

Notice of requirement to take annual leave for close down

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

! IMPORTANT

If you're an employer and need to direct your employees to take annual leave during the coronavirus outbreak please use our [Template letter for directing employees to take annual leave due to the coronavirus outbreak](#) available to download at coronavirus.fairwork.gov.au

JobKeeper changes to the Fair Work Act

On 9 April 2020, the Fair Work Act was amended to support the implementation and operation of the JobKeeper scheme in Australian workplaces. Under these temporary changes, a qualifying employer can ask an eligible employee to take annual leave (if they keep a balance of at least 2 weeks) and the employee cannot unreasonably refuse the request.

Award flexibility during coronavirus

Due to the impacts coronavirus is having on the community, a number of unions, employers and employer organisations are applying to the Fair Work Commission to vary awards to increase flexibility. This may also affect the entitlements referred to in this template.

[To keep up to date with changes to workplace laws during the impact of coronavirus, visit coronavirus.fairwork.gov.au](#)

Suggested steps before directing an employee to take annual leave

If at any time you need [more information](#) or assistance, visit www.fairwork.gov.au/leave or call the Fair Work Infoline on 13 13 94.

Step 1: Check your award

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

Check your 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 your 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
- 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.

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.

Step 3: Use this template to create a letter to notify your employees that they need to take annual leave during a close down

You must provide your employees with at least the required minimum written notice of the requirement to take annual leave during a close down period. Check your award for the minimum notice period that will apply.

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

! IMPORTANT

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 for at least the required minimum notice period before the start of the close down period. You should also keep a copy of the letter for your records.

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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>

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

Dear <insert name>

In accordance with clause <insert relevant clause number> of the <insert 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.

[Explanatory information – please delete once you have finished the letter]

You must provide employees with notice of a requirement to take annual leave due to a close down. Check your award for the minimum notice period that applies to your situation. Make sure you provide this letter to your employees at least the required minimum notice period before the close down commences.

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

[Explanatory information – please delete once you have finished the letter]

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>.

For up to date information about your workplace entitlements and obligations, including information about requirements to take annual leave for close down, visit the Fair Work Ombudsman [Direction to take annual leave during a shut down](https://www.fairwork.gov.au/leave/annual-leave/directing-an-employee-to-take-annual-leave) at [fairwork.gov.au/leave/annual-leave/directing-an-employee-to-take-annual-leave](https://www.fairwork.gov.au/leave/annual-leave/directing-an-employee-to-take-annual-leave)

[Explanatory information – please delete once you have finished the letter]

We've included a couple of additional tips below to help you improve communication to your employees. You may wish to make the letter more personal by:

- *Hand signing or adding a digital handwritten signature to the letter*
- *Sending the letter from a person that the employee recognises and is credible (rather than from an individual the employee may not know).*

Yours sincerely,

<Insert name>

<Insert position>

PLEASE KEEP A COPY OF THIS LETTER FOR YOUR RECORDS

Last updated 16 July 2020