

What are employees' leave entitlements?

Annual leave

All full-time employees are entitled to four weeks paid annual leave each year. Part-time employees accrue paid annual leave on a pro rata (proportional) basis. The Pastoral Award 2010 (which covers dairy employees) provides for a 17.5% annual leave loading to be paid to award employees when taking annual leave and upon termination if any annual leave is paid out.

Leave loading is a payment of 17.5% in addition to the base rate of pay to compensate employees for the loss of overtime pay while they are on annual leave.

Casual employees are not entitled to annual leave as the casual loading is calculated to include a component to compensate them for loss of annual leave entitlements.

Can employees cash out their annual leave? (updated July 2016)

As of 29 July 2016, employers and employees covered by the Pastoral Award 2010 can agree in writing to cash out annual leave.

Each agreement to cash out annual leave must be in writing and the payment must be for the full amount that the employee would have been paid if the employee had taken the leave. A separate agreement is required each time annual leave is cashed out.

Employees who are not covered by an award or enterprise agreement (such as managers) may agree in writing with their employer to cash out annual leave.

Can an employee request annual leave at the busiest time of year?

The information you are looking for is contained in the National Employment Standards. The National Employment Standards state, at clause 88:

Taking paid annual leave:

- Paid annual leave may be taken at times agreed between an employee and his or her employer.
- The employer must not unreasonably refuse to agree to a request by the employee to take paid annual leave.

Resources in this section

- Application for Leave form
- Leave record templates

The Pastoral Award 2010 and the National Employment Standards are bulky documents which, for your convenience, are located at the back of this ESKi folder.

Can I make an employee take leave? (updated July 2016)

Terms about excessive leave in the Pastoral Award 2010 changed as of 29 July 2016.

If employees have accrued more than 8 weeks annual leave, the employer and the employee can discuss ways to reduce the amount of leave owing.

If the employer and the employee cannot reach agreement, the employer can direct the employee to take one or more periods of annual leave. Before directing the employee to take annual leave, the employer and the employee must have genuinely tried to reach agreement about the taking of the leave.

Employers must give employees at least 8 weeks' and not more than 12 months' notice of the requirement to take the annual leave. The direction to take annual leave must not require the employee to take a period of less than 1 week's leave and the employee must retain at least 6 weeks' annual leave. However, employees can elect to take leave which leaves them with less than 6 weeks' accrued leave.

For award/agreement free employees the requirement to take accrued annual leave must be reasonable, for instance the employee must have accrued a large amount of annual leave.

How much sick leave do I have to pay?

Sick leave is now called personal leave. Under the National Employment Standards full-time employees (other than casuals) are entitled to 10 days paid personal/carer's leave for each year of service.

Personal/carer's leave accrues on the basis of the employee's ordinary hours of work progressively throughout the year and from year to year and there is no cap on how much of this leave can be used for carer's leave. Personal leave can be taken if the employee is not fit for work due to personal illness or injury, and generally a doctor's certificate should be provided.

Carer's leave can be taken to provide care or support for a member of the employee's household or immediate family due to personal illness or injury or an unexpected emergency. Payment for personal/carer's leave is at the employee's base rate of pay for ordinary hours of work. Unpaid carer's leave may also be taken if personal leave has been used up.

Which leave gets paid out on termination?

Accrued annual leave must be paid out on termination. You don't have to pay out accrued personal/carer's leave. Long service leave may have to be paid out on termination (see below).