



Reproductive leave: New state service entitlement

FACT SHEET

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2026 EBA

Eligible permanent and fixed-term Tasmanian State Service employees can access up to five days of paid reproductive leave each personal leave year.

Part-time employees receive the entitlement on a pro rata basis. The leave is non-cumulative, can be taken for part of a day, and cannot be used for caring purposes.

Who can access it?

- Permanent employees
- Fixed-term employees
- Part-time employees (on a pro rata basis)
- The clause does not apply to fixed-term casual employees

How to apply

1. Give notice of the absence as soon as practicable
2. Make a written application for reproductive leave to be approved
3. Where practicable, tell the employer within two hours of the start of normal duty on the day of the absence
4. If requested, provide evidence that would satisfy a reasonable person that you were unable to attend duty for the period claimed

Evidence: what can be requested?

Your employer may ask for evidence. This may be a medical certificate, or where that is not reasonably practicable, a statutory declaration. If the leave is for more than three consecutive working days, evidence may be requested to support the application.

When can it be used?

Reproductive leave may be available where an employee needs to be absent from work because of a reproductive health condition, treatment or procedure covered by the clause. The clause specifically refers to endometriosis, dysmenorrhea, adenomyosis, polycystic ovary syndrome, fertility treatment procedures including egg harvesting or embryo implantation, and treatment associated with reproductive health including hysterectomy and vasectomy.

What if my condition or treatment is not listed?

The clause includes specific examples and broader wording. The phrase “including, but not limited to” means the entitlement may not be confined only to the examples listed. If your reproductive health treatment or condition is not specifically named, apply in writing and contact the AEU if the employer says it is outside the clause.

This entitlement is not limited to women

The clause expressly includes vasectomy as an example of treatment associated with reproductive health. Men may be able to access reproductive leave where they need to be absent from work for a covered reproductive health treatment or procedure. As with all applications, members should provide notice and evidence if requested.



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AEU advice and support

- Apply in writing and give notice as soon as practicable
- Keep notes of any discussions with your manager or HR about reproductive leave
- You do not need to disclose unnecessary personal medical detail beyond what is required to support the leave application.
- Contact the AEU if your application is questioned, refused, delayed, or if you are asked to provide unnecessary personal medical information.

Need support? Your union is here to help.

If you have more questions about the incentive payment or whether you're eligible, here's who to talk to:

1. Talk to your workplace's AEU rep
2. Talk to your workplace's AEU Organiser
3. Contact your AEU support team (see details below)
4. Seek advice before accepting an employer decision that the leave is not available

Full Award clause (for reference)

The formal wording of the entitlement is below. The plain-English guidance above is intended to help members understand and use the entitlement.

The provisions of subclauses (a) to (c) apply to permanent and fixed-term employees but do not apply to fixed-term casual employees.

(a) Definitions

(i) 'Health Practitioner' means a registered health practitioner registered or licensed as a health practitioner under an appropriate law of Australia.

(ii) 'Medical Certificate' issued by a registered health practitioner is taken to be a medical certificate for the purpose of this clause if it is issued in respect of the area of practice in which the practitioner is registered or licensed under an appropriate law of Australia that provides for the registration or licensing of health practitioners.

(iii) 'Personal Leave Year' for the purposes of this clause 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.

(iv) 'Reproductive Leave' means 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.

(v) 'Statutory Declaration' means a declaration made in writing according to the requirements of the Oaths Act 2001 (Tas). It is an offence under section 113 of the Criminal Code, as contained in Schedule 1 of the Criminal Code Act 1924 (Tas), to make a false statement in a Statutory Declaration.

(b) Amount of Reproductive Leave

(i) A full-time employee is entitled to up to a maximum of five days of reproductive leave per annum in each personal leave year.

(ii) Part-time employees are entitled to reproductive leave in direct proportion to the number of hours worked compared to full-time employees. Payment for reproductive leave will only be made for those hours that would normally have been worked had the employee not been on reproductive leave.

(iii) Reproductive leave is non-cumulative.

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

(v) Reproductive leave cannot be used for caring purposes.

(c) Notice and Evidence Requirements

(i) 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.

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

(iii) 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.

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

(v) If requested, the employee is to provide evidence in accordance with subclause (iv) to satisfy a reasonable person to support an application for reproductive leave of more than 3 consecutive working days.

