



Reproductive Leave - Guidance

What is Reproductive Leave

Reproductive Leave is a new form of leave provided in the event an employee:

- (A) has endometriosis, dysmenorrhea, adenomyosis and polycystic ovary syndrome which requires absence from the workplace;
- (B) requires medical care for treatment of, or associated with, endometriosis polycystic ovary syndrome;
- (C) is undertaking a medical procedure associated with fertility treatment (including egg harvesting or embryo implantation); or
- (D) requires treatment associated with reproductive health including, but not limited to, a hysterectomy and vasectomy.

It is noted that Polycystic Ovary Syndrome is now also referred to as Polyendocrine Metabolic Ovarian Syndrome (PMOS).

It is understood the conditions are identical and the symptoms, diagnostic criteria, and treatments remain the same and both terms are used interchangeably.

The above list is not exhaustive. Reproductive Leave may also be available for other reproductive health conditions or circumstances where they fall within one of the categories outlined above. For example, treatment associated with menopause or a testicular health condition may fall within subclause (D). However, simply having one of these conditions does not, of itself, establish an entitlement to Reproductive Leave.

A formal diagnosis is not required to access Reproductive Leave in relation to subsection A. Some reproductive health conditions may take time to diagnose and eligibility will depend on whether the employee's circumstances fall within one of the categories outlined above.

The fact that a condition, symptom, appointment or procedure relates to reproductive health does not automatically mean Reproductive Leave applies. Eligibility will depend on the employee's individual circumstances and whether those circumstances fall within one of the categories of Reproductive Leave outlined above.

Refer to the Reproductive Leave FAQ for additional guidance and examples of circumstances that may, or may not, fall within the scope of Reproductive Leave.



Reproductive Leave

All Tasmanian State Service Employees covered by the following awards have access to up to 5 working days per personal leave year (pro rata) from 11 May 2026.

- Tasmanian State Service Award
- Health and Human Services Award
- AWU (Tasmanian State Sector) Award
- Port Arthur Historic Site Management Authority Award
- Facility Attendants Award
- Firefighters Award
- Medical Practitioners Award
- Teachers Award

This new Tasmanian State Service Standard is a significant step for the Tasmanian Government to introduce this new type of leave that will mean employees experiencing these conditions and circumstances will have access to additional leave and will not have to use their personal leave.

Reproductive leave is non gender specific and is available to all permanent fixed-term employees (excluding fixed term casual/relief employees).

Reproductive Leave is in addition to personal leave for reproductive leave conditions.

Entitlement to Reproductive Leave

Eligible **full-time** employees can access up to 5 working days per personal leave year.

Example:

Full-time employee engaged on a nominal 36.75 hour week, a working day is 7.35 hours and total entitlement to Reproductive Leave is 36.75 hours;

Full-time employee engaged on a nominal 38 hour week, a working day is 7.6 hours and total entitlement to Reproductive Leave is 38 hours.

Part-time employees are entitled to Reproductive Leave on a pro rata basis in direct proportion to the number of hours worked compared to full-time employees.

Example:

1. Part-time employee working 3 full days a week is 0.6 of a full-time employee and therefore entitled to 3 days Reproductive Leave per personal leave year.



$0.6\text{FTE} \times 5 \text{ days} = 3 \text{ days @ } 7.35 \text{ hours} = 22.05 \text{ hours of Reproductive leave}$
(equivalent to 3 days for a nominal 36.75 hour week)

$0.6 \text{ FTE} \times 5 \text{ days} = 3 \text{ days @ } 7.6 = 22.8 \text{ hours of Reproductive leave}$
(equivalent to 3 days for a nominal 38 hours week)

2. A part-time employee working 20 hours per week is .54 of a full-time employee and therefore entitled to 2.7 Reproductive Leave per personal leave year.

$0.54 \text{ FTE } 5 \text{ days} = 2.7 \text{ days at } 7.35 \text{ hours} = 19.85 \text{ hours of Reproductive Leave}$
(equivalent to 2.7 days for a nominal 36.75 hour week)

$0.54 \text{ FTE } 5 \text{ days} = 2.7 \text{ days at } 7.6 \text{ hours} = 20.52 \text{ hours of Reproductive Leave}$
(equivalent to 2.7 days for a nominal 38 hour week)

If a part-time employee's hours change during the personal leave year and the employee's hours increase or the employee has been working more than their contracted hours during the personal leave year, the employee may request through their Agency that their balance is reviewed and adjusted for the remainder of the entitlement year.

If a part-time employee's contracted hours decrease during the personal leave period, no adjustment is to be made. However on the commencement of the new personal leave year, the amount of leave an employee is entitled to would be based on their hours at that point in time.

If a full-time employee becomes a part-time employee during the personal leave period no adjustment is made until the following personal leave accrual period.

Personal Leave Year

Reproductive Leave is accrued up to a maximum of five days per annum in each personal leave year.

Reproductive Leave is not cumulative from one personal leave year to the next. This means any leave not used within a personal leave year is forfeited and does not carry over into the next personal leave year.

At the beginning of each new personal leave year a new entitlement to Reproductive Leave is credited to the employee.

Personal Leave Year for the purposes of Reproductive Leave means 12 months of continuous paid employment from the commencement of employment including periods of paid leave. A period of personal leave without pay does not affect the credit of personal leave.



The personal leave year will be different for each employee.

