></ul></li></ul> |
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