

Notice of requirement to take annual leave for purpose of close down

If your modern award allows it, you can require your employees to take annual leave during a period when your business will be closed. Check your modern award carefully before using this letter.

Suggested steps for preparing a letter of notice of requirement to take annual leave for purpose of close down

If at any time you need more information or assistance, call the Fair Work Infoline on 13 13 94 or visit www.fairwork.gov.au.

Step 1: Check your modern award

You can only require employees to take annual leave during a close down period if it is allowed under your modern award.

Check your modern award carefully to see if it includes this provision, and if there are any other requirements or conditions you must fulfill, such as providing notice.

Step 2: Talk to the employees

You should meet with your employees to advise them of the close down period and give them the opportunity to ask questions. You should ensure that the employees understand:

- the reason for the close down (e.g. Christmas holidays, renovation)
- the length of the close down
- that they will receive paid annual leave during the close down, and
- that this annual leave will be deducted from their accrued entitlements.

Step 3: Create your letter of notice of requirement to take annual leave for purpose of close down

You must provide your employees with at least 4 weeks' written notice of the requirement to take annual leave during a close down period.

This notice should include the dates the close down period will start and finish, and the reason for the close down.

This template has been colour coded to assist you to complete it accurately. You simply need to replace the red < > writing with what applies to your employee and situation. Explanatory information is shown in blue italics to assist you and should be deleted once you have finished the letter.

Step 4: Provide the letter to the employee and keep a copy for your records

Provide the letter to the employee, ensuring they receive it at least 4 weeks before the start of the close down period. You should also keep a copy of the letter for your records.

The Fair Work Ombudsman is committed to providing you with advice that you can rely on.

The information contained in this template is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or a workplace relations professional.

<Print on your business letterhead>

<Date>

Private and confidential

<Insert employee's full name>

<Insert employee's residential address>

Dear <insert name>

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In accordance with clause <insert relevant clause number> of the <insert modern award title> (the Award), I am writing to inform you that <insert the business/company name> requires you to take annual leave due to a close down of operations from <insert commencement date> to <insert end date>, due to <reason for close down i.e. refurbishment/closing for an extended period over Christmas etc>. This period of leave will be deducted from your accrued entitlement.

You must provide employees with 4 weeks notice of a requirement to take annual leave due to a close down. Make sure you provide this letter to your employees at least 4 weeks before the close down commences.

<Insert the business/company name> is required to provide you with at least 4 weeks notice of a requirement to take annual leave under clause <insert relevant clause number of the applicable modern award> of the above Award. Please consider this letter as your 4 weeks' notice commencing on the date of this letter <date of the letter provided to the employee>.

Your base rate of pay for your ordinary hours of work will continue to be paid to you throughout the leave period. Annual leave loading may also be payable in some instances.

Check your award to find out if you need to pay annual leave loading or other penalty rates during the period of annual leave.

Should you have any questions in relation to this letter, please contact me on <insert phone number>.

Yours sincerely,

<Insert name>

<Insert position>

PLEASE KEEP A COPY OF THIS LETTER FOR YOUR RECORDS