Annual leave

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.


Unpaid pandemic leave and annual leave flexibility in awards


Coronavirus and Australian workplace laws

If your workplace has been impacted by coronavirus, we have information about your workplace rights and obligations. Find out more on Coronavirus and Australian workplace laws (https://coronavirus.fairwork.gov.au/).

Annual leave (also known as holiday pay) allows an employee to be paid while having time off from work.


Awards, enterprise agreements and other registered agreements (www.fairwork.gov.au/Dictionary.aspx?TermID=2034) can't offer less than the National Employment Standards but they can give more annual leave.

Who is entitled to annual leave?

All employees (except for casual employees) get paid annual leave.

How much annual leave does an employee get?

Full-time and part-time employees get 4 weeks of annual leave, based on their ordinary hours of work.

Example: annual leave for part-time employees

Jane is a part-time employee who works 20 hours per week for a year.

During one year, she will accumulate 80 hours of annual leave (the equivalent of 4 weeks work for her).

Shiftworkers

Shiftworkers may get up to 5 weeks of annual leave per year.

Find information about annual leave for shiftworkers in your award by selecting from the list below.

How does annual leave accumulate?

Annual leave accumulates from the first day of employment, even if an employee is in a probation period.

The leave accumulates gradually during the year and any unused annual leave will roll over from year to year.

Annual leave accumulates when an employee is on:
• paid leave such as paid annual leave and paid sick and carer's leave
• community service leave including jury duty
• long service leave.

Annual leave does not accumulate when the employee is on:

• unpaid annual leave
• unpaid sick/carer's leave
• unpaid parental leave
• unpaid family and domestic violence leave.

The Australian Government's Paid Parental Leave Scheme is not considered to be paid leave. An employee does not accumulate annual leave while being paid by the Paid Parental Leave Scheme, if the person is taking unpaid leave from their employer at this time.

Leave does not accumulate for a period of annual leave that has been cashed out.


Think a mistake might have been made?

Mistakes can happen. The best way to fix them usually starts with talking.

Check out our Help resolving workplace issues (www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-resolving-workplace-is-sues/default) section for practical advice on:

• figuring out if a mistake has been made
• talking to your employer or employee about fixing it
• getting help from us if you can't resolve it.

What to do next

• Calculate annual leave balances using the Leave Calculator (http://calculate.fairwork.gov.au/Leave)
• Learn about the Record-keeping (www.fairwork.gov.au/Pay/pay-slips-and-record-keeping/record-keeping) requirements for annual leave

Help for small business


You might also be interested in

• Payment for annual leave (www.fairwork.gov.au/Leave/Annual-leave/payment-for-annual-leave)

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• Payment for annual leave (www.fairwork.gov.au/Leave/Annual-leave/payment-for-annual-leave)
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