Reproductive Leave is a new entitlement commencing 11 May 2026. All full-time eligible employees will have access to up to 5 days Reproductive leave from 11 May 2026 until their next personal leave accrual date.

For example, if an employee's next personal leave accrual following 11 May 2026 is 15 June 2026, an employee will be credited with a new annual entitlement to Reproductive Leave from that date and any previous balance will be forfeited.

Payment for a period of Reproductive Leave

Reproductive Leave is paid the same as personal leave. The rate of pay for an employee during the period of paid Reproductive Leave is the normal rate of pay, for the ordinary hours of work for which the employee has been absent. The normal rate of pay includes allowances which would have continued to be paid but for taking Reproductive Leave but excludes overtime and shift penalties.

How is Reproductive leave taken

Reproductive leave is expressed in hours. Employees are either engaged on a nominal 36.75 or 38 hour week.

Reproductive leave may be taken for part of a single day.

An employee who exhausts all their Reproductive Leave balance is encouraged to discuss their leave needs with their manager, considering other available leave types and any workplace flexibilities including reasonable adjustments that may assist.

There is no entitlement to unpaid or half pay Reproductive Leave.

How does Reproductive Leave interact with Personal Leave

An employee may choose to take personal leave if eligible instead of applying for Reproductive Leave. There is no obligation for an employee to make an application for Reproductive Leave.

Notice

An employee is required to give notice to the employer of any absence as soon as practicable and to make application in writing for leave to be approved.

As far as practicable an employee absent on reproductive leave is to inform the employer of the employee's inability to attend for duty within two hours of commencement time of normal duty on the day of the reproductive leave absence.



Evidence

When taking reproductive leave, the employer may request the employee provide the employer with evidence acceptable to a reasonable person that the employee was unable to attend duty for the period of the absence from duty for which reproductive leave is claimed.

The evidence that would satisfy a reasonable person of the employee's entitlement to take reproductive leave may be a medical certificate or where that is not reasonably practicable a statutory declaration.

Employees should not be required to repeatedly provide evidence of an ongoing condition or circumstance where sufficient evidence has already been provided.

If required, the evidence requirements will depend on whether the leave has been in relation to attendance at an appointment or required an absence from the workplace for a period of time.

When accessing Reproductive Leave for a circumstance related to an appointment, an appointment booking confirmation can be provided as evidence of attendance if required

If requested, the employee is to provide evidence to satisfy a reasonable person to support an application for an absence for reproductive leave of more than 3 consecutive working days. Evidence is not generally required for less than three days

If an employee has already provided evidence of an ongoing circumstance or condition to support an application for Reproductive Leave once in a personal leave year, the employee should not be requested to produce evidence again within the same entitlement year.

It is open to the employer to accept the same evidence in subsequent entitlement years, noting that chronic conditions and fertility treatments for example can span many years.

Confidentiality and disclosure of personal and sensitive medical information

It is acknowledged that reproductive health issues can be sensitive for employees and managers to discuss. Due to the potentially sensitive nature of reproductive health conditions and circumstances, managers should exercise discretion when engaging with employees about their requests for Reproductive Leave.



Managers should be mindful that Reproductive Leave is a non-gender-specific entitlement and that reproductive health needs may affect employees differently. Managers should avoid making assumptions about an employee's gender, family planning decisions, circumstances or reasons for accessing Reproductive Leave.

Managers understand that any evidence provided in the course of an application for Reproductive Leave will be treated confidentially. Managers should ensure discussions occur in a private setting and that they seek out further information where an employee has disclosed information to better understand and engage in discussion about the needs, flexibilities or adjustments sought.

Managers may also wish to access EAP for additional support for navigating sensitive topics.

Managers should inform employees that they only need to share any information that they feel comfortable sharing, agree on how the team will be advised of any absences or adjustments made.

Information received in connection with a Reproductive Leave application is to be stored as confidential employee information. It should only be disclosed to the extent necessary to facilitate the employees access to Reproductive Leave. Noting that deidentified information may be used for broader reporting purposes.

In practice Managers should ensure they are adhering to the relevant obligations of the *Personal Information Protection Act 2004*.

Multiple or Concurrent Employment arrangements

In general, an employee will not 'double up' if they have a multiple or concurrent employment arrangement in their agency or across the State Service. Part-time employees are entitled to Reproductive leave on a pro rata basis in direct proportion to the number of hours worked compared to full-time employees. Therefore, if an employee has more than one employment contract as a part-time employee up to 1 FTE they will be entitled to a pro rata Reproductive Leave balance separately for each of these contracts/positions up to the 5 working days for 1 FTE.

In the rare event that an employee is contracted for more than 1 FTE over multiple part-time positions, it is possible that their Reproductive leave entitlements will exceed the 1 FTE entitlement of up to 5 working days in a manner that is proportionate to their total contracted hours.

Full-Time Fixed-term Employees



Full-time fixed-term employees are not credited with 5 days of Reproductive leave on appointment of each contract as entitlement is based on each personal leave year accrual. Where the first contract has set the personal leave year date, as long as the personal leave year remains the same across multiple contracts (where continuous service) within the same personal leave period, there is no additional entitlement to Reproductive leave during the personal leave period.

Movements between Agencies

Reproductive Leave is a Tasmanian State Service Standard and applies across all Agencies. This means employees will continue to be entitled to the same amount of Reproductive Leave within an entitlement year regardless of the transfer between Agencies.

Cessation of Employment

Reproductive Health Leave is not paid out on cessation of employment.